LEGISLATIVE COUNCIL

Wednesday 17 February 1999

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

PILCHARDS

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by my colleague the Minister for Primary Industries, Natural Resources and Regional Development in another place this day on the subject of Opposition erroneous statements in relation to pilchards.

Leave granted.

QUESTION TIME

SCHOOL ZONES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport a question about school speed zones.

Leave granted.

The Hon. CAROLYN PICKLES: Last year, in an effort to address the school zone debacle, the Minister publicly announced that flashing lights or pedestrian activated lights would be installed by the Government at all school zones on arterial roads in South Australia. I welcomed this move and supported the legislation, hoping that the issue would be finally resolved and, of course, improve the safety of our children. This work was to incorporate all schools in the State, including country areas, and, of course, this is particularly important when a school is situated on the main road through a country town. My questions to the Minister are:

1. Will the Minister advise how many of the 88 country schools on arterial roads identified by her department as being eligible for flashing lights or pedestrian activated traffic lights have had such a device installed?

2. Will the Minister advise the 1998-99 budget allocation for the installation of these devices and the projected 1999-2000 allocation?

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: Then perhaps you might like to say how much is left to be done—a ballpark figure would do.

3. When will the project be completed?

4. What component of this allocation is for the 88 country schools, and how much of this allocation has been spent in the 1998-99 financial year?

5. Which schools on arterial roads have had the traffic devices installed, and how many of these are in the country?

The Hon. DIANA LAIDLAW: I do not have the answers to the detailed questions asked by the honourable member, but I will seek the advice promptly because I know it is available within the department. Certainly, I am aware that, at my request, the department is looking at how we can speed up the process of the installation of these lights within our budget for this year, and certainly this matter has been raised and will continue to be raised in terms of the budget allocations for the next financial year. The Government has made a commitment, and we will see that we deliver on this commitment. At this stage, I do not have all the details at hand.

The Hon. CAROLYN PICKLES: As a supplementary question, is the Minister satisfied that the project is proceeding speedily enough, particularly in country areas?

The Hon. DIANA LAIDLAW: If I had the money and not so much of our State's resources were going towards paying off debt and a range of things (for example, with the sale of ETSA we could establish the fund), we would have more means. I said in my answer that we are seeking to speed up this process. We are looking at the funds we have available this year, and certainly the matter is being discussed in terms of the allocation for next year. However, the honourable member and the people whom she represents in asking this question can be well assured that the Government will honour its undertakings.

PARLIAMENT, MEMBERS INDEMNIFICATION

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the indemnification of Government members of Parliament.

Leave granted.

The Hon. P. HOLLOWAY: Ministers of the Crown are indemnified by the State against alleged defamations made in carrying out their portfolio responsibilities. However, in the past this protection has not been extended to backbenchers. The Liberals' code of conduct 'Government to serve the people' released in November 1993 makes no provision for taxpayer protection for backbenchers and limits protection for Ministers. Will the Attorney-General say whether the taxpayer is indemnifying the member for Bragg, Graham Ingerson, in the defamation case being taken against the member for Bragg and the Treasurer by the Hon. Nick Xenophon and, if so, when was the policy altered to extend that protection to Government backbenchers?

The Hon. K.T. GRIFFIN: It is interesting that the honourable member should raise this matter because I have been considering—and in fact I have—a proposal yet to be finalised for consideration by the Government in relation to legal action that might be taken against all members of Parliament (or any member of Parliament), regardless of political Party. I guess that would be a very significant extension of the general rule, although it should not be forgotten that members of Parliament who were not Ministers have been indemnified from time to time by Governments of both political persuasions. If the honourable member wants that detail, I will get it for him. It may not be easily accessible because careful records may not have been kept to enable the information to be readily retrieved. However, that is my recollection.

There are some circumstances in which it is appropriate for individual members who are not Ministers to have some Government indemnity. In relation to Mr Ingerson, the Government has not made a decision on that issue at this stage.

TORRENS RIVER

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Environment and Heritage, a question about the Torrens River and lake environment clean-up.

Leave granted.

The Hon. T.G. ROBERTS: In the *Sunday Mail* of 14 February an article appears titled 'Torrens dredging "a stunt"' which goes on to say:

> Money raised by a levy on 100 000 ratepayers in the Torrens River catchment area was wasted for the sake of grandstanding, it has been claimed.
>
> A total of $730 000—a third of the $2.2 million cost of dredging the Torrens River Lake this summer—was funded by the levy, but produced no environmental benefits, says a company director involved in the Torrens management plan.

When the Bill was going through the Council in relation to the formation of the water catchment management bodies, criticisms were levelled by me and the Democrats' representative in relation to the problems of not having a total catchment management plan, particularly for our river system, and a program that included the foothills, the plains and the coastal regions, and it was said that that had to be an integrated plan covering all our small river systems and, in particular, the Torrens River. The only action in respect of the large investment program was to have the Glenelg area of the Patawalonga looked at, and out of that grew a major development project.

For the next 5½ years after the Government was returned to power in 1973, the *Advertiser* tried to give the impression on a regular basis that activity was going on in the Torrens Lake region or area, and South Australian citizens could be forgiven for thinking that large investment packages were being spent in the environs cleaning up that system. But, unfortunately, because nothing was done in the eastern part of the river system, the Torrens was still collecting silt and being damaged environmentally. My question is: when will the public of South Australia see a total catchment management plan for a proposal to clean-up the Torrens Lake and river environment, and will a timetable be attached to that?

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

FESTIVAL CENTRE

The Hon. DIANA LAIDLAW: I seek leave to provide an answer to a question asked by the Hon. Julian Stefani last Thursday in relation to asbestos at the Adelaide Festival Centre.

Leave granted.

The Hon. DIANA LAIDLAW: I am advised that the relevant Act was passed in 1986, but it was not until 1991 that regulation 13 of the Occupational Health, Safety and Welfare asbestos regulations 1991 first set out the duties of building owners in relation to asbestos and registers. So, it is interesting that, in terms of the former Government and its interest in asbestos, five years passed between the passage of the Act and the regulations setting out the duties of building owners in relation to asbestos and the registers.

In 1995 the Occupational Health, Safety and Welfare regulations were consolidated, and regulation 4.2.10 of 'Division 4.2—asbestos' is almost identical to regulation 13 of the old regulations. It provides that the owner of a building is required to take responsible steps to identify all asbestos installed in a building or on any plant that he or she is the owner. I advise that from 1991, when the first regulations were proclaimed, the Labor Government did nothing at the Adelaide Festival Centre in terms of asbestos, registers and their responsibilities as building owners. Also, I advise that the Festival Centre developed the asbestos register in 1994, the first year of this Government.

STURT HIGHWAY

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the Sturt Highway.

Leave granted.

The Hon. J.S.L. DAWKINS: Last Saturday I drove to the Riverland to attend a community function. This journey gave me my first opportunity to travel over the newly completed section of the Sturt Highway, between Nuriootpa and Truro. Traffic recently returned to the highway after being detoured, mainly via Belvedere and Kapunda-Truro roads, for some months. Can the Minister provide details of the upgrading project and the related benefits for traffic flow and safety?

The Hon. DIANA LAIDLAW: The detour was for some 12 months, and three different detours were required during that period to accommodate these roadworks which were funded by the Federal Government. The sum of $12 million was the ultimate cost for the eight kilometres of the Sturt Highway between Mickan's bridge and Truro. Traffic returned to use that new section of road on 6 February, and I note that the Speaker of the House of Representatives, who is also the local Federal member (Hon. Neil Andrew), recently opened the new section of road.

Certainly, in addition to the praise that the honourable member has provided, I am aware that other members who have used the road are particularly pleased with its quality, the improved safety, particularly the sight lines, and its overtaking capacity because a lot of the undulations have been taken out of the old road, thereby improving sight lines and the ability to overtake. Two more overtaking lanes have been specifically provided for that purpose, and there are wider road shoulders which allow vehicles such as school buses to stop for passengers, which is an issue that the local community has been arguing for for some time, in terms of a necessary safety feature on that road. The wider road surface overall is nine metres, and it is to that standard that we hope to upgrade the Sturt Highway over time.

COMMONWEALTH DISABILITY DISCRIMINATION ACT

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Attorney-General a question about exemptions from the Commonwealth Disability Discrimination Act.

Leave granted.

The Hon. SANDRA KANCK: The Commonwealth Disability Discrimination Act 1993 is based on international human rights instruments. The South Australian Equal Opportunity Act does not provide the same level of rights for people with disabilities as the Disability Discrimination Act does. Not all disabilities are covered by the Equal Opportunity Act, whereas the Disability Discrimination Act has an exhaustive definition of 'disability'. Figures from the ABS show that 18 per cent of Australians have a disability. When the Commonwealth Act was introduced, the States and Territories were given a three-year period to review their legislation, which might be inconsistent with the new Act.

The Attorney-General's Office sought exemptions in five areas, including sections of the Education Act. Most members of the public were unaware of this until early this year. The

exemptions allow the Director-General of Education to remove a child with a disability from a mainstream school, no matter what the wishes of the child or the parents are. The exemptions from the Disability Discrimination Act mean that disabled children and their families are not able to seek redress from such a decision through the Commonwealth Act. The Disability Discrimination Act gives people with disabilities and their families the right to take a complaint to the Human Rights and Equal Opportunity Commission, and the Commonwealth Government has funded a free legal advocacy service for these people.

The DDA service located at Norwood Community Legal Service has said that it is constantly overwhelmed by the number of complaints from concerned parents with regard to their disabled children's education, but on 5AN Drivetime on 28 January the Attorney-General said there had not been many, if any, complaints. Disability advocates have expressed concern to my office saying that these exemptions fly in the face of equality. According to these advocates, children with disabilities who are integrated into mainstream schools have a better chance of employment and integration into society. They feel the exemption from the Disability Discrimination Act takes away a fundamental choice from the children and their families. They say that for the sake of administrative convenience human rights are being forfeited. My questions to the Attorney-General are:

1. Just as the Premier undertook to Parliament in November 1996 to approach the Federal Government for delegation to the South Australian Equal Opportunity Commission of matters related to the Federal Racial Discrimination Act, will the State Attorney-General enter into discussions with the Federal Attorney-General's Office to ensure that South Australians have recourse to the Commonwealth Disability Discrimination Act 1993 through the Equal Opportunity Commission?

2. As parents have access to free legal assistance for redress through the Commonwealth Disability Discrimination Act, is the Government prepared to make provision for legal aid assistance for redress through the Equal Opportunity Act?

The Hon. K.T. GRIFFIN: I will need to look at those questions again to get their precise wording but, in response to the first question as to whether we will approach the Commonwealth Government to allow the State Equal Opportunity Commission to be appointed as a delegate of that Federal commission for the purposes of the Disability Discrimination Act, the answer is 'No.'

The Hon. Sandra Kanck: Why?

The Hon. K.T. GRIFFIN: There is no reason for the State to become a delegate for that purpose. We have had considerable difficulties in tying down funding approvals from the Commonwealth in relation to acting as a delegate for other Federal equal opportunity legislation. The Government takes the view that with disability discrimination we will not get into the same bind that we got into in respect of other areas of discrimination whilst acting as a delegate to the Commonwealth Human Rights and Equal Opportunity Commission.

There is an agreement in relation to funding. At the moment the State Equal Opportunity Commission acts as a delegate of the Commonwealth, but in our view that does not provide adequate recompense for the work that is necessarily involved.

In response to the honourable member's second question, whether it is through the State or the Federal Act, the Legal Services Commission is getting more from this Government in terms of support for legal aid than it ever got from the previous Labor Government. I think the contribution in the current financial year is about $5.8 million. The Commonwealth makes available $9 million on an annual basis, and it is not indexed for the first three years of the agreement.

Ultimately, it becomes a matter for the Legal Services Commission to administer funding in accordance with the amount of funds that are available and the guidelines which the Commonwealth has established regarding the use to which legal aid commissions around Australia may put the funds that come from the Commonwealth Government. That matter is in the hands of the Legal Services Commission, not the Government, on the basis that the Government does provide a reasonable level of funding to the commission for those matters which are not Commonwealth matters.

I go back to the introduction which the honourable member made in respect of the application by the State for exemptions from the Commonwealth Discrimination Act. When the Commonwealth enacted its legislation, it recognised that it overlapped with certain State provisions and may have caused some difficulty for the States in particular. So, it sought information about which areas the State Governments may wish to have made the subject of exemptions from the Disability Discrimination Act.

I undertook the task of contacting every agency of State Government and bringing together and properly assessing the applications which would be made to the Commonwealth. My recollection is that that matter was finally approved by Cabinet. One of those applications related to sections 75(3) and 75A of the Education Act. That gives the Director-General of Education some powers to manage the resources of the Government education system and to enable decisions to be made about where is the best place, in the interests of the child, that education should be provided.

It is important to recognise—and you do have to look at the sections to get a proper emphasis and context—that the interests of the child are still paramount. What has been misleading in the promotion of this is that there is no way in which a child who might be placed in a particular school can have that reviewed. The draconian concept of the bureaucracy saying 'You go to this school or else', regardless of your interests and regardless of what the parents wish, is just out of this world; it is not consistent with the practice that has occurred for many years since these provisions have been in place in the education system in South Australia—under both Labor and Liberal Governments, not just under Liberal Governments.

The other important point to recognise is that there is a right of review, and it is an independent right of review that parents and children have, to go before a magistrate. The magistrate has wide power to give directions that are different from the decisions that have been taken by the Director-General. The Director-General has to consult with parents. The Director-General has to act in the best interests of the child. Whilst there will be parents who from time to time will disagree, they have their rights under the Education Act. It seems to me somewhat strange that these people want to go arguing to the Commonwealth Human Rights and Equal Opportunity Commission, overriding the interests of the State and its citizens, properly provided for in State-based legislation, saying, 'Look, this is an area that the Commonwealth ought to have supremacy over.' I do not subscribe to that, and nor does the Government.

We believe that the provisions for which we have sought exemption are fairly and properly the subject of an applica-

tion. While I am talking about that, let me indicate that we have also sought an exemption from the Commonwealth Disability Discrimination Act in relation to sections 20 and 28 of the Firearms Act. Section 20 deals with a person's fitness to hold a gun licence. Section 20A imposes a duty on a prescribed person to inform the Registrar where he or she has seen a person in a professional capacity who is suffering from a physical or mental illness, disability or deficiency, which is likely to make the possession of a firearm by the person unsafe for the person or for any other person, where that person holds or intends applying for a firearms licence or possesses or has the intention of possessing a firearm.

I do not think that anyone would disagree that that is a perfectly proper provision to have in our Firearms Act, and a perfectly proper application to make to the Commonwealth that that provision should be exempted from the provisions of the Commonwealth Disability Discrimination Act. If it is not, you end up with persons who will challenge the basis upon which a firearms licence might be granted in Commonwealth jurisdiction. That, in my view, is a nonsense. We have made application in relation to certain provisions of the Motor Vehicles Act. Section 88 deals with licence suspension for a person holding a driver's licence who is suffering from any disease, mental or physical, or any disability that impairs or may at any time impair the person's ability to drive a motor vehicle.

Under section 148 there is an obligation on medical practitioners to inform the Registrar that a person is suffering from a physical or mental illness, disability or deficiency such that, if the person drove a motor vehicle, he or she would be likely to endanger the public. Would anyone argue that that was not a proper provision to be exempted from the Commonwealth legislation? I know that some people—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: —are trying to portray this as the act of an insensitive Government. The fact of the matter is that these have been properly considered; they are proper and rational requests to the Commonwealth Government, and there is nothing sinister in it. We are desirous of maintaining proper and balanced provisions in State law and to exempt them from coverage by a bureaucracy in Canberra, Sydney and Melbourne, and we are trying to ensure that State legislation in the interests of South Australians is maintained.

ELECTRICITY SUPPLY

The Hon. L.H. DAVIS: I seek leave to make an explanation before directing a question to the Treasurer, as Leader of the Government in the Council, about electricity.

Leave granted.

The Hon. L.H. DAVIS: I recently read a copy of the third issue of *NEM Watch*, which is produced by EDS. As members would know, EDS is an international group which is a leader in computer technology but which also specialises in providing independent advice on electricity matters. *NEM Watch* has been established by EDS to provide advice on the impact of physical, financial and competitive drivers on the national electricity market. For the information of the Hon. Terry Roberts (and he might fall out of his chair at this), it has 25 years' experience in the electricity industry.

The Hon. R.R. Roberts: Do you think he might get a shock?

The Hon. L.H. DAVIS: My experience is that lefties don't shock easily. EDS has over 25 years' experience in the electricity industry—

Members interjecting:

The Hon. L.H. DAVIS: It's 15-love and you're serving, Terry—and has been at the forefront of providing advice to generating companies, potential investors, fuel suppliers, retailers, investment banks and Government agencies. This establishes that it does have some credibility, and I am pleased to see that the Hon. Terry Roberts is nodding in a rare display of bipartisan support. Even the Hon. Mike Rann, the king of bipartisanship, would be impressed.

The article makes observations about the South Australia to New South Wales interconnect (which is known under the acronym SANI). Members will recall that there has been some controversy about the Government's view on SANI and the view expressed by London Economics on the merits of the interconnect between South Australia and New South Wales. This is the first independent view that I have seen on this matter, and I thought it would be of interest to members. I will obviously ask the Treasurer for a response in time. I quote from the first page of *NEM Watch*, as follows:

> In addition to Pelican Point—

which the Government is committed to proceed with—

> the private sector has shown that it is willing to invest [in addition to Pelican Point] in new capacity in South Australia, with Boral Energy proposing to build peaking gas turbines and Western Mining Corporation (WMC) and BHP proposing a large new plant in Whyalla. Assuming that Pelican Point proceeds and/or the proposed 250+ MW WMC/BHP plant at Whyalla, new capacity will not be required in South Australia until mid-to-late next decade. This has not stopped Transgrid from continuing to pursue SANI without the support of ETSA or the South Australian Government, resubmitting its application for regulated interconnect status on 1 December 1998. . . The reapplication by Transgrid is clearly an attempt to secure regulated returns on a new asset while increasing the value of the NSW generators, a win-win scenario for the NSW Treasury and the struggling NSW generators.

The Hon. A.J. Redford: At whose expense, Legh?

The Hon. L.H. DAVIS: Exactly. I will leave that to the imagination of members opposite. I quote again from *NEM Watch*:

> The upshot of this is that, in order to get SANI installed, Transgrid will probably have to proceed along the unregulated interconnect option. However, EDS's modelling shows that SANI is unlikely to provide significant benefit to New South Wales black coal generators as the level of exports to South Australia may not be that high. EDS has developed pool and contract price forecasts for New South Wales and South Australia over the next decade based on likely bidding strategies of generators in the NEM—

The Hon. G. Weatherill interjecting:

The Hon. L.H. DAVIS: I know this is a bit tough, George, but you just hang in there; you be brave.

The PRESIDENT: Order! The Hon. Mr Davis's explanation has taken nearly five minutes.

The Hon. L.H. DAVIS: I am coming to an end—it is important. It continues:

> and other factors such as revenue requirements of generators, new capacity requirements, and fuel costs. EDS forecasts show that the price differential between the States is not likely to be as large as assumed by London Economics in its analysis of SANI.

Given that independent observation, I ask the Treasurer whether he is he aware of the *NEM Watch* observations on the proposed South Australia to New South Wales interconnect, and whether the Government has had an opportunity to review the accuracy of the information contained in *NEM Watch*.

The Hon. R.I. LUCAS: I thank the honourable member for his question and also for making me aware of this independent analysis of the debate in relation to the Riverlink interconnector—

Members interjecting:

The Hon. R.I. LUCAS: We were always aware. As the honourable member indicated, this has been a matter of some controversy. We have had the New South Wales view, which has been supported by the New South Wales Government paid lobbyist, Mr Dick Blandy, and a range of others who have supported the New South Wales Government view that Riverlink was good for South Australia. Conversely, we have also had the South Australian Government, on behalf of South Australians, putting a view that it did not necessarily believe all the claimed benefits that New South Wales was professing for Riverlink.

Members will know that some extravagant claims have been made of $1.4 billion worth of benefits to South Australian consumers if the Riverlink interconnector was to be built between New South Wales and South Australia. As the Hon. Mr Cameron will know, he and I have been pursuing this fabled report from London Economics for many months now, and we are still waiting for it. This fabled report has not been presented at all, even though it has been promised by a number of people who have indicated support for the New South Wales Government's position.

As I said, we have had the New South Wales Government view and the South Australian Government view, and I suppose a lot of people were interested to see what an independent view of all this might be. This is the first independent view—independent of both Governments and the supporters of both propositions—that I have seen. As the Hon. Mr Davis has mentioned, it blows a hole in the arguments for those who support the Riverlink interconnector. The Hon. Mr Davis referred to one particular quote from the *NEM Watch* publication, and I quote it again, as follows:

> The reapplication by Transgrid is clearly an attempt to secure regulated returns on a new asset while increasing the value of the New South Wales generators, a win-win scenario for the New South Wales Treasury and the struggling New South Wales generators.

We are the South Australian Government, and the South Australian Government has been saying for quite some time that this regulated asset status that the proponents and the supporters of Riverlink have been pushing is in the interests of the New South Wales generators, the New South Wales Treasury and the New South Wales Government. And, in relation to these fabled $1.4 billion in benefits to South Australian consumers, we wanted to see the detail of those claims. That report—this secret report that is evidently meant to exist—has never been produced and, as I said, this is the first independent commentary in relation to it. *NEM Watch* goes on to state:

> The net annual benefit to New South Wales generators would be up to $15 million a year.

This again broadly supports the claims made last year by the Government of South Australia, which said that we were being asked to support a regulated asset which might be for the next 40 or 50 years and that the South Australian consumers might have to pay up to $15 million to $20 million a year even if we did not use the Riverlink interconnector.

An honourable member: I think that even Kevin Foley agrees with that analysis.

The Hon. R.I. LUCAS: I think Mr Foley has other things on his mind at the moment—we will not go into that at this stage. Not only has he been crabbing with Mr Conlon but also I think Mr Conlon has been out jogging as well, I understand, in the last few weeks, to prepare himself for future office. I think he is even taking being nice lessons. So look out: something is up! *NEM Watch* goes on to state that EDS looked at the case for Riverlink without Pelican Point to estimate the flows across SANI.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The next part of *NEM Watch* looked at the arguments for Riverlink even if you did not have Pelican Point. If you did not have Pelican Point, what would be the arguments? *NEM Watch* has argued that, contrary to the claims made by London Economics that it would be used—that this link would have a 66 per cent utilisation rate—EDS says that is wrong by a not inconsiderable factor; that is, the utilisation rate, even without Pelican Point, would be only 25 per cent. So, they are saying to us, as independent commentators, that we would be using this link with only a 25 per cent utilisation rate, yet we, the South Australian consumers, would have to be paying for the next 40 or 50 years subsidies to the New South Wales Government, the New South Wales Treasury and the New South Wales generators. That is exactly the argument that is being supported by the proponents of Riverlink. EDS then goes on to highlight—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —the fundamental errors in the London Economics analysis. I will not go through all of them this afternoon because of the time factor: I will just highlight one of the fundamental errors. The utilisation rate is one, and they say they have made that error—and let me quote exactly what EDS says in relation to the way in which London Economics has done its analysis. It states:

> However this [that is, the London Economics analysis and assumptions] gives the obviously unrealistic outcome of average annual pool prices in New South Wales between 2002 and 2008 of $16-$20 a megawatt hour, based on London Economics' own analysis (an outcome that would make the New South Wales generating companies insolvent as they would accrue losses of up to $3 billion—

That is on those sorts of assumptions made by London Economics.

As I indicated, and as the honourable member has indicated, this is the first time we have seen an independent analysis of the claimed benefits of this link. As I said, we have seen a number of people in South Australia, including Emeritus Professor Dick Blandy and others, coming out and supporting the Riverlink proposal and the claimed benefits for South Australia. I believe, as I indicated earlier, that this particular independent analysis (and we would indeed welcome a range of other independent economic analyses of the Riverlink interconnector) blows a hole well and truly in the arguments of the New South Wales Government and the other proponents for the Riverlink interconnector in relation to the so-called $1.4 billion in benefits for South Australian consumers from the SANI interconnect.

The Hon. P. HOLLOWAY: Can the Treasurer confirm that the statistics on the national electricity market to date show that the average wholesale price of power in South Australia is about $54 a megawatt hour, compared to about $20 a megawatt hour currently in New South Wales and Victoria? If so, does he agree that if the current cost differen-

tials were to continue it would cost South Australian consumers—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —in excess of $300 million a year more than it costs their Victorian and New South Wales counterparts?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: If the honourable member supports the particular argument he has just tried to put, why is he not supporting the sale of our electricity businesses in South Australia? If he believes that those price differentials will continue, why is the honourable member arguing that we should keep our electricity businesses? The honourable member, his Leader and the shadow Treasurer are arguing that we will continue to receive $200 million to $300 million a year in dividends from our electricity businesses.

The Hon. L.H. Davis: That is the best public suicide I have seen for a long time.

The Hon. R.I. LUCAS: Exactly. For the first time we have seen revealed the hypocrisy of the argument from the Labor Party and its leadership. On the one hand—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —members of the Opposition are arguing that we will continue to get $200 million to $300 million a year in dividends to prop up our budget from these electricity businesses and then, when it suits them, they come into this Chamber saying (or they whisper in the corridors) that South Australia will not be able to compete in relation to the interstate generators. If one accepts those sort of arguments, one cannot, with any integrity at all, defend the position that the honourable member, Mr Rann and Mr Foley have been putting in relation to the electricity businesses.

ROADS, COUNTRY

The Hon. T. CROTHERS: I seek leave to make a precised statement prior to directing a question to the Minister for Transport and Urban Planning on the proposed audit of South Australian rural roads.

Leave granted.

The Hon. T. CROTHERS: An article featured in the *Advertiser* of Tuesday 2 February this year claimed that the State Transport Minister vowed to step up the audit process on rural roads. The audit would assess road conditions, cornering, slope and culverts in order to determine what speed is appropriate for each stretch of road. According to the article, the audit move comes in the wake of a plea by the Assistant Police Commissioner to cut the country speed limit by 10 kilometres per hour and follows widespread concern over Government inaction on recommendations suggested by road safety experts up to two years ago.

The article states that between 1996 and 1998 South Australia spent just $200 000 on audits, whilst New South Wales spent $7.5 million and Victoria more than $1 million respectively over the same two year period. At the time the article was written the number of fatalities on South Australian rural roads had reached 20. My questions to the Minister are:

1. Will the Minister inform the Council when the audit is to commence if it has not done so already?

2. When does the Minister expect the audit to be completed?

3. What is the estimated cost of the audit?

4. Will the Minister assure the Chamber that the Government will implement the audit recommendations when they are handed down?

The Hon. DIANA LAIDLAW: I believe it was yesterday in answer to a question from either the Hon. Mr Cameron or the Hon. Ron Roberts that I advised that I would respond at greater length and certainly when concluding my remarks on the noting of the Environment, Resources and Development Committee report on rural road safety. Certainly I will do that today fortnight. In the meantime, quite a number of discussions have been held between me, the Minister for Emergency Services, police officers and Transport SA officers.

I can advise that about 20 police audits have been undertaken, and they are being addressed now in terms of Transport SA input, which probably will not vary the conclusions very much at all, but then we must look at the funding to implement the changes recommended. However, I should have more advice on that within a fortnight for members in this place. In the meantime, I will find out the answers to the questions about the costs of the audits.

FOOD LABELLING

In reply **Hon. IAN GILFILLAN** (8 December 1998) and forwarded by letter.

The Hon. K.T. GRIFFIN: In response to your question without notice dated 5 August 1998, and 8 December 1998, I provide the following response:

On 17 December 1998 the Australia New Zealand Food Standards Council ('the Council') met in Canberra and made a number of important decisions about the safety of the food we eat.

The Council consists of Health Ministers from the Commonwealth, each State and Territory and the New Zealand Associate Minister for Health. It is chaired by the Parliamentary Secretary to the Federal Minister for Health and Aged Care, Senator the honourable Grant Tambling.

Health Ministers, by a majority vote, have asked the Australia New Zealand Food Authority ('the Authority') to require labelling of genetically modified food where it is substantially equivalent to its conventional counterpart. It was resolved that a draft amendment to the 'Food Standards Code' will be developed that takes into account the need to:

- label the food if the manufacturer knows it contains genetically modified material; and
- if the manufacturer is uncertain about the food's contents, they must indicate that the food may contain genetically modified material.

If the manufacturer knows the product to be free of genetically modified material, there will be no requirement to label the product—however, it may be labelled as free from genetically modified material.

Health Ministers asked the Authority to develop, for their further consideration, a definition of the term 'genetically modified material', recognising that there are many food ingredients such as sugars and oils which can be made from genetically modified plants but are not themselves genetically modified.

Health Ministers will consider the draft amendment to the 'Food Standards Code' proposed by the Authority early this year.

The applicable provision as it presently stands requires genetically modified foods and food ingredients to be approved by the Authority prior to being released for sale for human consumption. The Minister for Human Services, in his reply to a similar question in another place indicted that genetically modified foods are scientifically assessed in Australia by both the Genetic Manipulation Advisory Committee and the Authority prior to market release. Each food is assessed on a case-by-case basis. A precautionary approach has been adopted and if any doubt exists regarding the safety of a food product, the Authority does not recommend its approval for sale for human consumption. No other foods are subject to such intense scrutiny prior to market release in Australia.

My officers' roles extend to ensuring that the principle of 'truth-in-advertising' is adhered to. This principle will be satisfied where food which is not substantially equivalent has a label attached which

indicates the biological origin and nature of the characteristic or property that has been modified.

In answer to the honourable member's third question, in 1991 South Australia became a signatory to the National Food Standards Agreement which commits all Australian State and Territories, and recently New Zealand, to adopt nationally uniform food standards without modification as approved by the Council. Standards are developed for the consideration of the Council by the Authority in consultation with States and Territories, consumers and industry.

Administration and enforcement of uniform food standards in South Australia occurs under the Food Act 1986. Any breaches of the relevant standard, including labelling deficiencies, will be prosecuted under this Act. However, consumers who believe that they have been sold genetically modified food that is 'not substantially equivalent' that does not carry labelling will also be able to take action under the provisions of the *Fair Trading Act 1987*.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay upon the table the eighth report of the committee 1998-99.

HOME AND COMMUNITY CARE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Disability Services a question about the Productivity Commission report.

Leave granted.

The Hon. CAROLINE SCHAEFER: Last week the Productivity Commission released its report on Government services and there was widespread publicity of that report, especially in relation to health and education services. However, little was said about community care or disability services in the publicity given. Will the Minister indicate what the report says about Home and Community Care and disability services?

The Hon. R.D. LAWSON: The Productivity Commission report is one of the most reputable sources of data which compares programs across the Australian States and territories in a wide range of areas. I am delighted to say that, in so far as this State's disability services and services for the ageing are concerned, the report reveals a number of significant achievements in this State. For example, whilst the national average is $328 per annum, expenditure under the HACC program in this State for those over the age of 70—

Members interjecting:

The PRESIDENT: Order! This is taking up Question Time.

The Hon. R.D. LAWSON: —is $316. That figure represents 96 per cent of the national average, which is up from 91 per cent three years earlier and which is a considerable increase when compared with the percentages attained under the previous Labor Administration. As I have mentioned previously, in 1996 this Government announced a policy of increasing HACC expenditure to meet national averages, and the Productivity Commission report shows that we are on line to achieve that objective.

In the field of residential care, it is interesting to note, for example, that the level of client satisfaction expressed by South Australian residents leads the nation in terms of satisfaction, and the number of complaints received is substantially fewer than in other States.

An honourable member interjecting:

The Hon. R.D. LAWSON: In residential care. Commonwealth expenditure in this State on residential services for persons over the age of 80 is also above national averages and is the highest in the country. It is worth noting that each month some 55 000 South Australians receive services from the Home and Community Care program. I believe that the Productivity Commission report shows that the Home and Community Care program in this State, notwithstanding claims to the contrary made by the Opposition and others, is meeting national standards.

In the field of disability services, the report shows that South Australia performs well compared with national averages. For example, South Australia has the largest proportion of funds directed towards community support for people with disabilities, and it has the highest proportion of potential population using accommodation services and those using services.

Real Government funding per non-government community organisations and care places have increased in South Australia, and we have the lowest administration costs for disability services in this State—some 3 per cent as opposed to most other States which have administrative expense regimes above 10 per cent. So, it is my belief that the Productivity Commission report has shown that these services in this State are in good heart and, more importantly, are improving.

The Hon. A.J. REDFORD: As a supplementary question, to what does the Minister attribute the great client satisfaction in the area of residential care?

The Hon. R.D. LAWSON: The Productivity Commission report does not analyse the high degree of satisfaction of residential care places in South Australia. However, anecdotal evidence which I have heard suggests that the high satisfaction rate in this State derives from a number of factors. One is that many residential care places and a higher proportion than elsewhere are in the community and charitable sector, which has a particularly good record in relation to meeting standards and satisfying client demands. In the residential care sector, it is true to say that most complaints arise not from the residents themselves but from family members.

In South Australia I believe that our aged care sector is particularly sensitive to the needs of not only the residents but also families, and that the mechanisms for resolving any difficulties that arise are appropriate and care and attention is paid to them. Many South Australian elderly persons in residential care are in rural and regional hospitals and other similar facilities operated by the State, and likewise in those areas particular attention is paid by local hospital boards and other community organisations to ensure a high degree of satisfaction.

PILCHARDS

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about pilchard deaths.

Leave granted.

The Hon. M.J. ELLIOTT: The Government and the Minister appear to be very keen to avoid any suggestion that imported pilchards may be the cause of the two mass mortalities that occurred in Australia, both of which began in South Australia in the region of the southern Spencer Gulf. I note that a ministerial statement was made in another place and tabled in this Chamber. As a member of the ER&D Committee, I dispute some of the claims made about information that was made available to that committee, but

I will get a chance to reflect on that later when the committee reports.

I bring to this Council's attention a truly independent report prepared by the Western Australian Marine Research Laboratories in Western Australia, entitled 'Environmental and biological aspects of the mass mortality of pilchards (Autumn 1995) in Western Australia.' The report is dated 1997, so it is after the first pilchard mortality event. Its one conclusion is:

> The most likely cause of the massive mortalities of pilchards in Australia during early 1995 was from a novel herpes virus to which Australian pilchard populations was naive and whose origin was therefore most likely to be exotic.

That is a scientist's way of saying that it was introduced. The scientists who prepared the report were from the CSIRO, the Fisheries Research Institute in Cronulla and the Phytoplankton Ecology Unit, Water and Rivers Commission in Western Australia. The report was not edited by anyone in South Australia. I have had discussions with a number of scientists who are absolutely convinced that it is the importation of frozen pilchards that has led to the introduction of the herpes virus that has on two occasions decimated pilchard populations around Australia. I ask the Minister:

1. How is it that the Government continues to justify the importation of frozen pilchards which are put directly into the South Australian marine environment, when the Australian Government has for years banned the importation of fish products such as salmon products out of Canada which were going to be put on people's plates for fear that they might cause fish disease in Australia?

2. Does the Minister concede that the likelihood of causing fish disease by putting salmon on somebody's plate is any greater than the likelihood of causing fish disease by putting pilchards directly into the marine environment?

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

GAMBLING, TELEPHONE COUNSELLING SERVICE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Human Services, a question in relation to the 24 hour telephone gambling counselling service.

Leave granted.

The Hon. NICK XENOPHON: Prior to December 1998 when the 24 hour telephone gambling counselling service commenced, a 9 to 5 telephone counselling service was offered through a 1800 number which connected callers to individual Break Even service providers here in South Australia. However, since December 1998, rather than simply providing an after hours telephone counselling service as a number of gambling counsellors in South Australia anticipated, all calls for assistance to the same 1800 number are now diverted to G-Line in Victoria. There is a concern that this arrangement is not satisfactory in providing the optimum level of service to those affected directly or indirectly by problem gambling, particularly as South Australian gambling counsellors no longer are the first point of contact, at least during office hours for problem gamblers. My questions to the Minister are:

1. What level of evaluation has been carried out on the current telephone counselling service?

2. Does the Minister concede that it would be preferable for South Australian gambling counsellors to be the first point of contact by telephone rather than calls during the day being referred to Victoria?

3. Does the Minister concede that the current referral of all calls to Victoria, not just after hours calls, was not initially envisaged when the 24 hour service was planned?

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

MATTERS OF INTEREST

CRICKET BATS

The Hon. J.S.L. DAWKINS: I have recently become aware of a publication which documents the small but important industry of cricket bat making in South Australia, and the two families which have been involved in this endeavour over the past 100 years. This book, entitled *Cricket Bat Making in South Australia*, details the development and tradition of this previously unheralded occupation by the Kumnick family of Lobethal and the Fielke family at Murray Bridge, Carrickalinga and Gawler.

Bat making is part of the cricketing heritage of this State. Pioneer bat maker Ewald Kumnick first made bats at Lobethal in 1894. Production in his factory peaked in the 1930s with around 15 000 bats produced for worldwide distribution annually. After the Lobethal bat factory closed, the Fielke family began handcrafting cricket bats in 1965 and have continued that tradition ever since.

Bat making in South Australia has flourished in the good times and, to date, has survived at those times when it might well have come to an end. Ewald Kumnick began making cricket bats in lowly circumstances with modest plans to bolster his ailing carpentry business. Having overcome a number of barriers, he made good, only to be struck down by the impact of the First World War. Ironically, Mr Kumnick's heyday came during the depression of the 1930s with worldwide distribution of his bats. The effects of the Second World War and his death soon afterwards might have marked the end of an era, but that was not to be. His son Jack continued to operate the bat factory until illness, not the lack of orders, forced him to close it in 1958.

The factory presence lingered in Lobethal while it was offered for sale. With no offers to purchase it as a going concern, the land, buildings, equipment and sundries were auctioned in 1965. At that time, and in contrast to the Kumnick's factory operation, Mr Laurie Fielke was starting to handcraft cricket bats as a one person enterprise at Murray Bridge. He continued in this fashion for 22 years.

After his death in 1987, it again seemed that bat making in South Australia had come to an end. However, it was immediately revived by Laurie's brother, Ron, and more recently continued by his son, Bob, who has also recorded the history of this unique South Australian industry in this and another smaller publication.

The book highlights a number of aspects of the bat making tradition built up by the two families. Both Ewald Kumnick and Laurie Fielke commenced their exploits by repairing

damaged bats while engaged in other full-time pursuits. Ewald Kumnick's philosophy was 'Why should Australia flog an English made cricket ball with an English made bat?' Indeed, later his bats were described in publicity and advertising as the 'bowlers' nightmare'.

In 1908 the touring MCC cricket side visited the Kumnick factory as part of Ewald's quest to have his bats used by first-class and test batsmen as well as country and district cricketers. For many years at its peak the Kumnick factory manufactured bats for the Spalding company with specially imported English willow. Indeed, the renowned South Australian sportsman and Australian cricket captain, Victor Richardson, acted as a consultant for Spalding in selecting and grading the willow used by Kumnick. Unfortunately, the association with Spalding ended with the commencement of the Second World War and was never renewed. From that point on the Lobethal factory reverted to making bats under the Kumnick name and totally with Australian willow.

As a tribute to the Kumnick family, which at one stage employed 16 men, a cricketing table and chairs fashioned as buggy seats were placed near the footpath adjacent to the site of the factory by the Lobethal Main Street Committee in 1996. The memorial, which includes a cast cricket bat and ball, was also sponsored by the Lions Club of Onkaparinga and the South Australian Country Arts Trust.

The Fielke family has been renowned for its contribution to country cricket in South Australia and has been known to field a team made up entirely of players with that surname. In fact, Bob's son, Noel, has represented South Australia at Sheffield Shield level. Laurie Fielke gained considerable knowledge from Jack Kumnick and former bat making employee Herb Schubert in their retirement.

In contrast to the Kumnicks, Laurie did not produce any pamphlets or advertising to promote his bats: he relied solely upon his personal contact and word of mouth to sell his bats, which included the flatback special. The range of bats now available range from full size to miniature souvenirs. I congratulate Bob Fielke on documenting this unique facet of South Australian history.

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

ENVIRONMENT

The Hon. T. CROTHERS: In the five minutes allotted to me today, I want to talk on environmental matters. In many respects I will be critical of some of the elements that go to make up the environmentalist family that exists around the nation today and put my own personal view on record.

In raising questions on environmentalism in one way or another, they are perhaps the most important issues that have faced the human race since history has been recorded. It is for that reason that I am speaking today, because I can see the way in which current environmental matters are being prioritised out of order, thus ensuring that members of the general public cannot embrace the subject matter with the zeal and vigour that I think would be required to make it effective.

I am just a little bit sick of seeing baby orang-outangs every night splashed across my television screen doing their arboreal work up in the forests of Kalimantan and Borneo; likewise with the mountain and lowland gorilla, the humpback whales and their calves and the southern right whales and their calves cavorting in our Bight. This is all great emotional and heart-tugging stuff and, although I believe that it is important for us to save every species that exists on the earth, I want to put before this Council other matters that I think should be embraced by environmental and wilderness societies and by societies that are set up for the pursuit of environmental benefit for the globe.

I talk now of matters that ought to be embraced. Every year in this State half a forest of trees comes through our mail boxes as junk mail. There will not be sufficient potable water to irrigate crops to feed the projected population in 2020. Potable water, to give members of the human race a drink per individual, will not exist by the year 2035, yet we see these other matters being embraced.

The population explosion on this earth is horrendous, yet we rarely see the environmental societies embracing any of the subject matters on which I have touched. Why have they not done that? It is because these matters are hard to sell. It tugs at the environmental heartstrings to see a burnt baby orang-outang or lowland gorilla cry when its mate has been killed, or to see a female southern right whale cavorting in the Bight with its calf. These are all images which easily stir the emotions, yet they demean what I believe to be the most serious problems that face the earth, that is, the environmental depredation of the earth through overpopulation and the fact that sources of fresh water to satisfy the human race are not being pursued, by the junk mail that flows through our letterboxes and the like. We oppose wood chipping, but what about the wood chips that we use to make the paper used for junk mail?

Such matters must be embraced, and I say this: we may not have any human beings still standing while the southern right whales are still cavorting with their calves in the gulf and the mountain gorillas—the big silver backs—are shepherding in their flocks and mates up in the mountains of Rwanda and so forth. I believe that the orang-outangs will still be doing their best arboreal work in the forests of Kalimantan and Borneo, yet not one member of the human race will be left standing if we do not address the questions of over population and the misuse of our potable water to such an extent that there will not be enough left for the pressing and necessary needs of the human race in order for it to survive. All those other animals and our race may be extinct and defunct.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member's time has expired.

FESTIVAL CENTRE

The Hon. L.H. DAVIS: I wish to speak on the origin and interesting history of the Adelaide Festival Centre. In the well deserved tributes to Don Dunstan, there have been some suggestions that he was the person responsible for establishing the site of the Adelaide Festival Centre in Elder Park. That is not true and I will quote from Don Dunstan's own book *Felicia* to show that that is not quite accurate. Certainly, he had something to do with it in his premiership from 1970, and he was certainly very supportive of it, as one would understand.

Looking at the history of the project, it is interesting to note that it started in a speech in the Legislative Council in 1958 when Sir Arthur Rymill said:

> We only have to look at the beautiful buildings on the north side of North Terrace to appreciate that they have been constructed at great expense by our forebears, and I fail to see that we in our generation have done much to match them. I feel that for a compara-

tively small expenditure we could do something for the State's cultural life.

In fact, he was calling for a theatre. There was no response to this, and he began again in October 1960, in the Legislative Council, when he said:

> The Board of Governors [of the Adelaide Festival for 1960] met great difficulties and inhibitions in the 1960 Festival in finding places in which to present its performances. . . The board. . . respectfully suggests to the Government that a multi-purpose festival hall should be built in Adelaide for the people of South Australia.

So, in 1963 a cultural committee was formed headed by Lord Mayor Sir James Irwin. In 1963, this cultural committee recommended that a concert hall should be built with a seating capacity of about 2 500. Sir Thomas Playford, who was not well known for his interest in the arts, was at first not convinced about this, but eventually agreed to give $500 000. So the battle went on. Festivals in 1964 and 1966 continued to use Centennial Hall, which was described by the London Symphony Orchestra as a hangar.

Again, largely through the drive of Sir James Irwin and his group within the Adelaide City Council, the State and Federal Governments were involved and a site was agreed. There had originally been calls for it to be at Carclew, and then Don Dunstan himself argued during the period of the Walsh-Dunstan Administration that it should be situated between Government House and the Parade Ground. When Steele Hall came to office, he believed that it should be otherwise. A book *By Popular Demand* by Lance Campbell states:

> The next Sunday Hall took a stroll around the city. On King William Road at the southern end of Elder Park, the old City Baths were still in use but the Adelaide Aquatic Centre in the north parklands would soon supersede them. The rest was a mishmash . . . This was the spot, Hall decided, right in the middle of Adelaide. 'Why had it taken so long for any of us to work this out?'

In Dunstan's book, *Felicia*, that is exactly what Sir James Irwin says:

> Hall was, however, responsible for the commencement of another project which has in its own way really put Adelaide on the map.

It is stated further in Dunstan's book:

> Taking up the proposal for a performing arts centre he both backed the Adelaide City Council with money for planning it and offered financial backing and Government assistance about adjusting railways lands if the site used was that then occupied by the old City Baths. I had briefly considered this site and rejected it on the grounds of difficulty and expense. I was wrong and Hall was right. The site has proved superb, and undoubtedly much better than the one I had approved. A local architect, Colin Hassell, toured overseas with the Adelaide Town Clerk, and his office developed the plans for a 2 000 seat lyric theatre and concert hall. The plans were carefully drawn to ensure that the theatre functioned properly, the baths were demolished and work started on the site under the Hall Government.

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

VICTORIA SQUARE

The Hon. T.G. ROBERTS: I rise on an issue which has been spoken of many times in this Chamber and about which many words have been written in the local press, and that is the problem that the Adelaide City Council has with the situation in Victoria Square. A number of views, ideas and expressions of interest over the past 2½ years have been encouraged by the local Lord Mayor who has taken a personal interest in this issue. State Government support and assistance for any change to these current circumstances does not appear to be forthcoming. I am not saying that the Government has not got something on ice ready to pull out and show to the public. However, in the absence of that, I think the Government could look at a fairly low key solution to part of this major problem.

None of the large investment strategies that have been projected for Victoria Square have come to fruition. The architectural programs that have been drawn up, foreshadowed by various State Governments and the local council, have mostly been just dreams. The proposal which I put forward and in which I am trying to get some interest through a number of Government departments is for an Aboriginal arts and culture centre, but it will be slightly different from the approach taken to the Tandanya Centre. My proposal seeks to encourage artistic expression by those who wish to participate in bringing Aboriginal art and culture to visitors and the training of young Aboriginal people who are now doomed to long periods of unemployment and drug abuse. This proposal is an attempt to break this cycle and encourage greater participation in the formation of training programs for the expression of Aboriginal art and culture so that young Aboriginal people are able to express with pride their origins and culture.

However, there is not much support for programs when you start to talk about projecting these cultural and artistic expressions through the use of either a building and/or infrastructure because of the estimated cost. I have been talking to some local Aboriginal constituents who believe that an Aboriginal art and culture and training centre can be formed in the inner metropolitan area with the right commitment from local government and the State Government and perhaps even with assistance from the Federal Government.

Training in artistic expression, dance and theatre and other cultural activities can be encouraged. There can be a mixture of Aboriginal elders and young Aboriginal people in training programs, and many of those people who meet in Victoria Square for companionship could find that companionship in such a centre. I am sure that that will not stop many Aboriginal and other people from meeting in the Victoria Square domain. This centre will not be set up to do that because some of those people will have a preference for meeting in an environment such as Victoria Square, but it will offer an alternative meeting place where some progressive Aboriginal art and culture and expressions of dance can take place for both domestic and overseas export in the form of education—

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

OUTBACK TELEVISION COVERAGE

The Hon. M.J. ELLIOTT: In recent days, members of the Council and the other place have raised the issue of the provision of AFL football via television to remote parts of South Australia, the fact that Imparja has lost the right to show AFL football to another station, and the fact that many people cannot pick up the coverage with present equipment. I have lived half my life in rural areas and I have seen quite a bit of country television, probably more television than I have seen in the past 13 years whilst I have been a member of this place. Back in the days when there was one television channel in country areas, the service was remarkably good.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: That is besides the ABC service, which is good, anyway. I was talking about commercial stations. That commercial station had the pick of the

three commercial networks in the capital cities. Rather than doing what happened in capital cities where a few good programs were put up against each other, in country areas they showed the good programs one after the other. So the quality of the single channel in country areas was very good.

Most people living in remote South Australia would have said that Imparja was providing an excellent service. Of course, some people liked some of those rather ordinary programs that have disappeared, but things such as the AFL football would have been showing on probably every station, at least around southern Australia. Those members who complain bitterly about the loss of that service need to look back a few years to when the Keating Labor Government, I think it was, decided that it would introduce competition to rural areas. The Liberal Party supported it because competition is good—we all know that. At least, they said that we all know that.

But it is the introduction of competition that has actually diminished the quality of the service, because there are now two channels running in competition with each other, both bidding for programs, and only one of those two will get any one service. That is why Imparja lost the football and that is why northern South Australia is not receiving AFL football, unless you happen to have a receiver that picks up a station that is based, I think, in the Eastern States. So, when the Labor member for Giles complains about this terrible thing, she had better remember that it was Paul Keating and the Federal Labor Government that actually set in train the events that led to that happening.

It is just one more example of all this talk about competition and the improvements that you will get not holding true, and probably country people know it better than anyone else. It is country people who have borne the brunt of the loss of services, whether it be Government supplied services or, more importantly, private services, such as the banks. Competition policy in many ways is driven by people from the National Farmers Federation, people such as Ian McLachlan, the champion of the country people. Have we forgotten Ian McLachlan? He has disappeared, but unfortunately the damage—

The Hon. T.G. Cameron: Who said he is the champion of country people?

The Hon. M.J. ELLIOTT: He claimed to be. Then he was going to be the next Prime Minister, although we have heard that one before. Unfortunately, long after Ian McLachlan has left the political scene, the damage that he has wrought is continuing. Competition policy rides supreme. The Labor Party embraced it as vigorously as did the Liberal Party, and I have no sympathy for members of the Labor Party or the Liberal Party who now complain about the consequences of it, apparently in their own ignorance.

TOUR DOWN UNDER

The Hon. A.J. REDFORD: I would like briefly to address this place on the recent and marvellous success of the Tour Down Under week of cycling that South Australia spontaneously embraced and celebrated only a few weeks ago.

The Hon. J.S.L. Dawkins: It went through my street, too.

The Hon. A.J. REDFORD: Indeed, as the Hon. John Dawkins interjects, it went through his street. I had the opportunity of attending with my children and watching the cycling on the last day. We rode our bikes down, and it was an absolutely wonderful atmosphere to have a car-free environment where everyone was riding their bike. It seemed almost to make people more friendly and more talkative to each other. I must say that the Government universally deserves congratulations on this initiative. The relevant Minister at the time was Graham Ingerson, and he particularly ought to be congratulated for this initiative. The event was embraced not only by keen or competitive cyclists but by novice cyclists and people who generally want to get outdoors and see good athletes perform.

It was wonderful to see that spontaneous crowd on the first day and also on the last day. My personal assistant is a very keen cyclist, and she told me that for the first time, as she rode her bike around the streets that week, cars seemed to move over for cyclists; they seemed to wave. There seemed to be a much friendlier approach to cyclists on the road.

The Hon. T.G. Roberts: They would have laughed when they went past you!

The Hon. A.J. REDFORD: The Hon. Terry Roberts interjects and says that they laughed when I went past. I must say that I did not notice, but it is hard when you are huffing and puffing. I certainly did not notice the Hon. Terry Roberts riding his bike around. He is welcome to join me and my family next year as we sit under a tree and watch these magnificent athletes perform. It is also pleasing to see that the councils, the police, the cycling clubs and veterans clubs all were involved, and I am pleased to note that it was strongly endorsed and supported by the local business community. It was a truly South Australian event, one which is unique and which I hope the Government will continue to develop because, based on its early promise, it looks to have a great future.

One suggestion that has been put to me is that we could convert the old Grand Prix track into a criterium circuit. I am told that all we would need is a small section of road to be laid to loop the circuit. That would provide a good spectator base to be used by all cycling clubs, and would also create an environment for South Australia as 'the cycling State'. Perhaps we could add that to that ever burgeoning list of names that can go on our numberplates. I understand that the Northern Cycling Combine holds criterium events on Sunday mornings at Gepps Cross, and that, intermittently, other clubs such as the veterans' and ladies' cycling clubs hold criteriums throughout the year.

The suggestion should go to the City of Adelaide because, after all, the parklands are their responsibility, but the positives in my suggestion would include removing competitive cyclists from roads where trucks and other motor vehicles may be using the road; removing the need for marshalls to control all intersections; allowing spectators to view the event from any vantage point on the new circuit; and ample parking, in that cars would not be parked on the course, which has generally to date been on open roads and proved to be a hazard for cyclists, whether competing or generally spectating. That is a very positive initiative and would not interfere with racing, because the track could revert to racing when required. The Tour Down Under is a wonderful initiative, and I think we should all look for other opportunities that could flow from that event.

SOUTH AUSTRALIA FIRST

The Hon. T.G. CAMERON: South Australians have become increasingly disillusioned with the political process, politicians and the politics of division. They look to Govern-

ments to deal with the problems of a changing world. Successive Governments here in South Australia have failed to develop the policies necessary for South Australians to deal with the issues they face. Each time the political process fails, it serves only to alienate the people of South Australia, breeding further resentment and mistrust. Whilst the new Right offers economic rationalist solutions, smaller Government and decentralisation, the old Left promulgates socialisation of labour and capital and harks back to the bygone days of the industrial age.

The adversarial politics of both the Labor and Liberal Parties are premised upon the old and dead ideological dualities and struggles of capital versus labour, individualism versus collectivism, freedom versus equality, market forces versus regulation and liberalism versus socialism. However, it is starkly evident that both sides of this ideological divide are bankrupt of ideas or policies to deal with the complexities that we face in this post-industrial age. Both Parties are mortgaged to either big unions or big business. We need to tackle the changing nature of work, society and politics. Both sides of the political divide are struggling to catch up and develop policies that directly and honestly address these challenges. What South Australia needs is a new plan, a new style of politics, another way of doing things and a new way of thinking.

The old politics of factional division and opposition for its own sake must go. I am proud to lead South Australia First as its parliamentary Leader. We have an excellent executive team which is in the process of establishing the Party. SA First aims to develop a fresh set of policies that will offer a new way forward for the people of South Australia. Kathy Williams, as President, brings to South Australia First political experience and excellent personal qualities.

The Hon. M.J. Elliott: David Ettridge is available, too.

The Hon. T.G. CAMERON: No, he wants too much commission for donations. As my Human Services Policy Adviser, Kathy combines family responsibilities with grassroots community involvement as President of the local Residents Association along with university studies in social sciences and employment.

An honourable member interjecting:

The Hon. T.G. CAMERON: Kathy typifies the working woman, balancing diverse responsibilities with family life. I'll tell you what she can write: she can write a damn good letter. Her strong sense of justice and fairness will serve South Australia First well as we develop as a progressive, centre-based Party. Malcolm Robinson, our Vice President, has more than 25 years experience in the areas of policy, administration, management and education, with qualifications in social administration, economics, family therapy, arbitration and mediation. Malcolm will convene our Policy Committee and, over the next 12 months in wide consultation with the stakeholders in our community, we will present fresh, progressive and comprehensive policies to take to the people of South Australia at the next election.

State Secretary, Ron Williams, has been actively involved in politics since the early 1980s. He has a background in small business, an honours degree in labour studies and offers SA First a wealth of campaigning experience at both Federal and State levels that he picked up as a former member of the Labor Party. He is energetic and looks with relish and enthusiasm on the challenges posed by establishing a new Party. As I have stated previously, SA First will not be a Party which tinkers around the edges. We will offer South Australia a genuine alternative to the old politics of the industrial age.

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: The Hon. Terry Roberts interjects. It is pleasing to note that at least Lindsay Tanner and Mark Latham in the Labor Party have recognised that the Party does need to change. South Australia First will generate new ideas by encouraging debate in an open and substantial way and developing new ways of managing the State with both economic commonsense and a heart. In essence, SA First will offer South Australians a new style of politics. It will not be an easy task; it will require tenacity, dedication and commitment.

The Hon. Caroline Schaefer: And members!

The Hon. T.G. CAMERON: We are doing all right with members. That is the least of our problems: we already have over 50. What works is what matters, seeking out broader community values rather than attending to sectional interests. Inclusiveness should be the priority of public policy delivered in the democratic society in which we live. This is what SA First will strive to achieve. I look forward to the challenge.

WORKING HOLIDAYS

The Hon. CARMEL ZOLLO: I move:

That this Council—

1. Notes that Australia has formal arrangements with Canada, Japan, the Republic of Ireland, the Republic of Korea, Malta, the Netherlands and the United Kingdom which allow young citizens of those countries to apply for working holidays in Australia.

2. Calls on the Federal Government to initiate discussion with a view to entering into formal arrangements with Italy and Greece which allow young citizens of those countries to apply for working holidays in Australia and young citizens of Australia to apply for working holidays in Italy and Greece; and

3. Requests the President to convey this resolution to the Federal Minister for Immigration and Multicultural Affairs.

The purpose of this motion is to request the Federal Government to initiate and continue with meaningful discussions with both the Italian and Greek Governments in order to enter into formal arrangements similar to those which already exist between Australia and the countries listed in my motion. The agreements would allow young citizens of those countries to apply under the scheme for working holidays in Australia and for young citizens of Australia to apply for working holidays in Italy and Greece.

The seed for this motion was essentially sewn many years ago when I worked as an electorate staffer and was often asked for assistance from people in both the Italian and Greek communities. I have always found it difficult to understand why until now we have not been able to reach a formal agreement with Italy and Greece for our young people to undertake working holidays in each other's countries.

As a member of this Council and when moving around both communities, I am now often reminded what a good idea such an arrangement would be in helping young Australians, particularly those of Greek or Italian background, to maintain those cultural links and for young people from those two countries to learn more about Australians and Australia, to which thousands of their citizens migrated. I believe there will be an increasing demand for such schemes from second

and subsequent generations of young people from Italian and Greek backgrounds who will want to explore their heritage.

These cultural links are already maintained in many different ways. Last weekend, for example, the Italian community celebrated Carnevale, and of course the Glendi will soon be celebrated as well. As usual Carnevale was a great success, as I am sure the Glendi will be. I would like to take this opportunity of congratulating the President of CIC, Mr Tony Tropeano, the management of CIC, and in particular the manager of Carnevale, a former member of this Council, Paolo Nocella, for another very enjoyable and successful celebration.

To the many community clubs that participate and work so hard to promote culture and all good things Italian, my congratulations go to them also. If those cultural links are not only to be maintained but also encouraged to grow, we need to increase the involvement of all our young people, irrespective of the country of birth of their parents, grandparents or, increasingly, their great grandparents.

Travel by young people is increasingly coming within everyone's reach, where once it was only undertaken by a wealthy few or out of necessity in search of a better life. Increased travel opportunities provide enormous universal social, cultural and economic benefits. Unfortunately for young people, the time of greatest benefit in terms of learning and experience is also the time when they can least afford it—usually when they have just completed school or tertiary education.

A working holiday scheme can often mean the difference between travelling or not travelling. The Federal Department of Immigration and Multicultural Affairs, which administers the working holiday scheme, promotes it as one of international understanding which provides opportunities for resourceful, self-reliant and adaptable young people to experience other countries, including Australia, through holiday travel and some work experience. It usually allows young people from overseas to gain a much better understanding and appreciation of Australia than would occur if they travelled here on a visitor's Visa. Australians can also gain a better appreciation of other nationalities, languages and cultures.

These reciprocal arrangements can have longer-term benefits for the Australian community by helping to generate increased tourism interest in Australia and future business and commercial links with other countries as well as, in some cases, stimulate interest in future migration. Similarly, young Australians on working holidays overseas acquire skills and cultural appreciation which they bring back home for their own personal development in Australia's future.

Australia's working holiday program commenced in 1975 at the same time as the current universal visa system was introduced, when previously exempted Commonwealth citizens also had to obtain a visa to enter or remain in Australia. Because young Australians had been permitted to enter the United Kingdom for working holidays, a reciprocal arrangement was introduced to enable young British citizens to undertake working holidays in Australia. This was also extended to Canada and the Republic of Ireland.

Australia subsequently entered into the reciprocal arrangements with Japan in 1980, the Netherlands in 1981, the Republic of Korea in 1995 and Malta in 1996. As is usual in Government to Government relations, discussions and negotiations are continually taking place on a range of issues affecting diplomatic and economic relations between Australia and many other countries. Given the overall success of the scheme, on which I will say more later, I understand that attempts to reach formal agreements with other countries have not been very successful, Korea and Malta being the only two countries to be added to the scheme in the past few years.

However, I understand that discussions have been held over the years and, in some cases, have reached an advanced stage with a number of countries, including Cyprus, Italy, Greece, Spain, France and Israel. In February 1997, the Australian and Italian Foreign Ministers signed a joint declaration which, in essence, agreed to continue discussions on a reciprocal working holiday agreement. Greece had deferred entering into an agreement because it was giving priority to European Union issues. I know that foreign relations move slowly and in mysterious ways but the fact is that, despite all these various discussions with different countries, we still do not have any formal agreements with the two countries whose former migrants are the two biggest non-English speaking background groups in Australia. Therefore, we need to do more to try to reach agreement.

One way of encouraging the Australian Government to play its part is to support this motion. An increased push from both State and Federal Governments will also encourage the Italian and Greek Governments to finalise arrangements. We can also encourage the numerous community and ethnic groups, particularly those involving young people, to make their views known at Government level and to their respective diplomatic representatives.

The working holiday visa allows for a maximum visit of 12 months and generally covers those people between the ages of 18 and 25 years who have no dependants, although citizens up to 30 years can also be approved. The main purpose of the visit has to be for holiday and travel. However, one can also work casually, either part-time or full-time, but only up to three months at a time with any one employer. To be eligible under the scheme you also have to show that the main reason for coming to Australia is to holiday: any work should be incidental to help to support yourself while you are holidaying. The applicant must not enrol in studies, other than a short-term English language course, and must leave Australia at the end of the authorised stay—that is, you have to have a return ticket. It needs to be stressed that, under the scheme, the main purpose of the visit has to be for holiday and travel but, as I have already indicated, some casual work can be undertaken under strict guidelines.

I should also point out that the regulations provide that applicants from other countries can be considered where benefits can be expected within the spirit of the scheme. However, before anyone starts arguing 'If that provision is there, why bother with this motion?' I should point out that the statistics show that such discretionary approvals for all non-agreement countries are usually between only 3 per cent and 8 per cent of all agreement approvals. Obviously, discretionary regulations are just that and are not meant to replace formal agreements, otherwise why bother to have formal agreements with anyone?

Working holiday visa numbers permitted to enter under that category may alter from year to year but have generally varied between some 45 000 in 1988-89, 25 000 in 1992-93 and 40 000 in 1995-96. The figures show an imbalance in the number of Australians with working holiday visas in countries with which we have formal agreements: it was around the 22 000 mark in 1995, with the vast majority (over 75 per cent) going to the United Kingdom, 5 per cent to Japan and 15 per cent to Canada.

The Working Holiday Makers Scheme was last reviewed in 1997 by the Commonwealth Parliament's Joint Standing Committee on Migration, and its findings were published in August 1997 in a report titled Working Holiday-makers: More Than Tourists. The committee concluded that reciprocal agreements are the centrepiece of the working holiday program, although agreements need not be uniform in nature, as long as the benefits are reciprocal. It did note, however, that working holidays in some overseas countries exist more in principle than in practice. It pointed out that the program provides direct benefits for the Australian economy, with current estimates showing that working holiday-makers spend about $400 million to $450 million in Australia each year.

It is also important to note that most of the money that working holiday-makers earn is put back into the Australian economy and also reaches a broad cross-section of the local economy, because they usually travel widely and visit remote destinations. A 1995 Bureau of Immigration, Multicultural and Population Research report titled The Labor Market Effects of Working Holiday Makers confirmed that much of the money earned is spent in Australia. Many holiday-makers also reported that, besides the obvious financial ones, there were other added benefits of working, such as making friends with locals and getting to know Australian culture better. Others pointed out the satisfaction gained from coping alone and being financially independent in a new country.

The committee recommended that Australia's working holiday program should not only be maintained but should also be extended to other countries because the program enhances the cultural and social development of young people, promotes mutual understanding between Australia and other nations, generates economic benefits and is an important component of the tourist industry. The committee also recommended that the Australian Government actively pursue new reciprocal agreements with other countries, taking into account a number of criteria, including current and potential cultural, social, trading and tourism links and the extent to which young Australians will have reciprocal opportunities to benefit from a working holiday in the relevant country.

As I said earlier, I certainly have had many inquiries from people over time in regard to working holidays both to and from Australia. I am aware of an increasing number of young people from Italy, Greece and Australia who not only wish to visit relatives but who also want to spend more time seeing other parts of the country. Being permitted to work would provide that possibility financially, especially given our vast distances and relatively high cost of travel. It also would provide a wonderful opportunity to experience each other's culture in some depth, as well as providing invaluable general work experience that will, no doubt, be of benefit in their future careers.

Under the scheme, there is also the added bonus of being able to enrol in short-term English language classes in Australia, which would assist our language centres. For our young people intending to travel in the future there is also the incentive to study a language as part of their school curriculum and further education. I believe that it will not be just young people of Italian or Greek heritage who would apply for a working holiday but all Australians—they are certainly very desirable destinations.

Given our history of migration with respect to Italy and Greece 50 years after the majority of migrants started making Australia their home, and with very little migration now from either country, I believe that it is timely to include both these countries in a formal arrangement for working holidays for young people. Both nations are also members of the European Union, a region to which Australia is seeking to increase its level of exports. As many tourism vendors will attest, a person who experiences an enjoyable holiday in Australia and who then relates that experience to others upon their return to their own country is the best form of advertising and tourism promotion you can get. Within my circle of friends and relatives we currently have a young gentleman from Italy here on holidays; one person has recently returned from the United Kingdom; one is studying in Germany but is not of German background; and a young teenager is studying in Italy. It is certainly a rapidly shrinking and mobile world.

Many cultures place a great deal of emphasis on travel by young people, and the Japanese Government is a prime example. Over the past generation, it has placed a lot of emphasis on encouraging and supporting young people to travel and learn from other cultures. We also have formal arrangements with Japan, through sister State and sister city agreements, for short-term visits to South Australia by delegations of young people. My family and I have been a host family on several occasions for young people from Okayama and Kagawa Prefectures.

I was pleased to see Minister Brindal lead a youth delegation to Okayama Prefecture last year. Regrettably, it was only our second visit to that prefecture, yet I am fairly certain that in the past Japan has arranged six or seven delegations to come here. I know that from the region of Campania in Italy, where I was born, there would be enormous interest at that level alone for such youth delegations between the South Australian Government and the Campania region.

The Hon. A.J. Redford: We had an Italian at our place for a couple of months.

The Hon. CARMEL ZOLLO: I am very pleased to hear that. I understand that some work may already be in train in relation to such exchanges. Certainly, many young people on an individual level travel to Italy to study the Italian language. Many schools regularly organise trips overseas for their language and art students, and I know that the Italian Consulate here in South Australia is kept busy assisting many people who express an interest in travelling to Italy to expand their language skills. I understand that the Greek Government administers some schemes for youth travel but, as far as I am aware, there is not a Government to Government agreement.

On a region to region level, I would like to see between South Australia, Italy and Greece the type of exchange for youth that we have with Japan. I appreciate that it cannot always be on a regular basis, but even a delegation every couple of years drawn from youth from different walks of life would be very encouraging. I have noticed that many of the Italian regions now often send delegations of people here, but not necessarily young people. I can just imagine the pride of a delegation of young people from all walks of life travelling to either Italy or Greece and being led by a Minister of the Crown in South Australia. I am not suggesting that the Government pay for such delegations, though it may be appropriate from time to time to assist with a subsidy.

I realise that I am getting off the track in relation to the specifics of the motion, but these suggestions all relate to providing young people with wonderful life experiences which are of social and economic benefit to all communities. I intend to send a copy of the debate on the motion to the Minister for Youth Affairs who, I hope, will later support my motion. I urge all members to support this motion which

seeks to expand an existing and well run scheme so that we can reach formal agreement with Italy and Greece not only involving young people who already have some links with another culture but all young Australians. I believe it would assist second and subsequent generations of young people from our two largest non-English speaking ethnic groups to gain first-hand experience with their heritage and for young people from those countries to visit us, given our strong links. It is certainly a good way of ensuring that customs, traditions and languages continue to be celebrated by our future generations.

Increasingly we are becoming a global society in terms of trade, work and leisure. The scheme is a good way of promoting goodwill and it is also of direct economic benefit, particularly to the tourist industry. For young people to experience travel, gain work and some language skills in an overseas country certainly provides a very good start in life. In short, I do not believe anything beats being there. South Australia in particular would benefit because of its large number of people from Greek and Italian backgrounds, and it would help to attract a greater share of tourists and possibly even future migrants. I do not believe that this is a controversial Party-political issue and I hope that the motion will receive the unanimous support of members of this Chamber.

The Hon. NICK XENOPHON secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: REVIEW OF THE ENFIELD GENERAL CEMETERY TRUST

Adjourned debate on motion of Hon. J.F. Stefani:

That the Second Report of the committee on a review of the management of the West Terrace Cemetery by the Enfield General Cemetery Trust be noted.

(Continued from 10 February. Page 595.)

The Hon. L.H. DAVIS: I support this motion moved by my colleague the Hon. Julian Stefani. This nineteenth report of the Statutory Authorities Review Committee was our second report into the management of the West Terrace Cemetery, our first report having been tabled on 12 August 1998. Again I must commend my colleagues on this committee, the research officer, Ms Helen Hele, and the secretary for the work and the diligence which they have shown in preparing this report. The committee's findings were unanimous and they were scathing in many ways about the continued management of West Terrace Cemetery by the Enfield General Cemetery Trust.

In our previous report we noted that the trust, whilst it had a first-class modern cemetery at Enfield, had very limited background in heritage matters. In terms of preparing its management plan, during evidence that we received from it in April May 1998 we made the following points quite clear: that there was an expectation that it would receive expert advice and assistance from people with an interest in this matter; that there was a presumption that it would cooperate and communicate with the Adelaide City Council which had a particular interest obviously in the West Terrace Cemetery and which had expertise to offer in relation to the West Terrace Cemetery; and also that other interested parties such as the National Trust and heritage architects could make a valuable contribution in the preparation of the management plan.

As I said, the committee made its first report on 12 August 1998, not knowing that the management plan had become public in early August 1998, some two weeks before our report was tabled. The committee found out by accident on 17 September that the management plan had been published and that, as required by the amending legislation of July 1997, the Enfield General Cemetery Trust had fulfilled its legal obligation in a formal sense (if not in the spirit in which it was intended) when it placed a minuscule notice in the Public Notice section of the *Advertiser* of Wednesday 22 July 1998—and if people did not have 20-20 vision they would have missed it, and even if they had 20-20 vision they would be stretching to read it.

It advised that the first plan of the management for West Terrace Cemetery public meeting was to be held at 2 o'clock on Wednesday 5 August 1998 at Enfield Memorial Park and that copies of the plan were available by telephoning 82621321. It came as no surprise that, when we invited the Enfield General Cemetery Trust back for further evidence on this matter in October/November 1998 and asked 'Who was at the meeting', the answer was 'No-one was at the meeting apart from the General Manager, Mr Crowden, and the Chairman of the trust, Mr Noblet.'

We asked for minutes of the meeting, which had been duly kept, and they consisted of a record of the meeting from the chairman—quite a lengthy two page address—reminding everyone that the meeting had been called pursuant to the Enfield General Cemetery Trust Act Part 3 and that, at least two weeks before the date of a public meeting being convened under this section, the trust was directed that public notice be given of the date, time, place and purpose of the meeting. I can assure everyone present today that that was done through the *Advertiser*.

It makes a few more comments about the history of the West Terrace Cemetery Trust and the intention of the Enfield General Cemetery Trust not to rush into any particular phase of work without undertaking full research and consultation. Remembering that there was no-one in the audience at all, it is curious that the minutes conclude as follows:

Before I close the meeting, are there any questions or comments from the floor of the meeting?

It continues:

Having made that report, and there being no questions or comments from the floor of the meeting, I declare the meeting closed at 2.12.

Gilbert and Sullivan wrote operas about lesser things than that, but it was curious and, to some extent, underlines a continuing lack of sensitivity and awareness, an arrogance, and indeed an indifference to the seriousness of the task required in managing West Terrace Cemetery.

I have to say that the committee was pleased with the considered response it received from the Hon. Diana Laidlaw in response to its first report in which she agreed with most of our recommendations. One of the key recommendations, which underlines the weight and I believe the accuracy of our initial recommendations from our first report of August 1998, was that the Minister should accept that the trust commence the preparation of a second and more detailed plan of management for the cemetery. In other words, that is code for saying that the first plan was not up to scratch. Indeed, what disappointed the committee when we had Mr Noblet and Mr Crowden back for further evidence in late 1998 was that they seemed to be quite unrepentant of the fact that they

created anger, alarm and dismay among interested parties, as was reflected in the many submissions we received.

The committee received interest responses from 31 stakeholders in the West Terrace Cemetery, including the Adelaide City Council, the National Trust, nine religious groups, heritage architects and monumental masons. Their message was clear, unwavering and consistent. For example, Mr Bruce Harry, a well-respected heritage architect, who I understand was in fact the person responsible for the interior architectural work and the fitting out of the Festival Theatre back in the early 1970s, stated to the committee:

> The management plan appears to be a rather simplistic document which, in acknowledging the cemetery's heritage values, includes too many provisos and escape clauses which render its sentiments to conserving the place's value as superficial.

Mr David Gilbert, a gentle man and well known heritage architect who has an extraordinarily long and respected association with the National Trust of South Australia, said this about the management plan:

> Given the heritage significance of the site and the considerable magnitude of the management and financial issues at stake, I believe the management plan is inadequate. It is poorly written and lacking in its content and layout. The separation of the management plan and heritage management plan is confusing and curious. Whilst reference is made to the bar at charter (Australia ICOMOS), the documents do not follow published guidelines used by conservation professionals in preparing management plans for diverse sites and items.

Mr Ron Danvers, another well-known architect in Adelaide, said:

> The document appears to fall short of the mark for future management both in detail and substance.

The National Trust was also critical. Religious groups also expressed concern, and in some cases alarm, about the lack of consultation. The fact is that not one of the 31 interested parties whom we contacted knew of the existence of the management plan until we drew it to their attention some two months after the management plan had been published. What is going on here? It is very curious indeed and, as I said, marks an arrogance and indifference to the importance of West Terrace which has been described as one of the 10 most important heritage sites in South Australia.

The Hon. M.J. Elliott: That's why it should never have been given to Enfield.

The Hon. L.H. DAVIS: Did you say that at the time?

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

The Hon. L.H. DAVIS: I think you did. I accept what the Australian Democrats say: that there was some concern about giving it to Enfield when the debate was on. I must say that I accepted the notion that it was good to have someone who was skilled and experienced with cemeteries to assume the management of that, and one would have hoped that its performance would have been better. With the benefit of hindsight, obviously the decision to give it to Enfield has not worked out, initially at least, to the advantage of West Terrace. But I believe that, with the public attention and interest in this matter, and the Minister's obvious concern as expressed in her letter to us, the matter can and will be properly addressed.

Just to give some idea of the management plan's lack of grasp and style and its poor expression, it is illustrated by this extract from the overview in the management plan, which states:

> The management plan for the first five years may not appear very much on the surface, but when more than 150 years of this cemetery's life is passed, then it takes some time to review all what happened, to analyse the information and then develop a plan for the future.

That is not very profound and falls a fair way short of what one would expect. In fact, some parts of the management plan appear to me to have been written by someone sitting in front of a television and eating dinner at the same time.

Through its research, the committee also discovered that in fact Mr Barry Rowney and Mr David Young, again well respected in this area, had previously prepared conservation guidelines for West Terrace Cemetery which the Liberal Government had committed itself to adopting before this decision was taken to transfer the Enfield General Cemetery Trust from the Government. Members might well recall that the West Terrace Cemetery had been managed by various departments and statutory authorities in its 160 year history.

In addition, Mr Rowney had also undertaken a comprehensive site survey of the cemetery. Therefore, although this was not acknowledged, followed up and incorporated properly into the management plan, the committee unanimously agreed that it would be appropriate to invite Mr Rowney and Mr Young to assist with the preparation of this second management plan.

One of the advantages which the committee had was an earlier visit to Sydney's Botany cemetery in May 1998, and we also had the opportunity to inspect the management plans of several other historic cemeteries in Australia which showed just how far short of the mark was the management plan which had been developed by the Enfield General Cemetery Trust for West Terrace.

In this second management plan, the committee recommended that the Minister should immediately exercise her powers under section 16A of the Enfield General Cemetery Act to ensure that all matters raised by the committee in its two reports are properly addressed. The response which we received just days before publishing our second report indicated that the Minister was certainly following through very seriously the many recommendations contained in our first report.

We also recommended that an advisory committee should be appointed to guide the preparation of the second management plan to include people with particular expertise, and the Minister on balance in response to our first report certainly was indicating general acceptance of that proposition. We also recommended that the Minister should ensure that all stakeholders do have an opportunity to contribute to the development of the second management plan by following the proper public hearing process.

The committee has taken the step of having tabled in the Parliament all documentary evidence that we have received to date by way of written and verbal evidence which will be helpful in providing additional information about West Terrace Cemetery from the 31 stakeholders whom we have already consulted.

The other matter which we have already raised with the committee, namely, that consideration should be given to changing the name of the Enfield General Cemetery Act to reflect the broader operation of the trust, is, we understand, receiving favourable consideration from the Minister. The committee believed also that it was appropriate that there should be a revision or review of the board of the Enfield General Cemetery Trust itself to ensure that it properly represents the range of expertise that is necessarily required to deal not only with a modern cemetery such as Enfield but

also, more particularly, with the special heritage and historic needs of West Terrace.

This is an ongoing review by the Statutory Authorities Review Committee. As I said, this is our second report on the management of the West Terrace Cemetery. We are continuing to monitor this matter, and no doubt we will be putting out a further and hopefully final report on the management of the West Terrace cemetery in the coming months. This certainly is a good example of the benefit of having a parliamentary committee which has an overview on statutory authorities, because I believe the work we have done in monitoring the management of West Terrace Cemetery has drawn to the attention of the Government of the day matters which may otherwise have gone unnoticed.

West Terrace Cemetery is an historic gem for Adelaide and the State containing, as it does, the graves of so many important people. The management of West Terrace Cemetery in past years has been universally condemned: it has been very uneven and erratic; there has been corruption down through the years; and there has been mismanagement.

Even today, if one goes to West Terrace Cemetery, one sees that it certainly falls well short of the standard that one sees in many other historic cemeteries not only in Australia but elsewhere. That is a shame. It is something that should be promptly addressed and hopefully, with the Minister's interest in this matter, more attention and more money can be invested in West Terrace in order to recognise our past for the benefit of future generations.

Motion carried.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) (RETURNS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 47.)

The Hon. K.T. GRIFFIN (Attorney-General): This Bill is almost identical, if not identical, to the one which the Hon. Terry Cameron introduced in December 1996. The Government opposed that Bill on that occasion, and a similar course of action is now proposed in relation to this Bill. The Government will oppose the second reading of the Bill.

The whole area of disclosure of interests by members of Parliament can be a controversial issue, although I note that the Hon. Terry Cameron has urged all members to give this Bill their serious and sincere attention, and the Government has certainly done that. I hope, in the way in which I now deal with the issues which it raises, that it will be clearly demonstrated that that is the case.

The controversy in relation to register of interests and disclosure of interests comes very largely because persons are perceived to have a conflict in dealing with a matter of State rather than in relation to the actual impact of any potential conflict on the member and on the progress of a decision, either of the Parliament or of executive Government. It becomes controversial because in many instances the concept of conflicts of interest is not properly recognised or defined.

There are many occasions where there are potentially conflicts of interest, some of them of a monetary or pecuniary nature, but some not, and the real challenge for all of us is to be able both to identify the potential or actual conflict for that matter and to determine the best way in which we should deal with that.

Our Standing Orders in the Legislative Council do provide for any member with a pecuniary interest in respect of any Bill before the Council to disclose that interest and not to vote on it. That, I think, must be the real emphasis. What are the pecuniary interests, that is, the interests which will provide some benefit to a member or an associate of a member rather than something which might be perceived to be a conflict but which relates to a matter that is held in common with a wide range of other citizens?

The Members of Parliament (Register of Interests) Act was an important piece of legislation which was amended quite substantially back in 1993 by the previous Labor Government at the instigation of the then Attorney-General (Hon. Chris Sumner). This Bill seeks to widen the range of matters which members of Parliament must disclose under the Bill. The Bill reduces the control threshold for a family company from 50 per cent to 15 per cent; removes the exemption of testamentary trust from the definition of 'family trust'; newly covers members' interests through joint ventures; requires the disclosure of any assets acquired or held by a party other than the member to a joint venture of the member; provides for an administrator of a superannuation scheme of a member and a person who is a party to a joint venture of a member to be regarded as persons related to a member; limits disclosure in respect of them to information in the capacity in which they are related to a member; and defines a superannuation scheme of a member.

The Bill also provides for exemption from disclosure of contributions to the cost of travel by a member outside South Australia, gifts and arrangements for the use of property received from a spouse (including a putative spouse) where the current exemption now applies to persons related by blood or marriage; requires disclosure by Ministers of gifts of over $200 (the current threshold for all members is $750); requires disclosure of any trust or superannuation scheme of which the member or a related person is a beneficiary, trustee or administrator; reduces the threshold for disclosure of debts of a member or a related party to another person from $7 500 to $2 500 and moneys owed to the member or a related person from $10 000 to $5 000; makes it an offence to contravene or fail to comply with the Act (currently it must be wilful contravention unless the member can show that it was not intentional or due to failure to exercise reasonable diligence or care); and provides for a new offence for schemes to defeat, evade, prevent or limit the operation of the Act.

Whilst I suppose one might say that some of the proposals of a minor or technical nature might be unopposed, I suggest that most of these proposals are either deficient or unwarranted. In relation to the first four matters—

The Hon. T.G. Cameron: Where are they deficient?

The Hon. K.T. GRIFFIN: I'll tell you. I still have a way to go. I will give you an explanation of where I believe—

The Hon. T.G. Cameron: I would have loved to be a fly on the wall in the Party room when you discussed this.

The Hon. K.T. GRIFFIN: You wouldn't have had a problem with it.

The Hon. T.G. Cameron: I can just imagine their squeals.

The Hon. K.T. GRIFFIN: No, there was nothing like that. The first four matters to which I have referred relate to the definition of a person related to a member. Under the terms of the Bill, the definition of a person related to a member is amended indirectly through changes to the definitions of 'family company' and 'family trust'. The term 'a person related to a member' would include family companies where a member or a member of the member's

family has more than a 15 per cent interest and is a trustee of a testamentary family trust. Those are the first two proposals.

The Bill also expands the definition of a person related to a member to include a person who is a party to a joint venture of the member and an administrator of a superannuation scheme of the member. Those are the third and fourth proposals.

The changes to the definition have a flow-on effect to the reporting requirements under the Act. A person related to a member is referred to in a number of provisions including the provisions requiring disclosure of the income source of a financial benefit, the use of property, and contracts with the Crown in excess of the specified amount. It is important to recognise in considering this that by broadening the scope of the definition of a person related to a member it has all of those consequential effects which I suggest, for some members at least if not all, will prove to be particularly onerous.

The first proposal is to reduce the control threshold for a family company from 50 per cent to 15 per cent. The concern is that that would newly include cases where the member's family has a substantial interest in but not control of the company. The member might have difficulty in complying with the Act in respect of such a company as a related person due to lack of access to necessary information, remembering that all of the matters which have to be declared by a person related to the member will now have to be disclosed by a company in which the member or the member's family may have only 15 per cent rather than 51 per cent.

There could also be undue intrusion regarding the affairs of the company. For example, the current Act would require the disclosure of the source of a financial benefit to such a company. That is a very broad description. This issue of control was debated at length in 1993. The former Attorney-General (Hon. Chris Sumner) was persuaded that if a member or a person related to the member did not have control of the company that could present quite significant difficulties in obtaining all the information that was required to be disclosed in relation to the interests of that company.

I do not propose to go through all the areas which have to be disclosed. They include, for example, income sources, financial benefits, any remuneration fee or other pecuniary sum exceeding $1 000 in respect of a contract of service entered into, and any paid office held by the person. So, those matters must be disclosed by the company.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: No.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: We're opposing it. I hope that when I finish explaining there will be others who have a similar view to mine. This will place an absolutely impossible burden on members of Parliament. I do not know what the Hon. Mr Cameron's affairs are—I have not checked his register of interests—but if he has a company or a trust or some other interest, let me sound a note of warning for him.

The Hon. T.G. Cameron: All disclosed.

The Hon. K.T. GRIFFIN: And so are mine.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: That's all very well. Let me warn the honourable member that if he goes down this path it will include not just property or debt but other matters such as financial benefit. He will have to keep very close tabs, because the penalties are severe. In a busy life I am sure that the honourable member will realise that you could miss some of these things.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: They will not be relevant to determining whether or not ultimately there is a conflict of interest. A significant bureaucratic burden will be imposed but for no demonstrable benefit to the public interest. That is the problem that I am—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: We can argue about it. The second item is to remove the exemption of testamentary trusts from the definition of 'family trust'. Again, in the debate in 1993 those testamentary trusts were excluded because there was felt to be a need to ensure that, where a person was a trustee with no interest as trustee, although that is different from a beneficial interest, it would not be proper to have the private affairs of a deceased person being sprayed around in a disclosure of interest where a trustee has statutory duties and responsibilities, whether related to the deceased or not. The protections and responsibilities that are imposed on a trustee would be adequate and should not be required to be disclosed in the so-called Register of Interests.

In relation to joint ventures and the disclosure of information as an administrator of a superannuation scheme, I suggest that the Bill is likely to have unintended consequences because of the wide class of persons whom the superannuation fund of a member may by definition wholly or substantially benefit. For example, it could result in the following persons being related to the member: the administrator of a superannuation scheme; an accountant employed to assist the trustees in the administration of a family trust; or the administrator of a superannuation scheme for the employees, not related to the member of a joint venture or family company. If we look at the definition of 'superannuation scheme', the Bill provides:

> . . . a superannuation scheme which is established or administered wholly or substantially for the benefit of any one or more of the following:
> (a) the member;
> (b) a member of the member's family;
> (c) the directors or employees of a family company. . .

What if there is a family company where you now have the 15 per cent threshold and which might have half a dozen employees? Those interests would then have to be disclosed. The clause continues:

> (d) the trustees of a family trust of the member or persons employed by the trustees to assist in administration of the trust;
> (e) a party to a joint venture of the member or persons employed by a party for the purposes of the joint venture.

So, there are some significant consequences going down the line of having to disclose that information, again without any demonstrable benefit to the disclosure of conflicts.

In relation to the next item, requiring the disclosure by Ministers of gifts over $200, currently the threshold for all members being $750, the value of the gift for which disclosure is to be required is arbitrary. It should not be set so low as to cause administrative difficulty in cases where conflict of interest is unlikely to arise. The Hon. Mr Cameron has not made any case for the reduction. My recollection is that the figure was $200 for everyone, and at the time we considered this in 1993 it had not been increased for at least 10 years, as I recollect, and it was determined that it should be increased, given the effect of inflation since the amount was originally inserted. Of course, $750 having been inserted in 1993, inflation since that time would have escalated that even further.

Again, the reduction of the thresholds for disclosure for debts of a member or related party to another person from $7 500 dollars to $2 500, and of moneys owed to the member or related person from $10 000 to $5 000, are arbitrary figures, and again the honourable member has not given any compelling reason for the proposed adjustment. They were increased to those figures from the previous amounts because inflation had diminished the value of the original amounts set in 1983 or thereabouts. It was generally felt by the Parliament at that time that those new figures currently in the legislation were appropriate. There will be some members who actually run a credit card debit that might exceed the $2 500, and the whole object of this is to deal not with people's credit cards but with something of a much more significant nature. In relation to small overdrafts, it is very difficult to understand the rationale for these sorts of increases.

The last item is the offence provision. The provision is very onerous, and the purpose of the Act needs to be put in perspective. Full disclosure is important from the public policy perspective, and no-one is disagreeing with that. But the wrong at which the legislation is directed is participation by a member in a decision with a resultant private benefit and not errors in the register. The register assists only in the scrutiny of such matters, and that has always been the object of it. In view of the consequences for members of a breach of the Act, it is important to ensure that the Act applies fairly, and I suggest that that is not going to be the case. The penalty provisions in the principal Act are specifically designed to be dealt with essentially by the Parliament but are already quite onerous.

As I indicated at the outset, the real problem is that the onerous nature of the additional requirements, which I think most if not all members will vouch for in terms of the current requirements, means that there may well be inadvertent omission. I doubt if anyone would deliberately omit the disclosure of these interests, because no useful purpose is achieved in omitting the declaration of interests. But to go from even the present onerous requirements to something that will place quite enormous burdens upon those members who have interests that might be covered by this will not achieve any demonstrable benefit to the public interest or add anything further of a beneficial nature to the way in which the Parliament is now able to assess and access the Register of Interests of members. It is in that context that the Bill is opposed and will be opposed at the second reading.

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

EVIDENCE (CONFIDENTIAL COMMUNICATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 681.)

The Hon. T.G. CAMERON: I support the intent of this Bill which is to remove the subpoena from cases of sexual assault and grant public interest immunity automatically against the disclosure of confidential communications of the victims. The latest police figures show that in 1997-98 there were 594 rapes or attempted rapes of adults in South Australia, and 502 of these victims were women. In 108 rape cases the accused was someone known to the victim.

In South Australia, 85 per 100 000 members of the population experienced some form of sexual assault in 1997 alone. A recent survey conducted by the South Australian Department of Human Services randomly interviewed 3 000 people by telephone. Out of the 3 000 surveyed, 14.1 per cent experienced sexual assault either in domestic situations or outside domestic relationships, or sexual assault in both situations.

These figures are alarming in themselves. New research suggests, in comparison with a range of traumatic events such as torture, combat in war and natural disasters, that the effects following rape were higher than those following most other traumatic events. That information comes from research conducted by the South Australian Mental Health Survey in 1997. In fact, 25 per cent of rape victims suffered severe depression, 24 per cent had suicidal thoughts and 50 per cent suffered from anxiety.

Only 30 per cent of all sexual assault cases proceed to trial. Evidence suggests that one of the main reasons attributed to this is the potential intimidation factor presented when an accused has access to confidential communications of sexual assault victims, such as counselling notes. It is unimaginable that, on top of the traumatic experience of sexual assault, complainants may have to deal with their assailant having access to some of their most intimate feelings and thoughts. Currently there are circumstances in which the defendant is using the subpoena to obtain copies of notes made in therapeutic settings, such as rape counselling. Often these are only fishing exercises by the defence on the chance that there might be something which could be used in court or to intimidate or discredit the victim.

A recent example in New South Wales highlights the ramifications of the use of this knowledge to the extreme. According to an article in the *Advertiser* during December 1997, prisoners were using court statements from victims of sex crimes as market trade. It is alleged that photocopies were taken and sold in prisons for some kind of perverse entertainment. This is a serious concern not only for the victim but also for counselling services and their staff.

After consultation with the Law Society and Yarrow Place, which both have a vested interest in this legislation, I am convinced of the importance of restricting the confidential communications of victims to the smallest number of people possible. However, the Law Society does not support this legislation and has stated:

> Under the current law there will be few cases where the judge should refuse an accused access to these documents.

Correct me if I am wrong, but even the Law Society acknowledges that in most cases the judge will grant access to notes. However, the Law Society does not support any changes to these laws, which I find a bit curious.

The intent of this legislation is to provide protection for victims of sexual assault. I welcome any changes to the law if it serves to provide increased protection for victims of sexual assault and a fair trial for the defendant. Comments by the Attorney-General serve to highlight the sensitivity and difficulty in legislating for these changes. In this place on 28 October 1998 the Attorney-General said:

> . . . these charges are serious and most often highly contentious. They go to the heart of the gender debate in this society, as well as to individual justice to the complainant and accused.

Under close examination of this legislation, however, I believe issues of accessibility have not been adequately addressed. Section 67e removes the subpoena of a confidential communication, such as counselling notes, by the defence and grants public interest immunity automatically unless a

judge, on preliminary examination, is satisfied that the applicant has a legitimate forensic purpose for accessing the notes.

Although this strengthens the test for adducing the notes in evidence, I believe that accessibility to counselling notes is still an issue if this Bill passes unchanged. It is my understanding—and I reflect the concerns raised by Yarrow Place and the Women's Legal Service—that the current amendments are not adequate enough to protect victims in the pre-trial stage regardless of whether the notes are adduced as evidence.

Often for the victim simply the thought of knowing that the accused is likely to see some of their most intimate and personal thoughts is enough for them to decide not to proceed to trial stage, and for crimes like this that is indeed a tragedy. Technically, the defence could still access counselling notes without ever admitting them as evidence in a court of law. I believe that this needs to be addressed and will do so during the Committee stage. The particular clause provides:

> (1) Evidence of a protected communication—
>
> (a) is entirely admissible in committal proceedings; and
>
> (b) cannot be admitted in other legal proceedings unless—
>
> (i) the court gives leave to a party to the proceedings to adduce the evidence; and
>
> (ii) the admission of the evidence is consistent with any limitations or restrictions fixed by the court.

As it stands, this clause focuses on admissibility of evidence without adequately providing protection in relation to issues of accessibility. The issue of accessibility needs to be addressed to provide full protection for the victim.

I do not believe that this legislation is perfect; however, I believe that it is a sensible starting point. Only time will tell whether it is workable and sufficient enough to realise the intent of the legislation outlined by the Attorney-General. Issues such as the criteria upon which a judge decides whether notes have a legitimate forensic purpose or not still need to be addressed. Whether a social worker is included in the definition of a counsellor or therapist still remains unclear.

The main concern, as Gill Westhorpe, Director of Yarrow Place, stated to my office recently, is, 'The least number of people should have the least possible access to information of this nature.' I believe that this Bill is a step in the right direction: it is a sound starting point for us to eventually achieve that objective.

As I have said previously, I fully support the intent of the Bill. I congratulate the Attorney-General on the intent that I believe he had when he introduced the Bill into this Parliament. In the short term we will probably not see any immediate increase in the number of cases proceeding to trial. Like any new law of this nature, I am sure that the legal fraternity will test its resiliency in every way possible. They always do.

In the medium to long term these changes have the potential to be of great benefit to those who work as counsellors in the protection of victims of sexual assault and in achieving a fair and just trial for all concerned. I hope that quantitative evidence will show an increase in more cases proceeding to trial. If we can achieve that, I think the Bill itself will have been well worthwhile on that point alone.

I urge the Government to be vigilant on this issue, to monitor these changes and to ensure that they are working, and to make any amendments necessary that improve their workability. It is important that we ensure the maximum protection for victims of sexual assault but at the same time provide an environment for a fair and just trial. I support the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank all members for their contribution to the debate. I thank the Leader of the Opposition for supporting the Bill and for contributing to and facilitating cooperative discussions about the details of the Bill so that the differences of opinion about those details could be discussed and refined. I thank the Hon. Ian Gilfillan for his contribution and for his indication of support, and I also thank the Hon. Terry Cameron for his views on the Bill and his indication of support.

It is an important Bill but, as the debate in this place has shown and the results of public consultation on the Bill over the past months have also shown, the issue with which the Bill is concerned is emotive and brings forth expressions of opinion at each end of the continuum of possible views on the subject. Some such as the Law Society have, as we have seen, expressed the forceful view that the current legal situation is entirely satisfactory, that the Bill is not necessary and will, indeed, work injustice in individual cases. Others have argued that there are no circumstances at all in which the counselling records of those who are alleged to have been victims of a sexual offence should be disclosed or, as an alternative, the legislation should be so framed as to make it a practical impossibility. Indeed, I have received one submission from an organisation which contained expressions of opinion that the Bill was gender biased against both men and women at the same time.

The Hon. A.J. Redford: Who said that?

The Hon. K.T. GRIFFIN: I will not disclose that. From the very beginning the Government and, to its credit, the Opposition, the Australian Democrats and others have sought to take a middle and moderate position on the issues. The Government declines to take the course recommended by some: that the records in question be made simply and plainly irrelevant and inadmissible. Apart from public policy consideration, such a course would be to legislate an untruth. There are circumstances in which they could be relevant and admissible.

In any event, legislation to that effect could well result in acquittal in respect of otherwise meritorious prosecutions on the procedural ground of abuse of process of some accused who might otherwise be convicted of very serious offences. On the other hand, the preponderance of opinion, not only in this Parliament but in the community and in other jurisdictions, is that the current situation is not satisfactory, and that legislation is required to regulate the discovery of sexual assault counselling records.

As I have said, in framing and refining its Bill, the Government has tried to take a responsible middle course, paying due attention to the balance of competing interests involved and avoiding extreme positions on all the details which are necessary for careful regulation. As we shall see in the Committee stage, when we come to consideration of the Opposition amendment on file, even the details of such a measure must be considered in light of the general, moderate policy and sense of balance sought to be pursued by the Bill. I look forward to the Committee consideration of the Bill in due course.

Bill read a second time.

STATUTES AMENDMENT (MINING ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 11 February. Page 643.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their consideration of the Bill. During the debate on the second reading the Hon. Sandra Kanck indicated that, although she supports the second reading, she will oppose clause 8. Clause 8 deals with the introduction of a Mining Native Title Register under the Mining Act 1971. Clause 10 of the Bill deals with the introduction of an Opal Mining Native Title Register under the Opal Mining Act 1995, with the exact provisions outlined under clause 8. Although the honourable member has not specified her opposition to clause 10, I presume that that was her intention also.

Clauses 8 and 10 provide that agreements reached between mining proponents and native title claimants or determinations made by the Environment, Resources and Development Court may be kept confidential and, therefore, not available to the public for inspection, as is the normal mining register. The primary explanation for the confidentiality option is to protect commercial dealings between the parties, which would include payments made to the native title parties and employment arrangements to which the mining operator and native title parties have agreed. In suggesting the option of a confidential register, it has been made clear that all parties to the agreement must agree that it be kept confidential and, in the case of a court determination, the ERD Court would have to specify that the contents of the determination be kept confidential.

The right to choose that an agreement be kept confidential has nothing to do with the Mining Registrar, the department or the Government. The role of the Mining Registrar is to register the agreements, which are, in effect, private commercial arrangements between the native title parties and the mining operators. The decision of the parties to choose between open for inspection and confidentiality is entirely theirs and does not impact on the operations of government or Government funding in any way.

Confidentiality of arrangements can be important, as each mining situation is different, involving different commodities and often widely differing market values for the products. Some mining developments are potentially highly valuable and marketable, and some who develop those could afford to make more generous benefits available to the Aboriginal parties. However, not every deposit has this potential, and it would serve no-one's interest if the agreements in respect of that mining developer which had a particularly valuable and marketable deposit became common knowledge and were to set a precedent for all native title parties to expect in their respective dealings with mining operators. If this were to occur, many potential mining operations that were only marginally profitable would be abandoned at the outset and no-one would benefit.

Agreements or determinations may well contain information on Aboriginal sites and heritage issues which the native title claimants may not be comfortable making known to the public at large, and they may not want the details of the financial arrangements made known. It should be noted that the Aboriginal Legal Rights Movement and other interest groups who were party to the consultation process did not object to or make any adverse comment about clauses 8 and 10.

The Bill sets out those parties who may inspect confidential agreements or determinations which are registered, including any person engaged in the administration of the legislation acting in the course of official duties, or by the Attorney-General or a public servant acting with the Attorney-General's authority, a person who is bound by the agreement or determination, a person acting under the joint authority of all persons who are bound by the agreement or determination, or a person acting under the authority of an order or determination of the ERD Court or the Supreme Court.

Clauses 8 and 10 also provide that the Mining Registrar must include in the Mining Native Title Register and Opal Native Title Register details in respect of each agreement or determination registered, irrespective of whether the agreement or determination is confidential or open for inspection. Those details include who the parties to the agreement or determination are, what land and mining tenements they relate to, the date of registration and which are confidential or open for inspection. There are ample provisions to investigate confidential agreements under authority if they are thought to be questionable, as I have just indicated.

The Bill also provides transitional provisions for those agreements that have already been registered, with all such agreements to be kept confidential unless or until all parties to the agreement notify the Mining Registrar otherwise. Again, I thank members for their observations on the Bill.

Bill read a second time.

NURSES BILL

Adjourned debate on second reading.

(Continued from 10 December. Page 482.)

The Hon. CARMEL ZOLLO: In South Australia we are fortunate to live in a caring society with a highly developed health system, and I am sure we are all very appreciative of the nursing profession's commitment and contribution to delivering the best quality health care to everyone in our community. Nursing is a highly qualified and competent profession, working alongside other medical and health professionals. I am fortunate in having quite a few relatives and friends who are employed in the nursing profession in many very different roles and workplaces, and I am therefore personally aware of their commitment and dedication. I took the opportunity to speak to a few of them and thank them for their frank comments.

My colleagues in the other place have already referred to the enormous advances made in the nursing profession since the introduction of tertiary qualifications. Combined with new technology, nursing is now an exacting and disciplined science. These advances and changes have contributed greatly to the need for Parliament to look again at the Nurses Act, and as such the Opposition supports the second reading of this Bill.

We are told that the intention of this Bill is to provide mechanisms through which the public may be assured of high standard, effective and ethical nursing practice. It certainly would be difficult to argue with such an intention. However, as my colleagues have already noted, the Opposition differs in the manner in which such mechanisms should be put in place.

As a great deal has already been said in this debate and my colleague, Paul Holloway, is making a significant contribution tomorrow, I would like to try to limit my remarks to the

issues in this legislation which I believe have caused the most disagreement. The overwhelming concern expressed by nurses with whom I had the opportunity to speak and the Australian Nursing Federation was that of supervision of enrolled nurses.

The flexibility that the Bill is supposed to be introducing appears, to all intents and purposes, to be open-ended for such an important area of responsibility and it is viewed by many as a means of employing cheaper labour. A major failure of the proposed legislation is that the Bill does not limit the manner in which the board may impose conditions on practice.

The Australian Nursing Federation is also concerned that, in the longer term, given competition policy requirements, the board would not be able to sustain restrictions on enrolled nurse exemption from supervision to only certain practice settings. This could raise a possibility that enrolled nurses would be under pressure to work without adequate support from registered nurses in a wide range of practice settings for which their basic education does not prepare them.

The ANF sees the role of enrolled and registered nurses as complementary to one another. Part of the role and function of a registered nurse is to assess and plan the care needs of the patient or client. Enrolled nurses participate in and contribute to this process but do not have primary responsibility for assessing or planning care.

What concerns everyone is that there would be an increased risk to public safety if enrolled nurses are asked to work without adequate support from registered nurses, for example, in areas such as domiciliary care, hostels, day surgeries and doctors' rooms. The question we should all be asking is: if an enrolled nurse no longer needs to be supervised in certain circumstances by a registered nurse, who will accept the responsibility for supervision? Will an enrolled nurse then become accountable for his or her inaction, or will the responsibility be assumed by a medical doctor? Who would then be accountable to the Nurses Board? This certainly raises some very interesting and complex issues.

I understand from debate in the other place that Minister Brown has proposed a six month delay on that part of the legislation; that is, it will be proclaimed six months after the rest of the legislation. Apparently, this would allow time for consultation to occur with the Australian Nurses Federation and other professional bodies to determine in what circumstances and under what conditions special approval can be given whereby an enrolled nurse can operate without the supervision of a registered nurse. Obviously, the Australian Nurses Federation is anxious to work with the board and the Minister, but still has grave concerns with this proposal and wants to see this section of the Act removed—as, I am told, do the overwhelming majority of nurses.

I remind members that the Australian Nursing Council's competency standards for enrolled nurses are the national standards that an enrolled nurse must meet in order to become licensed. These standards are based on the requirement for enrolled nurses to be supervised by registered nurses. As already indicated by my colleagues in the other place, the Opposition will be vigilant in this matter.

The other section of this Bill that has brought an enormous amount of concern is that of the proposed removal of the requirement for nurses to hold specialist qualifications, or to be supervised by nurses holding specialist qualifications, to work in midwifery or mental health.

The increased risk to the public is seen as very real. The Australian Nurses Federation believes that the protection offered to consumers in this Bill is deceptive and is likely to result in confusion and misunderstanding by consumers and lead to a reduction in the capacity of consumers to make informed choices as to health providers. The ANF believes that there is the potential for harm to the public if expert trained nurses are not required in midwifery and mental health areas. It is not enough to rely on employers alone to meet their duty of care. The public needs to be guaranteed the very best of care.

Section 25 of the current Act, which allows the Nurses Board to regulate unlicensed workers providing nursing care, will be removed by this legislation. Our community is increasingly moving towards a devolution of nursing work at some levels—that is, the various means that our community uses to assist people to remain in their homes, for example, in community packages.

It has been pointed out that the training of unlicensed workers in specific limited tasks is potentially dangerous both for the consumer and for the supervising nurse who may be placed in a very difficult situation if resources are limited. There is a strong belief, therefore, that nursing work still needs to be regulated at all levels. The public demands and deserves strong protection in this area.

I can appreciate the Minister's logic in saying that this Bill is about regulating nursing practice and to determine the scope of nursing practice. However, the Opposition sees the refusal to regulate such workers as leaving the public in a vulnerable position.

We all know the reality is that some patients do receive some level of nursing care from people other than an enrolled or registered nurse. If the proposal is passed, people in those circumstances will not have access to the board when the behaviour of such a provider may be unprofessional, or constitutes misconduct, or the safety of a client is threatened.

As this work is completely at the discretion of the employer, I hope that the compromise suggested by the ANF seeking to amend the Bill, which requires employers to be licensed by the board where they wish to employ persons other than registered or enrolled nurses in the provision of nursing care, will receive the consideration it deserves.

The new proposed format of the certificate of registration has also attracted some criticism, with nurses believing it is too invasive of their privacy. The ANF's position that the new registration certificate which refers to the fact that a restriction exists is, I think, a sensible and practical one. It is hoped that such a suggested format would put in place appropriate and transparent disclosure requirements so that nurses are always aware precisely of what is required of them.

I was pleased to see the Minister in the other place agree with the position that the Chairperson of the Nurses Board should be a nurse, and that this proposal has already been rectified. I am also pleased to see scholarships for country nurses to train in the city and then return to their country towns.

The Opposition also agrees with the new positions on the board that represent consumer interests. It is important that we increase transparency and accountability, which I am sure will in turn lead to enhanced public confidence in the system.

The issue of whether only one area of the health profession—that is, a doctor—should be represented on the board is a valid one, given I understand that there already exists provision for the board to co-opt additional members with the relevant expertise. My colleague, Lea Stevens, in the other place also sought to have included in the legislation a

provision that at least one nurse in a quorum of three is present when undertaking an inquiry in relation to a nurse's conduct. I would see that as being a logical step.

I know that midwives have actively been lobbying members of Parliament for retention of a separate register, and I certainly see no reason why this request cannot be accommodated. Mention was made in the second reading explanation in the other place that two of our universities are considering direct entry, so there must be a consensus that this is a more specialised area than others. I do not see the retention of three registers as a problem. Prior to the general approach to the training and education of nurses, South Australia had a history of direct entry into the specialised areas of midwifery and mental health without first having to become a general registered nurse.

The final issue I would like to mention is one that the Opposition and the nurses union has identified as an obvious anomaly in this legislation, in that there are no definitions for the terms 'midwife', 'psychiatric nurse', 'mental health nurse', 'nursing' or 'nursing practice'. As has been pointed out by the union, it is indeed strange that this Bill, which seeks to protect titles from use by unqualified persons, does not define them. I believe that they should be defined.

The Hon. SANDRA KANCK: I have been dealing with this issue since October 1995, when a delegation of the Home Births Association came to see me to express concerns which they had that plans were afoot to remove from the Nurses Act the separate register for midwives. The process itself has been going on a lot longer than my involvement. The Act was reviewed in 1991, but nothing came of that review. Then in the middle of 1995, an options paper was released and four workshops were held which kick-started the process again.

The Bill with which we are dealing is a complete rewrite of the 1984 Act. Everyone agrees that it is more than overdue for this to occur. We have in this State the oldest Nurses Act in Australia. It is out of date. For instance, it refers to 'in-hospital training' which now, I lament, does not happen. On that subject, it is only 20 years since we did have in-hospital on-the-job training, and I know many people consider this to have been a much better system. I have a retired aunty who was a tutor sister, and she speaks with great derision about the current system and was never very impressed with the university educated nurses when they came into her hospital.

Certainly, it was much easier then if you were a member of the public to know what you were getting. If members recall, the trainee nurses used to be in pink, the enrolled nurses in blue and the registered nurses in white, and they had stripes on their cap to let you know just how far they had gone with their training. Then came the need for career structures for nurses, and the emphasis then switched to university education. In that process, the registered nurses were elevated and the enrolled nurses became the poor cousins.

The Bill was circulated two years ago as a draft Bill. At that time there was a burst of lobbying activity, and things went quiet again last year. About six months ago, when news got out that it would not be long before a Bill would be introduced in Parliament, the activity really started to accelerate.

It is interesting that the elements that were controversial in that draft Bill that was circulated in 1997 are still incorporated in this Bill. As the Government has retained those controversial elements, I assume this means that the Government believes that the Parliament has the capacity to get it right.

I want to look at the controversial elements of the Bill, the first being the role and status of midwives. Midwives have been particularly diligent in their lobbying for more than 3½ years. I have been visited by them on a number of occasions. We have discussed both the draft Bill and the current Bill, and I have attended or addressed a number of their meetings.

Midwives tell me that the word 'midwife' means 'with women'. It is a very appropriate title. My great grandmother was a midwife. Her name was Hester Lavinia Woof, and she lived at Kangarilla. She died two years after I was born, so I never met her. When I spoke to my mother about her grandmother's experiences as a midwife, she told me about the technique which was used and which her grandmother had demonstrated to her for sterilising her hands. We shudder to think of the way it was done then, but the midwife would boil a pan of water, take it off the stove and then repeatedly bounce her hands off that water so that it did not actually burn the hands but created very, very red hands. Obviously there was enough heat in that process to destroy any bacteria that might have been on her hands.

The Hon. Carmel Zollo interjecting:

The Hon. SANDRA KANCK: She did not end up with blisters and was able to carry on the task. It makes you think of the advances that have occurred in the past 100 years or so. She was held in very high esteem by her patients. Back in those days, particularly for women in the middle and upper classes, there was a lying in period after a birth so that, when she was called out to deliver a baby, she packed her suitcase because the lying in period could be for up to a fortnight after the birth and she was expected to stay in the house with the mother and baby to establish nursing patterns with the mother and the baby and iron out any problems that may occur. It is very interesting to observe that this was a home setting and not a hospital setting. She was licensed to practise as a midwife—she was definitely not a nurse.

As I say, she was held in high esteem. She had hundreds of photos of the babies she had delivered from grateful mothers who, when they were up and on their feet, sent her photos of their baby or themselves and their baby, for her records. It shows that even back then there was a very special relationship between a midwife and a mother. It causes me to reflect that giving birth is not an illness, yet in the past 50 years we have very much moved to a model where we have babies in hospital. By dint of that and the fact that nurses are delivering babies, it creates a sense that it is not a wellness activity but, of course, it is one of the most natural activities that women undertake.

We have seen this increasingly medical model of child birth emerge. Increasingly it is for the convenience of the doctor and not the mother or child. This is demonstrated particularly here in South Australia by the high rate of induced births and caesarean section deliveries. In 1994 in South Australia 23.7 per cent of births were by caesarean section. At the same time in Denmark the rate was just 5 per cent. I consider that the South Australian rate is scandalous considering, too, that there is a fourfold increase in the risk of death to the baby as a consequence of caesarean sections.

The World Health Organisation joint inter-regional conference on appropriate technology for birth, held in Brazil in 1985, came up with 21 recommendations, and No. 13 states:

> Clearly there is no justification in any specific geographic region to have more than 10 to 15 per cent caesarean section births.

The 1994 figures for births in South Australia reveal another disturbing trend: in that year 23.6 per cent of births in South Australia were induced. A recommendation from that same World Health Organisation conference says:

> Birth should not be induced for convenience and the induction of labour should be reserved for specific medical indications. No geographic region should have rates of induced labour over 10 per cent.

South Australia clearly exceeds that recommended figure and exceeds it dramatically. If ever there was an argument for moving away from a medical model of child birth, these figures for caesarean sections and inducements support it.

In response to my belief in the importance and uniqueness of midwifery the Democrat amendments to the Bill will include altering the title to the 'Nurses and Midwives Act', ensuring the presence of a midwife on the board and the continued existence of a separate register for midwives, which matter I will now address. I have been lobbied by the Nurses Federation and the Australian College of Midwives to oppose the Government's proposal for one single register. One has to ask from where the pressure is coming for that single register. I think it is probably coming from the administration section of hospitals, which are not necessarily concerned about health outcomes. For their convenience and probably for their budget outcomes they want generalists, and I believe there may also be some slight pressure because of mutual recognition requirements.

The argument has been given that one register creates better job opportunities in that a midwife does not need to be restricted to midwifery, but the midwives tell me that they want to be restricted to midwifery. It is their choice that they do not do other sorts of nursing. They may deliver only one baby in a week or maybe one baby in a fortnight, but that is what they prefer. The view that jobs might be few and far between also stems from a medical view of child birth. It assumes that the only thing that the midwives do is deliver the baby, and even that language reveals a great deal about the medical model because it assumes that the mother is a passive participant in this process.

Not only does the midwife assist the mother in delivering the baby ('assists' is a very important word because the mother is very much leading in the process) but there is a long period leading up to the birth in which the midwife and the mother get to know and trust each other and in which the needs of the mother are planned for in anticipation of the delivery. Decisions such as where the baby will be born—for example, the home, a birthing centre or a hospital—are made in that time period. With a doctor you might get to merely decide at which hospital you will have the baby.

The process with the midwife does not stop, as it does with a doctor, with the delivery. Midwives see their job as continuing after the delivery to include the establishment of a satisfactory feeding regime for the mother and baby and may involve home visits. The midwife is trained to be aware of the emotional state of the mother, including the recognition of symptoms of post-natal depression. When hospital administrators claim that midwives will not have much work unless they are on a common register with all other nurses, they show a complete lack of understanding of what midwifery involves. With few exceptions the midwives currently practising in South Australia have five years of training, putting them just behind doctors in terms of years of study. That alone distinguishes them from other registered nurses.

As the Hon. Carmel Zollo has observed, direct entry midwifery courses are about to start up at both Flinders University and the University of South Australia, and the graduates from these courses will definitely not be nurses. I attended one meeting of the Midwives Association where a woman from Great Britain told of her experience of having been trained purely as a midwife and finding when she arrived in South Australia that, in order to practise as a midwife, she had to register as a nurse. She was utterly horrified about that because she was not qualified to practise as a nurse.

The fact that we are moving towards direct entry midwifery gives even more weight to the argument that midwives ought to be on a separate register and that this measure ought to be called the 'Nurses and Midwives Act'. As I say, it is important to make that distinction between a nurse and a midwife, and the amendments that I will be placing on file will require a separate midwives register. Similarly, I believe there is a need for mental health nurses to have their own register. When general nurses go out into a mental health setting without the training that a specialised mental health nurse has there is the potential for the public type of stigma about mental health to be carried through in their interaction with patients.

While it might suit hospital administrators to have nurses with generalised training whom they can pop into a maternity ward one day and a cardiac unit the next day, I do not believe that this necessarily produces the best health outcomes. I am convinced that in the future we will see even greater specialisation amongst nurses. I am particularly supportive, for instance, of the status of nurse practitioners, and I hope we see more of them. I envisage, particularly as our population ages, that we will see nurses with specialised skills in the areas of gerontology, palliative care and cardiology, to give a few examples.

My amendments will give the board the future capability of creating other registers. I anticipate that some of these specialist nursing areas might become the subject of a separate register. Ultimately, I believe that hospitals will find it extremely valuable to be able to consult a register of nurses with specialised skills. At the moment, because of the advances in technology, everything can go on the one database, so it will not be difficult to print out different registers based on the fields that have been set up within the database.

I must place on record that I do not have a particular attachment to the whole concept of registration, but I am responding to the concerns of the many nurses and midwives who feel strongly about this issue. I remember that, when I arrived in South Australia 18½ years ago as a primary school teacher, I was shocked to find out that I would have to pay money to be registered with the Teachers Registration Board. I could not see what that level of bureaucracy would achieve. Registration is a tool, but it ought not have the significance that it has achieved. It is a bit like taxi plates: they were never meant to have a financial value attached to them, but now that this has happened we have to work around it.

The next issue of concern and controversy relates to enrolled nurses working without supervision. Clause 24 deals in part with this issue. The Democrats will accept the Government's proposal on this matter as we consider it to be a positive move. Registered nurses, who are the group most affronted by this, may feel that their union has not represented their interests, but I must place on the record how vigilant the ANF has been. We have met on numerous occasions over the past two years to discuss the legislation in its draft form, in the form in which it was introduced into the Lower House,

and in the form that we are now considering. It has provided written information to support its case and promptly followed that up with faxed information whenever I have requested it, but in the end I have come to the conclusion that the world as we know it—

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: The union has definitely done a good job. It represents the interests of registered nurses who make up the bulk of its members. I have come to the conclusion that the world as we know it will not come to an end if we support the option for enrolled nurses to request that—

The Hon. A.J. Redford: It is better than most unions with which I have had to deal.

The Hon. SANDRA KANCK: I have no problem with acknowledging that. The union has done a very good job and it is vigilant, but one must look at the strength of the arguments in this case, and they do not stand up to examination. Their concern is that medical practitioners might opt to use enrolled nurses in their consulting rooms rather than registered nurses because of the cheaper rates of pay. Obviously, there is an industrial issue about how much enrolled nurses earn and whether they ought to earn more.

In the group practice that I go to, the desk help is all clerical: there are no nurses in any shape or form. One could argue that allowing this provision to pass could create more work for nurses, because it is quite possible that, under those circumstances, if an enrolled nurse could work for them without having to be supervised, that surgery might take on an enrolled nurse, whereas at the moment it has no nurse of any description.

The ANF argues that the pressure for this—and it uses the word 'pressure'—comes from the AMA. When this argument was put to me back in 1997, I contacted the AMA and asked for someone to be sent to me to discuss the matter. I must say that the AMA was not particularly interested—that is how much interest the AMA had in it. After a number of telephone calls, the AMA finally sent someone to talk to me. It happened to be the AMA's representative on the Nurses' Board, so it all ended up being a little bit circular.

When we finally did meet, I cannot say that he spoke with any great passion about the issue, and the AMA has not contacted me this time around either. Given that the passage of this particular clause could be lineball, I would have expected that if the AMA was pushing this action it would have been lobbying hard. The reality is that many enrolled nurses are working unsupervised. I also know of examples where some have deliberately let their enrolment lapse so that they can assume the role of care workers rather than be seen to be acting illegally. I think it is unfortunate that this is the only way they can pursue working in the field in which they want to work.

It is important to note that clause 24 does not provide that enrolled nurses will work unsupervised but that some of them may be able to work unsupervised with the written approval of the board and on conditions determined by the board. I am not convinced by the argument that has been put to me by the ANF that this will completely change the face of nursing. We are talking about a small number of enrolled nurses whose applications will be assessed individually on a case-by-case basis.

These women know their limitations—I use the word 'women' deliberately because there are very few men in nursing and I have not been lobbied by any men until this time—and, as an example of that, when I spoke with them they indicated to me that none of them would consider working in acute care without a registered nurse being within close proximity.

Enrolled nurses and registered nurses have different training and different responsibilities. Each makes a vital contribution to the patient, and each is as important as the other. The enrolled nurses with whom I have spoken are rightly proud of the work they do. These are the people the public think of when they hear the term 'nurse'. These are the Florence Nightingales, the nurses who are there at the bedside. They do not have the career paths that are available to registered nurses, but they are just as dedicated to their work.

Registered nurses can move up the chain to become clinical nurses and perhaps assume managerial positions in the longer term. Enrolled nurses start at the bedside and stay at the bedside. Registered nurses perform the vital tasks of assessing a patient's state of health, devising a patient care plan (including the administration of drugs and the use of technology), and continually evaluating that plan, whilst enrolled nurses implement the plan and provide direct care. They need each other.

Whilst I have noted that they are equally important, the pay scale shows something very different. An enrolled nurse is paid considerably less than a registered nurse. Roughly speaking, the top rate of pay of an enrolled nurse equals the bottom rung of pay of a registered nurse—and registered nurses have the privilege of a career path.

At the moment, there is little incentive for enrolled nurses to upgrade their qualifications. They have told me that in recent years they have felt under siege, continually having to justify their existence. I am not surprised that they feel this way. Even the language used in the profession marginalises them when enrolled nurses are labelled as second level nurses. Surely, as the ones at the bedside they are there at the first level. That has certainly been my experience when I have been hospitalised.

To add insult to injury, some years ago changes occurred which resulted in enrolled nurses having to prove their competence in order to progress to the next pay level whilst registered nurses automatically progressed simply by virtue of their years of service. I have made a note of the career path that is available to registered nurses because I think there are good reasons for such incentives to be given to both registered and enrolled nurses.

Clause 16(1)(g) of this Bill would allow the board to consider this, and I encourage the new board that will result from this legislation to do so. As I said, when I spoke about the need for separate registers, I believe that we are moving toward greater specialisation in nursing. Geriatrics and palliative care must be two of the growing areas of specialisation, and that specialisation should be available equally to enrolled nurses as it is to registered nurses. One enrolled nurse told me that recently she undertook a palliative care course comprised of a weekly three hour course for eight weeks with associated homework, but she has received no extra recognition in terms of status or salary. I hope that the Nurses Board will review this area once this Bill is passed.

I am also aware of extra study undertaken by registered nurses, which is not given appropriate recognition. For both enrolled and registered nurses this must be addressed. I have met with enrolled nurses who have 20 years or more experience. They know their job inside out, but they have told me of their experience with newly graduated registered nurses. For some reason—and I hope that the Nurses Board will also

address this—the newly graduated registered nurses are not required to complete a graduate nursing program, and it is these newly graduated registered nurses who give the long-serving enrolled nurses the horrors! The situation reveals the limitation of the current system of registered nurses supervising enrolled nurses and throws the whole issue of supervision into stark relief.

The enrolled nurse has to spend time advising the registered nurse about what advice the registered nurse should give her, the enrolled nurse, so that the Act can be properly complied with; but, in the meantime, the registered nurse earns more for the privilege. I am also mindful of the fact that there are now computer programs available where patient details can be fed in and the computer is able to produce an appropriate care plan. Again, in light of this, one has to ask just what supervision is.

Unlike the shadow Health Minister, who stated in her contribution to the House of Assembly that she has not had a single approach by an enrolled nurse in support of this provision, a significant number have written to me in support of this part of the Bill. I have had only one enrolled nurse write to me to say that she disapproves of this clause. The enrolled nurses I met as an *ad hoc* delegation provided me with good reasons for some of them to have the authority to work without a registered nurse supervising them.

The ANF has said that no model is available to show how this process would work and, as a consequence, this clause should not be passed. If there was no model, it would have been remarkable for no-one to have any idea of how such a system would work, given that a draft Bill was circulated two years ago. The reality is that the Nurses Board has spent close to $220 000 researching this matter and preparing position papers and models. Enrolled nurses have told me that, up until about 12 years ago, at the Children's Hospital enrolled nurses were allocated their own patients and were, for instance, able to provide drugs to them. So, to some extent what is proposed is not new.

The model we are using now is not static; it is, in fact, an evolutionary one. If it were static, we would not require the complete rewrite of the Act that we are now debating. The changes that occurred at the Children's Hospital 12 years ago demonstrate that, and within the national competencies the Director of Nursing at any one hospital has a great deal of discretion. It is most unfortunate that in the current Act enrolled nurses are defined only in terms of their supervision by a registered nurse, as if they are adjuncts, merely there to support the registered nurse. This is a model with which I am not comfortable, because it is not about health outcomes for the patient. I am not prepared to cling to an outdated model.

I was interested to read Elspeth Huxley's biography of Florence Nightingale. When Florence Nightingale announced to her family that she wanted to be a nurse, her mother expressed horror about 'the things about surgeons and nurses', and did not quite elaborate on it! From this biography I would like to quote a little bit of what Florence Nightingale herself had to say about nurses, as follows:

> Almost all the nurses were women of loose morals and most of them drank. Florence later recalled that 'It was preferred that the nurses should be women who had lost their characters, i.e., should have had one child.' They slept in the wards with their patients, sometimes in the less afflicted male patients' beds, otherwise 'in wooden cages on the landing places outside the doors of the wards, where it was impossible for any woman of character to sleep, where it was impossible for the Night Nurse taking her rest during the day to sleep at all owing to the noise, where there was not light or air.' As for 'the things about surgeons and nurses'—sex with the nurses on demand was considered to be a surgeon's perk.

Now, there is a model for nursing for you, and certainly not one that we would advocate just because it was historically there. Although I do not have major concerns about this clause, I recognise that others do, so I have amendments that acknowledge the existence of their concerns. Amongst these will be a published review to be tabled in the Parliament on the effect of this particular subclause. I know that the Opposition feels strongly about this and, no doubt, we will engage in vigorous debate on this in Committee, so I will not belabour the point any longer.

The composition of the board is another area that has sparked some concern, and particularly the issue of whether or not doctors should be represented on the board. The Australian Nurses Federation has said that this is inappropriate, but I am persuaded that, because of the complex working relationship that exists between doctors and nurses, it is appropriate for there to be a doctor on the board. I must stress, however, that when the Government reviews the Medical Practitioners Act (which I believe will be later this year) I expect that, for precisely the same reason—that complex working relationship—there will be a nurse appointed to the Medical Board. And I give quite lengthy notice that, if it is not in that Bill when we deal with it, I will be moving that way.

It is interesting to see what other jurisdictions have. In New Zealand there is a midwife on the board and a representative of the Minister for Education. The United Kingdom's Act leaves it up to the Secretary of State—not even the Health Minister—to decide the composition of their Central Council for Nursing, Midwifery and Health Visiting, which is a body of up to 60 people. The Secretary of State can appoint medical practitioners as well as nurses, midwives, health visitors and others that she or he thinks could be worthwhile having on the council. I am concerned at the unwieldy size of the Nurses Board, which is comprised of 11 members—which certainly beats the 60 of the UK's council.

I was surprised to find when I went to the current Act that it is 11 at the present time. Nevertheless, I will be proposing in my amendments a reduction in the size of the board from 11 to nine, but importantly in that process I will attempt to ensure that those with nursing qualifications remain in the majority on the board. The Bill in its current state envisages six such people—the Presiding Member, who must have trained as a nurse, and five other nurses who, according to clause 5(1)(b), must be nurses registered or enrolled under this Act. Because the Democrats regard the bedside role of the nurse to be so crucial for the wellness outcomes in our health system, our amendments will ensure that one of the five nurse positions on the board must be reserved for an enrolled nurse.

I will also be specifying that at least two of the positions reserved for nurses must be for specialised nurses, one of whom must be a midwife. In this second reading contribution I have addressed the major issues of the title of the Bill, the need for separate registers, the composition of the board and the question of enrolled nurses working without supervision. I know that we will address other matters in Committee, and I expect that there will be useful debate as we tease out the issues. As I noted at the beginning of my speech, the Minister has retained in this legislation the controversial elements that were in the draft Bill, knowing full well the politics involved. Our job as members of Parliament is to look at this legislation

in the context of the changing nature of nursing and the public expectations, and to support the measures that will lead to better health outcomes.

Provided that we keep this last element in mind (that is, the need for better health outcomes), we will have a positive result when we come out of the Committee stage of debate. This legislation will replace an Act that is 14 years old, but I am fairly confident that we will be amending it again within five years. Advances in technology and education, such as direct entry midwifery, as well as changes in the delivery of health care, will ensure that that happens. The changes we are in the process of making in this Parliament in themselves will precipitate changes.

I was told three years ago that the Australian Nursing Council's national nursing competencies were being reviewed. This Bill will hasten that. The status and possible career options for enrolled nurses may be enhanced as a consequence of this Bill, and if that happens it will be deservedly so. Nevertheless, this Bill is not as dramatically radical as some would have us believe. If the amendments proposed by the Democrats are accepted we will have better legislation and once again South Australia will lead the way in support for nurses and midwives, creating a positive example for other States. I support the second reading.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 316.)

The Hon. IAN GILFILLAN: Last year I sought leave to conclude, and these will be my concluding remarks on the Bill. I allowed the Bill to sit on the Notice Paper over the summer months and received community and parliamentary reaction to it. I have received a lot of reaction most of which has come from people concerned about the provisions that would ban paintball, and I shall address that issue presently. The other provisions in the Bill attracted very little opposition and a great deal of support.

I received a letter from the President of the South Australian branch of the Australian Medical Association, Dr Rodney Pearce, in which he states:

> Your Bill was considered by the SA branch executive at its meeting on 10 November, and they all agreed to support it.

I also received a letter from the Victim Support Service Executive Director, Michael Dawson, which states:

> Please accept my full support for your proposed legislative reforms [in] the Firearms (Miscellaneous) Amendment Bill on behalf of the Victim Support Service. If you wish to publicise our support to help show the community is behind you, please feel free to do so.

I received some very detailed comments from the international gun control advocate, Rebecca Peters, whom I quoted in this place on 25 November. Ms Peters is generally supportive but has some criticism that this Bill does not go far enough in a number of areas. Ms Peters points out that if my amendments are accepted it will still be legal to buy or sell 20 guns or 50 000 rounds of ammunition a year without being classed as a dealer.

Ms Peters also has doubts about the composition of the Firearms Consultative Committee: she feels that it should contain members recommended by the AMA or from the domestic violence area rather than the present emphasis on shooters groups. She has other valid points that I intend to raise when the Bill is dealt with in Committee. Suffice it to say that my amendments do not go far enough to satisfy all of the gun control lobby. As I have said previously, they are merely designed to implement the agreement reached in 1996 by Australia's Police Ministers. So much for my supporters.

I was surprised to receive no formal response from the shooters groups. In some informal discussions I managed to reassure one or two officials from sports shooting organisations who had formed a false impression that this Bill would prevent those under 18 from engaging in shooting competitions. This Bill does not change the *status quo* which allows underage shooters to take part in competitions under the supervision of properly licensed adults. It merely prevents those under 18 from obtaining a firearm's licence. I think I can say, in summary, that the organised shooters groups have not opposed this Bill. They may not have supported it, but in response to my request for feedback I have received no formal comment from shooters groups about these proposed amendments. So, I assume that they are neither supporters nor opponents of the legislation.

I did, however, receive a significant number of submissions from individual shooters. Many of them assumed that I am part of a worldwide conspiracy to disarm and thereby weaken the population, and to allow Governments to better control, if not exterminate, sections of the population.

The Hon. M.J. Elliott: The worldwide Jewish bankers' conspiracy!

The Hon. IAN GILFILLAN: That's it, the worldwide Jewish bankers' conspiracy under another guise. I assure the Council that I definitely am not part of that conspiracy and that this legislation will in no way be part of that move. The more rational of my correspondents put forward a superficially relevant argument, which I summarise as follows:

> The gun buy-back hasn't worked. Firearm crime is still occurring—or even rising. Around the world the facts prove that, if people are allowed to arm themselves, the crime rate falls. Therefore, attempts to regulate or control access to guns is counter-productive.

That is a summary of the argument critical of my move. In essence, it relies on statistics. I can respond to this in two ways, and the first is by quoting different statistics. There can be no doubt that the rate of firearm ownership in the United States is one of the highest in the world, certainly much higher than in Australia, and the rate of firearm deaths in the United States is much greater than the rate of firearm deaths in Australia. That fact alone should speak for itself.

The US gun culture equals more gun deaths: that is an irrefutable statistic. I do not accept, nor do I think that anyone who looks dispassionately at the issue could accept, the argument that tighter gun control will, in the end, produce more crime. That has not ever been proved and runs counter to commonsense. Of course, violent crime against people is not the only issue of relevance. We must not forget that most firearm deaths are not murder but suicide. Australia has some shocking statistics on suicide, and firearms are involved all too often.

Irrespective of the statistics on firearm-related crime or firearm deaths the Democrats' long-term aim is to prevent Australia from developing a 'gun culture' similar to that of the United States. The gun culture of the United States has taken centuries to develop. Reducing the number of firearms in circulation or even slowing the growth in firearms might not have immediate short-term effects but it will, I believe, have long-term effects which will be measurable by statistics.

However, statistics are not everything. They cannot measure the culture of our hearts and minds. Statistics will never measure the fear felt by someone who knows that they are at risk of harm some day by a close associate or spouse who they know is armed or has access to a firearm.

As I said on 25 November, in many domestic incidents a gun needs only to be brandished or taken out and cleaned to achieve the aim of intimidating another person. Merely the presence of a firearm in a house is a risk and may constitute a threat. Statistics do not measure intimidation or threats. Statistics also cannot reveal how many crimes, accidental shootings, suicides and so on have been prevented, or how many more might have been committed if a gun had been readily available. So although statistics are relevant they will never tell the whole story about the need for firearm control.

I turn now to paintball. I have received a great many letters, faxes and e-mails from people trying to persuade me that the move to ban paintball is a mistake. The resolutions adopted by the 1996 Police Ministers Conference in Canberra did not specifically mention paintball. Instead, the Police Ministers agreed to the proposition that, unlike the gun culture of the United States, owning or using a firearm in Australia is a privilege and not a right. The Police Ministers agreed that the privilege of owning or using a firearm would be available only to people who could demonstrate a legitimate need. Playing paintball requires a firearm, as defined by the Firearms Act. In the Police Ministers' resolutions, playing paintball was not defined as one of the legitimate needs recognised by that conference for owning or using a firearm.

The letters and e-mails that I have received on this issue range from the simply abusive—I have been called a 'two-bob dictator', a 'killjoy', a 'parasitical, unproductive, value destroying politician' and so on—to the helpful. However, I do not suppose I am the only one who has attracted those epithets. They were sent to me in response to the paintball initiative, and those people received a short, though polite, response.

Of much more help were the comments made by quite a few people to the effect that they perceive paintball as being an anti-violence sport. They say it helps one to realise 'how dangerous a real gun can be, and also just how terrifying it would be to be a soldier in a war'. Another correspondent, the operator of a paintball field, wrote to me, saying:

> Paintball is a team sport, promoting decision-making, group cooperation and initiative. It's safe and just plain fun. As a team you put your skill and ingenuity against that of others.

It has been suggested to me that women make good paintball players because a man's larger size and strength is a disadvantage. Nevertheless, it is overwhelmingly a male pastime. As one person wrote to me:

> It removes all that excessive stress and lets us blokes bond.

I have been asked whether I also want to ban archery, recreations of medieval jousting or certain computer games because, according to the writers, they have the same characteristics as paintball. A couple of people asked me to look at safety regulations for the sport, such as insisting on full face helmets, or ensuring that only 'the right people are running the camps'. But two letters in particular captured the essence of the issue. In defence of paintball, one person wrote that it 'could almost be considered a form of pre Army Reserve training'. And a 14 year old boy told me that he cannot wait to turn 16 so that he can play paintball because 'paintballing is a way to shoot someone legally'. For me, that is the bottom line.

In a book titled *Warrior Dreams—Paramilitary Culture in Post-Vietnam America*, the author, James William Gibson, devotes one chapter to paintball. He recounts how it evolved in the United States from something that was once called the National Survival Game. That game was first played in 1981 and, in those days, it was 'inspired by an archaic version of the lone hunter-woodsman sneaking through the forests', as a test of 'cunning and stealth'. The winner of the very first game, Ritchie White, crept through the woods, was never sighted by his opponents and did not fire a single shot.

That emphasis changed over the course of the 1980s and the early 1990s. The paintball guns became bigger, more powerful and more accurate over longer distances, and were capable of firing up to 1 100 rounds per minute. It became more expensive—guns today can cost over $1 000. The sport has also introduced paintball land mines and paintball grenades. We certainly have reached the point where nobody today would deny that paintball is a paramilitary game. The object seems to be to get as close to combat as possible. On the positive side, James Gibson notes in his book that paintball promotes courage and comradeship but, on the other side, he points out:

> The fundamental sequence of play involves hunting other men, aiming a gun at them, pulling the trigger and making the kill.

Gibson continues:

> Paintball puts men into contradictory relationships with basic social rules. On the one hand, the game allows men the fantasy of being soldiers legally and morally licensed to kill. On the other, since players are not really soldiers or police, the actions of aiming and firing a weapon at another person constitute a major transgression of law and morality.

Those who say that paintball is an anti-war or anti-violence pastime are stating only a partial truth. Their argument hides the other half of the truth, which is—to quote Gibson again:

> Surviving players in regular games never even see the 'corpses' of their fallen comrades. Instead, just as in the old war movies. . . casualties simply disappear from view. The game obscures the fundamental reality that war creates death.

I must say that *The Saving of Private Ryan*, a recent film, is in stark contrast with that and does, in fact, quite dramatically give evidence of what the real carnage of war is like.

Some people have asked me how this Bill, and especially the attempt to ban paintball, can possibly reduce firearm crime, which they assume is the sole purpose of the Bill. They inform me that restrictions on firearm ownership since 1996 have not had that effect. To those people, I say: my purpose is wider.

I have already dealt with the issue of statistics and, in so doing, I touch briefly on the term 'gun culture', which is so often applied to the United States. The culture of a society cannot be measured by statistics. Our society, our culture, is shaped by our thoughts and the words and actions that flow from our thoughts. If we want to be a society of peace, we have to promote peaceful thoughts, words and actions.

On the other hand, what sort of society will we become if we promote regular adrenalin charges through mock combat training and swaggering aggression with a firearm in hand? I believe that there are very important reasons for saying, 'Enough is enough.' We need to train soldiers in combat tactics, but we do not need to train the general populace, nor encourage that sort of thinking, posturing and acting. We get more than enough violence in the media, in computer games and in real life without the need to promote simulated

violence—pointing firearms at fellow human beings—as a recreation. Many other activities are available to corporate groups and individuals to establish a team spirit and *esprit de corps*. All those alternatives can be practised without the use of firearms and in good, healthy and clean activities.

In short, paintball conflicts with the culture that I want to see here in South Australia. It conflicts with the values that I believe a majority of South Australians hold dear. For that reason, I reject arguments that it should be allowed to flourish unchecked in our society, and I call on my fellow members to support that view.

I urge the Council to deal with this legislation expeditiously. As was indicated, there is support from the AMA and the Victims of Crime Service, and it would be a shame—and, I believe, a reflection on this Chamber—if it were just allowed to languish as an item of business on the agenda without being properly dealt with. I would appreciate informal as well as formal feedback on the Bill and its contents, and if any members wish to move amendments I would welcome the opportunity to discuss those with them. I urge the members of this Chamber to support the Bill.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

ADJOURNMENT

At 6.26 p.m. the Council adjourned until Thursday 18 February at 2.15 p.m.