LEGISLATIVE COUNCIL

Wednesday 9 July 1997

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

MODBURY HOSPITAL

The PRESIDENT laid on the table the report of the Auditor-General on summary of confidential Government contract under section 41A of the Public Finance and Audit Act 1987 in relation to the Modbury Hospital.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the twentieth report of the committee, and the report of the committee and evidence on regulations under the Education Act concerning materials and service charges.

QUESTION TIME

FINANCE MINISTER

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about the Anderson report.

Leave granted.

The Hon. CAROLYN PICKLES: With his press release of 4 April 1997, the Attorney attached what appeared to be the terms of reference for the report by Mr Anderson QC into allegations of conflict of interest on the part of the Hon. Dale Baker. The conclusion of the terms of reference stated:

> The principles, the report and the Government response will be tabled in Parliament.

Further, an advertisement in the *Advertiser* of 11 April 1997 concerning the inquiry also stated:

> The principles, the report and the Government response will be tabled in Parliament.

Yet both the Attorney and the Premier yesterday refused to confirm that the full Anderson report would be tabled. My question to the Attorney is: why have both the Attorney and the Premier equivocated about the release of the full Anderson report when the Attorney clearly stated that the report would be tabled in Parliament?

The Hon. K.T. GRIFFIN: It is a rather curious description for the answer that I gave yesterday. I said that the honourable member will have to wait until the—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: —Premier makes a statement in relation to the matter.

The Hon. CAROLYN PICKLES: A supplementary question: was the Attorney rolled in Cabinet on this issue, because, quite clearly, the Attorney wished to table the report in Parliament and it does not appear as if it will be tabled?

The Hon. A.J. Redford: Good try.

The Hon. K.T. GRIFFIN: Yes, it was a good try. The honourable member will know that I am not—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The honourable member will know that Ministers do not disclose what does or does not occur in Cabinet.

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the conflict of interest and the Anderson report.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Thank you, Mr President. I intend to put a number of questions to the Attorney-General in respect of the Anderson report into the conflict of interest in the South-East land deals and allegations of improper dealings in Hong Kong in 1994. These matters have been brought to the attention of this Chamber and the House of Assembly following a coup—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. This material is the subject of a select committee that was established with the support of the Australian Democrats and the Opposition. On my understanding of Standing Orders, it is inappropriate to ask questions on matters that are the subject of a select committee.

The PRESIDENT: My advice is that it is not a select committee: it is just an inquiry and it is not *sub judice*.

The Hon. R.R. ROBERTS: Thank you, Mr President. These matters have been brought to the attention of this Chamber and the House of Assembly following a coup against the former Premier Dean Brown. Both the ALP and Australian Democrats asked questions and, following dismissive responses by the Attorney-General and an invitation from him to the Hon. Mike Elliott to go to the police, the police inquiry was then instituted. We all know the result of the police inquiry which left a number of questions before members of this Chamber. This resulted in a select committee being set up to look at the land deals—

The Hon. K.T. Griffin interjecting:

The Hon. R.R. ROBERTS: We moved for the select committee and you tried to avoid scrutiny by the Anderson report. That is what you did. I was being kind to you until now. This resulted in the select committee being set up to look into the land deals affair and to get to the bottom of the matter, in particular to look into the issues of conflict of interest and political impropriety. To be fair to the Government, it resisted the select committee vigorously and announced the Anderson inquiry. When issuing the terms of reference the Attorney-General assured this Chamber that the report and the Government's response would be tabled in the Parliament. This has again been reported in the *Advertiser* today. The Australian Labor Party and the Democrats were not prepared to accept that, but have not insisted that the select committee meet or take evidence until Anderson reports and the Attorney-General lays the evidence—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. There is a select committee and quite clearly the honourable member cannot refer to matters that are the subject of a select committee which is what he is doing. If that rule does not exist, then the rules are off and I will start saying things publicly about a select committee.

The PRESIDENT: Order! The honourable member will resume his seat. There is a select committee into the land deal. The matter that was raised originally did not relate to that; it related to the Anderson report. So I ruled that there was no select committee and there was no select committee in that case. However, there is one into the land deal and, if the honourable member starts to—

Members interjecting:

The PRESIDENT: Order! The honourable member will not get an opportunity to say any more if he continues. I ask

that when the Hon. Ron Roberts is addressing the situation he does not introduce matter that may be relevant to the select committee. The honourable member can speak around it but he cannot speak of evidence that has been given to the select committee.

The Hon. T. CROTHERS: I rise on a point of order, Mr President. My point of order is that the matter is not *sub judice*. Parliament has control of the select committees that are set up by it. I understand that matters *sub judice* are those which are before the judicial system in this State and which clearly define the separation of powers between the judiciary and this Parliament. Therefore, it ought not to be ruled by you, Mr President, that the hearings of a select committee are *sub judice*. I ask you not to uphold the Hon. Mr Redford's point of order.

The PRESIDENT: I have to rule that it is not *sub judice*. The honourable member is talking about the select committee. Originally we were talking about the committee that had been set up beforehand; that select committee is not *sub judice*. However, I ask the honourable member not to introduce information that has been given as evidence to the select committee.

The Hon. R.R. ROBERTS: Mr President, by way of clarification, I must say that no evidence has been given to the select committee. So, I cannot refer to the findings of the select committee, but I cannot deny that a select committee exists. If we cannot talk about the fact that a select committee into these matters exists—

The PRESIDENT: The honourable member cannot—

The Hon. R.R. ROBERTS: I will not refer to evidence given at the select committee; I undertake that.

The PRESIDENT: Order! The honourable member cannot refer to proceedings of the select committee.

The Hon. R.R. ROBERTS: Absolutely, Mr President. Thank you. The Premier is quoted as saying that he will consider the report and report to the House. In response to further questions by Michael Atkinson, he also said, 'I would anticipate tabling my reply to the report before the end of the budget session.' Clearly, this is not in accord with the assurances given by the Attorney-General in this place in respect of the tabling of the report.

One assumes that when the Attorney-General says he will lay the report on the table that it will be the whole report and nothing but the report—no substantial additions or subtractions—and the Government's response. Given all the circumstances, I suggest that the Attorney-General is in a difficult position—possibly in a conflict position—

The PRESIDENT: Order! The honourable member is giving an opinion. He knows that under Standing Orders he cannot do that.

The Hon. R.R. ROBERTS: All right, Mr President—in that the Anderson report has gone to the Premier and, one assumes, to the Cabinet, although given the leaks in the past that may not be true. However, I will allow the Attorney-General to settle that. When the Attorney, who is the Chair of the select committee of this Council, sits with his department and officers to consult and advise Cabinet on the legalities, he will be engaged in discussions in respect of the politics and public responses in this an election year. Then we will get the Premier's reply only and not the Attorney's full report; then he resumes as Chair of the select committee.

Clearly, the Attorney will be in possession of other information which other members do not have. I give notice now that, if the whole of the evidence that has been promised to this Parliament is not presented, I will ask the Attorney-General to present the full report either here or in another forum of this Parliament. My questions to the Attorney-General are:

1. Has the Attorney-General had access to the Anderson findings? Is the Attorney-General and his advisers and officers briefing the Cabinet, or is the report only for the Premier and his minders?

2. Given that the Attorney-General is Chair of the select committee which is looking at the matters contained in the Anderson report, will he remove himself from the Chair and from the discussions in Cabinet?

3. If the answer to question No. 2 is 'No,' will the Attorney resign from the select committee if his undertakings to the Council that 'the report and the Government response would be tabled in the Parliament' are not met?

The Hon. K.T. GRIFFIN: I must confess that I could not quite follow the explanation that was meant to support the questions. I know that a lot of my colleagues are in the same position; they could not really follow what the explanation was all about. I think that the honourable member was in his question trying to weave some devious web in a theoretical or hypothetical context with which he hopes to entrap me or others of my colleagues. I have said already that I do not intend to disclose what is or is not discussed in Cabinet. Not having been in government, perhaps the honourable member would not be aware of that. However, as a matter of practice and principle, members of Cabinet do not discuss publicly what goes on in Cabinet, what is not discussed and how decisions are taken. In terms of what may or may not happen, the honourable member is speculating, and I do not intend to answer hypothetical questions.

PATAWALONGA

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about the Patawalonga clean-up.

Leave granted.

The Hon. T.G. ROBERTS: I have asked a number of questions—

The Hon. Anne Levy: Gone for a swim yet?

The Hon. T.G. ROBERTS: No, I will not be going for a swim, particularly after a rain.

The Hon. Anne Levy: Not you: John.

The Hon. T.G. ROBERTS: I am not sure about John. I have asked a number of questions in relation to the Patawalonga clean-up. The Opposition supports the clean-up program, and we have asked the Government questions on the principles by which is it has devised the clean-up, the methodology and the priorities it has set for cleaning up the seaward side of the Patawalonga and not cleaning up the rivers upstream.

The questions I have today relate to a question I have asked previously in relation to a decommissioned dump that was used by the West Torrens council for some considerable time. That has been left unrehabilitated, in a state that has now come to the attention of those who are cleaning up the Patawalonga as needing attention. Methane gas is escaping from the dump area, and I have had complaints from people using the driving range—and the driving range operators themselves are complaining—that the smell is keeping away potential users of the driving range and could even be contributing to the rotten egg odour that is permeating the southern beach area.

I understand that the EPA has been called in to do some venting and testing but, from the information I have been given, I am sure that the dump itself has not been tested for toxic contaminants. We know that all landfills contain a certain percentage of methane, and I understand that the EPA has undertaken to do some testing and venting to determine what toxins remain buried there. I make those statements not as opinions but purely speculatively, given that rehabilitation of dumps sometimes occurs that way. My questions are:

1. Why has the Patawalonga clean-up program left it until now to attempt the clean-up of the former West Torrens decommissioned landfill?

2. If the EPA has used the vent testing system for identification, why has it done so and not used a grid system for testing and rehabilitation?

3. What gaseous volumes and pressure are under the land cover that is the overlay across the West Torrens landfill?

4. Does the escaping gas give rise to any health or safety risks?

5. What method of rehabilitation will ultimately take place after known toxins are found and identified for that landfill area as determined by the decommissioned West Torrens dump?

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

STATE PRINT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Information and Contract Services, a question about the Government's printing operations.

Leave granted.

The Hon. M.J. ELLIOTT: Questions over the future of the State Government's printing operations at Netley have caused a great deal of concern about the long-term financial impact of any move to sell off these operations. I have been told that Sprint's Procurement Branch (Print Management SA) is presently saving the Government millions of dollars a year in both direct and hidden costs. The power of one buyer handling the Government's printing needs and the availability of trained professionals to ensure cost savings on print purchases are just two areas of cost savings.

As well as being an information bureau for Government departments, Print Management SA also acts as a watchdog on industry prices and ensures fair pricing for print purchases. I understand that the branch uses South Australian printers and suppliers, which also helps our local economy. Printing prices can vary up to $20 000 on individual quotes and generally vary at an average of $5 000 a week, which is about $260 000 a year. That is mainly because of equipment and methods used by private printers.

The cost for departments of organising printing quotes and jobs is also substantial, with some putting the cost at $16 000 per department in one year, just in time costs alone. I am informed that buying and printing in bulk with standardised paper can save an estimated $1 million a year. It is estimated that the branch saves the Government about $100 000 a year simply by using cheaper, appropriate paper where possible. Quality assurance and understanding complexities of printing requirements and options is also an uncosted asset, which would be lost if the concern were sold.

I am told that the branch now handles only between 5 per cent and 10 per cent of the Government's printing costs and that the millions of dollars in savings already achieved could be significantly higher, but that the current proposal is to close down this operation. My questions are:

1. What are the Government's plans for the Netley operations?

2. Will the Minister acknowledge the savings that are and can be gained from those operations?

3. How will the Government handle future printing requirements if it sells off these operations and loses the skilled personnel involved?

4. Will the Minister investigate the savings possible through the continued operation and even expansion of this branch?

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

MASSAGE PARLOURS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of massage parlours.

Leave granted.

The Hon. BERNICE PFITZNER: I have received information about a massage parlour in Beulah Park which employs nine people. All persons employed and working on the premises are fully qualified as masseurs in a range of massage, including sports massage, relaxation massage and aromatherapy. Most of the women employed are supporting mothers who have chosen to avoid various unemployment benefits by working. All money earned is declared and taxed. This massage clinic or parlour has been functioning for 2½ years.

On Saturday 28 June, 12 police officers attended at the premises for four hours, arresting and taking statements from three women who were working on the premises at that time. The proprietor was arrested and taken to the Angas Street Police Station. The proprietor was informed that, under a Full Court decision, a massage service performed by topless masseurs amounted to prostitution. On 2 July, three policemen attended the property. They questioned the women and the police stated that topless massages provided on the premises were considered an act of prostitution.

On 4 July, three more police officers came to the parlour and stated that the place was a brothel because topless massage was being carried out. This has forced the proprietor to close the business and the nine employees are out of work and on the dole. As I understand South Australian law, prostitution *per se* is not illegal. However, the Summary Offences Act 1953 and the Criminal Law Consolidation Act 1935 make it illegal to live off the earnings of prostitution, to procure, to permit premises to be used for prostitution, and to consort with prostitutes. My questions to the Attorney-General are:

1. Does a massage done by a topless masseur amount to prostitution?

2. Was there a Full Court decision on topless massage and, if so, what was it?

3. Will the Attorney-General investigate the issue?

The Hon. K.T. GRIFFIN: In terms of the law, I will take some advice. The instance to which the honourable member referred is perhaps an issue better dealt with by the Minister for Police and, if so, I will refer it to him.

FINANCE MINISTER

The Hon. CAROLYN PICKLES: I direct the following questions to the Attorney-General:

1. Will he confirm that the letter of appointment to Mr Anderson QC stipulated that his full report would be tabled in Parliament?

2. Under what terms did the Government agree to pay the former Minister for Primary Industries' legal costs associated with the Anderson inquiry?

3. What is the estimate of these costs and will the former Minister be required to return payments to the taxpayer if he is found to have had a conflict of interest and does not return to the ministry?

The Hon. K.T. GRIFFIN: I will take the question on notice.

TRAFFIC INFRINGEMENT NOTICES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister for Police questions concerning speeding expiation notices.

Leave granted.

The Hon. T.G. CAMERON: I have been contacted by Mr Geoffrey Nunn of Cumberland Park, who was recently issued with a $181 expiation notice for driving at 74km/h in a 60km/h speed zone instead of the $117 that is the normal fine for such an infringement. Mr Nunn was caught speeding on Monday 5 May, travelling west on Angas Road, Westbourne Park, at about 5.45 p.m., by a police officer using a laser gun. The police officer gave Mr Nunn an expiation notice that stated that he had exceeded the speed limit by 14km/h in a 60 kilometre zone. However, instead of being fined at the correct rate of $117, he was fined at the higher rate of $181. He was assured by the police officer that a $181 fine and the loss of three demerit points was the correct penalty for this offence.

A few days later Mr Nunn became concerned over the size of the fine and decided to contact the points demerit section of the Department of Transport to check whether he had received a correct fine. That section suggested that he call the police, which he did on 28 May. The police informed Mr Nunn that he had in fact been fined the higher, incorrect, penalty, which had somehow 'slipped through'. He was subsequently sent an amended fine, but no apology. Mr Nunn is concerned that this particular officer is still operating under the misapprehension that the penalty for speeding at 74km/h in a 60km/h zone is $181 and three demerit points.

I would have thought that the $1 million a week that the Government is currently obtaining from speed cameras and laser guns would have been enough, without wanting to pick up a bit on the side. My questions to the Minister are:

1. Has the officer in question been informed of his mistake?

2. Why was this error not discovered by the processing section within the Police Department without Mr Nunn's having to contact it, and why was Mr Nunn not offered an apology?

3. Is this an isolated incident, and how many other similar cases have there been in the past 12 months?

4. Will the Minister give an undertaking to conduct a simple computer check to ensure that any other person who has been booked for a 74km/h speeding offence and fined the higher amount will receive the appropriate refund and apology?

The Hon. R.I. LUCAS: I will refer that question to my colleague in another place and bring back a reply.

UNEMPLOYMENT

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Employment, Training and Further Education a question about unemployment.

Leave granted.

The Hon. T. CROTHERS: The last and latest figures to come across my desk on the subject of unemployment show that the unemployment rates in South Australia were the highest of any State on the Australian mainland—and more particularly so were the statistics relating to the employment of young people, especially school leavers. I note that the present Liberal Government has been in power since 11 December 1993, which makes its present tenure of office in excess of 3½ years. I further note that the State Government continues to downsize its Public Service.

However, it is to the Federal arena that I wish to direct the attention of members, who should remember that the Howard-led Federal Government is the Liberal Party and is the same philosophical Party from whose loins spring the present Olsen-led State Liberal Government. Let us put some facts that come out of this year's Federal budget on the *Hansard* record. First, that budget indicates that some 16 500 Federal Public Service jobs will go this year. Secondly, if the defence efficiency review is implemented then 8 000 defence jobs will go, many of them in regional Australia. Thirdly, 700 meat inspectors are to go (and that may have been reversed) at a cost of $44 million, which, in the main, will be used to provide redundancy payments to the 700 meat inspectors. Also, the Federal Government in this budget slashes $700 million from the Pharmaceutical Benefits Scheme, and this is on top of cuts of $500 million in last year's budget.

This budget also saw the imposition of a new drugs tax of up to $20 a prescription. All in all, these slash and burn tactics put at risk the jobs of some of the 12 000 or so people employed in Australia's high tech pharmaceutical industry. That means that if no-one can afford newly developed drugs then drug companies will have very little incentive left for any research and development. I remind the Council of the fact that Faulding, a South Australian pharmaceutical company, has pioneered much meaningful drug research in this State; truly, as has been stated by many, it is at the top of the tree in this type of research within the nation.

Perhaps if we had had more meat inspectors instead of fewer we would not have had the problems that this State's producers have had over their live sheep exports or some of the fatal human tragedies which we have witnessed recently both here and in Victoria. I further note that the Howard Government recently decided to sell off Australian National railways with no guarantee whatsoever with respect to job retention for its present employees. Heaven alone knows what that will do to Port Augusta!

One could go on, but suffice to say that if this latest Liberal Federal Government budget is to be taken as a yardstick the question arises, 'To whom will the unemployed turn to look for help?' My own observation on these and related matters are—and people tell me so—that they are fed up with the stock answers of both the State and Federal Liberal Governments, where the State Government, in spite

of its being in office now for more than 3½ years, keeps bleating about the State Bank debt whilst its Federal soulmate gives us its bleat—the state of the Federal Budget deficit when it first came to office.

The closure of the Newcastle Steel Works by BHP will lead to another 2 000 workers being added to the list of that State's unemployed. The other day a taxi driver said to me, 'What the hell do these Governments think they are doing? They've got the reigns now. For Heaven's sake, let them get on about doing something about job creation.' In light of the foregoing, my questions are as follows—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Well you certainly wouldn't understand. Your knowledge with respect to the unemployed could never be said to be true, given that you were always cloistered in the ivory tower at the university.

The PRESIDENT: Order!

The Hon. T. CROTHERS: My questions to the Minister are:

1. Does he agree that Federal Governments today—

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: Hello, there is another ivory tower merchant, the Hon. Mr Davis. My questions are:

1. Does the Minister agree that Federal Governments today own the bulk of Australia's economic purse strings?

The Hon. L.H. Davis: At least I've still got my ivories.

The Hon. T. CROTHERS: I will have to count them when next I see the honourable member in the proper state of undress. My questions continue:

2. Does the Minister think that the Federal Government is doing enough or could do more to assist in the plight of Australia's unemployed?

3. Does he agree that the withdrawal and cutting back on Federal Government expenditure has increased unemployment in Australia, and particularly in South Australia?

4. Does he agree that Federal Government savings, brought about by downsizing of the Public Service, are more illusory than real given that redundant workers must be paid unemployment benefits from this self-same Government and, moreover, are no longer contributors to the nation's income tax pool, and also, because of their greatly reduced purchasing power, contribute much less to sales tax revenue. And, finally, but by no means exhaustively:

5. Does he agree that the withdrawal of a welfare monetary benefits from 17 or 18 year olds will also have a detrimental effect on retail sales within the State of South Australia?

The Hon. R.I. LUCAS: I will take some advice from my colleague the Treasurer in another place, and any other person who might be able to offer something useful in response to the honourable member, and bring back a reply.

BLACK DEATHS IN CUSTODY

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about black deaths in custody.

Leave granted.

The Hon. R.D. LAWSON: In answer to a question without notice asked by myself early this year, I was advised that the Department of State Aboriginal Affairs is responsible in this State for monitoring the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. This function in this State is being undertaken by the Aboriginal Justice Interdepartmental Committee convened by the Department of Aboriginal Affairs. Member agencies of that committee include representatives from the State Coroner, judicial officers, the Police Complaints Authority, the South Australian Police, the Department for Correctional Services, the Courts Administration Authority, the Department for Family and Community Services, the Department for Employment, Training and Further Education, Aboriginal education, the South Australian Health Commission and the Aboriginal Justice Advocacy Committee.

The interdepartmental committee comprises five working groups that focus on custodial health, leasing issues, non-custodial sentencing options, juvenile justice and Pitjantjatjara lands issues arising from Pitjantjatjara lands. In 1996, an implementation report was published by the State Department of Aboriginal Affairs outlining the steps that had been taken to that date to implement the recommendations. It was widely reported last week that a summit was held in Canberra on black deaths in custody attended by the Attorney-General and also by the State Minister for Aboriginal Affairs and their State, Territory and Federal counterparts. It was reported that, as a result of that summit, most of the participants agreed to develop plans to tackle underlying social, economic and cultural issues, customary law, funding levels and law reform. My questions to the Attorney are:

1. Will he report further on any positive outcome from the summit last week and, in particular, what in addition to the steps already outlined is proposed to be done in South Australia to implement the recommendations?

2. Will he advise the Council when the 1995-96 implementation report will be issued? An earlier answer to a parliamentary question suggested that it would be completed in May this year.

The Hon. K.T. GRIFFIN: I will refer the second question to the Minister for Aboriginal Affairs in another place and bring back a reply. I am not aware of the date when that report will be published and tabled. A communique was published by the summit. At one stage it was intended to deal with a great many issues in some detail, but it became obvious during the course of the day that, because of the variety of different interests around the table, it would not be possible to get agreement on a comprehensive communique. However, there were a number of contributions to discussions which demonstrated that, around Australia, a substantial number of positive things are happening in relation to Aboriginal people in the criminal justice system, both adult and young offenders, and that there really was no sharing of experiences in relation to programs or coordination of these.

One suggestion made—and it is a suggestion that I think will ultimately be taken up—is that there be a more disciplined approach to the reporting of programs that are directed towards dealing with the issues of Aboriginal over-representation in the criminal justice system, so that there can be a sharing of experiences and information whereby if a program is successful in one jurisdiction it would be appropriate to draw on that experience and not endeavour to reinvent the wheel. In South Australia a number of programs are specifically related to addressing underlying social, economic and cultural issues that result in over-representation of Aboriginal people in the criminal justice system.

One of the most encouraging aspects of the summit was that, for the first time it appeared, whilst the recommendations of the Royal Commission into Aboriginal Deaths in Custody is a benchmark and that a number of the recommendations have been implemented, there needs to be a much

more deliberate and focused attention given to identifying underlying social, economic and cultural issues, that is, the causes, and develop strategies to address those causes, much as we are doing in the crime prevention area—not just addressing the outcome and the criminal acts themselves and their consequences, but also going back to identify the causes and developing strategies to deal with those causes with a view to stopping the criminal behaviour in the first place.

One area also touched upon was Aboriginal customary law. I think in some areas it gained more prominence than others, but it was one of a number of areas which the summit considered as a possible fruitful way of addressing some of the causes that related to Aboriginal people being over-represented in the criminal justice system. In this State some discussion has taken place among the judiciary about Aboriginal customary law, but nothing of a concrete nature has been put in place. In Queensland, for example, Aboriginal Elders sit with judges and magistrates on particular cases. That is not the case in this State but it may be that it is a development that ought to be examined.

In terms of the outcome of the summit, a number of issues were identified as issues that warranted further attention: that there should, in fact, be a target for reducing the rate of over-representation of indigenous people in the criminal justice system; and that attention ought to be given to planning mechanisms, methods of service delivery, monitoring and evaluation, all directed towards not just the deaths in custody issue but over-representation of Aboriginal people in the criminal justice system. Law reform, funding levels, justice issues and customary law issues are all part of that pot out of which we hope to find at least some solutions in conjunction with indigenous people to deal with some of these issues.

The point was also made that it is not just a matter for Governments: it is a matter for indigenous people as well as for the wider community, because Governments alone cannot solve the problems which give rise to that over representation. Both indigenous people and also the wider community have to accept responsibility so that, working together, we are able to make a much more significant inroad into that problem.

Although there have been mixed reactions to the summit, I think it was fruitful and provided a good opportunity to exchange views on very important issues. I think it was the first summit of its kind that has been held in relation to Aboriginal people in the criminal justice system and not only Aboriginal deaths in custody, and I hope that it will be a good base from which we as a community can develop programs which will more effectively address the concerns, which, quite properly, have been raised about Aboriginal people in the justice system.

POLICE, HIGH SPEED CHASES

The Hon. G. WEATHERILL: 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 high speed police chases.

Leave granted.

The Hon. G. WEATHERILL: Yesterday there was a report in the Adelaide *Advertiser* of some young people being picked up by radar because they were exceeding the speed limit. What started out as a traffic infringement finished up as a real tragedy, because the police gave chase to this Holden utility. The situation was that very early in the morning some people were waiting for taxis, and a friend pulled up to give them a lift, and seven of them got into the back of the utility. They were checked for speeding by a radar and the police then decided to give chase. Even though seven people were in the back of the utility and the police were chasing them, the silly driver—and he was quite silly, because he had no respect for anyone else's life—then drove at speeds of 150km/h and lost control of the vehicle.

Two of the people jumped out of the back of the utility and did not sustain any other injuries. The rest of the people, one of whom subsequently died, were taken to the Whyalla hospital. Four other people were flown to the Royal Adelaide Hospital in a critical condition. One person discharged himself and the rest are in a serious condition in the Whyalla hospital.

I have raised this question of high speed car chases on one other occasion when the previous Labor Government was in power. On that occasion two police officers were killed at Glenelg. What starts out as being a traffic infringement finishes up as a major crime. There has to be a different way of picking up people rather than chasing them at high speeds and endangering everyone else's life, including pedestrians. Thank God the Police Commissioner has asked for a report, which will also go to the Coroner.

My question is: will the Minister insist on getting a copy of that report; and will he table it in Parliament so that we can properly figure out a way, if the police cannot, of stopping these tragic accidents happening?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Minister. The only comment I make is that certainly everyone would acknowledge that this led to a major tragedy. I am not sure whether 'crime' would be perhaps the best description of what occurred, but, as I have said, I will certainly refer the honourable member's questions to the Minister for Police and have a reply brought back as soon as possible.

TAILGATING

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport a question about tailgating.

Leave granted.

The Hon. SANDRA KANCK: The latest statistics available on the evidence of tailgating are detailed in the Department of Transport publication *Road Crashes in South Australia 1992*, which I realise is perhaps a little old but it is all that we have. In the publication tailgating is rather quaintly referred to as 'following too closely'. I am sure the Minister is aware that amongst RAA members this is one of the driving practices that causes the greatest amount of angst.

Statistics indicate that tailgating is the fourth most likely cause of accidents on our roads. If one adds up disobeying traffic lights, stoplights and give-way signs together, one sees that they do not collectively result in the same number of accidents as tailgating. What is notable is that the failure to obey traffic lights, stoplights and give-way signs all attract heavy penalties under the Road Traffic Act: tailgating is of itself not an offence.

Two weekends ago, the *Australian* carried an article indicating that technology warning drivers of the fact that they are driving too close to the car in front of them is being developed in Queensland. That article also predicted that roadside speed cameras will also be able to photograph vehicles engaged in tailgating. My questions to the Minister are:

1. Will the Minister consider introducing an amendment to the Road Traffic Act making tailgating an offence?

2. Will the Minister undertake to finance an education program on the dangers of tailgating?

3. Is the Minister investigating the implementation of tailgating detection technology for South Australia?

The Hon. DIANA LAIDLAW: It is an interesting issue because, at the same time that the honourable member has raised tailgating, I know that research is being undertaken in terms of intelligent transport systems which encourage more vehicles to travel more closely together but with the computer technology warning people about what is happening in advance so that we can maximise the use of our transport infrastructure rather than having cars spread over a considerable distance and demanding, particularly at peak hour, that more road space be provided.

The issue that has been raised is clearly at odds with research that has been undertaken to see how we can maximise the benefit of the infrastructure that this State's authorities—and generally those around the world—have invested in our transport or road systems. I am prepared to look at the issue because I know that certainly at different speeds, and at higher speeds in particular, it is of a concern to motorists. If people kept within the prescribed speed limits for any given stretch of road, probably it would not be such an issue. However, they do not always do what is suggested to be of benefit to the community at large. The honourable member has raised some interesting issues and I will look at them without commitment in terms of legislation at this stage.

BIRDWOOD MUSEUM

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about Birdwood museum.

Leave granted.

The Hon. ANNE LEVY: Perhaps I can preface my remarks by publicly thanking John Cashen on the excellent work he did as Director of the Birdwood museum. Indeed, it was a loss to Birdwood when he recently left that institution. I am sure the Minister would endorse my remarks regarding John Cashen. I would also like to congratulate Jon Chittleborough on his recent appointment as Director at Birdwood.

We all know that Birdwood museum will at last receive its new pavilion. This was announced in the budget, although no money is provided from Government resources this year, and building is expected to start in September. I presume that for the work occurring this financial year Birdwood will be able to use the $2 million which was given to it by the previous Government towards the redevelopment. Indeed, that $2 million should by now have grown a bit due to interest.

The budget papers promised capital funds of $2.5 million for Birdwood redevelopment next financial year, making a total of $4.5 million: $2 million from the Labor Government and $2.5 million from the Liberal Government. However, I understand that the cost of the new pavilion is estimated to be $5 million, leaving Birdwood short about $500 000—or perhaps a bit less than that because of interest which will have accrued on the money that the Labor Government gave to Birdwood. My questions to the Minister are:

1. Where is the extra money, up to $500 000, expected to come from?

2. Is it expected to come from the car industry in recognition of the securing of the immediate future of that industry in South Australia following the successful lobbying of the Federal Government on car tariffs in a bipartisan manner in South Australia?

The Hon. DIANA LAIDLAW: Throughout discussion on this project it has always been envisaged by the advisory board that supports the operation of Birdwood National Motor Museum that there would be a private sector contribution. As we all know, the motor vehicle industry, both manufacture and components, is a big and important industry. The advisory committee, which includes representatives of that industry, has at least for the four years I have been Minister argued very strongly that there would be substantial help from the private sector not only in this State but nationally, because it is known to be the National Motor Museum.

The advisory committee and the board of the History Trust are confident that there will be national support. It does not have anything to do with the recent debate on tariffs. Certainly, that outcome will be convenient in the approach that we will make, but it is an approach that has been on the table and understood and accepted for at least four years. I also endorse the comments by the honourable member in terms of Mr John Cashen and Mr Jon Chittleborough.

MULTICULTURAL AND ETHNIC AFFAIRS OFFICE

The Hon. P. NOCELLA: I seek leave to make a personal explanation.

Leave granted.

The Hon. P. NOCELLA: I wish to make a personal explanation in relation to a question on political classification which I asked the Minister for Education and Children's Services, representing the Minister for Multicultural and Ethnic Affairs, on 4 June. I wish to refer to—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. This is clearly subject to a matter which is part of a substantive motion, and it ought to be dealt with at that time.

Members interjecting:

The PRESIDENT: Order! I accept what the honourable member says, except that I do not know yet what the Hon. Mr Nocella is asking for, and at the end of that I shall—

The Hon. P. NOCELLA: Thank you, Mr President.

The Hon. A.J. REDFORD: I rise on a further point of order, Mr President. The honourable member has referred to a statement that was made on 4 June. The motion, which is at the front of today's Notice Paper, refers to what the honourable member said on 4 June. Clearly, it is one and the same thing. He can respond after I make my contribution on that issue later today.

The PRESIDENT: Order! Is the honourable member asking for further advice, or is he asking for further information on that motion?

The Hon. P. NOCELLA: No, I am just setting the record straight in regard to the reporting and recording of my words.

An honourable member: That is not a personal explanation.

The PRESIDENT: No. Unless it is said in here—

The Hon. P. NOCELLA: 'Said in here'—in this Chamber?

Members interjecting:

The Hon. T. CROTHERS: I rise on a point of order, Mr President. Being rude—

The PRESIDENT: Order! I ask the honourable member to resume his seat. I am not aware of the matter, but is the honourable member suggesting that the resolution on the Notice Paper is incorrect?

The Hon. P. NOCELLA: No, I am not talking about that at all: I am talking about the *Hansard* transcript of my words.

The PRESIDENT: In the *Hansard*?

The Hon. P. NOCELLA: Yes.

The Hon. A.J. Redford: What day?

The Hon. P. NOCELLA: 4 June.

Members interjecting:

The PRESIDENT: Order! I am prepared to listen to the honourable member's personal explanation.

The Hon. P. NOCELLA: I wish to refer to page 1497 of *Hansard* of 4 June where in the preamble to my question I make reference to a radio program which went to air at 8 a.m. on the same day. I originally listened to the broadcast on my car radio on the way to work, so it is probable that my attention was more on the road than on the broadcast. However, I have now had an opportunity to analyse closely the tape of this radio program, identified as the 'the ANFE half-hour broadcast' in the early hours on 5EBI-FM. In this broadcast the three announcers, who include Mr Alex Gardini, lament—among other things—that four Italian community organisations, and in particular, ANFE (National Association of Migrant Families), should be described in terms of alleged political leanings, and in their own case as a right-wing organisation. Both Mr Gardini and Mr Masi (one of the other two announcers) go to great lengths to assert that ANFE—

The PRESIDENT: Order! I point out to the Hon. Terry Cameron and to the Minister that there is too much background noise. I am trying to hear a rather delicate point. I would rather that the Minister resumed her seat. Thank you.

The Hon. P. NOCELLA: —does not get involved in politics, that it is able to deal with Governments of all persuasions and that it is in fact totally apolitical. They state that to be identified as belonging to either one or the other side of politics is the last thing they would want, as it could hinder their obtaining funding from the Government of the day. In the words of Mr Gardini and the other announcer, to be described in political terms is a source of—

The PRESIDENT: Order! Is the honourable member—

The Hon. P. NOCELLA: The point is simply this.

Members interjecting:

The Hon. P. NOCELLA: I am getting to the point.

The PRESIDENT: Well, a personal explanation requires the honourable member to explain where he has been misquoted or where there has been some mistake, rather—

Members interjecting:

The PRESIDENT: Order! I do not need help from anyone on my right. A personal explanation is just that, and it does not require background information.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA: Mr President, I am indebted to you for allowing the officers of *Hansard* to go back to the original audio tapes of Question Time of 4 June in order to reconstruct the events as recorded. As a result of that, *Hansard* of 3 July contained several corrections to the original record. They appear under '*Corrigenda*' on page 1696. These amendments go some way towards a complete reconstruction of the events, which show that part of my preamble was obliterated by the loud interjection of raised voices of Government members, so much so that you, Mr President—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis: Rewriting his speech?

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA: —so much so that you, Mr President, had to call the House to order. The end result is that the end of the sentence preceding the interjections and the beginning of the next sentence cannot be heard. Therefore, in *Hansard* of 4 June—

Members interjecting:

The PRESIDENT: Order! Come on!

The Hon. P. NOCELLA: —while there are indeed dashes preceding and following the interjection—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA: —the sentence nonetheless appears to be run on, that is, it appears that I have ceased to speak while the commotion was in progress and continue speaking after it finishes, picking up where I left off. So, I need to clarify that, while the sentence before the interjection did contain statements that are attributable to Mr Gardini, the one following the interjection—

Members interjecting:

The PRESIDENT: Order! Come on, the Hon. Legh Davis!

The Hon. P. NOCELLA: So, now I need to clarify—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA: —that the sentence before the interjection did contain statements that I have attributed to Mr Gardini; the one following the interjection pertained to my own appraisal of the matter, an appraisal—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA: —by which I still stand.

Members interjecting:

The Hon. A.J. Redford: Where are your notes?

The PRESIDENT: Order, the Hon. Angus Redford!

The Hon. T. CROTHERS: I rise on a point of order, Sir. It is the same interjectors on your extreme right who are doing today what they did with respect to the Hon. Mr Nocella's having to use your good offices to look at the *Hansard* transcript. I would ask you to call to order particularly those members on the extreme right who disgraced themselves on the last occasion by interjecting to such an extent that *Hansard* was not able to accurately record Mr Nocella's statement.

Members interjecting:

The PRESIDENT: Order! *Hansard* can only record what it hears. I will not lay blame: interjections come from both sides of the House very loudly and, whatever is in *Hansard*, provided it is on the tape, and I understand that they reread and relisten to their tapes—

Members interjecting:

The Hon. L.H. Davis: Five weeks.

The PRESIDENT: Order! And if they listen to the tapes—

The Hon. L.H. Davis: Good reaction time; a splendid reaction time.

The PRESIDENT: Order, the Hon. Legh Davis! The fact is that you can make alterations to *Hansard* only in the form of corrections for spelling and an odd word or two missed out, but you cannot change the import of what is said. If the honourable member wants *Hansard* changed, I am sorry; I cannot do that and I cannot order it. It is in the *Hansard* and, as far as I am concerned, you had a chance to correct it and if that has not been done I cannot help it.

Members interjecting:

The PRESIDENT: Order! The Hon. Paolo Nocella.

The Hon. A.J. Redford interjecting:

The Hon. P. NOCELLA: The two sentences—

The PRESIDENT: Order! A point of order.

The Hon. P. HOLLOWAY: I rise on a point of order, Sir. The interjection of the Hon. Angus Redford was completely out of order.

The PRESIDENT: Order! I accept that point of order. I ask the honourable member to withdraw that.

The Hon. A.J. REDFORD: I withdraw that.

The PRESIDENT: And apologise

The Hon. A.J. REDFORD: I apologise.

The Hon. P. NOCELLA: The two sentences that are before and after the interjection should not be read as a single sentence, since they were never intended to be said as such, but should be read as two separate and discrete sentences rendered incomplete by a bout of interjection which obliterated not only some words but also the punctuation. Consequently, now that I have clarified the sense of my preamble and avoid the possibility of any misreading of it, I have written to Mr Gardini saying, amongst other things:

I don't particularly wish to quibble—

The Hon. A.J. Redford: Five weeks.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA:

I don't particularly wish to quibble about technicalities as I share your—

Members interjecting:

The PRESIDENT: Order! I cannot hear this, and I know you cannot, so perhaps if a little bit of—

Members interjecting:

The PRESIDENT: Order! I warn members on my right, and I will warn members on my left if they get out of hand and talk while I am speaking. I suggest the Hon. Paolo Nocella winds up his explanation; it is very long.

Members interjecting:

The Hon. L.H. Davis: What a disgrace!

The PRESIDENT: Order! I warn the Hon. Legh Davis.

The Hon. P. NOCELLA: I stated:

I don't particularly wish to quibble about technicalities as I share your views about the rights and responsibilities attached to parliamentary privilege. Consequently, I have no hesitation in expressing my sincere regret for any inconvenience or distress that my contribution to Parliament on the 4th of June may unintentionally have caused you. I trust that this matter is now fully dealt with to your satisfaction.

I now table my letter to Mr Gardini, and I am happy to make available the transcript of the radio program, together with the original tape, for any member who wishes to consult it.

LIQUID SPACE

The Hon. ANNE LEVY: I seek leave to make a brief personal explanation.

Leave granted.

The Hon. ANNE LEVY: As reported in yesterday's *Hansard*, yesterday it was stated that I had asked the editors of *Liquid Space* if I could write an editorial for them. I wish to make clear that I was approached by people associated with *Liquid Space* and asked if I would consider writing an editorial for them; the initial approach certainly did not come from me. I contacted the editors and suggested voluntary euthanasia as a topic, because I felt they may or may not find that a suitable topic for their editorial space. On being assured that they were happy with that as a topic, I then provided the editorial, which was printed. While the topic of the editorial was suggested by me for their approval, the initial suggestion of my providing an editorial certainly did not come from me but was suggested to me. I would like that to be made clear on the record.

MATTERS OF INTEREST

VIRGINIA HORTICULTURAL CENTRE

The Hon. T.G. CAMERON: Today I rise to say a few words about the Virginia Horticultural Centre, which I had the pleasure of visiting recently. The Virginia Horticultural Centre had its official opening on 18 October 1996 and is located in the heart of Virginia, which is synonymous with the finest Australian horticultural produce. The purpose of the centre is to provide a catalyst for the transition of the Virginia horticulture industry into a viable, market focused, economically and ecologically sustainable enterprise. This will contribute significantly to economic development, employment growth increase and the earning of export dollars. It will also act as a model for other regions and contribute towards the encouragement of community development and tourism.

Currently, the Virginia region has an estimated gross annual turnover of $67 million and employs more than 1 000 people. Horticultural production in the Virginia area is diverse, with over 60 different crops, including 29 varieties of vegetables, grapes, flowers and almonds. This reflects both the diversity of the land to support a variety of produce and the region's multicultural people, many of whom have come from the Mediterranean and South-East Asia. But the key success of Virginia is the quality of its product. The Virginia region has an ideal climate, rich alluvial soils and a supply of natural underground water for year round vegetable production.

The pending supply of treated water from Bolivar through the Bolivar-Virginia pipeline is predicted to provide the region's horticultural industry with the potential to increase production threefold and employment twofold or more within the next five years. Virginia is free from the pollution and chemical problems which plague so many European rural areas. It has the potential to bring clean, consistent quality produce to the doorsteps of the rapidly growing tigers and dragons of East and South East Asia.

The Virginia Horticulture Centre is certainly an impressive operation. The building was funded from a regional development grant provided by the previous Federal Labor Government, while its operation is partly funded from a combination of private sector backing and the Horticultural

Research Development Corporation. The centre will play a central role in the future development of Virginia.

First, it will provide a venue and focal point for activities and programs designed to restructure, focus and develop the horticulture industry in the region. Secondly, it will act as a catalyst to focus the industry towards meeting market needs and establishing alternative markets. A priority for the centre will be to encourage growers to establish an identifiable brand and trademark for the area, to use best practice farming methods and to build confidence in the quality and reliable supply of their produce.

The centre has established links with other South Australian horticultural regions such as the Barossa and the Riverland. These will be extended to areas throughout Australia, facilitating information exchanges about farming practices, training, and research and development. The centre will also encourage tourism to the area. The use of the latest multimedia computer technology will be employed to give visitors information on the region and local industries. Given time, the large operators in the Virginia region will be encouraged to provide visitor facilities at their plants and production sites. The Virginia region truly has an outstanding future, one of which we can all be justifiably proud.

The impact of the Virginia Horticulture Centre is not limited to the Virginia region alone. It will become a model which can be applied to other regions, communities and perhaps to industries across Australia. As the 1992 Arthur D. Little report recommended, the future of South Australian industry needs to be based on strategies that change the basis of competition away from a reliance on price, where South Australia is generally weak, towards competing on the basis of quality, service, speed and image. The report also stressed the need for industry to build linkages and clusters around the industries of wine, automotive, engineering and research and development services.

That is exactly what the Virginia Horticulture Centre is attempting to do, and those involved should be commended. I take this opportunity to express my thanks to Carolyn Anderson, Executive Support to the board of the Virginia Horticulture Centre, and to Rachel Fletcher, her assistant, for their kind invitation to visit and for taking the time to explain the centre's role. I highly recommend that members take the opportunity to see for themselves just how this exciting project is maximising strategies that will sustain growth in this vital area of our economy well into the next century. I wish the centre all the best in its future endeavours.

ST PETER'S COLLEGE

The Hon. J.C. IRWIN: First, let me say how good it is to see the rain patterns come around again. Although not all of South Australia received much rain, if any, from this change in the pattern, let us hope that the rest of winter has some normality to it.

Secondly, because this is my last chance to speak in this debate for a while, I want to say how much I have appreciated this five minute segment and acknowledge how well it has worked over nearly four years. I thank you, Mr President, the Opposition Whip (Hon. George Weatherill) and the Democrats for its smooth operation. Once it was worked out, there have not been too many hiccups. I also thank the Clerk (Jan Davis) and her husband Peter for the clock that is ticking down, and I should like members to note that not one Minister has spoken in this debate. The agreement reached by all Parties for this five minute debate does not exclude Ministers, but for this Parliament they have chosen not to intrude on the time of other Government members, and for that I thank them on behalf of Liberal members.

On Tuesday 15 July at 10 o'clock in the morning, I will have the honour of representing the Premier and Minister for Education and Children's Services at Holy Trinity Church on North Terrace because on that day it will be exactly 150 years since the school then known as the Church of England Collegiate School of South Australia taught its first lesson to 11 pupils in a schoolroom behind Trinity Church. Let me read from page 18 of a book entitled *The Collegiate School of St Peter, Adelaide—The Founding Years*, as follows:

> The opening ceremony took place at 10 a.m. on 15 July 1847 at the School Room behind Trinity Church. Captain Watts, the Postmaster-General, whose son Samuel was one of the original pupils, recorded the event in his diary:
>
> 'I went as a director of the Proprietory School to the opening of it and was most grateful at what took place. There were present the Revs Farrell and Woodcock, Drs Nash and Wyatt, [and Messrs] MacDermott, Newenham, Flaxman, Watts, Thornber, [and] Stevenson. Woodcock and Wyatt addressed the children in a very impressive way, pointing out the advantages now offered to them and the necessity for making the best use of these advantages—also the necessity by their conduct to hold up the credit of the school—Farrell had previously addressed the school with I thought the seriousness which the occasion demanded. The boys present were in number 11 and a very nice set of lads, *viz*. Flaxman 3, Newenham 1, Gilles 2, Wyatt 1, Nash 1, Watts 1, Thornber 2.'
>
> Thus modestly began this ambitious enterprise in the presence of 11 boys and 10 men, all but three of the latter being fathers of original scholars. Two of the fathers were medical men (James Nash and William Wyatt), two were senior Government officials (John Watts, the Postmaster-General and Charles Newenham, the Sheriff), two were merchants (Lewis Gilles and Robert Thornber) and the seventh was the surveyor and agent, Charles Flaxman.
>
> A sceptic might well have questioned at this moment whether the school would ever come to anything but Adelaide's four newspapers were all very supportive, one of them remarking prophetically, 'It is a day which will long be remembered in the annals of South Australia.'

My great-great-grandfather was Charles Burton Newenham, who was the Sheriff and the first Auditor-General, and who also built Springfield House, the first house in Springfield, which still stands. C.B. Newenham's son was an original pupil.

On 18 July 1849, a private ordinance passed the Legislative Council to incorporate the governance of the Church of England Collegiate School of St Peter, Adelaide. Recently, members may have observed some 150-year celebrations relating to the highly respected Pulteney Grammar School. The Pulteney Street School for Boys and Girls opened to students on 29 May 1848. I expect that, as with St Peter's and other schools, Pulteney Grammar School, as it is now known, started planning some years before it actually opened for business.

Five generations of my family have attended St Peter's and have a strong association with it. St Peter's College has produced 57 members of the South Australian Parliament: 27 members of the Legislative Council and 32 members from the House of Assembly.

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

STATE TAXATION

The Hon. M.J. ELLIOTT: I take this opportunity to address the issue of tax, particularly State taxation. It is worth noting that, when the Liberal Government was elected in Victoria, it stated that it had a major debt problem. One of the ways it tackled that debt was by imposing a special tax. I

disagree with the form of that tax, but at least it was recognised by the Kennett Government that one way of tackling debt was to raise extra revenue and, in that case, it was a temporary tax applied for three years and, surprisingly, removed at the end of that period. People accepted that because they saw what it was being used for, that is, debt reduction. I imagine that they preferred it to the alternative, which was to cut spending, which was adopted by this Government.

It is worth noting that Victoria had a bigger debt *per capita* than South Australia, but we tried to reduce our debt at a much greater rate than Victoria did. It would have been easier for South Australia to have tackled the problem in the way that Victoria did. It was unfortunate that a promise was made before the election and one—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: No, I will not.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: If the honourable member had listened to what I said at the beginning, he would have noted that I said I did not agree with the tax he actually applied but I did agree that using tax as a way of reducing debt was worthwhile. We here in South Australia with a stalled economy then had a State Government that cut spending. Many public servants felt insecure in their jobs. They stopped spending.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: That is right. That, of course, flowed over into the private sector. Because people were not spending, we then had private companies downsizing and a cycle of lack of confidence was set in place. I believe that if the Government had, first, not reduced debt quite so rapidly and, secondly, used taxation in part for reducing debt, we may not have the difficulty that we have with our stalled economy. Also, by raising tax we would not have had to cut so deeply into our health and education services in the way that we have.

I am somewhat heartened that Mr Olsen is now not ruling out the potential for tax increases and at the same time I am disappointed that the Hon. Mike Rann (the Labor Leader) has ruled out new taxes. I presume that he also has ruled out any increase in tax take. Quite plainly, if he were to be elected—which I do not think is likely—we will need to put more money back into education and health, and if you want more money it must come from somewhere. I note from the Australian Bureau of Statistics figures showing State taxation *per capita* that in April 1997 South Australia was a long way down the scale. New South Wales stood at $1 900 (I will forget the odd cents); Victoria, $1 896; the ACT, $1 799; Western Australia, $1 627; South Australia, $1 494; Tasmania, $1 451; and Queensland, $1 309. South Australia was in fact $133 behind Western Australia and a little over $400 *per capita* behind New South Wales.

There is no doubt that, in terms of relative State taxation, South Australia is well down the scale. That can be something to boast about but, if you recognise that taxation is also a way of providing essential services, you have to realise that part of the price you pay for the lower tax take is the lesser ability to provide the same quality of service. South Australia does quite an amazing job in some of its public services, considering the lack of funds it has available. The Democrats have not ever said that there should not be tax increases. In fact, we have tried on a number of occasions over the years to encourage the Government to consider that as an option. It is a promise that we have always been prepared to support the Government to break, because it is a better promise to break than some of the other promises the Government has broken in terms of what it was going to do to education, health etc, where it seems to have more willingly—

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

IMMIGRATION

The Hon. P. NOCELLA: I rise on the subject of Immigration SA, a new initiative announced by the Government earlier this year. I have been approached by a number of people who closely study these matters and given some thoughts that might be of interest to members of the Council on this very important subject. I would like to say at the outset that I am a supporter of an active policy of encouragement of migrants to settle in this State, as amply demonstrated by all commentators, in terms of the population policy applying to South Australia at the moment. However, it seems as though the Immigration SA program may have been conceived in haste. It looks as though a successful blueprint for an effective immigration program, which in this case is limited to the category of independent skilled migrants, would sound something like this.

First, a thorough analysis of the requirements of industry. By that, I mean physically asking industry about their requirements in terms of skilled personnel; their problems in recruiting appropriate skilled personnel; the number of jobs; and in terms of timing, when this position need to be filled. This is the most crucial part of the exercise, because it is the one that identifies almost one by one those vacancies that cannot be filled by the local labour force in this State or perhaps even in this nation. The next stage would be to approach the Department of Immigration and Multicultural Affairs, which has primary carriage of this matter and, as I understand, interrogate its database. The figures released by the Department of Immigration and Multicultural Affairs show that in the category of skilled migrants the department has at any given time somewhere in the vicinity of 60 000 prospective migrants already in the pipeline, in other words, already processed and in many cases already provided with a visa and ready to come.

At that point, since at this stage and for the foreseeable future the policy of the Federal Government is not to allow any more than 15 000 skilled migrants in this category per annum, it is quite obvious that the pool, which is four times larger, from which we could draw would be an appropriate source of prospective migrants. The final stage, of course, is to make sure that the labour market matching takes place on almost a one for one basis; in other words, matching a vacancy in a particular workplace with a candidate coming from a particular country. That is the level at which, in the view of the experts, this program would work effectively.

I understand that the original survey that underpins the whole program was not conducted in any proper fashion but was fairly superficial. In other words, it looked at the large numbers and the forecast industry by industry rather than workplace by workplace, and this may create some problems in the sense that, when these people eventually come here, they may not find the jobs which they were looking for and which in a sense they had been promised or given assurance of, and which they could occupy if the process were followed properly and the crucial labour market matching done properly.

RANN, Hon. M.D.

The Hon. L.H. DAVIS: My matter of interest is the Leader of the Opposition, Mr Mike Rann. It is a matter of great interest. It should never be forgotten that Mr Mike Rann was the key adviser to Premier John Bannon for a long time. He was part of that Bannon team that gave the green light to the Remm Myer Centre, backed by a loan from the State Bank of South Australia. The net loss to taxpayers was a lazy $900 million, nearly $1 billion. By 1985 Mr Rann was in Parliament and in 1989 made an impassioned defence of Tim Marcus Clark, lashing out against the continuing questioning of the Liberal Party Opposition.

Indeed, in April 1989 he moved a motion attacking the Liberal Opposition for its condemnation of the State Bank. He described the appointment of Tim Marcus Clark as Managing Director of the State Bank as a major coup that had stunned the Australian banking world. Well, it certainly stunned the taxpayers of South Australia when, in February 1991, they reeled at the announcement of the loss of the $1 billion and of course that inevitably grew to $3.15 billion.

Mr Rann is soiled goods. In 1989 when he attacked the Liberal Party for its questioning on the State Bank—which proved to be absolutely correct—he also questioned our attack on the State Bank's commercial judgment in lending money to Equiticorp. Both the Royal Commission into the State Bank and the Auditor-General had plenty to say about that particular deal—and that would not have been music to the ears of the financially ignorant Leader of the Opposition.

Mr Rann, it should be remembered, has railed against privatisation by the Olsen Government, yet he was a member of the Bannon Government which agreed to sell the State Bank, and that is code—and I say this slowly for members opposite—for 'privatisation'. He remained silent while Messrs Keating and Hawke sold Qantas and the Commonwealth Bank, attempted to do sell ANL and made very public noises about selling Telecom.

Mike Rann was Bannon's key public relations strategist. He was described by his own troops as the 'Minister for Propaganda'. To give just one example, in Chris Kenny's book *State of Denial* journalist Matt Abraham remembered a story from Rann which sounded familiar and asked him how many times it had been announced, and Rann replied, 'It has been announced 13 times.' Among his Labor colleagues he is known as 'The Fabricator'. Let me give members an example of Rann-the-man in action. In the early months of this year Mr Rann constantly was predicting an early election—and 5 April was one date he picked publicly. Having fanned the flames of an early election Mr Rann then issued a press release on 11 May in which he piously proclaimed, 'The public is fed up with early elections. The public is also tired of constant election date speculation, and so is the business community.' Hey, presto! Rann-the-man, having created the problem, provides the solution—and the solution was that the Labor Party had decided on four year fixed terms for elected Governments.

The parliamentary Labor Party is becoming increasingly alarmed and annoyed at Mr Rann's erratic behaviour as Leader of the Labor Party. In recent weeks, under the protection of parliamentary privilege, he made an outrageous allegation against the Premier, John Olsen, and claimed that he had been the leak of Liberal Party information when he was previously a Minister. Mr Rann refused to repeat that in the public arena, for fairly obvious reasons.

It is beyond dispute that Mr Rann asked one of his shadow Ministers, Kevin Foley, to do the dirty work for him but Mr Foley wisely, and I think quite properly, refused. Many Labor politicians are horrified about Mr Rann's unsubstantiated attack. Apparently Mr Rann is now making policy on the run. For example, his pledge of no new taxes was made without reference to the shadow ministry. The status of his leadership was used to insert the Hon. Paolo Nocella into a Legislative Council vacancy, and that member's recent performance again reflects ill on Mr Rann's judgment. Mr Nocella is already a joke and an embarrassment amongst many of his colleagues and ethnic communities. This is all reflected in the latest news poll in today's *Australian* which shows that Rann's performance rating has plummeted to a new low and that the ALP has lost four percentage points in its primary vote.

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

RURAL HEALTH

The Hon. R.R. ROBERTS: I must thank the Hon. Legh Davis for that valuable contribution. Before he started I knew nothing, and after his contribution I feel equipped to become one of the biggest bores on the speaking circuit. I wish to comment about some of the things that are happening in country health. Since this Government came to power some 3½ years ago a whole heap of promises, including some for hospitals—such as a new hospital for Port Augusta—have been changed.

This Government has engaged in a services slashing spree across country South Australia which has had dramatic results on the provision of services and the quality of life in the country. The Government has put enormous pressure on health services in country areas because it has continually slashed budgets and contracted services. This is compounded by the fact that it has slashed these services and taken away Government departments without one family impact statement, such statements having been promised by Dean Brown in the run-up to the last election. No-one has seen a community impact statement, but the community impact has been dramatic.

I will refer to a couple of areas in particular. Owing to cutbacks in services I was forced to raise the issue of respite care at the Port Pirie Hospital and the conditions for people seeking respite. Thousands and thousands of dollars were saved by virtue of the fact that their families look after them. There is virtually no respite care at Port Pirie and they had to go to surrounding country hospitals. Then I saw the disgraceful situation where the Minister, when attacked, said, 'The community has saved $40 000 for palliative care; we will now use some of that money to put in respite care.' But the worst areas are out in the wider country areas, not the regional hospitals but the small hospitals. We have problems at Riverton and Saddleworth District Councils, so much so that, in despair, there is a public meeting on Thursday night. There is also a public meeting on Thursday night at Ardrossan where the community hospital at Ardrossan is in dire financial trouble trying to survive and they are not that far from Maitland.

Everybody in this Parliament knows that I am a great supporter of the private system, but the realities of life, because of the cutbacks in country areas, country people, as they have always had to do, have had to make adjustments and alterations. This hospital at Ardrossan has been run on

a non-profit basis because of its ability to provide service to insured patients. It provided emergency services not only to its own community but to visitors, and is in dire trouble. I am suggesting that there needs to be a mix, a harmonisation, if you like, of the public and private health services in this area to provide sensible health care for those people living in central Yorke Peninsula.

We have a situation where one hospital can attract a whole range of people, including a visiting female obstetrician/gynaecologist, yet we cannot get one at Maitland. There is excellent laparoscopic equipment but Maitland does not have any. Ardrossan has a colposcope and Maitland does not. Ardrossan has attracted a female GP to join the practice but Maitland cannot get a doctor. Ardrossan has a visiting orthopaedic surgeon but Maitland cannot attract one. Ardrossan has a visiting urologist and Maitland does not.

These people are asking for funding for two acute beds and a fee for service payment for emergency uninsured patients at their hospital to maintain not only their viability by a viable health service in the central Yorke Peninsula region. It may sound funny, coming from a Labor politician, to talk about privatisation and the public system in the same sentence, but there is a vital concern out there. The Health Commission is making ridiculous decisions, spending $170 000 on the creature comforts of one person when we have got a serious decline in health services in central Yorke Peninsula because of the financial constraints put on the Ardrossan Hospital and the Maitland Hospital. I call on the Government, instead of wasting $170 000 on a home, to provide some sensible funding, as did Martyn Evans to Keith when he was Minister, to the Ardrossan Hospital and fund it for a couple of public beds and give it a fee for service on uninsured patients.

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

DOCTORS, RURAL

The Hon. BERNICE PFITZNER: I also speak on a matter of importance with regard to the health system in rural areas and the training of rural general medical practitioners. My contribution will be on a more optimistic note. I have been concerned for some period about the sufficient numbers and skills of medical doctors in rural areas, especially so when an evaluation report by a Dr Louise Stone gave a rather negative impression of rural training. I therefore visited the Royal Australian College of General Practitioners in Melbourne, the headquarters for the coordination of rural medical training.

The Rural Coordinator Director, Dr Sarah Strasser, assured me that the rural program had been reorganised and that it had addressed all concerns raised by the project officer, Dr Stone. My particular problem concerned the scarcity of doctors in rural areas and the innuendo and claims that doctors do not want to relocate to the country because of poor financial remuneration. To state this does not take into account the very complex issues of why doctors are reluctant to relocate to the country.

Indeed, although financial remuneration is a factor, it is not the only factor. In fact, on a recent visit I was shown the wonderful facilities at the Peterborough Hospital, including the doctors' quarters. A doctor's remuneration was said to be about $250 000. If finance was the only consideration the position should have been snapped up, but it was not and, at that stage, the community was still waiting for the position to be filled. Let us look at the report prepared by Dr David Thompson, the Coordinator of Rural Medical Training in South Australia. The program, known as the Rural Training Stream (RTS), is a four-year program and, at present, there are 38 Rural Training Stream medical registrars in South Australia—14 in year one, eight in year two, nine in year three and seven in year four. The programs offered are now more varied and more flexible.

The Director of Rural Training, Dr Strasser, also addressed the numerous issues involved, namely, that a child-care subsidy should be available for registrars undertaking training distant to their permanent address, and that there should be support, including mentoring, establishment of peer support networks, career counselling for registrars and spouses, and inclusion of appropriate education programs. The RTS is to include all those with an interest in rural general practice.

The needs of female registrars also ought to be addressed, as it was found that women medical registrars practise differently from the male registrars. It was considered that women registrars felt less equipped because it was said they practise less often and often practise in rural towns without a hospital. An essential to a rural training course was a course in emergency medical and surgical trauma.

Registrars were not well informed on the cost of relocation, accommodation and travel. It is envisaged that financial reimbursement should be on a uniform national basis. The initial core disciplines of anaesthetics, obstetrics and surgery should be supported but there should be flexibility for other disciplines to be learnt, for example, paediatrics, psychiatry, ENT and ophthalmology. This will be a further problem as the medical registrars feel that they are put through more hurdles than a specialist registrar, and this needs to be further discussed.

I am aware that all the problems of working in the bush that is, the social and medical isolation, are being addressed, and, although a good salary is helpful, it is not the total story. An example of this is the rural medical innovation that is occurring in Cleve, which has enjoyed a two-person practice for a number of years. As a result of an inability to attract a replacement doctor, one of the two practitioners who is seeking to move into semi-retirement, Dr Clive Auricht, wrote to the Flinders and Adelaide Universities. Dr Auricht's business partner, Dr Vizard, was concerned at the prospect of being the sole practitioner and, as a result, an innovative project has interns travelling from the city to help to alleviate this problem, and this appears to be an excellent initiative for the rural area.

NOCELLA, Hon. P., CENSURE

The Hon. A.J. REDFORD: I move:

That this Council censures the Hon. Paolo Nocella for—

1. Falsely declaring in the Legislative Council on Wednesday 4 June 1997 that Mr Alex Gardini, President of the ANFE (Associazione Nazionale Famiglie Emigrate) had stated on Radio 5EBI-FM that he was horrified that the activities of the Office of Multicultural and Ethnic Affairs resembled the activities of the KGB or the Polish UB;
2. Misleading the Parliament by making the false claims in the Parliament on Wednesday 4 June 1997;
3. Distributing a copy of a *Hansard* transcript to Mr Gardini which deliberately omitted the false claim he made about Mr

Gardini and the answer given by the Minister for Education and Children's Services to the questions asked;

and calls on the Hon. Mr Nocella to apologise publicly to Mr Gardini.

In moving this motion, I am mindful of the comments made by the Hon. Paolo Nocella in his maiden speech on 10 October 1995 when he said:

However, my most recent professional involvement has been in the area of ethnic affairs in the position of Chairman and Chief Executive of the South Australian Multicultural and Ethnic Affairs Commission. This is an area in which a considerable degree of bipartisan support has existed and may well exist for a very long time.

Unfortunately, in the 21 months since predicting that there would be an area of bipartisan support in the area of multicultural and ethnic affairs, the Hon. Paolo Nocella has come under the spell of the Hon. Michael Rann, Leader of the Opposition in another place, and has ditched any pretext or pretence that he or his Leader will do anything which might be described as 'a considerable degree of bipartisan support'. Indeed, in the same speech the honourable member refers to the demand of duty and states:

There is a massive and underwritten code of feeling and behaviour which was outside the law and which was so powerful as to modify in practice the harsh rules of private law which were only a last resort.

I hope members can judge the conduct of the honourable member, which I am about to outline, on the same lofty standards expressed by him. The facts are relatively straightforward and can be substantiated, unlike some other cases, by documents and statements that are part of the public record. The facts can be stated as follows.

At some time in early March 1997, by persons unknown, a document entitled 'Briefing Notes on the Italian Community in South Australia' was prepared. The document, under a paragraph entitled 'Details about the Community in South Australia', sets out a number of details, including the demography of the Italian community, indicating that nearly 10 per cent of the South Australian community is either Italian born or of Italian ancestry; the history of Italian settlement; and details outlining some of the common characteristics of the Italian community in South Australia.

The document points out that over 180 regional Italian community organisations are established in South Australia which offer a wide range of educational, recreational and sporting facilities, in addition to maintaining the respective customs and culture of each area of Italian origin. It points out, too, that the Italian community is intensely organisation oriented and can quickly unite for a common purpose. Despite noting that over 180 regional Italian community organisations are established in South Australia, the document outlined some details concerning the major organisations and lists 10 organisations as major.

In relation to those organisations, the document refers to the political leanings of four organisations and, in relation to one, indicates that it might be affiliated with an Italian political party. In relation to the other six organisations, no reference is made to any political allegiance. I seek leave to table the document to which I have just referred.

Leave granted.

The Hon. A.J. REDFORD: On 28 May 1997, the member for Spence, Mr Atkinson, in another place asked the Premier whether or not Public Service departments under the Premier's direction kept dossiers on the political leanings of South Australian based organisations, clubs or individuals. The Premier responded as follows:

Certainly not to my knowledge. I know of no such files.

A second question asked by the Leader of the Opposition, (Hon. Michael Rann) inquired how the Premier could explain political assessments in briefing papers supplied to him by the Office of Multicultural and Ethnic Affairs. He indicated that the Opposition had been leaked copies of briefings containing political assessments of South Australian ethnic organisations prepared for the Premier. He went on and referred to the assessments as saying:

. . . the National Association of Migrant Families is politically 'right wing' and that the Federation of Italian Migrant Workers and their families are 'politically affiliated with the Italian Communist Party'.

The Premier responded in very clear terms. In relation to the briefings, he said:

If the office has prepared those briefings, that is the responsibility of the Chief Executive of the office. I have not sought them directly. If they have come through my office and my staff have seen them, I cannot recall ever having had a look at those so-called briefing notes. It is certainly under no instruction from me for such documentation to be prepared.

Following that, the member for Spence asked the Premier who had made the decision to collect and file the information regarding ethnic organisations and whether or not political assessments affect State Government funding to such organisations. In response to that the Premier said:

Following the honourable member's first question, I understand that my office contacted the Chief Executive of OMEA, whose simple reply was that the claims made by the honourable member are nonsense.

If one reads *Hansard* it would then appear that a copy of the relevant document was provided to the Premier. The Premier said:

I have been given a copy of the document, but the documentation I have does not identify any Government letterhead or any sign-off by anyone. . . To the best of my knowledge, I have never before seen this document. . . I have never seen this document—. . . I have never seen this document. . . Let me assure the House that it has never been an instruction of mine for any such documentation to be collected or prepared, and never has. . . .any such documentation been presented to me.

Indeed, a news release was issued by the Leader of the Opposition dated 28 May 1987 with the heading 'Olsen asked to explain political dossiers on ethnic groups'. He referred to the National Association of Migrant Families (ANFE) and indicated that certain questions needed to be answered by the Premier.

On Thursday, 29 May 1997, the President of ANFE, Mr Alessandro Gardini, wrote a letter to the Premier (Hon. John Olsen) and sent a copy of that letter to the Hon. Mike Rann, Leader of the Opposition, the Hon. Julian Stefani MLC, the Hon. Paolo Nocella MLC and Antonio Tropeano, President of CIC Incorporated (or the Coordinating Italian Committee). In that letter addressed to the Premier, Mr Gardini said:

I was dismayed and deeply disappointed by the manner in which the briefing notes on ANFE and the other three organisations were considered in Parliament. It was disconcerting to have ANFE identified as a political organisation and to have my own name flashed on the television screen following the highlighted allegation.

He continues:

ANFE is an incorporated welfare and a registered charitable association. By virtue of its constitution, policies, service philosophy, management style and activities, ANFE has no political or religious orientation. It was established at the peak of immigration from Italy in 1962 as a branch of ANFE Italy, an Italian emigrant welfare organisation (in Italian, 'ente morale').

He went on and clearly stated that there were no political affiliations involved with ANFE and emphasised that it was a non-political organisation. In his last sentence he said—and it is a very important sentence:

> This gives me hope that this matter will be put right and put aside as quickly as possible and that the allegations will not become fuel for those who promote racialist ideas and discord.

This is important because the message from ANFE to the Opposition is, 'Do not make this issue or us into a political football.' In that regard, I seek leave to table the letter of 29 May 1997 to which I have just referred and which was addressed to the Premier.

Leave granted.

The Hon. A.J. REDFORD: On 30 May 1997, Mr Alessandro Gardini wrote a further letter to the Leader of the Opposition. He said a number of things, including the following:

> I was shocked to see my name flashed on Channel 2 with allegations that Associazione Nazionale Famiglie degli Emigrati Inc. (ANFE) had political leanings highlighted in yellow. I understand the allegations were also reported on Channel 7. I have forwarded to both media denial of what is alleged.
>
> We are not a political organisation. We are a welfare organisation and a registered charity—nothing more.
>
> ANFE was dismayed that you presented Parliament with so-called 'briefing notes' alleging political leanings both on our part and that of three other organisations. It was alleged that these notes had been prepared for the Premier.
>
> We never believed that any Minister would be so foolish as to request such briefings.

It is quite clear that at that point Mr Gardini was extremely distressed by what had happened in Parliament the previous week. It is also clear that the organisation had accepted the statements made by the Premier in the other place. In that letter Mr Gardini went on and said:

> I have already been approached by our volunteers expressing their own concern about the allegations and indicating that they had been reproached by their friends for giving of their service to a 'political' body. I had to reassure them of our non-political and non-sectarian constitution, policies and services.

An honourable member interjecting:

The Hon. A.J. REDFORD: I note that the honourable member interjects, but this is the effect that you have on small people when you play games in this place—and we are talking about small people, hard working Italians. This is not a joke: this is serious. He continues—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: He continues:

> As the one who has made temporary political capital out of this incident, you should have foreseen the outcome, and ANFE expects a public and unreserved apology from you.

Quite clearly, Mr Gardini was, on behalf of his organisation, distressed at the fact that the so-called political briefings had been raised in Parliament and at the manner in which they had been raised. One might understand the concerns of an Opposition faced with this sort of documentation. Indeed, a letter sent by the Leader of the Opposition (Hon. Mike Rann) on 30 May 1997 could, from certain quarters, be defended. In that letter the Leader of the Opposition said:

> My Dear Alex,
>
> I was disappointed, if not surprised, by the tone you have taken in your letter I received today. It is obvious to me that you seem to be either confused, or have merely accepted the Liberals' argument on the matters debated in Parliament this week.
>
> I see no possible reason or need to apologise to you for attacking those who have smeared your organisation. I was the person defending the integrity of the organisations such as the ANFE, not the other way around.
>
> With every best wish for you, your family and the ANFE,
>
> Yours sincerely,
>
> Mike Rann.

I seek leave to table that letter.

Leave granted.

The Hon. A.J. REDFORD: It is also clear that on the same day a letter was sent by the Parliamentary Secretary Assisting the Premier stating that the briefing notes were not prepared under the direction of the Premier, nor were they prepared under the direction of the Chief Executive Officer of OMEA. He reiterated that neither the Premier nor the Hon. Julian Stefani had any knowledge of the existence of such a document. In other words, the matter could have been left to lie and finished then and there.

The stage having been reached where ANFE has denied any political affiliation, the Premier having denied any knowledge of the preparation of any documents, and the Opposition having been made aware through its Leader (Hon. Michael Rann) of these two important facts, an interview took place on 5EBI-FM on Wednesday 4 June 1997 between 8 and 8.30 a.m. In that program Mr Gardini was interviewed. In response to a question he said:

> I was watching TV and there you saw this writing on the screen, and it was highlighted in yellow, which stood out even more on the screen, showing ANFE as a right wing entity—with the President being Alessandro Gardini. You can imagine how angry I became about this matter. And I confirm that we are not a political entity. We are neither a right wing nor a left wing organisation: nor are we a centre organisation because we have nothing to do with politics; you know that very well.

In that interview he went on and said:

> That reminds me that ANFE in Italy was founded in 1947 by, I believe, a decree of the President of the Republic. It was founded as an entity for no profit, or, as we would say in English, a non-profit organisation. We are a welfare organisation. Not only that, but we are also a charitable organisation. So, if you give a donation to ANFE, you can claim it as a tax deduction. Therefore, the last thing we need is to be accused of being political because we could lose our status which enables us to do our work.

Mr Roberto Masi, the immediate past-President of ANFE, was also on the program, and he said:

> Well, I can speak about ANFE with some experience since we were founded here in Adelaide in 1961. We have never been involved in politics. We have never supported any political party because we are supported by both parties, in fact, by all parties, and by all those who assist us. And we have never asked for any identity card or the details of any affiliation from any ANFE member.

Mr Gardini interjected and said:

> ANFE has no knowledge of the political views of their clients, or what political interests they may hold.

Mr Masi responded by saying:

> Let me tell you a little secret, for example, the allegation has been that practically we are a right-wing organisation or an association involved with the Christian Democrats. I can tell you one thing, here in Adelaide, ANFE was founded by Antonio Giordano who was a socialist.

Mr Gardini interjected and said:

> Yes, and the poor man, once upon a time was also a fascist and he was interned.

Mr Masi added:

> Yes, and he was interned and ANFE has nothing to do with the Christian Democrats.

Mr Gardini then said:

> After the war, Antonio Giordano became a socialist and he was a non-believer, therefore he would have little to do with the Christian

Democrats. And then it is well-known to you (referring to Mr Masi) that you and I have different political views.

Mr Masi then said:

Yes, I cannot understand the reason for this unjust allegation which has been taken to the media.

Mr Gardini then interrupted and he said:

The bad thing is that not only has the damage been done to our organisation but also to three other Italian associations. And one of the other three organisations, which I don't wish to name, is also a similar entity to ANFE. It is also a non-profit organisation which was founded in Italy and the other two undertake community work, which they do well.

In the past, I have been a member of at least two of these three organisations. I am currently still a member of one of them. But to see these political allegations that create the perception to the Australian public and to Australians who are no longer Italians, because most of them have become Australians, that ANFE does nothing else but play politics. How wrong! These organisations, in fact, undertake a lot of work for the community, therefore, there is nothing political about that.

The perception which has been created by the publicity does damage to the organisations. It also does damage to the Office of Multicultural and Ethnic Affairs which I founded under the Dunstan Government. Under the Dunstan Government, I became Head of that Office. I continued to work within that Office until after the Liberal Government took office. I worked there until six months ago and then took a package and retired.

Therefore, I have seen right-wing and left-wing governments and that office (meaning OMEA) has never been involved in playing politics. And that Office did not write that document (as an official document for distribution to other agencies or for the Minister). I am sure that it didn't because I have been contacted by various politicians, including politicians within the Ministry. I have also spoken to the public servants who I have known for many years within the office of OMEA and in whom I have the utmost trust.

We should bear in mind that this is the interview from which the Hon. Paolo Nocella sought his information in making the allegations in Parliament on 4 June. He went on to say:

I know was has happened. I know that it is a total disgrace and I don't wish to say any more than that.

Ms Mirella Mancini, who was the programmer in the studio at 5EBI-FM and who was involved with this broadcast, asked:

Why couldn't we mention the names of the other two organisations; they were clearly visible on the television. Maybe it is better that you don't.

Mr Gardini replied by saying:

'No.'

And went on to say:

'that when you repeat allegations people may hear well, or may not hear well. And I now would like to tell a little story about allegations.'

Mr Bob Masi then said:

Yes, because, in fact, it is an allegation, truly an allegation. Having said that I would like to add that, if at times on this program, we have made some political comments, which in the past, I admit to having made, the comments were never favouring one or the other Party. And let me say that when I criticised some Government action, it was not as a Party, but I criticised the actions of the Government of the day because I was of the view that a particular action taken by the Government was wrong. But then, I similarly also criticised the actions of the subsequent government or governments because we don't play politics with the elderly people. We have been very careful never to play politics.

Mr Gardini then said:

Let me tell this little hypothetical story.

He then talked about the damage which could be done to organisations by making defamatory statements in Parliament. I have a copy of the tape of the radio interview which occurred in Italian, and I am happy to make that tape available to any member of this place and, indeed, I am happy—and I do not think I can—to table a copy of the tape for consideration by all members here. I apologise if the translation is not perfect, but I believe that it is accurate and that it conveys the sentiments of the two people involved.

On 4 June 1997 the Hon. Paolo Nocella rose to his feet. He referred to the questions that had been raised by the Hon. Michael Rann and the member for Spence, Michael Atkinson, and to the denials of the Premier. He also referred to the radio interview, and one could only draw the conclusion that he had listened to that interview. In that contribution (and, indeed, in today's contribution, he confesses to having listened to it), he said:

The President of ANFE, Mr Alex Gardini, one of the organisations classified politically and described as 'a right-wing organisation' this morning commented on 5EBI-FM and expressed his dismay that the Office of Multicultural and Ethnic Affairs (OMEA) would get involved in this kind of activity. Mr Gardini, like me, is a former senior member of this organisation and is horrified that these activities. . . resembled the activities of the KGB or, more appropriately, the Polish UB.

I will come to the reconstruction, the reinvention, the obfuscation and the attempt to wriggle his way out of what he said in due course.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis: Do you want to listen to the tape?

The PRESIDENT: Order! If the Hon. Legh Davis wishes to say something I can give him that call.

The Hon. A.J. REDFORD: This was the first time on any analysis that a statement was made to the effect that the activities—and I assume the activities of classifying Italian organisations by some office in OMEA—resembled the activities of the KGB or, more appropriately, the Polish UB. Members here need not be reminded of the excesses of both those organisations. To ensure that members understand what the honourable member said to this Parliament on 4 June 1997, I will repeat what he said, as follows:

Mr Gardini. . . is horrified that these activities. . . resembled the activities of the KGB or, more appropriately, the Polish UB.

In addition, he asked some questions. But the matter does not end there, Mr President.

The Hon. L.H. Davis: What's that say?

The Hon. A.J. REDFORD: I will come to that in a minute. The matter does not end there, because the response from the Hon. Robert Lucas was strong and critical of the Hon. Paolo Nocella. Indeed, the Hon. Robert Lucas said:

Certainly, the advice that 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 the information to the Hon. Mr Nocella and he knows that person's connections with the Hon. Mr Nocella and others. . . The Hon. Mr Nocella knows this person: he knows who prepared the information.

On Friday 5 June at 4.55 p.m. the Hon. Paolo Nocella sent a facsimile transmission to Mr Gardini. The cover sheet stated that seven pages were sent. Those pages included an extract of *Hansard* (and I will return to that later) and a copy of the briefing notes of the Italian community in South Australia. The cover sheet of the facsimile stated:

I thought you may be interested in the answer to these questions—

On page 2 there is an extract from *Hansard* with a handwritten note, presumably from the Hon. Paolo Nocella, stating:

This is an extract from *Hansard* of 4 June 1997.

At the bottom of the extract it states: 'Turn 508, page 1'.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: I seek leave to table turn 508, page 1, of the *Hansard* of 4 June 1997 and, in addition, the facsimile transmission from the Hon. Paolo Nocella to Mr Gardini of 5 June 1997.

Leave granted.

The Hon. A.J. REDFORD: If one looks at the actual document (and I invite members to look at it), one sees that some vital extracts are omitted. Indeed, if one compares the two pages carefully, one can see that a very careful cut and paste job has transpired whereby only the words in the preamble attributed to the honourable member were '. . . resemble the activities of the KGB or more appropriately the Polish UB. Therefore, my questions to the Minister are. . . ' It is quite clear that he has admitted to the words leading up to the reference to the KGB and the Polish UB—and one can understand why. Nothing was provided to Mr Gardini of the context in which the reference to the KGB and the Polish UB are mentioned—and I wonder why. A letter dated 5 June. Let me explain the extraordinary lengths to which the honourable member went to hide what he said to Mr Gardini. In fact, he cut out the top left-hand corner of the *Hansard*. He then cut out the bottom right-hand corner of the *Hansard*—something that we all do naturally every day of the week: we cut the left top corner and the bottom right corner.

Members interjecting:

The PRESIDENT: Order! I remind members that if they look behind me they will see Standing Order 181. I would like all of you to check Standing Order 181: read it, mark it and inwardly digest it.

The Hon. T.G. Cameron: It doesn't apply to Redford and Davis.

The PRESIDENT: Order! But it does apply to Cameron.

Members interjecting:

The PRESIDENT: Order! It applies to everyone.

Members interjecting:

The PRESIDENT: Order! I want to hear the Hon. Angus Redford's explanation.

The Hon. A.J. REDFORD: This is no innocent cut and paste; this is no convenient 'Let's get the document out.' He has carefully cut out the top left-hand corner and the bottom right-hand corner. But he has not just sent a blank piece of paper without the top left-hand and right-hand corners: he has actually then put it on another white piece of paper and, hey, presto! It comes out like this, side by side. One would look at it and think, 'There is the whole answer; there is the whole issue.' There it is, and we have heard this alleged innocent explanation, amid laughter, earlier today. That is a cut and paste job that any member would be proud of.

A letter dated 5 June 1997 to Mr Nocella from Mr Gardini with copies to the Hons Michael Rann and Robert Lucas states:

> I refer to your claim yesterday in [the] Legislative Council that expressed my dismay on radio 5EBI-FM that the Office of Multicultural and Ethnic Affairs (OMEA) would 'introduce a practice of recording political leanings and affiliations in the briefing notes prepared on ethnic or community organisations'. I did not do anything of the kind. I and Mr Roberto Masi on the ANFE program broadcast live at 8 a.m., Wednesday 4 June 1997, expressed our concern that a document that claimed ANFE was a right wing organisation had been released to the media. We indicated to our listeners that our program was apolitical, reaffirmed our commitment to stay so and explained our work as a welfare organisation and a registered charity.

In that regard I seek leave to table the letter of 5 June 1997.

Leave granted.

The Hon. A.J. REDFORD: Other issues raised in the letter related to the discussions he had had with Dr Ozdowski, the Chief Executive Officer of OMEA, indicating that the staff member had been reprimanded and an instruction had been given to the staff never again to prepare such a document. He referred to the fact that he had spoken to other officers from OMEA who reiterated what Dr Ozdowski had told him and reassured and him that OMEA continues to prepare apolitical briefings. He went on to make this very important point:

> When I was a public servant I had on more than one occasion to suffer public criticism without the right of reply out of respect for the Westminster system under which we operate.

—a respect which is not shared by the Opposition. I continue:

> I do feel for my former colleagues in OMEA as I know how much pain, frustration, humiliation and helplessness attacks like the ones you are making on them they are suffering. Now, however, I am an ordinary citizen and I expect my civil rights to be defended by my elected representatives.

Did the Opposition respect that? No, Mr President. On 8 June 1997 Mr Gardini wrote to the Hon. Robert Lucas. In that letter he stated:

> In relation to page 02 [referring to the facsimile transmission] I note two matters:
>
> (1) the extract includes less than a third of the matters raised by Mr Nocella, other members and you. Edited out by the Hon. Paolo Nocella are his references to me and your response.
>
> (2) the extract faxed to me by the Hon. P. Nocella leaves out the following allegation made by Mr Nocella:
>
> **The Hon. P. NOCELLA:** The President of ANFE, Mr Alex Gardini, one of the organisations classified politically and described as 'a right wing organisation', this morning commented on 5EBI-FM and expressed his dismay that the Office of Multicultural and Ethnic Affairs (OMEA) would get involved in this kind of activity. Mr Gardini, like me, is a former senior member of this organisation and is horrified that these activities—[etc.]

It continues to follow the *Hansard* (if I can be kind to the Hon. Paolo Nocella) that then existed. In relation to this matter he goes on to state that he made no comments to that effect on ANFE radio program. He also stated:

> I bring to your attention the curious fact that the document faxed to me by the Hon. P. Nocella on Thursday 5 June does not appear to be the same document as that circulated to the media. Given the allegations made in the Legislative Council by the Hon. P. Nocella on 5 June 1997, I feel I have no other course open to me than to forward to you a copy of correspondence between myself and the Hon. M.D. Rann.

I seek leave to table a copy of that letter.

Leave granted.

The Hon. A.J. REDFORD: On 10 June the Hon. Paolo Nocella wrote to Mr Alex Gardini. We all listened to the explanation earlier today and how the *Hansard* grossly misrepresented the position. We all listened; we all heard the explanation.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: Here it comes: for the benefit of members opposite this was the explanation:

> Furthermore, the *Hansard* presentation of 4 June gives the impression that a statement of mine was attributed by me to you, when in fact it is entirely my own appraisal, and one by which I still stand.

That is what he said today. He stood up for the very first time and said that today. Contrast that with what he said on 10 June. He said:

What I find especially surprising is that you seem to be satisfied with this explanation [i.e. Dr Ozdowski's explanation]; as I do believe that you, of all people, would know that this can neither be an error, nor a mistake by a project officer acting in isolation and without direction from the above.

I do not think that you have considered the facts, which are:

- the document produced by the Leader of the Opposition is authentic—

I am not sure that he knows what an authentic document is—

a fact denied by the Premier on advice from the CEO of OMEA on his first reaction (see *Hansard*, 28 May, page 1430).

- the document did come from within OMEA—obviously a clear departure from previous practice—as I am sure you can testify, despite the Premier's assertion that 'this sort of activity in OMEA goes back six, eight or 10 years' (*Hansard*, 28 May, page 1247).
- neither you nor the rest of us would ever have known anything about it had it not been for the revelation by the Leader of the Opposition in Parliament.

The honourable member goes on in the letter to say:

It must by now be perfectly obvious to you that those responsible are to be found in OMEA and the responsibility ultimately sits squarely with the CEO—as the Premier himself stated (see *Hansard*, 28 May, page 1427).

What we have here is that the honourable member has gone back to *Hansard*, carefully gone through it—

The Hon. CAROLYN PICKLES: I rise on a point of order. The microphones are on, members can hear, some of us do not feel too well, and we do not need to listen to the honourable member shouting above 35dB, which actually damages the eardrums.

The Hon. A.J. REDFORD: Mr President—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron: Stop interjecting? You interject more than anyone else in the Council!

The PRESIDENT: Order! Would the honourable member like the call? If members continue to interject, the honourable member on his feet will raise his voice because that is a normal reaction. I ask members to take it quietly. I am not going to stop interjections, that is part and parcel of the game, but when it gets out of hand and goes too long, it gets too loud. I ask the honourable member to keep it down below the 35 decibels that hurts the honourable member's ears.

The Hon. A.J. REDFORD: Mr President, I am grateful and I sure that we on this side of the Chamber listen to your rulings as they do on the other side. What is particularly disturbing is that they do not listen to their own Leader. In any event, on this particular occasion, the Hon. Paolo Nocella has gone through *Hansard* pretty carefully. He has sourced everything back to a specific reference in *Hansard*. We can glean a couple of things from that. The Hon. Paolo Nocella knows how important the *Hansard* record of proceedings is because he does not hesitate to use it if he thinks he can gain political capital out of it. The second thing is that we know that he is an assiduous reader of *Hansard*, a careful reader of *Hansard*, a detailed reader of *Hansard*.

We know that the Hon. Paolo Nocella rates *Hansard* as a very important aspect in the role of parliamentary debate and we know that the Hon. Paolo Nocella will not hesitate to use and quote *Hansard* to suit his own political purposes. One might think that a person who is so assiduous in the quoting of *Hansard*, one who so carefully reads it, would check his own, and we know that he did so, but I will return to that a bit later.

Members interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. A.J. REDFORD: In addition, in this letter of 10 June, I must remind members that there is absolutely no reference to driving along the road with his attention not fully on the radio program, there is no mention of an impression that a statement of mine was attributed by me to you, and certainly there was no apology, because he was too busy quoting from *Hansard*. To top it all off, he has even photo-copied an extract from *Hansard* of 28 May and attached it to the letter. This time, there has been no cut and paste job, I will be fair to the honourable member.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: This letter, which is dated 10 June and which was written by the honourable member, stands in stark contrast to his personal explanation and his letter which he tabled earlier today, and I invite any member or any person to contrast the two letters and think about the veracity of what was said to this place earlier this afternoon.

In relation to the actual issues and the assertions by the honourable member, I will deal with them in turn. First, he said that the Premier denied that the document produced by the Leader of the Opposition was authentic, and referred to page 1430, one of his first references to *Hansard*. The only words that could remotely be said to have constituted that denial were said by the Premier (Hon. John Olsen), as follows:

I have never seen this document. It is not headed up with anything official to indicate it is from the Government: and it is not signed off by anyone. It is just A4 paper with typing on it. That could have emanated from anywhere, for all I know. . . I will obtain the full transcripts, give them to the CEO and present a detailed answer to the honourable member tomorrow.

But that, in the hands of the Hon. Paolo Nocella, turns into a denial of the authenticity of a document. That is how far the thing gets stretched.

The second point was to the effect that this sort of activity in OMEA goes back six, eight or 10 years. I am not exactly sure what the honourable member is seeking to assert in that statement, but there is an indication to the effect that the practice of putting political affiliations on organisations is old hat.

In relation to the third comment that neither Mr Gardini nor the rest of us—by that I assume the community, including the Opposition—would not have known anything about it had it not been for the revelation by the Leader of the Opposition in Parliament, it is quite an absurd statement to make. Indeed, the Leader of the Opposition, if he was in any way sensitive to the cultural needs of the Italian community, could have simply raised the issue privately with the Premier. Indeed, the Hon. Paolo Nocella could easily have raised it privately with the Premier's Parliamentary Secretary of Multicultural and Ethnic Affairs. He did not do so.

He sought maximum publicity and was not in any way concerned about the effect that publicity might have had on the relevant organisation. Indeed, the Hon. Paolo Nocella seeks to put the full responsibility on the Chief Executive Officer of OMEA (Dr Ozdowski). I do say that I have met Dr Ozdowski on a number of occasions and on every single occasion I have been impressed, first, by the enthusiasm and hard work with which he carries out his tasks and, secondly, by his integrity. The only so-called responsibility sheeted home to Dr Ozdowski by the Premier (Hon. John Olsen) could be said to be with the words:

If the Office prepares those briefings, that is the responsibility of the Chief Executive of the Office. I have not sought them directly.

There is absolutely nothing in that statement which would indicate that these briefing notes were prepared with the approval of Dr Ozdowski or with his knowledge, despite the honourable member saying so in his letter.

The evil was further perpetuated by the Leader of the Opposition in the Estimates Committee on 17 June 1997. On that date the Hon. Michael Rann said:

> Can the Premier confirm that the document was prepared by officials, or an official, from the Office of Multicultural and Ethnic Affairs and that the briefing is one of a series of briefings covering a wide range of ethnic groups and not just Italian groups?

The Premier responded as follows:

> These working notes were prepared at the request of the Branch Manager, Community Relations, who is not currently with OMEA for use within that branch only. The records indicate that, at no time, have they been provided to me, Ministers, MPs representing me, or to any other person outside OMEA or, indeed, outside the Community Relations Branch of OMEA. The notes do not have any official status. The Office records have been examined and there is no record or recollection of briefing notes containing political assessments ever going out of the Office since the appointment of the CEO.

During that Estimates Committee, the Hon. Mike Rann went on to say:

> How can the Premier explain the fact that a copy of the document in question was distributed around the Office as a blue, which is a status reserved for documents which have been sent to persons or agencies outside this Office? Perhaps he can also clarify why the political assessments were done internally in the first place.

The Premier repeated what he had said on numerous occasions earlier. He said:

> The point that I want to make to the Committee is that I have never seen the documentation. It has never been provided to me. I never sought for it to be prepared. My predecessor never saw the documentation. My predecessor never sought for it to be prepared.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: You don't want me to shout: you just control your own tongue. The Premier continued:

> I have just indicated to the Committee on advice from the Chief Executive that it was an officer who prepared some internal notes for the department without authorisation, an officer who is no longer with OMEA.

Dr Ozdowski, in relation to the document, said—

The Hon. T.G. Cameron: Old Foghorn Leghorn wants everyone else to lower their voice.

Members interjecting:

The Hon. A.J. REDFORD: Famous words of Clint Eastwood, 'Nag, nag, nag.'

The PRESIDENT: Order! We do not need to get personal.

The Hon. A.J. REDFORD: Dr Ozdowski said:

> The document was prepared without any apparent need and without any authorisation or request from me. This document was prepared on the initiative of the Branch Manager, and it did not go out of the office, with the exception of reaching the Opposition. . . I requested written statements from all officers who were involved in that branch. The genesis of the document was such that the document was prepared soon after I arrived in the office, and it was prepared as a briefing for me.

Members interjecting:

The Hon. A.J. REDFORD: The honourable member interjects 'witch-hunt'. The honourable member interjects and says 'a witch-hunt'. What does he expect the Government to do? They made inquiries at the request of the Leader of the Opposition; that is what they did. And he calls it a witch-hunt. Dr Ozdowski continues:

> When I [first] saw that document, I issued instructions to the officer and the rest of the officers in the organisations that no Party-political comments were to be included in any documents produced by my office. Since then, no document containing my signature or any document I saw contained any Party-political comments. This document, which was originally produced when I arrived at the office, was somehow re-cooked before that officer left the office in March this year. When I asked the branch manager why this document was recouped, I was told that she asked that statistics on the Italian community be added to the document. From my point of view it is not a convincing explanation, mainly because the statistics added were from the 1991 census and not from the census about to be available.

He went on and explained that a search of all files in the office revealed that that was the only document that contained information concerning Party affiliations. Indeed, Dr Ozdowski denied allegations—

An honourable member: Why aren't you shouting now?

The Hon. A.J. REDFORD: —that similar documents were prepared for other ethnic groups, including the Greek, Vietnamese and Cambodian communities, and that the documents were destroyed. The reason I am not shouting now is that I am not getting interjections, because the words are getting a bit longer and I have confused members opposite. Following that exchange, the Hon. Michael Rann wrote to Mr Gardini on 18 June. In that letter he said:

> My dear Alex: I thought you should be aware that last night during Estimates Committee hearings, the Premier finally admitted the existence of briefings by the Office of Multicultural and Ethnic Affairs on the political affiliations of ethnic organisations. He confirmed that the assessments were made in documents prepared on March 7 this year.

All I can say there is that the honourable Leader does not read his earlier correspondence, because they had been conceded in letters from Mr Alessandrini to the Leader of the Opposition some month earlier. In any event, he goes on and says:

> Previously, in Parliament—

Members interjecting:

The Hon. A.J. REDFORD: The point I am trying to make, if you want to interject, is that your mob, who profess bipartisanship in ethnic politics have dragged it right down—dragged it right down because you think you might grab a grubby little vote or two out of it. There is no principle on your side in this part. He goes on and says:

> Previously, in Parliament and in the media, the Premier had claimed that the document I released in Parliament was a fabrication by me.

That is just simply not true. The Leader of the Opposition goes on and says, in reference to the Premier:

> He has been caught out and every decent ethnic organisation should condemn both the preparation of these documents and the cover-up that followed.

I am not sure what cover-up the honourable Leader of the Opposition is referring to, because there does not appear to be any there. Every question was answered. He goes on, and in one of the few and very rare statements in which I might agree with him, he says:

> This is a free country, not a 'police State', and the political affiliations of ethnic organisations are not the business of OMEA. I am sure you will now agree that it was important to raise this issue in order to get to the truth of the matter to ensure that this practice did not continue.

Members interjecting:

The Hon. A.J. REDFORD: Well, sometimes it takes some little while for the truth to come out: like a full month. And I will get to that in a minute. I seek leave to table that letter.

Leave granted.

The Hon. A.J. REDFORD: I have to say there is nothing in any of the statements in *Hansard* to the effect that the Premier claimed that the document was a fabrication. As I said earlier, all the Premier said was that he would need to check the authenticity of the document and, for all he knew at that time, it could have been a fabrication. The Leader of the Opposition draws a very long bow indeed. The bald assertions by the Leader of the Opposition led to correspondence between Dr Ozdowski and various ethnic papers to the effect that no documents were prepared as alleged by the Leader of the Opposition. The Leader of the Opposition and the Hon. Paolo Nocella at every stage sought to misrepresent what has been said by the Premier and their motives are clearly displayed by the manner in which the Hon. Paolo Nocella did a cut and paste job in sending his question to Mr Gardini.

In the radio broadcast by Mr Mario Bianco of FILEF, while interviewing the Hon. Paolo Nocella on 25 June on Radio 5EBI-FM, Mr Bianco made the following statement:

> Olsen declared that a document had been prepared on three other ethnic communities, the Greek, Cambodian and Vietnamese.

The Hon. Paolo Nocella was sitting there when the radio announcer announced it. Notwithstanding the fact that the question had been put to the Leader—the question had been put to the Leader—the question had been put by the Leader to the Premier and to Dr Sev Ozdowski denying that such briefings had been prepared, the Hon. Paolo Nocella allowed that lie to be put across the air and to the listeners without dispute. On 4 July—and I am putting this because it contrasts the public approach to dealing with the truth by the Hon. Paolo Nocella—the broadcaster Mario Bianco tendered a public apology. He said:

> On 25 June 1997, I made a statement on the FILEF program during the Radio Televisione Italiana broadcast from 5EBI-FM. I [also] stated that the Hon. John Olsen declared that a document had also been prepared on three other ethnic communities, the Greek, Cambodian and Vietnamese. I accept that my statement was incorrect and I unreservedly withdraw that statement. I regret any distress or embarrassment that my statement may have caused to the Hon. Mr Olsen, who is the Premier, and also to the Minister for Multicultural and Ethnic Affairs, and I apologise to the Hon. Mr Olsen and withdraw my statement unreservedly.

Why did the Hon. Paolo Nocella not correct the record at that time? He was happy to allow a false picture to be given to the listening audience. So much for his maiden speeches. In any event, it is nice to know that Mr Bianco has integrity. I turn now to some of the statements that were made earlier today. As I understand it, the Hon. Paolo Nocella, having been caught out, and having had drawn to his attention on 1 July 1997 the error and the misleading statement made by the honourable member, did this: he went and saw you, Mr President, and sought to correct the *Hansard*. Indeed, Mr President, on 3 July, two days after the question, some weeks after he had sent correspondence enclosing it, the item '*Corrigenda:*' appears in the *Hansard*, page 1696, and then we have nine amendments to the question.

I will go through some of them, because the Hon. Paolo Nocella on 3 July, which is about the same time that notice of this motion was given, made various changes. He changed the word 'or' to 'nor'; the word 'commented' to 'made comments'; the words 'and expressed' to 'expressing'; after the word 'dismay' he added the words 'at the fact'; and he made one change to the offending sentence. The original sentence read as follows:

> Mr Gardini, like me, is a former senior member of this organisation and is horrified that these activities resembled the activities of the KGB, or more appropriately the Polish UB.

The amendment that the Hon. Paolo Nocella sought to make changes it—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. A.J. REDFORD: —into this:

> Mr Gardini, like me, is a former senior member of this organisation and is horrified at the fact that these activities, that these activities resemble the activities of the KGB, or more appropriately the Polish UB.

I will be most interested to hear the honourable member's response to this contribution, but I have to ask how on earth that changes in any way the effect of what he is saying. What he is seeking to do is attribute to Mr Gardini a characterisation that this was an activity which resembled the KGB or more appropriately the Polish UB.

In his personal explanation today—and on the current version of *Hansard*, because one can no longer be confident of anything the honourable member says, given the number of changes that have been made to *Hansard*, and for some considerable time, that is, up until a month later—he said:

> . . . I make reference to a radio program which went to air at 8 a.m. on the same day. I originally listened to the broadcast on my car radio on the way to work, so it is probable that my attention was more on the road than on the broadcast.

He has listened to the tape and has found that he is horribly wrong. Instead of coming in here and saying, 'I apologise for misleading this place,' and instead of writing to Mr Gardini he comes up with that cock and bull nonsense. Later in his contribution today, he said:

> Both Mr Gardini and Mr Masi (one of the other two announcers) go to great lengths to assert that ANFE does not get involved in politics, that it is able to deal with Governments of all persuasions and that it is in fact totally apolitical.

I await his explanation with a great deal of interest. How on earth does that statement fit in with an allegation that these sorts of people were describing conduct on the part of the Government as being akin to the KGB and the Polish UB? He continues—

Members interjecting:

The Hon. A.J. REDFORD: The Hon. Mike Elliott might think this is flippant, but we will test his standards on this issue; we will test which side he falls on.

The Hon. T.G. Roberts: He was only making a contribution on the presentation.

The Hon. M.J. Elliott: Regardless of the subject, you could have done it in half the time.

The Hon. A.J. REDFORD: If I did it in half the time and did not put it all on the table, what would I get from the Australian Democrats—that I have only told half the story? You are a joke—you are an absolute joke! In any event, the obfuscation and double-dealing of the Hon. Paolo Nocella has led in no small way to a confusion within the ethnic communities about the truth of the matter. It has been done deliberately, and certainly contrary to the high moral position taken by the honourable member during the course of his maiden speech. It has caused great distress to the ethnic community.

In looking at all the information—and I have endeavoured to provide a full account of what has occurred—it is clear that the statement made by the honourable member that Mr Alex Gardini had stated that he was horrified at the activities of the Office of Multicultural and Ethnic Affairs resembled the activities of the KGB or the Polish UB is made up. It is also

clear from the correspondence subsequently sent by Mr Gardini not only that the claims were false but also that the honourable member misled the Parliament.

Thirdly, the distribution of a copy of the *Hansard* transcript to Mr Gardini was designed deliberately to mislead Mr Gardini as to the effect of what the honourable member said. So what is one to make of all this? If one reads *Erskine May's Parliamentary Practice*, 21st Edition, one will see that the learned author deals with the issue of misconduct of members of Parliament. At page 119 it states:

> The Commons may treat the making of a deliberately misleading statement as a contempt.

Further, at page 122 the learned author, under the heading 'Publication of False or Perverted Reports of Debates' states:

> A misrepresentation of speeches is also a contempt of Parliament.

Indeed, at page 129 under the topic 'Misrepresenting Members' Proceedings' the following is put in:

> Wilful misrepresentation of the proceedings of members is an offence of the same character as a libel. On 22 April 1699—

for members' benefit, 400 years ago—

> the Commons resolved that the publishing of the names of members of this House and reflecting upon them and misrepresenting their proceedings in Parliament is a breach of the privilege of this House and destructive of the freedom of Parliament.

It is my view that this clearly falls within that character. This case demonstrates a very clear breach of those principles and, as such, this motion ought to be supported.

I turn now to a contribution on a similar motion made by the Hon. Sandra Kanck on 2 July 1997 concerning the Hon. Julian Stefani. In dealing with that motion the Hon. Sandra Kanck turned her mind to the distribution of an edited version of a document. In the course of that debate she said:

> The Hon. Mr Stefani told Parliament that the people to whom he sent the edited version knew that it was an edited version. However, I wonder whether he considered it could be distributed more widely than the people to whom he sent it and how those people might interpret it if they did not know that it was an edited version.
>
> I have attempted to place myself in the position of someone who might have received that report two months ago, before this became public knowledge, not knowing that it had been edited. . . Clearly, a lot of time would have been spent doing the necessary physical cut and paste job to get Mr Stefani's version looking as it eventually did.

It seems to me that if the Hon. Sandra Kanck is to remain consistent, she has no alternative, based on that assertion, but to support the motion. The honourable member further states:

> So, in the end, I have had to ask myself two basic questions. First, is it appropriate for one member of Parliament to take the report of another member of Parliament, remove parts of it for whatever reason and then allow it to circulate when it could well be misinterpreted?

The honourable member says that because the document is marked 'extract only' that covers all. That is absolute rubbish. If the honourable member thinks that that is all a member needs to do, that is a very low standard indeed—a standard one might expect from the honourable member. I must say that if the honourable member is to apply that principle there is absolutely no doubt that the motion should be passed without dissent. Perhaps the honourable member's conduct can be considered in the light of his own comments made on Wednesday 2 July. Members might recall in dealing with the tampering of documents that the honourable member made the following statement:

> Why did he do it? Did he do it in the interests of truth and honesty? Did he do it in the interests of circulating accurate information? Did he do it in the interests of better community relations? No. He did it purely and simply as an exercise in cheap political point scoring, with the intention of generating animosity against me and defaming me.

The honourable member is condemned by his own statement. To say that the document was marked with the words 'This is an extract from the *Hansard* of 4 June' on the same page is simply not good enough. How is the recipient of such a document able to determine the context of the words used when the honourable member applies a selective editing principle? Indeed, the honourable member further stated:

> Failure to censure this man and his action would be tantamount to giving the go-ahead to him and any other member to bastardise any document, report or paper of any kind by tampering with its integrity to prove whatever they wish. Anyone could alter anyone else's document in order to corroborate, strengthen, confirm or even authenticate any point they wish regardless of the document's real purpose or meaning.

Of course, adopting the Hon. Paolo Nocella's standard of writing 'extract', it means that you are safe. You can do anything you want. You can try anything. You can delete every second word. Write 'extract' and you are right! That is the standard.

There is no doubt that the recipient of the document was misled. His reaction following receipt of that document is clearly stated in subsequent correspondence. The conspiracy between the Hon. Paolo Nocella and the Leader of the Opposition (Hon. Mike Rann) to beat up an unfortunate occurrence within the Office of Multicultural and Ethnic Affairs is absolutely disgraceful. It flies in the face of the honourable member's lofty statement in his maiden speech in relation to the bipartisanship of multicultural politics. He and his Leader have stepped into the gutter with a view to besmirch the names of decent, ordinary, hard-working citizens, and it does neither of them any credit. I urge members to support the motion.

The Hon. L.H. DAVIS: I will be short and to the point on a matter which—

Members interjecting:

The PRESIDENT: Order! I do not need help from my left.

The Hon. L.H. DAVIS: Thank you for your protection, Mr President. I appreciate it. I must say that what was said on 3 June or 4 June—

The Hon. T. Crothers interjecting:

The Hon. L.H. DAVIS: —35 days ago, was a new low in ethnic politics, particularly having regard to the events that have followed. I want to look at it from the point of view of the average person observing the events as they have unfolded. I remember very clearly the events of Wednesday 4 June. I was sitting exactly opposite the Hon. Paolo Nocella, and I remember his saying the words that are quoted in *Hansard* at page 1 497 of the official transcript. The report is as follows:

> The President of ANFE, Mr Alex Gardini, one of the organisations classified politically and described as 'a right wing organisation', this morning commented on 5EBI-FM and expressed his dismay that the Office of Multicultural and Ethic Affairs (OMEA) would get involved in this kind of activity. Mr Gardini, like me, is a former senior member of this organisation and is horrified that these activities—
>
> *Members interjecting:*
>
> **The Hon. P. NOCELLA:** —resembled the activities of the KGB or more appropriately the Polish UB.

The Hon. Mr Nocella then went on to say:

> Therefore, my questions to the Minister are:

I remember very clearly those words being spoken; I remember very clearly discussing that matter with colleagues opposite because I knew Mr Gardini, and I was surprised that he would have made comments as inflammatory as that. I have a particular interest in this matter because, between 1985 and 1989, I was the Liberal spokesperson on ethnic affairs, and it was my privilege to become quite close to people in the Italian community, given that the Italians represent by far the largest group of non-English people who migrated to South Australia post war.

Mr Gardini was someone whom I knew not only in his role with ANFE which, of course, had a particular interest in the growing importance of the Italian elderly in the community, but also for his widespread knowledge and deep interest in matters of particular concern to the Italian community in general. I always found Mr Gardini approachable, knowledgeable and very likeable. I therefore took particular interest in this question. The one thing that *Hansard* readers should know—that loyal band of *Hansard* readers in the public sector and those in the community of South Australia—is that the Hon. Paolo Nocella, whatever else one might say about him—and more of that in a moment—prepares his questions very thoroughly.

The honourable member generally makes his observations either in questions or in speeches from prepared notes. Therefore, when the honourable member made that comment—which I and colleagues of mine remember, and I am sure if members opposite had the decency they would also remember that they were the words spoken as they are accurately reported in the *Hansard*—I took particular notice of it. I remember commenting to my colleagues about its being an extraordinary matter.

However, when one finds that the Hon. Paolo Nocella, in the face of a motion, having been given notice of the Hon. Angus Redford's motion yesterday, Tuesday 8 July, writes a letter of apology to Mr Gardini dated 8 July, what is one to make of that? What is the average man in the street to say of this? I studied law many years ago, and my legal colleagues would remember that there was the man-in-the-street approach. What would an ordinary man in the street think of this? In fact, one of the tests devised was the man in the Clapham omnibus. We do not have omnibuses in Adelaide and, indeed, there was a suburb of Clapham. But what would the ordinary man think of this?

Here was an allegation made in the *Hansard*, on the public record, remembered by people as having been said and actually backed up by the written *Hansard* record on 4 June which goes unchallenged until Wednesday 9 July, when the Hon. Paolo Nocella stands up and suggests that the record of 4 June is incorrect. That is 35 days later. Now 35 days is a long time in politics: it is certainly a long time in the life of Hon. Paolo Nocella. One could never accuse him of having a rapid reaction time to this matter. One could never accuse him of overreacting quickly to a matter of such importance. One can accuse him certainly, as my colleague the Hon. Angus Redford did, of some selectivity when he sends Mr Alex Gardini on 5 June (the next day) at 4.55 p.m. an extract, which, curiously, is an 'Extract'. In fact, if the Hon. Mr Nocella wants to get on in the literature world, perhaps could I suggest his first book title should be 'Great Extractations' because this gives 'extracts' a new meaning. What he does is just slice off the top part of his explanation, which says:

> Mr Gardini, like me, is a former senior member and is horrified that these activities—

and then begins with the words—

> resembled the activities of the KGB, or more appropriately, the Polish UB.

Mr Gardini, the reasonable man in the street or the man in the Clapham omnibus, if you like, would have presumed that it was Mr Nocella's view. Mr Gardini, quite unwittingly, would have received this and thought, 'Well, this is interesting: this is what Mr Nocella thought.' the Hon. Mr Nocella then continues with a summary of the questions.

It is impossible to put any other construction on that point. When one looks at this in the light of day there can be no other construction put on this matter than to say that the Hon. Paolo Nocella has been caught with his hand in the trap as the foment has grown around him. When Mr Gardini, quite understandably, has been upset about this and the Hon. Angus Redford goes on the record to say, 'I will move a motion of censure against the Hon. Paolo Nocella,' what does the Hon. Paolo Nocella do? He fires off a letter to Mr Gardini. One would imagine that was not prepared before the notice of motion went on the Notice Paper.

The Hon. P. Nocella interjecting:

The Hon. L.H. DAVIS: Exactly, 8 July. So why did it take 35 days to apologise to Mr Gardini? Slow on the draw, is that what it is? Mr Nocella is a man of business experience. He has headed a major—

The Hon. P. Nocella: Be careful what you say and repeat it outside if you can.

The Hon. L.H. DAVIS: What have I said that is offensive? Tell me.

The Hon. P. Nocella: I was not talking to you.

The PRESIDENT: Order! If the Hon. Mr Davis wants to question he should be on his feet.

The Hon. L.H. DAVIS: I was just waiting for this massive interjection to come from the Hon. Paolo Nocella: it turned out to be a damp squid.

The PRESIDENT: Take some advice, and ignore it.

The Hon. L.H. DAVIS: Mr Nocella cannot claim ignorance in this place. He has been hand-picked by 'Mike Rann-the-man', the Leader of the Opposition, to come into this place over many other preferred candidates.

The Hon. G. Weatherill interjecting:

The Hon. L.H. DAVIS: Let me tell you what happened in your Party. Mr Weatherill apparently is now claiming ignorance about the Labor Party preselection process.

The Hon. G. Weatherill interjecting:

The Hon. L.H. DAVIS: Let me tell you what happened in your Party, George. The Hon. Mario Feleppa was respected by people on all sides of politics. I tell members that over a long period I enjoyed Mario Feleppa's company at dozens of ethnic functions, along with the Hon. Chris Sumner. There was honour amongst politicians in ethnic politics in those days and that certainly was true. When the Labor Party picked Paolo Nocella out of the blue—and Labor politicians made that quite clear, that he came from nowhere to become the front runner and ultimately the successor to Mario Feleppa—it was quite clear that he had only made this leap because he had had the special backing of Mike Rann. Not one member of the Opposition will stand up and deny that because that is the fact, and many Labor politicians have told me so.

The Labor Leader, Mike Rann, was particularly responsible for picking this one dimensional politician—full of flaws as we have seen in recent weeks—to come into this

place. I have to say, as I said at the start, ethnic politics have never reached—

The Hon. P. HOLLOWAY: Mr President, I rise on a point of order. I raise the question of relevance in relation to the honourable member's comments.

The PRESIDENT: I really think the point of order has some relevance and I wonder whether personal attack is terribly conducive to Parliamentary process but, if the honourable member can link it into his argument, I will accept it, but otherwise I will not.

The Hon. L.H. DAVIS: I am simply saying, Mr President, that this incident starting with the statement from the Hon. Paolo Nocella on 4 June, in my view, brought ethnic politics in the Legislative Council to a new low. It should be emphasised that this was not an off-the-cuff speech from the Hon. Paolo Nocella: this was a prepared question.

The Hon. T. Crothers: How do you know?

The Hon. L.H. DAVIS: Because I can read. For the Hon. Paolo Nocella to try to have the *Hansard* record corrected weeks later is extraordinary. For the benefit of readers of *Hansard*, it should be explained exactly what process occurs. The Hon. Paolo Nocella, having directed his question to the Leader of the Government (Hon. Robert Lucas) on 4 June, would have received a draft of *Hansard* (or the pulls, as it is called) the next day. He then had an opportunity during that next day, which was a sitting day, Thursday 5 June, to correct that; indeed he probably had until Friday to correct that.

The Hon. A.J. Redford: But he was too busy cutting and pasting on Thursday.

The Hon. L.H. DAVIS: As my colleague the Hon. Angus Redford interjects, he was too busy cutting and pasting. That immediately raises a point that had not occurred to me until now; that is, on the following day the honourable member was sending out a copy of what he had said. So, the honourable member was not unaware of what he had said in *Hansard*. Had he tried to correct it at that time? No. He cut out the offending bit. What would a jury of ordinary people think of that? He was not unaware of what he had said the previous day because he was busy sending it out. This prince of cut and paste was busy sending it out the next day: no attempt made to correct it. It stood as the words from the Hon. Paolo Nocella's mouth, namely, that Alex Gardini had said that he was horrified that these activities resembled the activities of the KGB or the Polish UB.

I heard the honourable member say it. He knew he had said it because he was sending it out the next day without attempting to fix it. Yet 35 days later, the honourable member comes into this place thinking we are mugs, or something, and has the temerity to tell the Chamber that he has attempted to correct the record. I have to tell you, Mr President, and again for the benefit of *Hansard* readers, that *Hansard* is apolitical: it is totally bipartisan. I have no doubt that from time to time members of Parliament do try to rewrite the record so that they do not appear in the final copy—

The Hon. T.G. Cameron: You speak for yourself.

The Hon. L.H. DAVIS: I am not speaking for myself, I am trying to speak on behalf of the Hon. Paolo Nocella and to tell the readers of *Hansard* the truth. I have no doubt that from time to time members try *Hansard* on, but *Hansard* stands firm and will not allow anything that was said to be removed or to change the context of it.

The Hon. Paolo Nocella is nodding from across the Chamber; he is now agreeing that the attempt he made to change things did not succeed and that what remains in *Hansard* is still substantially what he said on 4 June, namely, that Mr Gardini believed the activities of OMEA resembled the activities of the KGB or Polish UB. In my humble opinion as a one time law lecturer, if that remark were repeated outside it would probably make Mr Alex Gardini $50 000 richer in terms of a defamation case; but that is for Mr Nocella to say outside, and I am sure he has not had the courage to say it outside. In trying to find something constructive to say about the Hon. Paolo Nocella I am forced to say that the only good thing one can say about all this is that, by providing an extract of what he said which, of course, completely distorted what he said, he was saving paper. That is the only one good thing you could say about it: it might have saved one piece of paper to however many people he faxed it to.

Of course, to dig himself into a deeper pit, which has become the Nocella snake pit, we find that in his letter to Mr Gardini dated yesterday, written after the notice of motion of censure was put on the Notice Paper against him (and he is reacting—

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: —to the problem in a blind and desperate attempt to restore his shredded credibility; and the Hon. Terry Cameron should listen to this, because it shreds any last remaining credibility he may think attaches to his colleague), he said:

> Dear Mr Gardini,
> I have now had an opportunity to closely analyse the tape of the ANFE half-hour broadcast at 8 a.m. on 5EBI-FM on 4 June.

He wrote that on 8 July 1997. In other words, this man of action, determination and integrity has taken a lazy 35 days to give himself the opportunity of analysing the ANFE tape. It has taken him 35 days to go to 5EBI and listen to a 30 minute tape. That is how concerned he was about it. How can he defend that? I point out that Mr Gardini wrote to Mr Lucas on 8 June and said:

> The Hon. P. Nocella can check on the truth of my disclaimer by listening to a copy of the tape of the program obtained by his colleague the Hon. Mike Rann—

your man who got you here; Rann-the-man had the tape from station 5EBI-FM—

> without I might add the courtesy of informing ANFE.

So, Rann had the tape. You had 35 days to look at it, and finally on 8 July you found time to listen to that tape and to write a very lame apology to Mr Gardini.

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: It is not my problem, Mr Holloway.

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: Have you listened to it?

The Hon. P. Holloway: No I haven't, but I am not speaking.

The Hon. L.H. DAVIS: Well, why are you asking me? He's your problem.

Members interjecting:

The PRESIDENT: Order! The Hon. Legh Davis will resume his seat. There are far too many fingers being pointed around here. I would ask that members put the fingers in their pockets and use a verbal application rather than a physical one.

The Hon. L.H. DAVIS: The Hon. Mr Holloway, who has obviously been to a power dresser in recent days to give him some advice—

The PRESIDENT: We do not need personal vilification.

The Hon. L.H. DAVIS: His power dressing is not matched by his power interjections. For the *Hansard* record, Mr Holloway asked: 'Have I listened to the tape?' I have not had to listen to the tape, because the Hon. Paolo Nocella stands condemned by his own hand, voice and actions. What I have said today demonstrates that anyone who has followed this debate would confirm what I have told the Council today in that this is a new low in ethnic politics, and that the Hon. Mike Rann—the fabricator—now has fabricator junior in the Upper House. The Hon. Mike Rann obtained a copy of the tape a month ago without the courtesy of informing ANFE. When did Mr Nocella hear the tape? If he had been so concerned that he had made an error—and sometimes we do make slips; I confess that even we on this side are mortal—he could have heard that tape that day before asking the question. You could have heard it the next day; you could have stood up immediately. The very fact that you did not says more about you than your accusers. You are condemned by your own inaction. The very fact that you sent out an extract shows that you are fully aware of what you said. We heard what you said. It was reckless at the very best: it was defamatory at the very worst. I support the motion.

The Hon. R.D. LAWSON secured the adjournment of the debate.

PUBLIC OPEN SPACE BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to establish a system for creating or preserving open space for the purpose of nature conservation, environmental protection, active or passive outdoor recreation, heritage protection, aesthetics and for other purposes. Read a first time.

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

That this Bill be now read a second time.

South Australia has an enviable reputation for quality of life, and that quality of life is built on a number of things. But the focus of this Bill is on just one aspect of that, that is, an aspect which makes the city and indeed the State livable: the open space that we have, open space which offers a wide range of benefits for its citizens. However, over the life of the present Liberal Government—and in the latter stages of the previous Labor Administration—there has been an accelerating push to sell off public green space from within both our urban and regional areas. The Public Open Space Bill that I am introducing today is aimed at protecting these fast-disappearing tracts of open space throughout South Australia. The Bill seeks to address the problem through the establishment of a system for creating and preserving open space for the purpose of nature conservation, environmental protection, active or passive outdoor recreation, heritage protection and aesthetics.

When first drafted, the Bill was oriented primarily towards the metropolitan area, but there is a recognition that there are problems beyond the city and those areas which are likely to be protected within our national parks and reserve system. It has become increasingly evident that local communities are becoming vocal about the Government's cash grab through an ongoing and extensive series of land sales. This has covered land owned by a range of departments and includes everything from school ovals—as the Government has been selling schools it has been selling off the associated ovals, and in some cases existing schools are having sections excised and sold off—to land owned by State utilities such as regional water reserves.

The protection of small reserves such as the Bowker Street oval at Somerton Park and the Goodwood Orphanage land, which has been in the news in the past couple of days, is just as important as saving areas such as the Blackwood forests and the Adelaide parklands. Not only do we have to fight to save areas of open space which are already in Government hands but also there is a need in some suburbs for the creation of open space. Examples are suburbs such as Melrose Park and Edwardstown, which have virtually no urban open space at this stage. We need to come up with ways to create urban open space areas in those areas, and that is possible, but unfortunately expensive.

We must fight to save areas as the Hudson Avenue Reserve, the future of which has been threatened with the planned closure of the Croydon Park Primary School. This reserve serves a large built-up area in the surrounding suburbs. As well as saving land which offers passive and active recreation opportunities for South Australia, we have a wide range of other reasons to protect open space. The active recreation needs are quite evident. The Bowker Street oval is heavily and intensively used by junior sports teams and, when it is not in use for that sort of purpose, people get a chance to take the dog for a walk or simply to sit and relax on a patch of green within the suburbs. But, clearly, there are the more passive uses: the Adelaide parklands offer opportunities simply to sit under a tree, gaze off into the distance and to experience something of a rural setting, even though one is clearly within the city.

I remember being a Mount Gambier boy coming to Adelaide and not believing back in the old days that there were these paddocks in the city. Wire fences used to run around them, and I wondered where the cows were. I thought it quite amazing that they could have paddocks in the middle of the city. Those fences have come down in most cases—and that is a good thing—but clearly I have come to recognise that they were more than just a couple of paddocks in the middle of the city. Once one has lived in the city for a while they become important areas for mental relief as well as areas for those people who want to go for a run and get their active physical recreation from that site.

More recently we have seen some development of the open space area along the Torrens River so that, now that the area has been cleaned up, people have a chance to sit and enjoy it, walk or cycle along the stream or, if one is silly enough, try to catch a fish in some of the waterways. I am not sure I would be too keen to eat anything that came out of it at this stage, but I hope the day will come when the river will be clean enough that one might take a yabby out of it and feel confident that it could be eaten. Along the Torrens in some areas and along some other streams we are even seeing attempts to re-establish the original vegetation; and there are attempts to bring some of the natural environment—

Members interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order! While the honourable member is on his feet he is entitled to be heard.

The Hon. M.J. ELLIOTT: There are attempts to bring back into the city some of the natural environment which originally belonged to the Adelaide Plains, and that is a good thing. I would also note that, unfortunately, some land along the Torrens that was compulsorily acquired by previous Governments has now been sold off for housing development. It was originally purchased clearly for open space

purposes, but at some stage a cash-strapped Government has sold off pockets of land along the Torrens. Unfortunately, once we have lost open space it is next to impossible to get it back.

We have had a very clear example of that in the parklands, and we will be having a debate later today in relation to the old tramways site. For many years it was promised that the tramways buildings and the buses would be removed and that the area would be reinstated to the parklands and taken over by the Botanic Gardens. The former Labor Government made that promise; it removed the buses and rather belatedly work started on the clean-up. I note that, when in Opposition, the then Leader of the Opposition (Hon. John Olsen) criticised the Labor Party for not moving fast enough, and now unfortunately we will have a vote in this place where both Parties, which said they supported open space, will support establishing a wine centre on that site.

The point is that once land is alienated it becomes an excuse for it to remain alienated, and once it is lost it is almost impossible to recover it. There is always an excuse to put one more thing onto that land. The most important thing about the land is that it is cheap and a nice place to be. I can understand the wine centre, or almost any industry, wanting to be there. Hardly a company in Australia wanting an office in Adelaide would not accept an offer of a patch of land in the parklands, because it is the best place to be, just as the wine centre has realised. However, there does not seem to be a willingness to draw lines and stick by them: to say we are prepared to protect open space.

Under this Government what we have at the moment is a sell-off, with more and more open space being sold. The Government actually put out a press release a little over a week ago boasting that it had made a few hundred thousand dollars available for the purchase of open space. While it has done that it has been making simply millions out of flogging off land, but I will get to that in a moment.

It is not just happening in the metropolitan area. More recently Mount Billy watershed reserve on the Fleurieu Peninsula was under threat of being sold off by the Government. Mount Billy, which is adjacent to the Hindmarsh Valley Reservoir, is included on the register of the national estate and contains at least 421 native plant species, including rare and endangered species, but the Government wants to sell it off for cash. We may be in the ridiculous situation where another Government department will buy it. An area with totally pristine native vegetation is already owned by the department, yet another department is being told, 'You can have it but you have to pay for it.' It is an extremely dangerous precedent to set, because water reserves around South Australia contain almost as much native vegetation as there is in the national parks, particularly throughout the Mount Lofty ranges. If there is an expectation that the Department of Environment and Natural Resources has to buy them all on its very limited budget, this will blow the department's budget: it simply could not afford to buy it all.

Even worse, other open spaces are required to be bought by local government. The Mitcham council was forced to buy the only open space in the whole of Cumberland Park. It was a school oval which the Government planned to sell; it was the only open space in the whole suburb, and the Government said, 'We will put houses on it unless you buy it.' As I recall, Mitcham council was forced to pay more than $1 million to buy a patch of land that was already open space. The only way it could be protected as open space was by its being bought from the Government.

More recently it has been announced that the Unley council will pay $2.5 million to protect open space which already exists but which the Government is not prepared to make public open space. It is saying that the Unley council has to pay $2.5 million and then it will become—

Members interjecting:

The Hon. M.J. ELLIOTT: It is quite a nonsense. As I understand it, the Bowker Street oval issue still has not been resolved and that council has been told that it has to buy that land.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Bowker Street. It still has not been resolved.

The Hon. R.I. Lucas: We have saved it.

The Hon. M.J. ELLIOTT: Not officially—well, the council has not been told that yet. The Mayor is a member of Liberal Party, so perhaps he has been told.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: The council does not know. This Bill proposes to set up mechanisms to assess public land before it is sold off to ensure that suitable open space is retained for present and future generations and that what has become a money grab does not continue. I note that, in 1995, the *Sunday Mail* instigated a freedom of information request that even by that stage showed that the State Government had sold off $117 million in surplus property. That information revealed that $56.6 million of property had been sold by Government agencies in the past two years, but that property did not include property transactions by several agencies, including the Department of Transport, TransAdelaide and the Urban Projects Authority. In addition, the Asset Management Task Force sold enough surplus property in the past year alone to pay $61 million off the State debt.

Much work has been done at the local community level in an effort to stop this sell off, particularly in urban areas. Since 1993, on several occasions I have brought together these groups. I stress that it also happened under the previous Labor Government. A conference which was held at the Mineral Foundation Building was attended by quite a large number of community groups. Again, in 1996, I helped to host a further conference on the same matter. By that stage it was quite plain from the roll up that concern in the community had grown substantially, because the number of open space areas that were under threat, had already been sold or were being considered for sale by then made a very significant list. An independent coalition, formed as a peak body, represents all these groups to lobby for the retention of our open spaces. That group exists today only because of the level of concern in the South Australian community.

I will very briefly explain the Bill and its purposes. It will establish an open space advisory council. That council will not have any power. As its name suggests, it is simply advisory. I suggest that this group will need a cross-section of people with relevant knowledge and expertise, but that at least two of those persons will be nominated by the Local Government Association, which has a keen interest in the issue, two will be nominated by the Conservation Council, and three will be nominated by the Minister, one of whom at least will represent the interests of sporting groups, which is one group with an active interest in this area. In terms of the conditions of office, etc., the clauses are all pretty standard.

Clause 10, which is the next important clause, relates to the functions of the advisory council. Those functions are:

(a) to advise State and local government on appropriate policies for the creation and preservation of public open space; and
(b) to recommend criteria for assessing whether land should be preserved as public open space; and
(c) to recommend standards to govern the management and use of public open space; and
(d) to identify areas in which there is insufficient public open space; and
(e) to recommend the allocation of funds available for the establishment or management of public open space.

I hope that members can see that it has an advisory role. It is trying to establish criteria against which we can assess whether or not a piece of space should be protected. Having established those criteria, the council would make recommendations to Government on their protection.

Having established the advisory council, the next important measure in the Bill concerns the concept of public open space. I am seeking to establish a system which has the same level of protection as national parks. In other words, once land has become public open space, it cannot be removed other than by a resolution of both Houses of Parliament. More importantly, it addresses the question as to how something becomes public open space.

The Minister may have received advice from the advisory council and if having received advice that certain land would be suitable for public open space the Minister believes that it should be, the Minister has the discretion to declare land to be public open space. A local government council can make a similar declaration. Such declaration would then be made within the *Gazette*. Having been declared, the land has the protection of public open space and would be incorporated under the development plan as public open space.

There is also a need for a period of public consultation, and I have outlined the process for that in clause 13. I make it quite plain that the advisory council cannot tell the Minister or a council what it must do: it can simply provide advice. It is the Minister's or the council's discretion whether or not to decide to make something public open space. I note that local government already has the ability to declare reserves which can only be removed by a resolution of Parliament, so that provision is not new. However, there is no system under which the State Government can do so, except in relation to national parks, and this Bill refers to more than national parks.

Once land has been declared public open space, there needs to be some level of protection in relation to the way it is treated. Clause 14 makes provision for the way in which land can be developed and makes it plain that it can be developed only in a way that is consistent with the preservation of its character as public open space. As I said, having been declared public open space, revocation can occur only by a resolution of both Houses of Parliament.

Let us say hypothetically that the parklands of the City of Adelaide were incorporated as public open space. Would that give absolute protection? No, it would not. This Parliament has shown that it is possible for a motion to be passed to allow construction in the parklands, and that is precisely what is happening with the National Wine Centre. If that land had been incorporated under public open space, Parliament could remove it from public open space, and that is what will happen. I have opposed that on principle, the principle being that, if we are not prepared to draw a line and stop nibbling away, we will always want to put one more thing there. Some people might not agree with that, but that is the position that I have taken.

The very fact that such development will occur with the approval of Parliament demonstrates that, once land is given a high level protection, it can still be removed from the system. My point is that it cannot be done arbitrarily: it will need the approval of Parliament. That is a good thing. As I have already said, the amount of urban open space in Adelaide is diminishing very rapidly, and we will get caught by surprise. We have taken it very much for granted, but we are losing it quite rapidly, and I am sure that people will want to see that line drawn in the sand, and it will only be for very special reasons that such land is removed.

At Glenelg, some urban open space in Wigley Reserve is to be alienated for development. My major objection to that alienation is that the council has been asked to hand it over for free. In my view, the developers should buy that land, and the council could use that money to purchase or develop some new open space elsewhere, and it does have a shortage. Council is battling to find enough money to widen Sturt Creek and return it to its natural state. If developers at Glenelg were forced to pay for some of the public open space that they will get for free, the council could use that money to create some public open space where it is genuinely needed in some other location. That was my main objection to the proposal—that the public open space was to be given away, without the potential to use that money to retain the balance of open space, which is desperately needed elsewhere. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 6 to 7.45 p.m.]

UNFAIR DISMISSALS

Adjourned debate on motion of Hon. R.R. Roberts:

That the regulations under the Industrial and Employee Relations Act 1994 concerning unfair dismissals, made on 29 May 1997 and laid on the table of this Council on 3 June 1997, be disallowed.

(Continued from 2 July. Page 1623.)

The Hon. R.R. ROBERTS: I rise to conclude my remarks on this motion. I commented in my preliminary remarks that for the first time we are seeing here, in the Australia that prides itself on being the country of a fair go, a situation whereby members of the community who may well have been dismissed unfairly will be denied the opportunity to have their case heard. These regulations deal specifically with changes to the unfair dismissal provisions under the Industrial and Employee Relations Act 1994 and are part of the package currently being considered by the Parliament under the Industrial and Employee Relations (Harmonisation) Amendment Bill 1997, which Bill has passed the other place and is now on our Notice Paper. The Hon. Dean Brown, in his second reading explanation of the Industrial and Employee Relations (Harmonisation) Bill on 28 May (*Hansard*, page 1449) stated:

This Bill is the first stage of measures to be taken by the South Australian Government to harmonise the State's industrial relations system with the recently enacted Commonwealth laws. The Bill also deals with a number of measures required for the efficient operation of the State's industrial relations system.

One of the significant changes to be implemented under this Bill is the changes to the unfair dismissal provisions currently established under the Industrial and Employee Relations Act. The Hon. Dean Brown, in the same speech in another place, stated:

> The objective of these amendments is to ensure that (in general terms) the same sorts of employees who may have access to the Commonwealth system established by the Workplace Relations Act 1996 are the same sorts of employees who are able to access the State unfair dismissal system.

The central problem that we have with these changes, notably the regulations, is that the Liberal Government has bypassed the parliamentary process as part of the above changes and decided to regulate part of the unfair dismissal changes. The Industrial and Employee Relations (Harmonisation) Amendment Bill is aimed, among other things, at allowing an employee to make application to the South Australian jurisdiction, with the exception of non-award employees earning greater than a prescribed amount and the employees who fall into one of the groups excluded by regulation from making an application, and that is also in the Hon. Dean Brown's second reading explanation. Even the Hon. Dean Brown in his speech acknowledges that these changes are to be implemented by regulation.

This means that, in effect, the Liberal Government has already introduced the regulations, which is the reason for this disallowance motion today, as part of the legislative package for the harmonisation of the State-Federal legislation, even though this Bill has not gone through the Parliament. The Liberal Government has done this by using the original Industrial and Employee Relations Act 1994. It is not even game to use the Act before the Parliament. Even these new changes to unfair dismissals are part of the package currently before the Parliament as part of the Industrial and Employee Relations (Harmonisation) Amendment Bill. We see this as a threat to the parliamentary process.

The changes made by regulation detail the types of employees that are exempt from making an unfair dismissal claim. We believe that these changes should have been dealt with in the Harmonisation Amendment Bill and allowed to proceed through the appropriate parliamentary channels, allowing a full and frank debate on the issues, especially the changes allowing small business employers to be exempt. I intend to come back to that issue, because what we are seeing here is a repetition of the events that happened in the Federal Parliament, when Minister Reith introduced a new Bill for the control of industrial relations. He also introduced regulations to try to exempt certain classes of employee. There is a bit of a myth in this proposition, and it shows up in the second reading explanation by the Hon. Dean Brown, when he states:

> The objective of these amendments is to ensure that (in general terms) the same sorts of employees who may have access to the Commonwealth system established by the Workplace Relations Act 1996 are the same sorts of employees who are able to access the State unfair dismissal system.

In reality, quite clearly what the regulations talk about are not the people who will have access. They give a false illusion that someone will make a gain, but the regulation in relation to unfair dismissal, regulation 10, number 1, provides:

> Pursuant to section 105(2)(b) of the Act, the following classes of employee are excluded from the ambit of part six.

So, far from being some measure to provide inclusion and coverage for more workers, it ensures the exclusion of a large number of employees from seeking relief—not getting relief, but seeking relief before an independent arbitrator. As I have said before, in this debate and in others, this is not about a fair go: this is about grabbing as much as you can for your mates. When the Senate considered these matters, with the support of the Democrats, the Greens and the Independents in another place, it rightly saw that this was an unfair situation and threw it out. It is to the credit of the Federal Minister for Employee Relations (Peter Reith) that he has taken the message from the Senate, has brought back another Bill and is prepared to follow the correct parliamentary process.

It is clearly a dangerous situation when these regulations come in, given the history of this Parliament and this Government, in particular, and the way in which it handles and the contempt that it shows for the Upper House in this State, whereby on a number of occasions we have dismissed regulations only to have them introduced the next day under section 10AA(2), when the Minister says that in his opinion 'it is necessary or appropriate that the following regulations come into operation as set out below', which is always the same day. Some of the objections to the unfair dismissal regulations are these: first, that the following classes of employees are excluded from the ambit of part 6 of chapter 3 of the Act. Subsection (a) notes employees engaged under contract of employment for a specified period of time, for a specified task, except where a substantial purpose of engaging an employee under the contract is to avoid the employer's obligations under part 6 of chapter 3 of the Act.

So, it does not matter how harsh, unjust or unreasonable the dismissal may have been: if they were employed for a specified time to do a specified task, they are denied access to the umpire hearing the case. Our objection to this clause is that no definition is provided for a specific period of time. Does this mean that a person is engaged for a specified period of time if they work for six or 12 months? As members would be aware, a great number of public sector employees are now no longer employed permanently but are employed on one or two year contracts. These regulations clearly exclude them.

Secondly, this exclusion further applies to employees serving a period of probation or a qualifying period of employment, provided that the duration of the period or the maximum duration of the period is, first, determined in advance; secondly, is three months or less; or, if more than three months, is reasonable, having regard to the nature and circumstances of the employment.

This part of the regulation does provide a period of probation of three months, and it also provides that an employer could stipulate six, 12 or 18 months' probation. An employer could nominate his own probation period. The problem with this part of the regulation is that the period of probation is very much up in the air and would involve considerable cost in the commission to mount legal arguments as to whether any period more than three months was reasonable.

Thirdly, an exemption applies to those people 'on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months'. This means that all casual employees are excluded. As one can gather from the content of this regulation, casual employees who are employed on a regular and systematic basis are covered. A number of casuals in various industries would not work on a regular and systematic basis, so those persons would fall outside the scope and would not have access to an unfair dismissal application.

Fourthly, the exclusion further applies to employees of small business employers, except where the employee was first employed by the employer prior to July 1997, or the employee has been employed by the employer for more than 12 months or on a regular and systematic basis for a sequence of periods of employment during a period of more than 12 months. That means that anyone who has not been employed

for more than 12 months and who is engaged by an employer from today has no right to unfair dismissal legislation.

Members can see the point of my accusation: that this is not about employees accessing the umpire's decision. This regulation denies access to the umpire's decision by people who would normally have such access. My point about this section of the regulation is that if a person was engaged in employment today and was sacked tomorrow, irrespective of the circumstances of the dismissal, and the employer had 15 or fewer employees, that person would have no legal redress unless they wanted to take a breach of contract action before the Supreme Court and pay huge legal costs to make out such claims.

I would like to outline some criticisms of the rationale behind these regulations. The Government has stated that these regulations will help create jobs. Let us look at the statistics. Unfortunately, the Industrial Relations Commission does not keep statistics as to the number of employees who file applications for unfair dismissal and who work for employers with fewer than 15 employees, or who have been employed for fewer than 12 months, so it is very hard to make a comparison. The Federal Court does keep statistics on this. In fact, in 1995-96 the Industrial Relations Court's annual report shows that small business had fewer unfair dismissal claims than other employers.

The number of unfair dismissal applications taken as a whole are less than 2 per cent of all monthly involuntary terminations. That figure is an indication of the sorts of people with whom we are having problems—less than 2 per cent. Because of that, the logic goes that we deny a range of other people access to justice.

The Minister's and the Government's claim that by ridding small business of unfair dismissal regulations a jobs boom will be created is obviously an absolute nonsense. One problem with this legislation is the lack of definition that is being given to key phrases such as 'small business'. We know that this is defined as having 15 or fewer employees, but we do not know whether this classification includes casual or full-time employees. It may be that some employers will split their entities into smaller groups and, by having fewer than 15 employees, can avoid any unfair dismissal procedures that may arise.

Another criticism to be levelled at this Government concerns the claim that the legal costs and the costs awarded against the employer have been outrageously high. Obviously the Government is not fully versed on the levels of compensation. It would find that an award of compensation for an employee of less than 12 months standing rarely exceeds two to eight weeks of wages.

My colleague in another place, Mr Ralph Clarke, said this when speaking about Peter Reith:

> I return briefly to what Peter Reith, the Minister for Industrial Relations, had to say before the last Federal election about protecting employees from capricious dismissal. On the ABC *Daybreak* program of 28 February 1996, Peter Reith said:
>
> 'Look, our position's very clear. If you've been unfairly dealt with at work, then you should have a right of appeal.'
>
> All we ask Mr Reith [and indeed the Hon. Dean Brown] is to honour his word and not rat on it by bringing in exemptions for small business.

We ask that this Government honour its commitment to the unfair dismissal process. We have had long and tedious speeches this afternoon. I have other information which I will later read into the *Hansard* from academics and other people who have written on this subject. I also draw members' attention to the very good document in the form of a letter by Professor Andrew Stewart of the Flinders University of South Australia when he wrote to Dean Brown outlining his concerns about this Government's handling of unfair dismissals in South Australia. I could go through that at some length, but I have some regard for the time.

I conclude this motion for disallowance by quoting from the *Sydney Morning Herald* of 27 June 1997. The Democrat spokesman on industrial relations, Senator Andrew Murray, was commenting on the Senate's decision to uphold the right of workers who have been harshly, unjustly or unreasonably dismissed. The Senate, with the support of the Opposition, the Greens and the Independent Senators Brian Harradine and Mal Colston rejected the regulations. The Democrat's industrial relations spokesman, Senator Andrew Murray, said:

> The purpose of the Government's regulation—

the Federal Government in this case, but it applies equally to this legislation—

> was 'to allow small business to sack employees unfairly.' 'To allow the regulations to stand is to create two classes of workers: 1.6 million workers—

and he is talking Federal figures in this instance—

> in small business who would have no right to challenge an unfair dismissal, and the 6.8 million workers who would.

Clearly, in the Federal Parliament, and I hope in the State Parliament, there is a fundamental position that acknowledges the Australian psyche and the Australia way of life about a fair go. These regulations are about reducing people's rights. I do not think Governments are here to reduce people's rights: Governments are here to protect their rights. We are also here to protect natural justice, and these regulations do not do this. That is bad enough on its own, but I counsel members in this place to recollect this Government's history in respect of disallowance of regulations, and some that come to mind include net fishing, water rates and Housing Trust tenancies.

The Government was defeated in the bicameral system in this place but introduced those regulations and dismissed the objections of duly-elected members of the public by saying, 'Well, that is only one House of Parliament.' The Government has the numbers in another place and its arrogance overcomes it. It wants to destroy long-established unfair dismissal procedures and deny South Australians the right to have their cases heard before an independent umpire.

In terms of harmonisation, it is their view that it is all right for 16 year olds who either will be forced to go back to school or to go to work for an employer. One can imagine a 16 year old negotiating with an unscrupulous employer and, in many cases, these people are females. We could have a situation where that employer might be 'Mr Touchy-Feely' and, if that employee objects and is then sacked, she has only two alternatives. Normally members would expect that she could go for an unfair dismissal before the Industrial Commission or through the trauma of a sexual harassment case. That is an outrageous situation. I do not think that the young and vulnerable in our working community ought to be subjected to this: they are entitled to a fair go. All the Government wants to do is to give the employer, however wrong he may be, complete immunity.

This is about a fair go and I ask the Hon. Mike Elliott, in particular, to join with the Opposition and reject this legislation. I have full intention of expanding arguments when we come to the Industrial and Employee Relations (Harmonisation) Amendment Bill which is also on the Notice Paper. I conclude my remarks by asking all members to join with me and do the honourable thing—throw this legislation out.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

PUBLIC OPEN SPACE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1766.)

The Hon. M.J. ELLIOTT: Just before dinner I had virtually concluded my speech and I just want to round off very briefly. I do not expect a vote on this Bill in this session with only a couple of weeks left, but I did think it was important to introduce the Bill to allow it to go on to the public record to allow public comment. It is my intention when Parliament resumes in the new session—whether it is before or after the next election—to reintroduce this Bill potentially in an amended form after I have had responses. I contend that our current approach to open space is *ad hoc*. There is no one Minister who has the responsibility for open space. I suppose, in a formal sense, one might argue that it is the Minister for Housing and Urban Development, but the reality is that decisions to sell much of our open space are not being made by that Minister but are being made under another department.

Once a department declares land to be surplus it then, as I understand, falls to a group working under the Treasurer and, at one stage, even with the Minister for the Environment and Natural Resources. The point is that there is no one Minister responsible for open space, assessing what our needs are and whether or not particular bits of lands should or should not be retained. Unfortunately, there are no criteria against which we can measure whether or not land should be protected or whether the Government might indeed choose to sell it. If there was a criterion, I suppose I would have to argue that that appears to be how much it is worth and what will we get for it. If there was a second criterion which might apply it would be: is it in marginal seats and how loud are they yelling? Those appear to be the major tests at this stage as to whether or not the land will survive. Although, perhaps one extra test is: is the local council prepared to pay for it?

I would argue that we in South Australia can do better than that. I do not want to be in a position later on of regretting that we have gone too far and, as I argued earlier, I think we very nearly have at this point. Certainly, some land that is being sold should not have been sold. All this Bill seeks to do is at least to get some sort of coordinated approach in terms of decision-making on open space. It is worth noting that virtually all the open space, in the metropolitan area at least, is in the hands of State or local government and there are only a few exceptions. Two notable exceptions are the CSIRO land at Flagstaff Hill, which is Commonwealth owned, and the Minda owned Craigburn Farm, but they are very much in the minority. The vast amount of open space is in Government hands. I also make one other observation; that is, a fair amount of private land is owned in the hills face zone. I am aware that right now the Tea Tree Gully council is under enormous pressure from some quarters to rezone hills face zone land as well.

This Bill, in the first instance, is not directed at that: it is directed primarily at land that is already owned by State and local government. However, I would hope that, if it identifies privately owned land or Commonwealth owned land, there could still be action. Clearly, if it is privately owned, the action would be to use funds to purchase such land so that it might be protected. I do note that there are funds available for the purchase of open space, but there is not a single fund but a couple of different funds. I do not believe that they are coordinated in terms of their approach and, unfortunately, some of the moneys are being misspent.

Only recently I received a pamphlet from the Department of Housing and Urban Development and I was quite shocked to read that open space funds, as I understand about $700 000, were used for the construction of a visitors' centre at the Monarto Open Range Zoo. I am a very strong supporter of the Monarto Open Range Zoo—and I have personally made donations to the Marla wallaby program, but I cannot see how $700 000 on the visitors' centre at Monarto Open Range Zoo could be deemed to be expenditure on open space. It is a worthy cause, but surely not from that fund, particularly when one realises that there is open space being sold off right now that needs protection. I really do have to question the priorities of the spending of that fund and it is a reflection of the fact that there has not been proper and due coordination of those funds up until now.

In simple terms, this Bill seeks to offer a structure within which we can coordinate South Australia's approach on open space. The South Australian community is making quite plain that it does appreciate it. It has been a sleeper issue for some time, but I have had conversations with quite a few members of Parliament, both Liberal and Labor, who are all conceding that they have been surprised by the strength of feeling in the community on this issue and it is one that is growing very strongly. Unfortunately, the feeling is growing because people are seeing increasing amounts of land sold off and there is increasing concern. I have indicated that it is my intention to reintroduce this Bill in the next session of Parliament. However, at this stage it is on the table and available for public comment and I welcome any responses that members might make before this Parliament rises. I urge all members to support the second reading.

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

JOINT COMMITTEE ON LIVING RESOURCES

Adjourned debate on motion of Hon. Caroline Schaefer:

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

(Continued from 4 June. Page 1510.)

The Hon. T.G. ROBERTS: I support the motion to note the tabling of the final report of the Joint Committee on Living Resources and inform those members who are unaware of the hardworking committee that was locked away for some considerable time to put this report together. The executive summary states that:

> South Australia's environment and South Australia's economic well-being can no longer be portrayed as counter-poised, one balanced against the other; they are interdependent. Sustainable development (development that meets the needs of present generations without compromising the needs of future generations) has the potential to integrate social, economic and environmental considerations, and thereby emphasise the qualitative aspects of development, in the decision making process.

That is a very wordy way of saying that, primarily, societies need to take into account the fact that the environment needs to survive so that future generations can survive and that we need to have a balanced view on the exploitation of our resources so that current generations do not assume responsibility for the exploitation of all our economic resources and

then leave future generations to survive with little or no resources after a few very greedy generations have taken the lot.

It is a timely report. If you look at the introduction, the Minister has signed off on the executive summary, and you have to read into the introduction to find the compilation of the committee, although I am sure that most members will read the committee's report from cover to cover. They will find that those members of the committee—the Minister for the Environment and Natural Resources, David Wotton (Chair), Mr Malcolm Buckby, Mrs Robyn Geraghty, the Hon. Michael Elliott, the Hon. Carolyn Pickles (whom I replaced on 11 October 1994) and the Hon. Caroline Schaefer—made up a composite committee of three Parties. Although there was some discourse, debate and argument over some points, even though we come from varied backgrounds and hold different positions within out respective Parties, we were able to agree to the major content of the report and to come away with a balanced report without compromise.

Some ground was given by everyone, but we came away with a report that not only this Government but future Governments can look at and use as a model. I hope that the current Government uses it as a platform during the next election for its environmental program and makes a commitment to it for the next four years. If we are elected as an alternative Government we will certainly make a commitment to the people of South Australia. The outlines and intentions of this report will put us in good stead for at least another decade if we are able to frame legislation that reflects some of the recommendations made in it. The terms of reference were:

(a) to inquire into the future development and conservation of South Australia's living resources;
(b) 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;
(c) to recommend how this report could be incorporated into a State conservation strategy;
(d) to give opportunity for the taking of evidence from a wide range of interests including industry, commerce, the conservation representatives as well as Government departments and statutory authorities in the formulation of the report; and
(e) to report to Parliament with its findings and recommendations by December 1994.

December 1994 has certainly passed us by. We held a parliamentary discussion day in the other Chamber and invited a lot of key people who are leaders in their fields to gauge opinions. It could be held up as a progressive way of formulating community policy before getting policy development on many issues that will lead us into the twenty-first century and of putting together recommendations that will, hopefully, frame legislation well into the next century. We were able to identify a number of issues as starting points for the decline of the environment since white settlement. We were able to put together some recommendations for revegetation and reclamation as well as for future protection.

Where exploitation and development clashed with environmental protection, the argument put forward inside the committee was that development would continue based on best scientific evidence for the protection and/or reclaiming of the environment so that future generations could be a part of any consideration of exploitation of development projects where there were some arguments about possible degradation of the environment. There was also a lot of consideration about future education of younger people about the environment through the curriculum, and to make sure that Government actions and the community were linked together so that before major projects were given the go-ahead there was an educative process which analysed the best scientific evidence, that made sure that the principles of sustainable development were spelt out, that protection of the environment was paramount and that you could have in some cases environmental protection and enhancement running alongside development. Where that could not be shown, where environmental degradation and the integration of a development policy in step with the environment could not be argued on best scientific evidence, caution should be shown by Governments in giving licence to those projects that may degrade the land or make environmental conditions much worse.

Australia and South Australia are very fragile land masses. We have a problem that other States do not have in that large areas of our State do not have quality and quantity of water, that an expanding mineral exploration search and development program is running and that care should be taken to ensure that our natural resources are protected. A number of key projects are running in South Australia at the moment in the mineral exploration and development area that are linked into a very fragile area of our State, that is, tapping into the artesian basin and into other areas of the fragile earth.

For those who would like to read this report and use the principles espoused in it, I point out that you can have development but not at any cost. Basically, the price you pay is that you give a commitment for the protection of the environment while the development projects are put in place. There was a lot of discussion about getting a biodiversity starting point in order to recognise any future degradation and to put together a program where we could measure degradation. Recommendation 6 provides:

> 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.

The previous Government and this Government have given a commitment to benchmarking a conservation strategy based on a biological survey program. It has commenced and is moving forward, although at a very slow rate.

Part way through an inquiry that the Environment, Resources and Development Committee conducted into the damage caused by an oil spill in Spencer Gulf, when a ship was holed and spilt oil washed onto the eastern side of the gulf near Port Pirie, it became quite clear that when claims were pursued by fishers for damage to their stock (and they were within their rights to do that) no-one really knew the potential for damage. I am giving this only as an illustration, because no biodiversity benchmark starting point had been drawn.

So, conservationists really have to wrestle with the position of putting a dollar value on the environment and marine and land based resources. Conservationists have been wrestling with the issue of whether we must establish in the community the principle of putting a dollar price on the economic value of our biodiversity.

The philosophical argument that is being wrestled with at the moment is whether we put a dollar value on protecting biodiversity or put forward an economic rationalist argument, assessing the worth of exploitation and the return to the State against the value of completely protecting that biodiversity and resource by non-exploitation, declaration as wilderness or reserve, or partly exploiting it. Those are issues with which communities as well as Governments must wrestle, and

certainly communities must give an indication to Governments that, for example, in some cases we cannot place a dollar value on a threatened species.

Are communities prepared to trade the harm or potential harm that could be caused to threatened species by a development? The development may be a gold mine—although they are not very fashionable at the moment since the Government sold off the gold stock—but what value do we put on a national park or reserve and a threatened species when a community may want or need to exploit the potential mineral value of that reserve? Who has the right to decide that? Does local government or the State Government make that decision on behalf of its constituents? Does the Federal Government step in and say, 'No, you cannot exploit that resource, because the potential cost of that exploitation will be that three or four threatened species will be wiped out'? Who makes that judgment?

They are the questions with which communities must wrestle and to which they must bring back answers to members of Parliament so that we can show some leadership. I have a view and, although it is not one that would be shared by every member of the committee, it is one of those questions that must be answered by communities in conjunction with their members of Parliament, and members of Parliament must represent those views here in framing legislation.

Nation States also have responsibility to international organisations and treaties, as well as for protecting biological diversity for the international community. So, those questions are fairly major issues that need to be wrestled with. The committee has done a good job in putting together a document which states that a biological benchmark must be established and that a State survey needs to be done. The extension of that would be for an international benchmarking and biological survey to be completed by all States, or by the Commonwealth in conjunction with all States, so that we can get a full picture of exactly what we are talking about in terms of protecting our fauna and flora and what sorts of trade-offs communities are prepared to make when deciding what potential riches can be found and exploited, in deciding what percentage is returned to the State through taxation or royalties and, indeed, in deciding what benefits private companies are able to get out of that exploitation.

I would pose a question that all citizens need to contemplate, namely, that, if we are willing to trade the loss or the harm that may occur through wiping out or at least threatening species through challenging the biodiverse structure of an area, we would have to work out exactly what returns and benefits are being made to a community. That argument must be carried out using the best scientific evidence available to Governments so that departmental recommendations can be formed and political decisions made, hopefully with the benefit of Governments and Oppositions agreeing so that we develop a policy which is in line with the principal primary interest of environmental protection.

Another area on which the committee wrestled and came away with a good policy (although the Government is working slowly towards legislation) is happening in the community at the moment with guidance and sensitivity. In this respect, I refer to the exploitation of our native flora and fauna for human consumption—the trade in our native plants and animals and the growth in the use of our native species for restaurateurs and home consumption.

There is an increasing use of our kangaroo meat—in fact, we have it on our parliamentary menu at the moment—and the exploitation of native species using domestic farming methods as opposed to taking them from the wild. At the moment we have a little of both. Some species are being harvested from the wild for culling purposes and are then traded into the retail sector for human consumption. We also have some domestic farming of native animals, and a good case in point is probably emu, the meat of which is being exploited far more widely than it was a decade ago.

I remember Kym Mayes having an emu meat eating trial in Centre Hall at Parliament House to convince us of some of the benefits in changing the legislation to allow for the domestic harvesting of emus. That sort of increase in the exploitation of our native species is taking place and legislation supports those practices. Now we are moving towards the further exploitation of our native flora species, and the report makes some recommendations as to how we ought to approach that issue, with the necessary safeguards in place. On other occasions in this Chamber, I have raised the issue of the use of our native flora for essential oils, providing job opportunities for young people and Aboriginal people in isolated regional areas. There is no reason why they cannot also be used in the metropolitan area and larger regional centres. If it is handled correctly, the exploitation of our flora can lead to job opportunities for young people.

The Port Adelaide Flower Farm was an unfortunate example, and the Hon. Mr Davis and others attacked the concept and the project failed. Restaurants are advertising and marketing the use of our natural resources, including our meats. A food tasting festival which is to be held in Adelaide in October is being promoted on the exploitation of our native foods, and some of our flora is used for eating, as well.

Not only does it make good sense to protect and rehabilitate some of our dry land areas to develop our native flora for food but also the identification of a lot of our species can lead to employment opportunities and growth in regional areas. The protection of species is also very important and we must be very careful about collecting seeds from the wild so that we do not abuse our native flora. The same must be said of our native fauna. We must not take too many wild native animals and use them in a way that stops their genetic strength from occurring naturally.

Answers to such major questions are contained in the report. Mention is also made of ecotourism, and recommendations are made as to the exploitation of our environment for ecotourism while protecting it. The report also identifies action, so it does not become a dead report. It is a live report where actions have to manifest themselves out of the recommendations that have been made. I recommend it as a good read to members and suggest that, during next week's break, they take it away with them. They will find that, whatever their responsibilities in Government or Opposition, it contains food for thought about developing policies for environmental, employment and recreational uses. I would have liked more time to elaborate on other points in the report, but I will not do so tonight.

However, I pay tribute to the secretary of the committee. Jackie worked very diligently over a long time and had to put up with a committee that was intent on working hard but made it very difficult for her. I also thank the Minister who chaired the meetings in a bipartisan way and all the committee members who made it easy for me as a committee member to enjoy the meetings. The witnesses who gave evidence were all very informative and interesting. I commend the report to the Council and I support the motion.

The Hon. R.D. LAWSON secured the adjournment of the debate.

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.

(Continued from 2 July. Page 1643.)

The Hon. R.R. ROBERTS: I oppose the second reading of this Bill. I have been in this place for nine years and in those years I have watched the parliamentary performance of the Hon. Anne Levy with great admiration. In my view, the honourable member is a diligent politician. She has learnt her craft in 20 years. She is persistent, she is tactically wise, and I pay great tribute to her work ethic. However, I completely disagree with this measure but I acknowledge the right of the Hon. Anne Levy and all other supporters of this Bill to hold their point of view.

It is worth while looking at the history of this subject in this place over the last three or four years. It seems like only yesterday that we debated the palliative care legislation. I make very clear that, in most instances, I am a supporter of the pro-life movement. I do not support capital punishment. I do not support the death penalty. I do not support abortion on demand. I respect the laws of South Australia where that procedure is available to people who meet the criteria because that is their right. They have different views from me but it is a lawful process. The difference between my personal views and the law poses a dilemma for me but, as a legislator, I respect the law.

When the palliative care legislation came before Parliament, I had a great deal of concern about some of its major amendments. We made changes to give people a living will, that is, the right for a patient in the final stage of a terminal illness to say 'Enough is enough. Give me some relief.' The amendments allow treating doctors to provide comfort to dying patients and we made sure that those medical practitioners were protected from legal suit if that treatment resulted in the death of that patient in the terminal stage of a terminal illness.

During those debates we were constantly told, 'This is not a euthanasia Bill.' That was repeated time and again in my ear, simply because I sit in this seat. I think that the Legislative Council on that occasion made wise decisions. Pro-euthanasia supporters will always say when questioning people, 'Do you agree that a dying patient, suffering badly, in the terminal stages of a terminal illness ought to have some relief?' The obvious answer to anyone with an ounce of humanity, is 'Yes.' So, these people select the question very carefully, and then they say, 'People are in favour of euthanasia.' No: what people are in favour of is a patient in the final stages of a terminal illness seeking some relief—and they have that relief. I contend that the legislation for palliative care that we have in this State fulfils all those requirements.

Within what seemed weeks of having passed the legislation, what has been called the Quirke euthanasia Bill came before the Lower House of this Parliament. After a vigorous debate and the usual round of lobbying that we all, including members of this place, had, the Bill was soundly rejected.

The Hon. R.I. Lucas: What was the vote?

The Hon. R.R. ROBERTS: I can't remember the vote but it was soundly rejected. The next step was the Andrews Bill that was introduced into the newly elected Parliament: the newest form of community consensus of this country; the latest expression of the will of the people of Australia. I think they got some of it wrong, but that is the democratic system. Again, it was comprehensively rejected. The matter was then taken up in the Senate, fully debated again and rejected. The pro-euthanasia people have taken some comfort because the vote was much closer, although it was still defeated. With the ink hardly dry on the palliative care legislation even at this time, we now have what is colloquially known around Parliament House as the Levy Bill.

I was not enamoured of the Bill introduced by my colleague in another place, John Quirke. That is understandable, because I have made it very clear that I am opposed to euthanasia. My judgment is that this Bill, introduced by my good colleague the Hon. Anne Levy, is a much worse Bill. In fact, commentators, colleagues of mine in another place who have supported the John Quirke Bill, tell me that in their judgment—and I agree with them—this is the worst euthanasia Bill they have ever seen. It is ironic—and I am assuming that you, Mr President, would be aware of the argy-bargy and the lobbying that has been going on—that this Bill should be recognised almost universally as the worst euthanasia Bill that has been introduced into the Parliament. I am told by others that the numbers are very tight.

I will not go into a long debate on the merits of John Quirke's Bill as opposed to this Bill, because I did not support that Bill. One could go into a lengthy debate about the examples that have been put before me, as I am sure they have been put before every other member of this place, by the lobby groups. We have all had the hundreds of letters and the phone calls and we have all done our own research. One could draw on a body of evidence, but I merely say this: if you want a good encapsulation of the merits of euthanasia, you need look no further than the contribution made last week by the Hon. Carolyn Schaefer.

I seldom heap praise on members of the Government, but the honourable member's contribution is probably one of the best contributions I have heard in my time in this place. She made one particular point, which I think is the key to the judgment of this Bill. The press, often trying to judge what they believe to be the will of the community, puts tags on. Today in the *Advertiser* there was a reference to the 'right to die Bill'.

The Hon. Carolyn Schaefer pointed out in her contribution last week that this is the 'right to kill Bill'. This is not the right to die: this is not the right of terminally ill patients, because we have that covered in the palliative care legislation. That statement by the honourable member is the key to the judgment. I do not support the second reading.

When there is a Bill before the Parliament it stimulates community discussion. I am sure that some members of this place have lost a dear one very close to them. I understand that the Hon. Anne Levy is in that position. She has had the personal experience of watching someone fade away and die in pain. We all abhor that. I have had personal experience: two very good friends of mine have suffered from cancer, and they were both nursed by their wives in their homes. I have nothing but the utmost respect for the work that has been done by those two ladies. They are both dear personal friends of mine and I feel for their situation. It is very difficult to sit with these people and argue a case against euthanasia. They have actually watched people die painfully. I respect their rights, and when they say to me, 'I believe in euthanasia: I don't want it to happen to me', it seems pointless to try to debate the point that the palliative care legislation actually makes, because the palliative care that is provided in this State and in many States in the rest of Australia is abysmal.

Governments of all persuasions pay great lip service to palliative care, and take very little action. Some of the conditions under which palliative care takes place in Australia are quite degrading. There is no privacy. In my home town of Port Pirie people concerned about palliative care provisions in Port Pirie went on a fundraiser. This is in a civilised society with a Government that says it cares about the people. They raised $40 000 to improve the palliative care services in the Port Pirie Hospital. One can only commend their activities and congratulate them on their work, but you have to ask yourself: is this a reasonable situation in a civilised society where, to get some palliative care service and dignity for the dying in South Australia, we have to go for the chook raffle and round up the money?

I understand that the Minister for Health is a supporter of euthanasia. It is a terrible situation that people do not have choices about palliative care. Many people do not want to go to hospital because they want to keep their dignity. If Governments are serious—if we are all serious—we would be trying to provide the best palliative care system in the world. One reason that I will not support the second reading is that I do not trust Governments. I do not trust this Government and I do not trust Labor Governments in these areas.

We have seen how this Government has degraded health services throughout country South Australia and it all comes down to dollars and cents. It comes down to props: it looks like you are doing something. The Government can build a flash house for an executive but it will not give $170 000 to a hospital to provide health services to the sick, dying and injured. It is a very simple matter: whilst it is cheaper to provide a syringe than to provide proper palliative care, I will not trust any Government. We are really duping people. We are not providing people with a proper choice. We should provide real palliative care that retains people's dignity in the terminal stages of a terminal illness and not just that which is provided in a hospital.

People caring for dear ones who are dying in their homes are given token support with respect to palliative care. Only when we have a decent palliative care system will people have a real choice whether they continue life with the assistance of palliative care or make the ultimate decision. I find comfort in the palliative care arrangements that we have in South Australia. When we have the best palliative care system and a real commitment by Government to help and support not just the dying but those providing care, I will be prepared to have another look at this matter.

I am concerned about the argy-bargy that has taken place. I am not denying that people have the right to garner support from where ever they can get it, and we have seen a number of manoeuvres. In his contribution in this place last week, the Hon. Angus Redford said that he did not support the second reading, but he did say, 'If a referendum was held, I might.' Immediately there was a rush around and the proposers amended the Bill. They are chasing the vote. I now see a move to refer this matter to a select committee. I do not support a select committee, either.

This is the empiric victory that says, 'We will go off to a select committee.' Everyone knows that this Parliament is in its dying stages. If this matter goes off to a select committee, what will it achieve? It will achieve nothing. If this Bill passes its second reading stage, I will support the referral to a select committee because it will give me and other members the opportunity to hear some evidence from other people. From where that body of evidence will emanate, I do not know. I thought we had heard as much evidence as we would get.

I oppose the second reading of this Bill. As I say, I will not reconsider my position on voluntary euthanasia until I find a Government, either Labor or Liberal, that shows a real commitment by providing the best possible palliative care for its citizens. And I give notice that, even then, it will need to be a very strong argument to persuade me, as one who is committed to the right for people to live. I claim that I am consistent in my view. I find it sad that people say, 'I am against the death penalty; I am for abortion and I am for euthanasia.' You are either for pro-life and the sustenance of dignified life or you are not. I make it very clear: I am for keeping people alive and living in dignity. I am totally opposed to any legislation that condones the right to kill.

This Bill suggests that a referendum might be worthwhile. The Bill comprises 19 clauses and three schedules over 12 pages, and the referendum will ask, 'Do you agree with the Voluntary Euthanasia Bill 1997?' It is very clear that, on most occasions, referendums confuse people. To ask an ordinary member of the community, who will probably never see the Bill, 'Do you agree with this' is an unreal situation. I oppose the second reading.

The Hon. BERNICE PFITZNER: This is a very difficult Bill and I am quite surprised that the Hon. Ron Roberts is concerned that others might want to try to change people's mind through referendums and select committees. I believe that is the normal political way of doing things and, if the Hon. Anne Levy thinks that this is such an important Bill, I do not see what is wrong in trying to get people to change their mind.

However, as a medical practitioner, I think it seems even more difficult. One of my colleagues asked me how is it that I can support palliative care or abortion when, having become a medical practitioner, I should follow the Hippocratic oath. That is true, although when we graduated—

The Hon. T. Crothers interjecting:

The Hon. BERNICE PFITZNER: Yes, I will give a little history on the Hippocratic oath. When we achieved our MBBS, we were not required to swear to the Hippocratic oath, but we were aware of the oath and, generally, we accepted its principles. I now look back on this oath. Hippocrates was a celebrated Greek physician, who was born on the island of Cos many years ago—between 470 BC and 460 BC. He belonged to a family that claimed descent from the mythical Aesculapius, son of Apollo. Hippocrates died at Larissa between 380 BC and 360 BC.

The works attributed to Hippocrates are the earliest Greek medical writings. Amongst these is the famous oath. He also wrote many other medically-based sayings. It is noted that he achieved universal currency, although few who quote it today are aware that the original referred to the art of the physician. The first of his aphorisms said:

> Life is short, and the art long—

that is the art of the physician—

> the occasion fleeting; experience fallacious, and judgment difficult. The physician must not only be prepared to do what is right himself, but also to make the patient, the attendants, and externals cooperate.

The original oath begins:

> I swear by Apollo the physician, by Aesculapius, Hygeia, and Panacea, and I take to witness all the gods, all the goddesses, to keep according to my ability and my judgment the following oath:

The oath is quite long but the part of the original oath that is relevant to this debate is as follows:

> I will give no deadly medicine to anyone if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion.

We have now moved and times have changed and the modern version of this oath as approved by the American Medical Association is as follows:

> You do solemnly swear, each by whatever he or she holds most sacred:
>
> 1. That you will be loyal to the profession of medicine and just and generous to its members.
> 2. That you will lead your lives and practice your art in uprightness and honour.
> 3. That into whatsoever house you shall enter, it shall be for the good of the sick to the utmost of your power, your holding yourselves far aloof from wrong, from corruption, from the tempting of others to vice.
> 4. That you will exercise your art solely for the cure of your patients, and will give no drug, perform no operation, for a criminal purpose, even if solicited, far less suggested.
> 5. That whatsoever you shall see or hear of the lives of men or women which is not fitting to be spoken, you will keep inviolably secret.

So, as the English philosopher and poet Oliver Wendell Holmes has said:

> New occasions teach new duties, time makes ancient goods uncouth.

Therefore, I have long thought about euthanasia because, being a medical doctor, death is never far from your everyday practice, and when you observe your patient, friend or relative suffer—suffer pain, suffer indignity, suffer for whatever reason—the concept of euthanasia becomes very real and becomes very acceptable. However, we must qualify euthanasia as it is voluntary euthanasia about which we are talking. We obtain the permission of the person: it is not involuntary, nor is it non-voluntary, which latter term is used for a person who is unable to give personal permission. We then have active and passive euthanasia and in this Bill we are debating active voluntary euthanasia.

In my early days as a young intern, we were concerned with passive euthanasia. It could be voluntary if the patient were unconscious, or involuntary if the patient were deeply comatosed. If comatosed, there would be a sign above the bed with the instruction 'Do not resuscitate.' That meant, if the patient stopped breathing, if the patient had difficulty in breathing or if the patient had some sort of seizure, we did not take frantic and further action for resuscitation. Further, we would not continue to hydrate the patient with an intravenous drip. For those patients in deep pain, at a terminal stage of illness, painkillers were given and the dosage necessary to alleviate the pain might end the life of the patient. For those who were totally dependent on a machine for breathing, the machine would be switched off.

However, these passive euthanasia activities are now encapsulated in the Consent to Medical Treatment and Palliative Care Act. Indeed, clause 12(2)(c) of the Voluntary Euthanasia Bill in respect of the medical practitioner administering euthanasia provides:

> by withholding or withdrawing medical treatment in circumstances that will result in a painless and humane end to life.

I believe that that part of the Bill is already catered for in the Consent to Medical Treatment and Palliative Care Act. So, we are left with the voluntary active euthanasia procedure with which to cope. Are there conditions of the human disease and illness that need this particular procedure? Yes, I think so, but a small fraction of illness and a small fraction of disease.

However, after saying that, does this Bill cater for this small group of people? It may be that there are terms used in this Bill with which I am uncomfortable. It always surprises me that the medical terms used in a legal document such as a Bill quite frequently do not mean what a medical mind expects it to mean. When medicos use medical terms there does not seem to be any trouble with the implication and meaning because it is in medical jargon. It must be the same with legal jargon. I find that at times the legal jargon does not equate to meaningful plain English. In such a crucial Bill as this, we must be quite sure that the terms that we use, especially the terms relating to the human condition, are understood quite plainly and quite clearly by us all. For example, in clause 3 the term 'hopelessly ill' is a term for the human condition that is not used in the medical context. Looking at the definition, we note that we must have a permanent deprivation of consciousness. At times it is difficult to forecast the prognosis of a 'permanent deprivation of consciousness'. With regard to paragraph (b), it is also difficult to forecast the definition of 'hopelessly ill', which is defined to mean 'seriously and irreversibly impairs the person's quality of life'.

Therefore, it is difficult to forecast the irreversibility of that condition. Also I note in clause 12(1)(d) the term 'treatable clinical depression'. Not all general practitioners will be competent in this area and so perhaps we might even need a psychiatrist or a specialist to interpret that. What we need to have written is that the patient is suffering from a treatable clinical depression. I also note in clause 12(1)(e) the term 'mentally incompetent'. Does the term 'mental' refer to a psychiatric condition or does it refer to an intellectual condition? Further, why use the term 'incompetent'? Medically speaking, we would tend to use the term 'disabled', which I feel is less subjective.

Because of these initial difficulties, I am most relieved that the Hon. Ms Levy has said that at the passing of the second reading she will move that the Bill go to a parliamentary committee, perhaps a select committee. I agree that further investigation on this very vexed and difficult topic should be continued as this topic is very important and one that we cannot afford to get wrong. I therefore signify at this stage my support for the second reading and for the Bill to go to a parliamentary select or standing committee. I support the second reading.

The Hon. L.H. DAVIS: I oppose this legislation. I say at the outset that I have a great respect for the Hon. Anne Levy and for the integrity and the thought which has gone into this legislation. I know the circumstances surrounding her longstanding interest in this matter. I know that it is a matter of community interest and, indeed, has been the subject of controversy and comment Australia-wide. It also should be noted that there have been many inquiries into euthanasia in recent times and court judgments on the subject to which I will refer in due course. I go back in time to examine a piece of legislation, which I was on the record as opposing, the Natural Death Act, to highlight some of the difficulties which exist in putting forward such a contentious piece of legislation.

In 1980 the Hon. Frank Blevins, then a Legislative Councillor, put forward the Natural Death Act, which was designed to ensure that an adult person who desires not to be subject to extraordinary measures in the event of his or her

suffering from a terminal illness may make a direction in the form of a schedule. This legislation failed in 1980 but was reintroduced in 1983 and passed into law. I was one of the few members of Parliament who spoke against it. Essentially, it was non-legislation; it was feel-good legislation which was never used in practice. I shall spend a few minutes looking at this as a prelude to examining the Bill now before us.

One of the problems with the Natural Death Act and, in my submission, with the proposed euthanasia legislation, is that they do not properly take into account the enormous advances in palliative care. In fact, during the natural death debate it was significant that the proponents of that measure took no account of the advances in the care of the dying that were being made in 1980. At the time, Mr Horan, a lecturer in law at the University of Chicago law school, was quoted in evidence given by the AMA—and this is pertinent to this Bill—as follows:

> One of the legal dilemmas of our electronic age is too much unnecessary legislation enacted too soon, and in response to too many non-problems. Natural death legislation is a typical example of that phenomena. It gives nothing to persons which they do not already possess under law. . . my view is that the legislation is not beneficial and is indeed counterproductive. . . because. . . the solution is lying in the area of patient-physician relationship.

That was one of the comments which is still true today. I made the point in that speech (page 1759 of *Hansard*) in opposing the legislation that legislation of this nature, that is, the Natural Death Act, 'will be of no assistance in building bridges between doctors and patients'. In fact, I recognise that it had been only in the period since 1955 that intensive care units had become an integral part of the health system. The interesting thing about the Natural Death Act, which was not satisfactorily rebutted by its supporters, was that it may well have varied existing practice. The only thing that I did accept at the time was that it recognised the definition of brain death which, in fact, gave legal sanction to a concept which had been used in medical practice for 10 years or more. There was the recognition in the legislation that if someone were brain dead the machines would be turned off. Of course, that is the case.

But in some situations, for example in the Adelaide Intensive Care Unit, I gave the case of patients who were brain dead but where the machine had been left on to give the next of kin, who may have been overseas, the two or three days to enable them to return. It was argued, I think quite cogently, that the legislation as formulated by the Hon. Frank Blevins would have varied that existing practice; it would have forced the intensive care unit to turn that machine off before the return of the loved one and help bridge that experience of being next to their loved one before the machine was turned off. Dr Gilligan, the well-respected head of intensive care at Royal Adelaide Hospital, said—and I think this is still true today 17 years later—that there was a fairly widespread ignorance in the community of what the possibilities are and what life support means.

So, I believed that it was essentially non-legislation. The evidence that I took from people in intensive care in the three major hospitals in Adelaide was that the question of the Natural Death Act was a non-issue in the Australian context. It was quite clear that the committee which looked at this measure—and this was also the case in the debate in the Legislative Council and the Parliament generally—showed little understanding of the advances made in palliative care; there was little reference to that matter. I raise that debate of many years ago because that was legislation which was seen as fashionable; it was feel-good legislation from California in the 1960s arriving belatedly in Adelaide with good intent in the 1980s. It was a creature of the period at a time when we did not have a definition of death or a code of practice laid down for the definition of death.

Some years later in 1984-85 I very deliberately raised with the then Minister of Health, Dr John Cornwall, the subject of the Natural Death Act and asked him whether any forms had ever been used in the major hospitals of Adelaide. I never received an answer, even though I asked him on notice—

The Hon. Carolyn Pickles interjecting:

The Hon. L.H. DAVIS: You were in government; it was your Bill. My experience from talking to people in the hospital system was that no-one had ever seen one of those pieces of paper used. Of course, that was an example of feel-good legislation which had no practical consequence. To move now to the issue at hand: South Australia faced with this Bill on voluntary euthanasia. I received a letter from Mary Gallnor, President of the South Australian Voluntary Euthanasia Society. Everyone recognises her commitment and intense interest in this matter. In a letter dated February 1997 she says to me and, presumably, to other members:

> I suggest therefore that those whose personal religious conviction puts them at odds with their constituents should abstain from voting. To do otherwise is knowingly to thwart the will of the electorate and it is hard to see how the responsible judgment of an elected representative can condone that.

I have a great deal of respect for Mary Gallnor, but I raise my legislative eyebrows when the President of the South Australian Voluntary Euthanasia Society writes and says that, if my personal conviction on a matter such as euthanasia is at odds with the majority of constituents, I should abstain from voting.

I want to put on the public record that I reject that assertion from Mary Gallnor. That could have absurd consequences. For example, it could mean that, if 70 per cent of South Australians polled after a particularly vicious mass murder in the State believed that capital punishment should be introduced, I should be obliged to follow that majority view if a Bill for the reintroduction of capital punishment should be brought before the Council. That clearly is a *non sequitur*. As we clearly understand, these measures which I respect and which are brought into this Council with good intent for debate are matters of personal conscience. My view on this may well differ, as it does in this case, from the Hon. Ms Levy's, although on many other matters of conscience I suspect that the Hon. Ms Levy and I would be *ad idem*.

That was a disappointing assertion by the President of the South Australian Voluntary Euthanasia Society. If at any time there happens to be a majority of people in favour of a matter it does not necessarily mean that I must support that view. As I will assert during this debate, there is widespread misunderstanding about this subject, as one would expect, because it is an extraordinarily complex subject. I have a file on this matter some six or seven centimetres thick. It is not an area in which I have specialised, as have some other members; nevertheless, it is a matter on which I have a view which I intend to express this evening.

The first point I want to make relates to the Northern Territory legislation on voluntary euthanasia and the controversy that surrounded the Federal Parliament's decision to overrule that legislation. I must say that on balance I supported the Federal Parliament's decision in that respect. The Northern Territory quite clearly decided to legislate in an open fashion so that it was legislating for all Australians on

a life and death matter. Certainly, in matters of finance, States will have a variety of approaches. For example, in Queensland there is no financial institutions duty, and that has made Queensland a haven for companies that wish to minimise their financial institutions duty in a legitimate way.

It is one thing to have differences in commercial laws, but in my view it is quite another matter to allow one State or Territory legislating for all Australians, particularly on a life and death matter such as voluntary euthanasia. This argument is reflected in the fact that all bar one of the people who took advantage of that legislation while it was in operation came from outside the Northern Territory. That is my first point.

I believe that there is great difficulty in legislating for death. For the dying, my preferred option is caring rather than killing. I will give some background on the advances in the hospice movement. I think I was the first person to extol in the Legislative Council in the very early 1980s the virtues of palliative care and the merits of the hospice movement. For many years I was associated with the hospice movement and, together with the Hon. John Burdett, helped to draw up its constitution in this State. I visited one of the great hospices in the world, run by Dr Balfour-Mount in Montreal, Canada, in the very early 1980s, and I have been a staunch advocate of the merits of the hospice system, as instanced in the Mary Potter Hospice attached to Calvary, the Daw Park Hospice and so on.

It is always interesting to me that the proponents of euthanasia often ignore the merits of palliative care in respect of the dying. Some terminally ill patients are conscious through to their death. I have visited many hospices in my time and spoken to many relatives who have experienced the grief and anguish of seeing a loved one die in a hospice. Many of them have said that their richest moments in life have been associated with those final few days with their relatives.

Senator John Herron, who was much respected as a cancer specialist, who is a very compassionate man and who as we all know has the difficult and challenging role of Federal Minister for Aboriginal Affairs, gave a good example of the difficulties in legislating for voluntary euthanasia. In an excellent piece headed 'The dangers of legislating for death' published in the *Australian Financial Review* on 9 December 1996, Michelle Grattan repeated a story told by John Herron when he had been a cancer surgeon. He related this story in a 1994 speech, as follows:

> One Sunday, on Mothers' Day, I was called to see an 89 year old widow who had vomited a large amount of blood from a stomach ulcer. I told her that if the bleeding continued the only way to stop it was by operating. She said she felt she was too old and that before deciding I should speak to her daughter by phone. The daughter said her mother was declining and to let her die in peace. I explained the decision could wait until the bleeding became life-threatening. Within an hour it was. I explained the gravity of the position to the patient and again she asked me to ring her daughter. The daughter repeated her previous advice. On returning to the patient another haemorrhage occurred. I explained the relative ease of the operation and the patient, perhaps a little sedated now, told me to do what I thought best. I operated, easily removed the ulcer and she went home five days later. I then remembered that I had forgotten to ring the patient's GP. After I had apologised and explained the sequence, he told me the background. Mother and daughter were estranged, the daughter was in debt, mother had a large estate and after all—it was Mothers' Day.

Then Michelle Grattan makes her own comment in concluding this article. She states:

> Those pro-euthanasia say a clear law would include more safeguards for the old woman. Those more sceptical believe it would risk cloaking manipulation in respectability.

She goes on to refer to the celebrated case of the person called Dent in the Northern Territory who was euthanased, and the relative then reversed their view on the merits of euthanasia, as follows:

> In the debate about euthanasia Dent's strange behaviour, and Herron's true life anecdote, are warnings against the comfortable assumption that rationality and human goodness would be given in the new world of legislative death laws.

I refer also to the very wise views of Sir Gustav Nossal, who is one of the great Australians. If you were drawing up a schedule of the great post-war Australians, Sir Gustav Nossal would invariably appear in most people's top 20 lists. He has been a Director of the Walter and Eliza Hall Institute of Medical Research in Melbourne since 1965; he has been President of the Australian Academy of Science; and he has been associated with the publication of 480 scientific articles and five books. With reference to the question of euthanasia, he stated:

> Dying with dignity and in peace should be everyone's right, particularly in an industrialised country with high standards of health care. Nevertheless, I am against the formal legalisation of euthanasia. A well-ordered society is a very fragile thing, as recent history (Hitler, Pol Pot, Rwanda) shows. I believe there are grave dangers in a society giving to anyone, no matter how well intentioned, the right to terminate a human life. However, I do believe that those who are terminally ill should come to the end as free of pain and in as tranquil a state of mind as possible.

Finally, he concludes:

> Enshrining a right to terminate life in legislation would, I believe, do more harm than good, although I support the right of others to disagree.

That is the view of a very civilised Australian. I also want to elaborate on my remarks about the importance of palliative care. Roger Woodruff, who is the Director of Palliative Care at the Austin and Repatriation Medical Centre in Melbourne and who is also Chairman of the Palliative Care Group Clinical Oncological Society of Australia is one of the people who is dealing with death, dying and pain. The judgments I really respect are those of people who lead the battle to maintain human dignity, to minimise pain and to care for people. In a letter to the *Age* on 28 February 1997, Dr Woodruff said:

> Medical practitioners who advocate euthanasia and physician-assisted suicide should be asked how often they seek assistance from an experienced multidisciplinary palliative care team in the management of terminally ill patients they see. Doctors educated primarily about curing disease may be ill-equipped to deal with the problems encountered. Optimal care of the terminally ill, particularly with regard to the fundamental issues of psychological and psycho-social suffering, requires the involvement of other health care professionals—palliative care nurses, social workers, psychologists and others. This is not work that can be accomplished by a doctor working alone. Dr Nitschke?

That is a reference to the Northern Territory doctor who is pro-euthanasia. He continues:

> Dr Syme?

He is on Dr Woodruff's side. He continues:

> Dr Baume?

The letter was signed by Roger Woodruff of Heidelberg. I put up my hand and say that I am on Dr Woodruff's side. Another comment which I respect and which adds weight to the argument for palliative care services comes from Brian Pollard, who is the author of the book, *The Challenge of Euthanasia*. He is also an expert, being a retired anaesthetist and a palliative care physician. On 26 March 1997 in the *Age*, he made a very strong and logical plea to vote down euthanasia. Dr Pollard stated:

While the established palliative care services provided higher standards of care for the terminally ill, the majority of doctors remained unacquainted with the new methods. . . Patients were too often left in pain when the remedies were known, the great need for emotional support of patients and families was not met, and the role of depression and despair in prompting calls for death was not understood. Inadequate treatment was not seen for what it was, namely something that should be unnecessary, but was reasonably, though wrongly, thought to be the best that medicine had to offer. Tragically, this period coincided with the rise in the volume of the calls for euthanasia which claimed to be based on compassion and human rights.

When palliative care did finally impinge on the community's consciousness, it was, and has remained, almost entirely focused on physical pain. But more than physical pain alone—emotional turmoil, fear, anxiety, depression and despair—is associated with patient requests for euthanasia. These are not easily recognised by most doctors, who are similarly not expert in treating them, even if they diagnose them.

He argued strongly that, following the debate in the Federal Parliament and the general discussion around Australia on this matter, higher priority should be accorded to palliative care. He concluded with what I found to be a very persuasive argument:

It was notable that, as the debate proceeded—

that is, in the Federal Parliament on the so-called Andrews Bill—

participants became aware that the waters were deeper than first thought, and that the benefits of better palliative care have not been fully exploited in Australia. . . It will never be safe to empower doctors to take life while they cannot be guaranteed to treat well. Better palliative care will not be cheap or easy. I believe it is an attainable goal, though it will require steady political will to bring it about. The community must not let this opportunity pass.

I add my voice to that argument, that it is very important to fight for better palliative care funding at both the Federal and State level. As Dr Roger Woodruff, who I have already quoted has said:

No patient should ever be told nothing more can be done. It may be impossible to cure, but it is never impossible to care.

Finally, on the subject of a select committee, let me say that there has been the odd inquiry or two on this matter. There was an inquiry at the Federal level and, recently, the United States Supreme Court ruled against those who had been campaigning in America for euthanasia. In fact, the United States Supreme Court, by a majority of nine:nil ruled against—

Members interjecting:

The PRESIDENT: Order! There is too much background noise. If members want to speak loudly, they should go out into the lobby. The Hon. Legh Davis.

The Hon. L.H. DAVIS: By a majority of nine:nil the Supreme Court brought down a finding against euthanasia. In June 1997, only last month, the court confirmed the existing law that 'it was a felony to knowingly cause or aid another person to attempt suicide'. What is interesting about that decision is that the nine justices of the United States Supreme Court included two, perhaps three, Catholics and one Jew, with the remainder being of Protestant denomination or none at all. There were religious differences and surely there were different moral perspectives. Those judges, who had been appointed, were liberal and conservative in persuasion, yet by a majority of nine:nil they ruled against euthanasia. The Supreme Court stated:

This asserted right has no place in the nation's traditions, given the country's consistent, almost universal, and continuing rejection of the right, even for terminally ill, mentally competent adults. To hold for the respondents, the court would have to reverse centuries of legal doctrine and practice, and strike down the considered policy choice of almost every State.

In addition, the British House of Lords' Select Committee on Social Ethics, which included some members who had previously been supporters of voluntary euthanasia, again unanimously came down against legislation for euthanasia. That committee stated:

We acknowledged that there are individual cases in which euthanasia may be seen by some to be appropriate. But individual cases cannot reasonably establish the foundation of a policy which would have such serious and widespread repercussions. . . We believe that the issue of euthanasia is one in which the interests of the individual cannot be separated from the interests of society as a whole.

That unanimous decision was given added weight when, on 3 July, the British Medical Association's full membership at its annual meeting in Edinburgh decided to reject legalising euthanasia. As the *Times* reported, various GPs pointed out that changing the rules would 'put us on the slippery slope of an expectation that our function is to kill those we see as not worth while', that symptom control enabled patients to lead good quality lives, that 'bad deaths were due to bad medicine' and that the motives of some families who requested death for their relatives were 'suspicious', seeming 'more interested in inheriting the family loot than their kin's welfare'.

In Sydney, only a few days ago, the Twentieth International Congress of Chemotherapy heard alarming evidence that hundreds of patients in the Netherlands were put to death by doctors with painkillers in 1995 although these patients had not explicitly requested euthanasia. The author of this study pointed out that the law exempting Dutch doctors from criminal prosecution in cases of strictly controlled euthanasia had created a slippery slope. Doctor Dick Willems, of the Vrije University in the Netherlands, told the conference that it was worrisome that people were being put to death without their explicit request. Professor Margaret Somerville, of the faculty of medicine at Montreal's McGill University, said that the data showed that the Netherlands system was open to abuses. This study was as a result of questionnaires sent to doctors attending 6 060 deaths in 1995. Professor Somerville said that it was worrying that this study revealed that 59 per cent of doctors who admitted practising euthanasia did not obey the country's regulation and report it as such. They put down as natural death what was in fact euthanasia.

Professor Somerville concluded her remarks at the conference by saying that euthanasia was a 'powerful symbol of trying to take control' by a society that had lost a sense of community.

I remain opposed to euthanasia. Although I concede that it is an emotive debate, I think the facts speak for themselves.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): At the outset I want to acknowledge what the Hon. Legh Davis has just indicated: that this is a debate that arouses passions in the community and amongst members of Parliament, with views being strongly expressed both for and against the measure that the Hon. Anne Levy has moved. I want to congratulate my colleagues in this Chamber because within our Party, as within all Parties, there are strongly differing views, from those of my colleagues who are strong supporters of the measure to those who are very strong opponents of it. I want publicly to congratulate them on the nature of the debate and the fact that they have not allowed those passions to divide them. I place on the record

my congratulations to them for the way in which they have approached this difficult and sensitive issue.

I have spoken on this issue in the Parliament and in public before. I have had many long and active debates with supporters of the euthanasia cause, in particular, some of whom I count among my friends, including Mary Gallnor, who forgives me for the error of my ways whenever she speaks with me—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: She certainly forgives me for the error of my ways, anyway, and we vigorously disagree on this issue. Nevertheless, we remain good friends, and I am happy to publicly acknowledge that. It will not surprise Mary Gallnor and the other supporters of the legislation if I indicate that I have been and remain an opponent of voluntary euthanasia and the provisions of this legislation. I do not intend at this late hour to restate my reasons for opposing the Bill, but I want to make some general comments. The approach I intend to adopt on this and a number of other possible votes in this Chamber is one that I see as best calculated to see the defeat of this measure in the Parliament. Therefore, I want to indicate a number of issues that I will be canvassing in relation to what I might do at various stages of the legislation.

I make this comment because I understand that there is particular interest from the local newspaper, the Adelaide *Advertiser*, in the impending vote on the second reading. I want to indicate not only to the *Advertiser* but to any other media that might still be here that the impending vote on the second reading should not be taken by anyone as being an indicative vote of the possibility of the eventual passage of this legislation through the Legislative Council. I am a little concerned that those who are supporters of the legislation might have inadvertently—or perhaps even advertently—led members of the media to believe that the forthcoming vote on the second reading is an indication of the feeling of the Legislative Council members in relation to the Voluntary Euthanasia Bill.

I want to indicate why any media outlet that sought to portray this vote in that way would be misleading its readers, listeners or viewers. First, a number of members who will be supporting the second reading of the legislation are fully intending to vote against the legislation at any possible third reading. Some members are prepared to allow the Bill to pass the second reading to allow a continuation of the debate to occur in this Chamber, and potentially a consideration of a select committee vote on the legislation before us. So, any media outlet that sought to portray the division of the second reading as an indication that all those supporters of the second reading were supporters of voluntary euthanasia would be consciously and deliberately misleading their readers or listeners by such publication.

In relation to my own position on the Bill, I will be adopting that position which will maximise the chances of the legislation's being defeated in both this and a future Parliament. In the new Parliament, with the retirement of the Hon. Anne Levy—who has been an avowed and passionate supporter of voluntary euthanasia for quite some time—and with the possible introduction of two or three new members into the Legislative Council, it is my judgment that the chances of defeat of this legislation will be improved with the make-up of a future Legislative Council.

The Hon. Carolyn Pickles: We will keep on trying.

The Hon. R.I. LUCAS: I understand that the Hon. Carolyn Pickles will keep on trying, but I am just giving a personal judgment here. The chances of defeat of the legislation will be improved when one looks at the make-up of the new members who might enter this Chamber at the coming Legislative Council election. Therefore, that factor is one that I have taken into consideration.

The next issue I want to raise is that I understand that the Hon. Anne Levy has tabled an amendment canvassing a referendum. I do not often agree with the comments of the Hon. Ron Roberts but, at least in relation to the difficulty of framing an appropriate referendum question on such a difficult, sensitive issue, in general terms I would agree with the point the honourable member made. The question that the Hon. Anne Levy is proposing, that is, 'Do people agree with the Voluntary Euthanasia Bill 1997?' or words to that effect, as a simple proposition to go to a referendum is wholly inappropriate.

I look forward to the Hon. Anne Levy's closure of the second reading debate. I am somewhat perplexed as to the Hon. Anne Levy's attitude, and I guess that of the other Labor members in this Chamber, to the proposition for a referendum. I must admit that my understanding in relation to Orders of the Day: Private Business No. 20, that is, the Voluntary Euthanasia (Referendum) Bill, which was introduced by the Hon. Sandra Kanck, is that there was a Labor Caucus position opposing—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: In her reply the Hon. Anne Levy will correct me if I am wrong—the notion of a referendum. I am therefore interested to ascertain in Committee the attitude of other members of the Labor Party in relation to any possible debate on a referendum clause. Certainly, I am advised that, whilst the Hon. Anne Levy is intending to move a referendum clause, it is wholly likely that a significant majority of her colleagues will not support her position for a referendum provision being included.

Again, this is an issue that is of some importance to my colleague the Hon. Angus Redford in determining his vote. I certainly do not want to equate the position he put to the Legislative Council, so I will not endeavour to quote him exactly. However, I understand that he has indicated that this is an issue of some importance to him. Therefore, in terms of forming a judgment on the second reading and any possible vote on the select committee, I think it would be important to determine whether my estimation is correct that the majority of Labor members in this Chamber do not intend to support the Hon. Anne Levy's amendment in relation to a referendum on this issue.

Again, this is an important issue because, as I understand the Hon. Angus Redford's position, he is an opponent of voluntary euthanasia but has indicated publicly and in the Parliament that he is most interested in supporting a provision for a referendum clause. Therefore, whether or not there is some likelihood of that referendum clause being passed I would presume is an issue of some importance to my colleague the Hon. Angus Redford.

For all those reasons, as I have indicated, this impending second reading motion will therefore not be an indicative vote on the future of voluntary euthanasia legislation in South Australia. I intend, and I know a number of other members intend, to adopt a course of action which is best served to maximise the chances for defeating voluntary euthanasia legislation not only in this Parliament but also in the next Parliament. It may be that a vote to support the second reading of this legislation to enable it to go to a select committee in order to ensure that no legislation passes the

Parliament prior to the next election will be an approach that is adopted by a number of members, including myself, in the interests of ensuring that, with a change of members in the next Parliament, the chances of defeating the voluntary euthanasia legislation will be improved.

The Hon. G. Weatherill interjecting:

The Hon. R.I. LUCAS: I am fully expecting the Hon. George Weatherill to be with us after the next election.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I am fully expecting him not to die. I was not casting any doubt on his health or, indeed, his chances of electoral success. He is No. 1 on the ticket, he has a new suit and he is certainly looking healthy. I am sure he will be with us at least for another vote in the new Parliament. As I said, the Hon. Anne Levy will not be with us in that new Parliament, and I believe that, together with some other changes, will maximise the chances for defeat of the legislation.

I conclude by indicating quite clearly that this impending vote on the second reading should not be viewed by members of the media present, or indeed those who read the *Hansard* debates in the future, as any indication of the likely support of voluntary euthanasia legislation in South Australia.

Certainly if it is portrayed as that by media outlets a number of members will be speaking quite loudly and frequently, indicating that that is an inaccurate report of the impending vote on the second reading of this Bill.

The Hon. P. HOLLOWAY: I indicate that I will not support the Bill. The South Australian *Hansard* contains hundreds of pages of debate on the subject of palliative care and euthanasia over the past five years. We have heard many eloquent speeches on both sides of the Chamber and I do not believe that I can make any new or profound contribution to the debate, so my comments will be brief. However, I want to make a few points and explain my situation.

First, I concede that public opinion polls indicate that a significant majority of voters support euthanasia, although there is always the difficulty with such polls as to what exactly euthanasia means to the people being polled. I concede it is unlikely that any jury in this State would convict a medical practitioner of a charge of murder for administering what might be described as 'excessive drugs' to a terminally ill patient in circumstances that might be considered to be euthanasia along the lines of the Northern Territory legislation. I believe that State Parliaments have a constitutional right to pass legislation such as this if they so determine and, for the record, I do not support Federal intervention over State or Territory Parliaments in such matters.

In arguing my case against this Bill, I do not cast any aspersions on the proponents of euthanasia. Those who care for and treat the terminally ill patient have my greatest admiration, and I accept that most people who favour voluntary euthanasia do so out of compassion. I also believe that only a sadist would wish terminally ill patients to suffer unnecessary pain. I do accept that, in a small proportion of cases, palliative care is not effective, although this proportion is declining as new drug treatments are developed.

My opposition to this Bill is based largely on the consequences to society which I believe will flow from the unfortunate principle of State sanctioned and assisted suicide, which is central to this Bill. Also, I do not believe that the law deals particularly well with this or most social issues. Section 17(1) of the Consent to Medical Treatment and Palliative Care Act, which was an outcome of the lengthy debates in this Parliament to which I referred earlier, states:

> A medical practitioner responsible for the treatment or care of a patient in the terminal phase of a terminal illness. . . incurs no civil or criminal liability by administering medical treatment with the intention of relieving pain or distress—
>
> (a) with the consent of the patient or the patient's representative; and
>
> (b) in good faith and without negligence; and
>
> (c) in accordance with proper professional standards of palliative care,
>
> even though an incidental effect of the treatment is to hasten the death of the patient.

I understand this section to mean that in a small number of cases where pain cannot be relieved through conventional treatment, medical practitioners can induce unconsciousness with drug treatments. I understand that such treatments will inevitably shorten the life of a patient to the extent that the difference between such treatment and voluntary euthanasia in terms of the life of a terminally ill patient may not be great. However, I believe there is a huge difference in philosophy between the two approaches.

I believe that a legal framework which underpins the treatment of terminally ill patients should be unambiguously based on the relief of pain and distress as is the case with section 17(1) of the Consent to Medical Treatment and Palliative Care Act. It is my fear that the driving force of the protection for terminally ill patients, should voluntary euthanasia become law, will be criteria such as a signature by a medical practitioners on a piece of paper rather than the relief of pain and distress. We often see that the effect of legislation once passed can quickly expand from its stated purpose. I believe there is some evidence that the application of euthanasia in Holland has substantially widened since the original legislation was introduced. I say also that my quick reading of this Bill leads me to believe that its application goes further through the appointment of trustees and advance requests and the definition of 'hopelessly ill' than my understanding of the Northern Territory legislation. I share the fear of many in the community that should this Bill pass governments down the track may use the presence of voluntary euthanasia to cut funding to palliative care.

This brings me to the final point that I wish to make during this debate. It is incumbent on those who do not support euthanasia to ensure that adequate palliative care services are provided. If governments persistently fail in that objective, I believe that, sadly, voluntary euthanasia will become inevitable—and in that situation I would have to consider my position.

Finally, I wish to indicate my views on a couple of matters should this Bill pass. Regarding the challenge made by the Hon. Robert Lucas about my position on a referendum, I do not support that proposition. If this Bill passes, I will not oppose the establishment of a select committee, although I am not convinced that such a committee will produce any productive results that we have not covered already. With those brief comments, I oppose the Bill.

The Hon. T.G. ROBERTS: I rise to indicate that I will support the passage of this Bill through to the formation of a select committee. It is my understanding that the select committee will examine the Bill, and I do not find anything frightening in that. It will open up the debate that has already been held mostly in the confines of Parliaments around Australia, more specifically in the Northern Territory. The

debate started to move into other States and finally into the Commonwealth arena of jurisdiction.

One of the things that the Northern Territory Bill did was to put the issues firmly before the Australian people for examination. The more often that this sort of legislation is introduced into other State Parliaments, I hope that a more mature judgment can be made and that finally it will become Commonwealth law, so that by the time the view of the majority of the people is put into legislation we will have an Act which its proponents can be firmly assured will contain safeguards that will protect the sanctity of the life of those who wish to preserve it and allow those who wish to make a conscious decision to relieve themselves and their loved ones of the trauma of a slow, lingering and/or painful death.

Those are the options which we as legislators should move towards to allow that debate to occur in the community. If we as legislators can provide an unemotional debate for the media to digest—and let us hope that it is then digested in a form which will not be interpreted emotionally—that should hopefully allow the issues to be debated and determinations to be made by people about the voluntary position. I emphasise the word 'voluntary', because people who emotionally debate the issue say that it is a right to kill, and once those words have been printed or spoken, the emotional side of the debate has taken over and any practical debate has gone out the window.

I have watched the body language of those who have presented the arguments in the recent debate and it is clear that the issue is not being debated for medical or humanist reasons but for purely political purposes. I am not making a conscious application of any of those principles to any of my colleagues on this side of the Chamber or to members opposite, who can make that clear indication themselves. It is up to them to make that determination as they make their contributions or indicate in a mature way how they will vote. If it is their opinion on behalf of a constituency, or their view being expressed on behalf of themselves or as an elected representative making their position clear so that their constituency can judge their position intellectually, that is a determination they can make for themselves.

I have indicated to the mover of the Bill that I am prepared to see it go through the stages of debate within this Chamber to get it into a select committee so that the public can make their contributions to the formation of the Bill. They can make recommendations for change or for its release, if that is the case, but at least the Bill is being put into the public arena by way of a select committee and is not running away from the issue, which we as parliamentarians have a responsibility to do. If we hide behind a position of withdrawal and no public debate, we will have what we have now, namely, a Bill rolling up every session with the emotionally charged debates we have seen emerging over the past five years, where the emotive side of the argument is presented and the political strategies and tactics are introduced, whereas the humanist spiritual debate ought to be the way that we address the issue.

Palliative care was debated in this place for some time. Some of the emotional positions developed in that arena were similar to some of the emotionally charged debates that have been in the Commonwealth arena since the Northern Territory legislation. The palliative care legislation is now being put into practice. It has given doctors more confidence in relation to treatment programs and has probably built up a better relationship between patient and doctor. From information I have been able to glean, it has probably allowed for a more confident approach for the alleviation of pain and the relief of some suffering members of the public who avail themselves of the treatment processes that go with an improved palliative care process.

In Australia and in South Australia we can pride ourselves on good diagnostic and treatment care, although our after care and nursing health care could probably do with some improvement. We are able to scientifically diagnose, treat and identify those patients in the terminal stage of a terminal illness. As we progress people will, if given the option, be able to determine whether they avail themselves of complete palliative care processes and programs, in conjunction with their loved ones and relatives, or whether they want the option of voluntary euthanasia, not the option of determination to kill. I suspect that a wide section of the community would like to avail themselves of the opportunity for their decision to be made one way or another. At the moment the option is not there for them to consider, but is left to doctors in relationship with their patients to determine that issue.

A recent Channel 2 program on which Dr Philip Nitschke was interviewed should be made compulsory viewing for the select committee when it is set up. He is one individual who has put a lot of time, energy and effort into the application of the Northern Territory Act. I am sure that the human side of the impact on one individual who worked on the application of that Act is well worth looking at, as well as spending time analysing the dilemma and real trauma that goes with having the principles that he has had in pursuing a humanist position on the relief of pain and suffering. In some cases the advocates of voluntary euthanasia in the emotional debate are made out to be no better than those who advocate the death penalty. I cannot see the equation with that.

If someone is seeking an alternative to palliative care and they have made a conscience decision to avail themselves of voluntary euthanasia, then along with counselling and all the protective measures that the legislation implies, the safeguards are in-built for people to make that decision. At the moment, as I said, that final request cannot be made or determined. I hope that the emotional part of the debate can be removed by the reference of the issue to a select committee. I tend to read into the Leader of the Government's contribution that we will not get to finalisation of the select committee nor the referral of the Bill back to the Council before an election is called. He referred to a new make-up of the Chamber, both Government and Opposition.

I guess that is a reference to the time frames into which this Bill and the select committee will run. I was approached to see whether I would be available for the select committee. I am on four or five select committees at the moment and I am not sure whether I would have the time, but I would certainly make myself available if required. But there are enough colleagues on my side of the Chamber who could do the job adequately and who are not on perhaps as many standing committees and select committees as I. If the recommendations of the committee are that it be held over for a new Parliament, then a new Parliament will determine the strategies and tactics to carry this Bill forward. I am confident that, given the history of the issue and the debate, and the interest that the issue is developing nationwide, it will be introduced into a new Parliament.

It will be subject to perhaps the same debates as we are having now. It will be forwarded to a select committee in a future Parliament and the same issues will be bubbling around in the first half of 1998. With those few words, I indicate that I will be supporting the second reading and the

passage of the Bill and the forwarding of the Bill to a select committee. As far as the referendum is concerned, that is a conscience decision that I will be determining during the passage of the Bill.

The Hon. R.I. Lucas: What does your conscience say?

The Hon. T.G. ROBERTS: I will indicate that at the time when I have to.

The Hon. ANNE LEVY: I would like to thank everyone who has taken part in this debate very much. There have been 18 different speakers, which is probably a record for any matter before this Council. I thank everyone most sincerely. I can assure those whose views are not the same as mine that I respect their views, even though I do not share them. I hope there is equal respect in return. I also hope that those who oppose euthanasia do not attribute evil motives to those who support it. In introducing this Bill, I claim to be motivated primarily by compassion and by a strong belief in individual rights—rights of the individual over their own body. However, I would never ascribe a lack of compassion to those who differ from me in their views on euthanasia.

I note from the debate that none of those who opposed my Bill used religious arguments, unlike many of those who have written to me opposing euthanasia. We would surely all agree that, in a pluralist society, the religious views of one group should not be imposed on those of a different persuasion, while we would all recognise that our own views may well be influenced by our religious beliefs.

One argument that is sometimes used against voluntary euthanasia—and, indeed, it has been used this evening—is that of it being the thin end of the wedge. I do not accept this approach. Legalisation of abortion 28 years ago did not lead to infanticide and killing of the handicapped, although these fears were prophesied by many opponents of abortion. It did not happen. In a similar manner, legalising voluntary euthanasia will not lead to killing of the handicapped or the frail elderly.

Our society is quite capable of distinguishing between different categories of individuals. My Bill, for those who have read it, quite clearly refers only to voluntary euthanasia, repeated and continuing requests for euthanasia by adults only who are of sound mind. No other category is permitted, and there is no logical reason why it would be viewed as permitting anything other than what is clearly stated in the Bill.

There are some people—and, indeed, it has been stated in this Council—who claim that voluntary euthanasia will lead to involuntary euthanasia, that is, to killing of terminally ill people without their requesting it and that this would be to the detriment of society. What evidence we have points to the opposite conclusion. Studies done in the Netherlands over a number of years where voluntary euthanasia has not been legislated for but it is permitted under certain clear guidelines showed that involuntary euthanasia occurs in some cases, and this has been interpreted as compassionate doctors ending the suffering of dying patients without the request for death having been made.

A comparable study in Australia, which was published in the *Medical Journal of Australia* in February this year, showed that involuntary euthanasia is occurring in this country, too. In fact, it is occurring at a higher frequency than it does in the Netherlands. It has also been shown from these studies that voluntary euthanasia is occurring in Australia—whatever the law may say about it—but at a lower frequency than it occurs in the Netherlands.

I suggest that involuntary euthanasia is more common in this country than in the Netherlands, precisely because voluntary euthanasia is illegal. If dying people could openly request an end to their suffering, doctors would be less likely to take matters into their own hands and make end of life decisions which do not necessarily involve their patients' wishes. Let me be quite clear on this point. I do not support involuntary euthanasia. My Bill does not permit involuntary euthanasia, and I deplore intensely doctors making such decisions on their own. Doctors are not Gods and, however compassionate their motives, they should not be practicing involuntary euthanasia. I am quite happy to make a prediction that, if voluntary euthanasia is legalised with appropriate safeguards, patients will feel far freer to discuss their wishes with their doctors and, in consequence, involuntary euthanasia will decrease—a result I am sure everyone in this Chamber would applaud.

The Hon. Angus Redford made a telling point when he stated that few if any of us have been elected to this place because of our views on voluntary euthanasia. He felt that the final decision on voluntary euthanasia should be made by the people of South Australia by referendum after the Parliament has passed a Bill. I have considerable sympathy with this view. I have placed on file an amendment to this effect and will move it if the Bill gets to the Committee stage. However, I feel that the job of MPs is to consider carefully all the details of a Bill, to ensure that adequate and comprehensive safeguards are in place, that the wording used is adequate and that we should dot the i's and cross the t's with great care.

Several speakers have questioned some of the definitions in the Bill, and I feel that this is one matter which the select committee can consider and look at very carefully as to whether any of the wording should be changed. But once the Parliament has considered all the fine detail of the legislation, which is our job as members of Parliament, the people could decide by referendum whether the Bill should become law and do this at a time which is well separated from the political crossfire of an election period.

When I first introduced this Bill last November I stated then that I hoped the Bill would go to a select committee after passing the second reading. So it will come as no surprise that I still favour that course of action. I view this as an opportunity for anyone in the community to contribute to the wording of the Bill and perhaps to suggest possible desirable safeguards. I have put forward many safeguards in the Bill—and anyone who has read the Bill will surely agree with this—but I make no claims to omniscience and I would certainly welcome any suggestions which could strengthen the measure and reduce the chance of any abuse of its provisions.

I note that the Hon. Robert Lawson fears that my Bill is too bureaucratic, but I fear this is probably inevitable if proper safeguards are to apply. In any case I do not think the Bill is any more convoluted than the Consent to Medical Treatment and Palliative Care Act which incorporates many bureaucratic features introduced as amendments by the Hon. Robert Lawson himself. There are people who claim that voluntary euthanasia legislation is unnecessary because of the excellent palliative care which is provided in hospices in Adelaide. Let me make it quite clear that I very strongly support the provision of palliative care of the highest possible standard for all who wish it and who can benefit from it.

But let us not forget that all palliative care specialists will agree that there are some cases for which palliative care does not work, that despite the best efforts of the hospice team there are always some people who request voluntary euthana-

sia; and, indeed, among people with terminal cancer, 7 per cent request voluntary euthanasia and 93 per cent do not. For this 7 per cent their life has become unbearable and meaningless to them, and surely they are the only people—not doctors, not families—who can make that decision. There are also some people who fear that the passage of this legislation may lead to less emphasis being placed on the provision of palliative care. In fact, I believe the exact opposite will occur and that greater emphasis on good palliative care provision will follow the passage of legislation on voluntary euthanasia.

Most members probably cannot remember but, when the abortion laws were reformed 28 years ago, there were people who claimed it would result in less emphasis on birth control. In fact, if we look at history, quite the opposite resulted, with far more resources being devoted to birth control from 1970 onwards, and there was rapid growth of the family planning movement throughout South Australia. In like manner, I am quite confident that, with the enactment of voluntary euthanasia laws, greater attention—not less—will be paid to palliative care and that its provision will extend further and more resources will be devoted to it.

When I introduced this Bill I quoted the letter from Gordon Bruce, our previous President, who died tragically only 13 months after his retirement. I will not quote his letter again but remind you all that he was a previous opponent of voluntary euthanasia who changed to being a strong supporter due to his own situation. None of us can predict what lies ahead of us. We do not know what form our inevitable death will take or whether we might wish for voluntary euthanasia at that time. In the months since my Bill was introduced I have received many letters of support, many of the people concerned quoting heart-rending cases of their own experience. I would just like to read one of these letters from an ex-nurse who lives on Eyre Peninsula and who wanted to detail several cases she was involved with as a nurse and friend. I will not mention her name but she writes, first, of:

> . . . a female friend who was a registered nurse herself aged 52. She had cancer of the left breast with glandular involvement. She had radical surgery and two years of radiation and chemotherapy. The cancer eroded out through the original wound to become a fungating suppurating stinking mass. Lymphoedema in her left arm made this huge and useless. Her legs were not much better. This was devastating to a neat fastidious lady. The district nurses changed her dressings three times a day. Her pain was intractable, even with massive doses of strong analgesic. She kept pleading to be put out of her misery. She was receiving palliative care at home. On her last day of life she stood up on her bed, fell to the floor screaming, she stood up somehow and then smashed everything she could in her room, the mirrors, the windows, the ornaments, everything. She was admitted to the Royal Adelaide Hospital and died six hours after admission.

The second case was a friend who was a farmer, aged 55. The letter states that after a lot of investigation he was found to have pancreatic cancer with gastric involvement and widespread secondaries. This man was the husband of a friend of hers. He was in constant terrible pain, vomiting. He had investigative surgery but it was found to be inoperable. He kept pleading to be 'put down'. He wasted very quickly. He resented his weakness, his incontinence and his dependence on others. He could not tolerate oral morphine. On his last day of life he vomited large volumes of old blood and was in agony. He was sent into hospital by ambulance. As his wife and the nurse walked in to see him he haemorrhaged through his mouth and nose very large volumes. The nurse writes:

> [I] will never forget the look in his eyes as he drowned in his own blood. Luckily I was there with his wife. She is still affected two years on.

Another case was a male patient, aged 35, in the Royal Adelaide Hospital. This patient had osteosarcoma, first in the left leg, which was amputated; subsequently he was in and out of hospital after about two years in remission. He developed multiple secondaries, ultimately in his spine. This affected the whole nervous system as it spread. He suffered from paralysis, incontinence and respiratory distress. He was turned two-hourly but his skin still disintegrated. The patient was very mentally aware of his condition and the likely outcome of his condition at this stage. He kept pleading to be released before his brain became involved. He was very worried about the effect on his young wife and children. The nurse writes:

> By this time I [had] had contact with this patient and family for some time. They could not understand why I could not 'do something' [as he requested].

One doctor wanted to connect this patient to a respirator. After many conferences this was not done. However, after the patient's mental capacity became affected, something was done:

> We took the risk.

The nurse continues:

> As I sit and think back through the years I could really go on and on writing [such] stories. Can you imagine cancer of the vulva? The operation is radical vulvectomy. I have seen a few survive fairly well. But imagine having to live with a suprapubic catheter to the bladder draining to a bag. [This cancer] spreads quickly if it is going to. Infections are rife. Patient often needs a colostomy as well.

She writes that another cancer, that of the parotid glands, involves the mouth and throat, and having to be fed by direct gastric tube through the abdominal wall. The mouth can become a fungating mass. Radiotherapy does help at times, as does chemotherapy. She also calls attention to the many and varied effects of brain tumour—primary and secondary, as follows:

> Some are effectively treated. The main problem is early diagnosis. The later stages can be horrific. To look back, I could go on writing a book. But I won't.

All the patients mentioned by that nurse had requested voluntary euthanasia. I cannot see what public purpose was served by not being able to accede to their request. To provide the relief they begged for would have harmed no-one and it would have helped the individuals whose lives were ending anyway by sparing them a few hours or days of agony.

In conclusion, may I thank everyone for their contributions to this debate. It has been conducted in the finest traditions of this Council with a most serious topic receiving careful and serious consideration by all who have been involved. I urge all present to vote for the second reading of this Bill so it can be further considered and refined by a select committee to, I hope, eventually result in important legislation for the benefit of those whom we serve, that is, the citizens of South Australia.

The Committee divided on the second reading:

AYES (13)

Crothers, T.	Elliott, M. J.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Levy, J. A. W. (teller)
Lucas, R. I.	Nocella, P.
Pfitzner, B. S. L.	Pickles, C. A.
Redford, A. J.	Roberts, T. G.
Weatherill, G.	

NOES (8)

Cameron, T. G.	Davis, L. H.
Griffin, K. T.	Holloway, P.

NOES (cont.)

Irwin, J. C. (teller)	Roberts, R. R.
Schaefer, C. V.	Stefani, J. F.

Majority of 5 for the Ayes.

Second reading thus carried.

The Hon. ANNE LEVY: I move:

1. That this Bill be referred to a select committee;
2. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only;
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council; and
4. That Standing Order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

I will not speak at length on this motion because it has been canvassed in detail during the second reading debate. I feel that holding a select committee will enable any member of the public of South Australia to make their contribution to this legislation. In particular, I hope that by means of a select committee there can be careful examination of the wording, of the safeguards, and of the whole structure of the legislation, and that this can only be of benefit to any legislation that results from the select committee.

The Hon. SANDRA KANCK: Members know that I am a passionate advocate of voluntary euthanasia and I regard referral to a select committee as a second-best option. I fear that it will allow some Labor and Liberal members to put this issue out of the public eye at election time—or at least they hope it will. The fact that we have got this far is a tribute to the greater courage of MPs in the Legislative Council compared with those in the House of Assembly.

However, in all likelihood, a select committee will be turned into a replica of the Senate committee into the Andrews Bill, and I imagine that we will get mountains of very well organised mail opposing the legislation. My expectation is that it will probably come in at a rate of 9:1 opposing the legislation and that, later, those who are opposed to voluntary euthanasia will use those numbers as proof that there is not enough support for voluntary euthanasia.

I assume that the issue of a referendum will also be part of the select committee's reference, given that an amendment about a referendum is on file. If the committee recommends that a referendum should occur, members should be aware that such a recommendation would have a cost. The Hon. Mr Lucas told me 18 months or so ago, with respect to my referendum Bill, that a stand-alone referendum would cost about $5 million. My referendum Bill, which is before the Council, seeks to put this question at the same time as a general election, thereby saving that cost to the State. I am not sure how much a select committee will achieve. We all know that the committee will disappear when the election is called, so I query its usefulness other than as a ploy to stop its becoming a controversial issue at the election. Nevertheless, I will support the committee.

The Hon. A.J. REDFORD: I oppose this motion. I honestly think it is a waste of time. We have had select committees around this country on this issue on numerous occasions. We have all been lobbied extensively over the past six months while this matter has been before this Council, and I do not see any value in a select committee. We are perfectly capable of dealing with this legislation without going on a talkfest amongst a very small number of us. Those of us not involved in the select committee will probably be unimpressed. I can predict very clearly what will happen. We will get two reports: one for, one against, and we will all line up behind one side or the other. I really do not see what it will achieve. However, I appreciate how the numbers will fall.

The Hon. T. CROTHERS: I previously spoke in November last year in support of euthanasia. I am very loath to rise in this debate again, given the time. However, I must rise in support of the Levy proposition that is now in front of us. In part rebuttal of the previous speaker, in the *Advertiser* that I read, this certainly was not the view that the previous speaker expressed through that medium of the press—if that was correct—in respect of the select committee. I find it very strange that that honourable member would now proffer us a somewhat different view from that—

The Hon. A.J. Redford: I never said anything that—

The Hon. T. CROTHERS: I said 'a previous speaker'. I did not name you, Mr Redford, but I now will.

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Then you should sue the *Advertiser*.

The PRESIDENT: Order!

The Hon. A.J. Redford: Well, there's no point—

The Hon. T. CROTHERS: Sue the *Advertiser*.

The Hon. A.J. Redford: They didn't defame you. You—

The PRESIDENT: Order!

The Hon. A.J. Redford: The *Advertiser* never said anything wrong; you just made it up.

The Hon. T. CROTHERS: I did not. It was in the *Advertiser* that you gave a statement, my friend. You can check it out in the *Advertiser*.

The Hon. A.J. Redford: I didn't say anything of the sort.

The Hon. T. CROTHERS: You check it out.

The Hon. A.J. Redford: Well, I've never said anything of the sort.

The PRESIDENT: Order!

The Hon. T. CROTHERS: I am reporting correctly from the *Advertiser*. So, having resolved that matter now, I would ask this Council—

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: If I were giving you your homework, you would get 100 lines each day for your scurrilous behaviour, Mr Davis.

The Hon. K.T. Griffin: Come on! 'Scurrilous behaviour' is unparliamentary. You ought to withdraw that.

The Hon. T. CROTHERS: Yes, I know. Even if it is true, it is unparliamentary. I understand that. I believe that we ought to support the motion, because I do not accept the statement made by the Hon. Sandra Kanck, namely, that if this Council carries the vote for the select committee, it will in fact not be able to do anything. Even if the select committee falls off the end of the parliamentary wagon through the proroguing of this Parliament, this Council can still reconstitute it. There will not be many changes that occur—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Is there a parrot sitting in the Government back benches? Not many changes in personnel will occur at the next election in respect of the physical composition of this Chamber. I would urge all members to support the Levy motion because, in the words of Pastor Dietrich Bonhoeffer (who was put to death in Mauthausen concentration camp), who said of the Nazis:

When they berated the Jews and crucified them, I did nothing.

When they put the gipsies and the Jehovah's Witnesses in concentration camps and starved them to death, I did nothing.

Finally he said:

When they came for me, it was too late.

On that basis, and with respect to everyone of us having the right to all the information we can garner in respect of the Levy proposition, I urge all members to support it.

The Hon. ANNE LEVY: I thank members for their comments. I regret that the Hon. Sandra Kanck feels that the select committee cannot achieve anything. What I certainly hope it will achieve is a careful consideration of proper safeguards and of the actual wording of the Bill. Whilst I have taken a great deal of advice on these matters, I am sure that there is in our community a great deal of expertise which can contribute to this matter and allow the very careful and detailed consideration of such legislation which its importance would make desirable.

The Council divided on the motion:

AYES (18)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Elliott, M. J.
Griffin, K. T.	Holloway, P.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Levy, J. A. W. (teller)
Lucas, R. I.	Nocella, P.
Pfitzner, B. S. L.	Pickles, C. A.
Roberts, T. G.	Schaefer, C. V.
Stefani, J. F.	Weatherill, G.

NOES (3)

Irwin, J. C.	Redford, A. J. (teller)
Roberts, R. R.	

Majority of 15 for the Ayes.

Motion thus carried.

Bill referred to a select committee consisting of the Hons Terry Cameron, Sandra Kanck, Anne Levy, Bernice Pfitzner and Caroline Schaefer; that the committee have power to send for persons, papers and records, and to adjourn from place to place; the committee to have power to sit during the recess, and to report on the first day of the next session.

CONTROLLED SUBSTANCES (CANNABIS DECRIMINALISATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 July. Page 1644.)

The Hon. A.J. REDFORD: I oppose this Bill. Indeed, I have not seen anything that would purport to justify the decriminalisation of cannabis since I made my comments on the Select Committee on the Control and Illegal Use of Drugs of Dependence report which might change the views I expressed on that occasion. Indeed, whilst this is a so-called conscience issue, I know that the only support for the Bill, other than from the Australia Democrats, will come from the Australian Labor Party. The Bill itself warrants some inspection. Essentially, it allows the Health Commission to go into the business of drug dealing. The Hon. Michael Elliott in introducing the Bill said:

I want to reiterate that this Bill is not about legalisation of cannabis but about its regulated availability.

One could easily say the same thing about legislation dealing with alcohol, tobacco or gambling. It is an exercise in semantics that even Goebbels would have been proud of. Indeed, I was pleased that the Hon. Trevor Crothers, entering the twilight of his career, was not sucked in by this characterisation when he said:

It seeks to give effect to a controlled legalisation of the possession and usage of marijuana.

I agree with much of what the Hon. Trevor Crothers said in relation to heroin, and I await with great interest the result of the ACT trials. Two significant issues emerged concerning marijuana which makes it quite different to the dealing of the issue with heroin. The two issues that I raised some two years were, first, the issue of the driving of motor vehicles and the effect of cannabis use on the capacity of people to effectively control their motor vehicle while driving and, secondly, the effect of treaties entered into by the Federal Government in relation to what this Parliament can or cannot do.

I have a copy of an interview that Simon Royal conducted with the Hon. Michael Elliott this morning on radio 5AN. Simon Royal, in introducing the Hon. Mr Elliott, said:

Mike Elliott's saying that it has substantial support in legal and political circles, and I notice that at least as far as ABC news story's concerned he's left out chemists there.

There was then some discussion about whether or not chemists were able to participate in the process, and the Hon. Mike Elliott informed listeners that chemists were either neutral or ambivalent about it. We then received some telephone calls. I think members would be interested in what some of the callers said this morning regarding this Bill. The first caller was a fellow called Mark who said:

Morning, Tony. I think I've had this out with Mike before, but I think he's got it all wrong. I think first of all cannabis should be treated like wine. There are as many varieties of cannabis and as many variations in it as there are in wine. Climatic conditions and things affect the taste and everything and the pungency and everything of it, and it takes as much skill, care and attention to grow good cannabis as it does to produce good grapes and make good wine. And so I think cannabis should be sold out through bottle shops and things like that rather than go through chemists, but that's probably a bit of a tall ask.

Another caller was a fellow called Peter, who said:

Peter: I just wanted to say that the industry as it stands now is really highly regulated, and also it's very seasonal, and if the. . . the Government can't, you know, have a bob each way. And also when a government steps in all they're going to do is confuse the situation, you know.

Royal: I notice you called it the industry.

Peter: Yeah.

Royal: Is it an industry?

Peter: Of course it is. Most people that I know grow their own, and they use if for themselves, they don't on-sell it and. . . except for themselves. . . Like, there's a real huge industry here in Adelaide that the Government doesn't know about, because it's really, really organised and highly regulated. You know, there's a sort of code where you don't just go out and sell it to anybody, because—

Royal: Tell me about the code. That's interesting. I didn't know that.

Peter: Well, you know. . . we know what the effects are. Your short-term memory goes if you use it over and over again. It is also very more-ish. In other words, you know, you keep on using it like nicotine, although it's not addictive in the same sense, you know. And we just don't sell it on to people we don't know.

Royal: Mm.

Peter: You know, in that sense, because I've been in this industry for nearly 25 years, you know, since I first come across it in Canberra, and we all know about it. We're not irresponsible idiots, you know, because we've done the research. The Government is going to completely obscuricate [*sic*] the whole affair by doing it this way. And also where are they going to get their supplies from?

And so it goes on. Towards the end of the interview, he indicated that during the past couple of years he had actually

discovered football. On 21 April, I wrote to Mr Bill Pointon, the Medical Adviser of Hemp SA Inc. I said to him regarding his letter and newsletter:

> In order that it may assist me to come to a firm view on this Bill, I would be most grateful if you would kindly advise me how Hemp SA Inc. would suggest we deal with the consumption of marijuana in conjunction with driving. My inquiries indicate that there is no simple test to determine whether or not a person is affected by marijuana, such as a breath test analysis or a blood test analysis. If I am incorrect on that, I would be most grateful if you would forward to me any relevant information so that I can consider my position.

I did receive some information, but none of it was relevant or pertinent to how we can possibly test people who might or might not be affected by the consumption of cannabis. I think there is a big enough problem in the community concerning this issue, and we need to be very cautious before we appear in any way to sanction the use of marijuana by decriminalising the consumption of cannabis.

I draw members' attention to a report released last year entitled, 'The incidence and role of alcohol, cannabinoids, amphetamines and benzodiazepines in non-fatal crashes'. It was published by Marie C. Longo, Christine E. Hunter and Robert J. Lokan of the Office of Road Safety and the State Forensic Science Centre. It consisted of a series of studies into the statistics regarding motor vehicle accidents and the range of people who were involved in motor vehicle accidents and their association with those drugs that form the title of the paper. Page 3 of the report states:

> Many of the drugs of concern are illicit (or are illicitly obtained prescription drugs being used for recreational purposes). Because drivers are reluctant to acknowledge the use of illicit drugs, self-report surveys of use are likely to produce underestimates of the prevalence of these drugs. Conversely, because blood samples can often only be obtained where some evidence of possible drug impairment has come to the attention of enforcement personnel, many studies utilising data from this source are likely to produce overestimates.

They then analysed various accidents, and I will give some statistics in relation to that. In relation to the percentages of casualties testing positive in various drug combinations (and these are people involved in accidents), 66 per cent had no drugs and no alcohol; 8.5 per cent had alcohol only; and, 10.6 per cent had cannabinoids present in their blood.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. Elliott: I will address that; he does not understand it.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: If you want me to go through it, I will get to the point. I accept what the honourable member is likely to say. No-one can say whether what was present in the blood had any affect on or caused any impairment to the driver. I accept that, but you cannot say it the other way either, and that is the point I make. When I sent this off to HEMP it certainly did not have any response or comment to make on the report. I will deal with this legislation only on the evidence before me. So, before you jump in, if you want to extend the debate, you keep making comments like that. If you look at the percentage of males and females—

Members interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order! I point out the lateness of the hour and the way in which members wish to progress this debate. There is a speaker on his feet: he is entitled to be heard. In respect of the expedition of this debate I ask that members cease interjecting.

The Hon. T.G. Cameron: You will get what you give.

The ACTING PRESIDENT: Order, Mr Cameron! The Hon. Mr Redford.

The Hon. A.J. REDFORD: Table 4 of the document talks about the percentages of males and females testing positive for various drug combinations. It shows that 63 per cent, in relation to drug combinations, had no drugs or alcohol in their blood; 10.5 per cent had alcohol only; and 12.6 per cent had cannabinoids only, which is a much higher percentage than drink drivers. For motorcycle riders the statistics are even more interesting. At page 7 the report states:

> Six per cent of riders were positive for stimulants only, 2.7 per cent were positive for benzodiazepines only and 22 per cent were positive for cannabinoids only [in relation to motorcycle accidents].

The end of the report talks about the effect and what can be made of these statistics.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The honourable member said that I use statistics to mislead people. That is absolute rubbish.

The Hon. T.G. Cameron: No, it's not; it's the truth.

The ACTING PRESIDENT: Order! I have asked members to show common decency and to stop interjecting. Let us expedite the matter in hand. I ask the speaker not to reply to interjections. I will deal with them if members continue to interject.

The Hon. A.J. REDFORD: First, in relation to some of the limitations in the information that I am endeavouring to put over the interjections of the Hon. Terry Cameron it says—

The ACTING PRESIDENT: Order!

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The honourable member then implied that I have not any factual basis. Has the honourable member read the report? I am sure that when the honourable member makes his contribution on this topic, he will refer to it and I will get some critical analysis from him rather than some banal interjections. In any event, the report says:

> First, the data are from screening assays only. Screening results have not yet been confirmed and quantified, and approximately 1 200 samples are currently being assayed, bringing the total number of samples to 3 000. Second—

and I think this is important—

> the presence of a drug does not necessarily mean that the driver's performance was impaired by that drug, although some inferences about the level of impairment may be made when the quantities of the drug are known. This issue is particularly relevant in the case of cannabinoids, where a positive drug result can be obtained some weeks after use.

It then goes on to refer to a couple of other statistical limitations. It further says:

> Cannabinoids were the most frequently tested drugs, with 10.6 per cent of drivers testing positive for cannabinoids only, followed by alcohol only (8.5 per cent), benzodiazepines only (4.7 per cent), stimulants only (5.1 per cent) and the combination of alcohol and cannabinoids (3.6 per cent).

The report further says:

> The situation with respect to cannabinoids is even more pronounced than for drivers: 9.1 per cent of riders judged responsible in single-vehicle crashes tested positive for cannabinoids, compared with 23.5 per cent of riders judged responsible in two-vehicle crashes and 31.3 per cent judged not responsible. The presence of cannabinoids thus appears to be more prevalent in drivers and riders who were not responsible. . . whereas the presence of alcohol is more prevalent in drivers and riders who were responsible.

In the concluding paragraph it says:

> However, in the light of the caveats noted above, it is premature to make any firm conclusions about the contributions of drugs other than alcohol to road crashes.

In other words, no clear result one way or the other has been determined in relation to the use of cannabis.

It seems to me that it would be highly irresponsible of us as members of Parliament to allow the prospect of increased use of cannabis in light of that information. When alcohol was first unleashed upon the community hundreds of years ago we did not have motor vehicles—we were stuck with it—but I am sure that, if alcohol was in the same position now and we knew what alcohol does in terms of road accidents and the other sorts of social consequences, we would probably not be allowing alcohol to be served as freely as we do now. We have been caught by alcohol by way of historical accident and I do not think that we need to make the same mistake.

Indeed, I was sent two articles by Hemp: first, 'Marijuana as medicine' and, secondly, 'Marijuana's effects on actual driving performance'. In the latter article the researcher found that marijuana did impair driving performance. The report stated that marijuana affected drivers in different ways from the effects experienced in cases of alcohol. However, the issue that concerns me is the statement in the final paragraph in which the author says:

> . . . one can still easily imagine situations where the influence of marijuana smoking might have a dangerous effect; i.e., emergency situations which put high demands on the driver's information processing capacity, prolonged monotonous driving, and after THC has been taken with other drugs, especially alcohol.

If one looks at that paper, we need to proceed with this sort of legislation with a great deal of caution. At the end of the day, it is premature: we do not have sufficient information. In her contribution the Minister referred to continuing trials and studies, and it seems to me that to vote for this Bill to proceed any further would be premature. At the end of the day, if it did become the law of this State, it would pose some real risks and some grave problems, particularly in regard to driving and the safety of innocent people on our roads.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I had not intended to speak on this matter, but I want to place on the record that I strongly oppose the legislation. I do not intend again to go into the detail on this occasion. I have done so over a number of years when putting down my general position. I am not sure whether there will be a division, but I have indicated to the Hon. Carolyn Pickles—who cannot be with us for the vote on this legislation—that, as she is a supporter and I am an opponent of the legislation, I will be a private pair with her on the vote on this.

The Hon. M.J. ELLIOTT: I thank all members for their contributions. Debates of this sort are very difficult, as was the debate on voluntary euthanasia. For the most part, people treat these matters as a conscience issue. As such, we in this place have to accept that there are honestly held differences of opinion, and we can but seek to persuade others as to our point of view. I suppose those opinions are held for a variety of reasons, and I do not seek to question any of them. I want to make a few comments in summary.

I said that all people have honestly held beliefs, and my honest belief is that I would not promote this Bill if I believed there would be an increase in consumption. If this Bill is part of an overall package, which includes education and so on—and I will talk about that later—we will see a slow decline of the sort that we are seeing with tobacco. Unfortunately, these changes do not happen overnight, but with appropriate education programs running in tandem with the destruction of the black market there will be no magic answer but there will be a slow decline in consumption. There will be other benefits—and I will return to those later—such as separating the users from the drug culture and preventing exposure to more dangerous drugs, namely, ecstasy, LSD, amphetamines, and so on. I will return to that matter later. As I see it, the only people who benefit from the current situation in relation to cannabis are the crooks. Mega-profits are being made out of cannabis, and they are being made by people who have a single motivation, and that is to make money—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: The lawyers are always there, because there is always the right to represent somebody. However, I will leave the lawyers alone for now and just concentrate on the other crooks—the drug dealers. I really should take that back, because a number of my good friends are lawyers, and I hold them in the highest regard. I have demonstrated in this place that I am a strong advocate of having a responsible attitude towards drugs. It was not long after I entered this Parliament that I moved a Private Members' Bill to ban tobacco advertising, and some members of this place will recall that quite clearly. We should not encourage people to use drugs. That is my consistent view.

My *bona fides* were demonstrated when I was responsible for a Private Members' Bill to ban tobacco advertising. It is grossly irresponsible for us to allow the drug lords of the tobacco companies to encourage people to use a substance that we know is harmful. I make a distinction between people who choose to smoke tobacco and people who encourage them to smoke it. Just as we make a distinction between people who choose to use cannabis—whether or not we think it is a good idea—and people who positively encourage them to use it.

The people who at this stage positively encourage the use of cannabis are the black marketeers. We need to separate out those people who stand to make a profit from it and then seek to tackle the inducements. We should also look at the alcohol industry, an issue that was raised by an earlier speaker. At the very least, alcohol companies should be stopped from displaying advertising which is non promotional. When I say 'non promotional', it is one thing to say that you make a red wine that is grown in Coonawarra and then discuss its qualities, but it is quite another thing to run advertisements which are targeted at a youth audience and which try to make them believe that alcohol consumption and good times are linked together.

The Hon. A.J. Redford: How can you judge that?

The Hon. M.J. ELLIOTT: I am sorry, but I think that that is possible.

The Hon. A.J. Redford interjecting:

The Hon. T.G. Cameron: He is making a valid point.

The Hon. M.J. ELLIOTT: I am making a very strong point that I do not believe it is responsible in this society to advocate that the use of drugs is a good thing. I am absolutely consistent on that, and I think that, unfortunately, some people are hypocrites. Some people take a stand in relation to cannabis which conflicts with the stand they take on the so-called legal drugs. There is hypocrisy and, unfortunately, the young people within our society pick up that hypocrisy. Unfortunately, when they see that hypocrisy their respect for our society is undermined. If we are to run serious drug

education programs with our children, we as a society have to cease being hypocrites.

Members interjecting:

The Hon. M.J. ELLIOTT: No, I didn't.

The ACTING PRESIDENT: Order! If members wish to progress this Bill the best way to do it is to give the speaker on his or her feet the opportunity to be heard. I call on members on both sides to do that.

The Hon. M.J. ELLIOTT: I made the point that we should respect honestly held beliefs. I am trying to make the point now that our society must cease to be hypocritical on drugs—and our society is. Our society takes two drugs, alcohol and tobacco, that are proven killers in large numbers—alcohol mainly affects younger people and tobacco mainly affects older people—and sanctions them. We allow tobacco to be sold through the corner deli, and only in the past decade have we taken the sensible move to ban the advertising of tobacco. We have not removed its promotion from some sporting events; it was still advertised at the Grand Prix at the time we lost it because we remained hypocritical in relation to that.

I also suggest at the very least in relation to alcohol that the linking in advertising of alcohol, young people and good times is irresponsible—and it is happening. We should seek to be consistent, because that hypocrisy is picked up by our young people and it undermines any message that we try to get out. I say to the honourable member who interjected before that I have been a health teacher, and I have been in the position of trying to teach children what happens in relation to drugs. I point out that two of those children died, but the drug involved was alcohol.

Members interjecting:

The Hon. M.J. ELLIOTT: It probably leads to the next point. The issue of accidents was raised. First, I want to address the data in relation to the detection of cannabis in drivers. Does cannabis affect drivers? I am sure it does; but in respect of that data it needs to be realised that cannabinoids are fat soluble. They are released into the bloodstream for weeks after they are consumed. For that reason—

The Hon. A.J. Redford: You can't test it.

The Hon. M.J. ELLIOTT: Okay, I will get to that; but the fact that a large number of people involved in accidents detected positive to cannabis rather than alcohol tells you nothing more than that—a large number were detected for cannabis use rather than for alcohol.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Let me finish. Apart from one interjection I behaved myself, and I wish the honourable member would do the same. The fact is that it is fat soluble, it is slowly released and it distorts the sorts of figures in terms of people who want to put an interpretation to say that clearly it is linked with accidents. I am not suggesting that that assumption was being made during the debate, but a number of people have done so. It also points out the other problem that exists: that, if you try to do an on-the-spot test for cannabis, you are not proving whether or not the person is under the influence—you are just proving whether or not they used it in the last couple of weeks. In fact, if you take hair samples, you can test them for the last couple of months, depending on how long their hair is.

The Hon. A.J. Redford interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: It is fair to say that there are problems in terms of testing but we need to recognise—and I raised this during debate earlier—that cannabis is being consumed in our society now. In fact, that came up in the figures raised: significant numbers of people in our society are using cannabis, are driving on our roads and we do not have a test. The issue really is that we need to come up with a test for cannabis. I do not believe that by changing the status of cannabis—whether it is bought through the black market or bought through a pharmacy—consumption rates will change. We will still have the same problem that we need some form of testing. In fact, I argued in this place that we need to come up with tests that would include reaction tests which do not depend on a test for an actual substance. We should be testing whether or not a person is fit to drive.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: No, far more sophisticated than that. We have to realise that people are consuming Ecstasy, LSD, amphetamines and a whole range of things, and we simply cannot test for them all individually. At the moment we have a test that picks up people who are under the influence of alcohol but we do not have a test that picks up any of the other things at all. So, do we have a problem? Yes, we do. I would argue that that problem has nothing to do with this legislation if you believe, as I do, that the consumption rates are not going to change. I would not be moving this legislation if I believed they would increase. Yes, there is a problem in relation to drug testing and drivers. That is not true just in relation to cannabis: it is true in relation to a whole lot—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: No. The point I am making is that the problem in terms of testing is not a problem which is exclusively one that relates to cannabis. It relates to a whole range of illegal and, might I add, also legal substances. We are not testing for people who are on valium or a range of other things which are affecting their driving capacity. We are not testing whether or not they have had too much cough mixture and the things contained within it. There are problems about people on the road who should not be driving. None of our current testing is picking up any of that, so let us work out what the problem is that we are trying to confront. The problem is that we have a test for alcohol, but we do not have a reasonable test for anything else, legal or illegal, which is likely to cause a problem. I would agree if it was argued that we have to do something about it, but I do not believe it is an argument against this Bill unless you happen to believe and want to argue, first, that there will be significant increases in cannabis usage. I do not accept that.

I have not sought at any stage in this debate to argue about the health effects of cannabis, because I am prepared to believe that cannabis has negative effects, as do a large number of legal and illegal drugs. That is not the argument we are having. Once again, if you believe that consumption rates are not going to increase, if you believe that you are capable of bringing consumption rates down over time, then you would see that the health benefits will be gained not by the current law, which is not stopping people from consuming, but by pursuing lower consumption rates, and that is what I am pursuing in this Bill among other things. It would be irrelevant to try to debate just how serious a particular health aspect is or is not because I am prepared to concede that the negative impacts are there.

The negative health effects are most closely linked with chronic users of cannabis. As we know, the chronic users of alcohol also have some quite serious health effects. The argument we hear (and I did hear it through an interjection)

is that we already have two legal substances causing a problem. In fact, there are many more than that: the benzodiazepines and valium, and so on, are all legal and all causing problems. Two of those drugs are killing large numbers of people. In fact, cannabis is not killing very many people at all, except through backyard shootings. I believe that the lethal dose for cannabis is two kilograms dropped from a three-storey building. It is not a substance on which you can overdose as you can with alcohol, heroin or a number of other drugs. Having said that, I will not focus on the health impacts.

This Bill seeks to destroy the black market, and to do so the first thing we need is an outlet, which this Bill describes as being a licensed outlet that would be under the Government's control. I have put the personal view that it should be sold through pharmacies. I have met with the two organisations that represent pharmacies, and neither has an official position in relation to this.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: No; in fact, they have not expressed that generally. When I sat down with them several of the pharmacists at the meeting said, 'We've sold cannabis before. In fact, we sold it until the 1950s.' Cannabis, particularly in the form of cannabis tinctures, was used quite legally in Australia into the 1950s, and many pharmacists still operating today were selling cannabis products until that time.

The Hon. R.R. Roberts: It must have been a very old chemist you were talking to.

The Hon. M.J. ELLIOTT: These fellows would be in their early 60s, I suppose. Some people might find it amusing, but it is a statement of fact that it was sold in pharmacies until the 1950s. I think there were five or six at the meeting and as I recall two of them expressed concern and the others expressed support, but that is really not a decent sample except to note that they were people at the head of their organisations.

An honourable member: The usual Democrat sample.

The Hon. M.J. ELLIOTT: Well, it is about the same size as Legh Davis usually uses in his direct samples, and a few more than the telephone calls that Lucas gets when he makes some of his statements, but let us not digress. The pharmacists' position is that neither of those organisations has an official position but after discussions I had with the representatives they said they would certainly go back to the organisations and look at the possibility. Some pharmacists I have spoken with have said that, while they might oppose the sale, they would agree that if it is to be sold they would be the obvious outlets. Some might argue that there is a bit of financial incentive in that. I advocate pharmacies because part of what I expect to happen under this legislation is that people are given genuine health messages in relation to cannabis. If a person goes into a pharmacy and buys certain products now, the pharmacist is required to speak to them about it. I would have that same requirement with cannabis. The pharmacist would be expected to make sure that any person buying cannabis is given a clear health message. This is part of a demystification process. At the moment people are getting cannabis—

The Hon. T.G. Cameron: Even when we put health warnings on the drugs some people still continue to use them.

The Hon. M.J. ELLIOTT: At the end of the day you can only do so much. Where cannabis would be clearly different from tobacco is that there would not be brand names. As I see it there would be plain packaging and no form of promotion of any sort. A person would simply buy a small amount of cannabis and be given a health message at the same time. I would expect that they could purchase in only very small quantities, so that they could not obtain larger quantities with which they could sub-deal. They would not be able to consume it in a public place, so they would be doing as they currently do—consuming it at their own home or that of a friend, but certainly not in a public place. I do not think that is sending a message that you are condoning the substance. If you condone a substance, you are saying that you can buy it wherever you like, you can use it wherever you like, you allow it to be advertised and promoted, you have brand names and so on.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Look, you are ridiculous.

The Hon. A.J. Redford interjecting:

The ACTING PRESIDENT: Order! Mr Redford, I have already asked members on several occasions on both sides to give the speaker the opportunity to wind up his second reading speech so that the matter can be progressed. I ask you to give him the same courtesy as I asked other interjectors to give to you when you were speaking.

The Hon. M.J. ELLIOTT: Thank you, Mr Acting President. Again, the suggestion has been made by way of interjection that, having done this, I was wanting to soften the law. The point I have tried to make is that I have supported the toughening of laws in relation to the legal drugs, tobacco and alcohol. In this place I have demonstrated that clearly in relation to tobacco. I am not a person who supports the softening of laws, and wanting to use the thin end of the wedge type of argument to try to do more and more. That is not my record and to try to suggest by interjection that I am up to something more than I am saying is accusing me of being a liar. That is essentially what you are doing. I am saying quite clearly what I am trying to achieve and you are saying I am trying to achieve something else. That is a disreputable thing to do, and my record does not stand scrutiny in that sense. You know very well that that is not the case.

I have three children growing up in this world and there is no way known that I would be taking risks with these children. Even though other members have a different view, I am taking the position which I think gives my children the best chance of growing up in a better world. It is a world where I know that they will not have people in the black market pushing cannabis towards them and, on top of that, being offered ecstasy, amphetamines and other drugs which are far more dangerous.

The Hon. A.J. Redford interjecting:

The ACTING PRESIDENT: Order!

The Hon. M.J. ELLIOTT: I have talked about why I think pharmacists should do it. I think that pharmacists are the ideal people. I do not want it to be open slather and for anyone to be able to sell the stuff and for it to be opened up even wider. That is not what I am looking for at all.

I have also suggested that there should be licensing of growing. People ask, 'Can that work?' We already have a model working in Tasmania where opium poppies which are grown under licence are used for the manufacture of morphine and other medicinal products. People might want to argue that it will not work; it has been done with opium poppies in Tasmania for well over a decade, or perhaps closer to two decades—it has been quite a while—and it is working extremely successfully.

As I see it, it would involve a relatively small number of people and it would be no different from some farmers who currently under licence have an agreement with Coles or Woolworths to grow X tonnes of pumpkins or potatoes. These people will be working with a crop that needs security, but they will be growing under contract; they would not be making the megaprofits that some farmers make with their illegal crops now. Certainly, they would be paid enough to make it worthwhile, but there would not be megaprofits involved that the illegal growers of cannabis currently make. That is my intention in terms of the source of the cannabis that would be sold through licensed outlets.

The last aspect that I have not touched on is the question of price. It is important that the price is not cheap enough to make it attractive but is not so expensive as to allow the black market to operate. It will be a matter of getting the price right. That is achievable and it probably would not be that different from the street prices that operate today.

In summary, I point out that the Bill will allow for the sale of cannabis only through licensed outlets, preferably pharmacies. It will not allow sale to minors and all penalties in relation to the supply to minors should be increased. We should also ensure that all penalties in relation to illegal activities are increased, and there will be illegal activities. Anyone trying to sell it outside the licensing system will be involved in illegal activity, so the penalties will be high but the rewards will be gone. I hope that the penalties for minors, which exist in the legislation, will be stronger.

Production and distribution will be totally under Government control, as will price. Advertising and promotion will be absolutely prohibited. Health information will be provided at the point of sale and consumption in public places will be prohibited. All those measures are within the legislation. Outside the legislation, in tandem, I would expect sensible health programs to be run inside schools and elsewhere.

If we tackle this problem in a mature fashion, we will have a much greater chance of ensuring that we minimise the harm that we see in our society. Harm minimisation is what we should seek to achieve. We know that, unfortunately, the laws that we have used until now, such as criminal sanction, simply do not work. Even the death penalty, for example, for the possession of heroin in Malaysia does not stop consumption. That tells us how well—or how poorly—the criminal law works. Cannabis is one of the largest industries in Australia, but it is all happening underground.

I thank all members for their contribution to this debate. This is a difficult issue. A couple of members have spoken to me privately, saying that, although they will vote against the Bill, they have sympathy for it but they feel that at this stage it is a bit premature and that they are waiting for some work that is happening at the Federal level before taking a firm decision. I take note of that. Nevertheless, I thank all members who have indicated their support. I believe that the measures contained in this Bill are inevitable and that, when adopted, people will be pleasantly surprised at how well the proposal works. I urge all members to support the second reading.

The Council divided on the second reading:

AYES (8)

Cameron, T. G.	Crothers, T.
Elliott, M. J.(teller)	Kanck, S. M.
Levy, J. A. W.	Nocella, P.
Roberts, T. G.	Weatherill, G.

NOES (11)

Davis, L. H.	Griffin, K. T.
Holloway, P.	Irwin, J. C.
Laidlaw, D. V.	Lawson, R. D.
Pfitzner, B. S. L.	Redford, A. J. (teller)
Roberts, R.R.	Schaefer, C. V.
Stefani, J. F.	

PAIRS

Pickles, C. A.	Lucas, R. I.

Majority of 3 for the Noes.

Second reading thus negatived.

SOUTH AUSTRALIAN CONSTITUTIONAL ADVISORY COUNCIL

Adjourned debate on motion of Hon. R.D. Lawson:

That the first report of the South Australian Constitutional Advisory Council be noted.

(Continued from 19 March. Page 1244.)

The Hon. R.D. LAWSON: I have previously commented on the terms of reference and composition of the South Australian Advisory Council in my contribution on 19 March. I also outlined on that occasion the seven major recommendations of the council, and I do not intend on this occasion, in completing my remarks, to repeat what I there said.

The Constitutional Advisory Council was born out of the discussion which has arisen in this country concerning the constitutional future of the Commonwealth. It will be recalled that in June 1995 then Prime Minister Keating presented to the Federal Parliament a series of options, and the then Government's preferred position was described as a minimalist position to vest the powers currently held by Her Majesty the Queen and the Governor-General in a new head of State, and that those powers should be exercised in accordance with the constitutional conventions that had hitherto governed their use.

It was suggested in the report—and I certainly agree with it—that if federalism is to survive in Australia, whatever the nature of the Federal constitutional arrangements, abolition of the Australian Crown must not lead to State Governors being rendered subservient to anyone in Canberra. I am glad to note that the Constitutional Advisory Council believes that it would be mischievous to leave the position of the States unsettled if Australia becomes a republic. As I mentioned previously, all of the report is predicated upon the possibility of the country's becoming a republic, although that position is not specifically advocated.

I congratulate the members of the council on their report. In section 9.1 of the report, they acknowledge the differing views of persons in Australia concerning our system of government. They note Australia's record as one of the oldest democracies in the world and, by many yardsticks, one of the most successful. That diversity is reflected in the report.

All the constitutional arguments about the sovereignty of the Australian people, the debate whether that sovereignty rests with the people or whether, as it was certainly argued in nineteenth century in England, that sovereignty resided in the Crown in Parliament, are noted in the report and fully teased out.

It is interesting to note that the report did not accept the suggestion of the Keating Government that parliamentarians should be excluded from nomination as an Australian Head of State until five years had elapsed from their departure from

the Commonwealth. It was noted that two of the most able and successful of our Governors-General in the past, Sir William McKell and Sir Paul Hasluck were translated to vice-regal office within days of their relinquishing Cabinet posts, and I think it is reasonable to include the Hon. Bill Hayden in that same breath. It should be noted that a minority report expresses the views of some members, especially in relation to the manner in which the Head of State should be appointed; the minority believing that a Head of State being appointed by two-thirds majority of a joint sitting of both Houses of the Federal Parliament was an appropriate mechanism, whereas the majority were of the view that the Head of State ought be appointed by the Prime Minister and, in relation to South Australia, by the Premier, as is currently the position.

Very useful discussion papers were made available on certain aspects of the issues written by the Solicitor-General. They are appendices to the report and I commend them. Background papers were also prepared by the Chairman of the council, Associate Professor Peter Howell. Again, they are very useful resource documents. Also appended to the report is an opinion from Michael Manetta, a young barrister in practice in Adelaide and a member of the council, whose opinion on the divisibility of the Crown is a most interesting document. Mr Manetta's conclusion that the Crown is indivisible is certainly an interesting and well reasoned argument. I commend the report to the Council.

The Constitutional Advisory Council had to consider four terms of reference, two of which were dealt with in the first report. The third and fourth terms of reference relate to the adequacy or otherwise of the current distribution of power between the Commonwealth, States, Territories and local government and what changes, if any, should be made, and what are some practical ways of bringing about desired changes. The fourth term of reference deals with ways of ensuring adequate consultation with the people and their participation in decision making in relation to constitutional changes.

At the time of the release of the first report, it was stated that the second report would be made available by the end of 1996. I have not yet seen that report and, as far as I am aware, it has not been released. I look forward to its release as soon as possible. If the standard of the second report is of the same level as that attained in the first it will be once again a most useful resource. I commend the report.

The Hon. P. HOLLOWAY: The Opposition supports this motion. The Hon. Robert Lawson has well covered the scope of this report. When Australia becomes a republic there will be consequences for this State. It is important that we should consider those consequences before the event and this report does that very adequately. Members of the Opposition would not necessarily agree with all 41 recommendations of the report, and I note some divergence of opinions in minority reports but, nevertheless, this report provides a very useful analysis of the issues involved. The annexures to the report are a very useful compendium of information on various associated issues. The whole report is a very useful source of information on this question.

The only comment that I wish to make in conclusion is that many members on this side of the Council would regret the fact that the movement towards a republic at a Federal level appears to have been derailed recently. Unfortunately, the promise of the Howard Government to call a convention has not been honoured owing to the insistence of the Government that the voting for the convention should be on a voluntary basis. I think that is most unfortunate and, as I said, many members on this side of the Council would regret that occurrence. As far as this report is concerned, it is a useful contribution to the debate and I support the motion that it be noted.

Motion carried.

RETAIL SHOP LEASES AMENDMENT BILL

Returned from the House of Assembly with an amendment.

LIQUOR LICENSING BILL

Returned from the House of Assembly with amendments.

ADJOURNMENT

At 12.9 a.m. the Council adjourned until Thursday 10 July at 11 a.m.