LEGISLATIVE COUNCIL

Wednesday 3 May 2000

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

Development (Significant Trees) Amendment,

District Court (Administrative and Disciplinary Division) Amendment,

Goods Securities (Miscellaneous) Amendment,

Government Business Enterprises (Competition) (Miscellaneous) Amendment,

Prices (Miscellaneous) Amendment,

Road Traffic (Miscellaneous No. 2) Amendment,

Statutes Repeal (Minister for Primary Industries and Resources Portfolio),

Tobacco Products Regulation (Evidence of Age) Amendment,

Wrongs (Damage by Aircraft) Amendment.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the 16th report of the committee 1999-2000 and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay on the table the 17th report of the committee 1999-2000.

EMPLOYMENT

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a ministerial statement made by the Premier in another place today entitled 'Bring them back home'.

Leave granted.

QUESTION TIME

TRANSADELAIDE EMPLOYEES

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question on the subject of TransAdelaide redeployees.

Leave granted.

The Hon. CAROLYN PICKLES: In January, the Minister for Transport announced that there would be 237 fewer employees required and $7 million a year in savings as a result of outsourcing our bus system. She said:

Overwhelmingly, TransAdelaide employees are experienced, conscientious and competent, and no doubt will be highly sought after by the new operators.

The opposition is aware that many hundreds of TransAdelaide employees now not driving buses are based at a number of TransAdelaide career centres scattered around the city and metropolitan area. An inspection of premises at 240 Currie Street reveals hundreds of redeployees occupying offices leased for a number of years and waiting for job opportunities. A notice on the wall states that no employee should speak to the media, unless authorised and trained to do so and that, if approached by the media, they should refer them to Chris Booth at Michels Warren Public Relations. My questions are:

1. What is the total cost to taxpayers of managing the hundreds of TransAdelaide redeployees which have been created by the outsourcing of Adelaide's bus services?

2. What is the total number of redeployees still on the payroll?

3. Where are they being housed?

4. Why are they being prevented from speaking to the media?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am not aware that any TransAdelaide employee has been prevented from speaking to the media, and the notice to which the honourable member refers does not suggest that; but that is a decision which TransAdelaide has made and I will follow up the matter if it is of some concern to the honourable member. The honourable member is correct: TransAdelaide did employ experienced, conscientious, able drivers and my understanding is that the new companies on average have employed 90 per cent of TransAdelaide drivers as their drivers. So the new companies share the view which I expressed in January and which has been recorded here again today by the honourable member. I know, for instance, that when I visited the South Link depot over the Easter break every one of the drivers there was a former TransAdelaide driver. They came from various depots across the metropolitan area, not always from the former Lonsdale depot.

I can advise that, as of close of business on Thursday 20 April, 303 TransAdelaide bus drivers had indicated that they wished to be redeployees, and I put out a statement to that effect on Friday 21 April. Between the close of business Thursday and the take-up of the new contracts by the new operators on the Sunday, a further eight drivers who had indicated that they would transfer to the new operators declined to do so. They had taken their uniforms and had their inductions but at the last minute they decided that they did not want to move. It is important to note that of those 303 redeployees (bus drivers), 74 applied for jobs, were offered jobs but did not take up those jobs. That includes the eight that I mentioned a few moments ago who had in fact accepted initially and then declined at the last minute.

So, about a third of the redeployees are drivers who did apply for work and were offered work as bus drivers but then did not proceed. They are entitled to that option. As the honourable member knows, there is not a forced redundancy policy in state government, so that was always the option. Following their decision to be redeployees, they will have the opportunity to speak with counsellors and work out exactly what they wish to do. As the honourable member knows, the enhanced TVSP package does not expire until 30 June, so the number of redeployees as at the date that the new contractors took over will not be the number at 30 June, and I believe that with the number that have already accepted TVSPs—over 700 TransAdelaide bus employees—we will be able to reach the number of 226 full-time equivalent redeployees, which was the whole of government estimate arising from this new business arrangement.

The Hon. CAROLYN PICKLES: I have a supplementary question. I missed the last point that the minister made. What was the total cost to taxpayers of managing the hundreds of TransAdelaide redeployees that have been

created by the outsourcing? If the minister does not have the answer to the question, could she bring it back at a later date?

The Hon. DIANA LAIDLAW: I will certainly bring back that figure, as I indicated. As to the last part of my answer to the honourable member's question, the government believes that we are on track in terms of the number of redeployees as at 30 June which was taken into account in terms of calculating the whole of government costs arising from the competitive tendering process. I think that needs to be taken into account in terms of the total cost. I suspect, in seeking the total cost, the honourable member would like to be reminded of the total savings in terms of the operation of public transport under this new arrangement.

The Hon. P. HOLLOWAY: I have a supplementary question: what is the total of all employees from TransAdelaide who have been redeployed? What is the estimated number who are expected by the department to still be on the payroll as at 30 June?

The Hon. DIANA LAIDLAW: With respect, I have answered that question twice in the last five minutes. I have indicated that in terms of the bus business the whole of government estimate was 226 redeployees. That includes the bus drivers and other employees. I can provide members with a copy of the press statement that I issued on 23 April so that they do not get themselves into a frenzy over this. We have until 30 June to work through this; that was always the government's plan. There are 59 jobs in rail that have been called, and the redeployees will be given preference there. If the honourable member spoke to the trade union movement he would know full well that the trade union movement confidently predicts that there is quite a large number of redeployees who are six years plus but not yet seven years in terms of their entitlement to long service leave and that they would not wish to leave now but would like to get to their seven years to get their pro rata benefit in terms of taking the TVSPs.

We know, too, that some 27 TransAdelaide drivers have been offered jobs with State Transit in New South Wales, but they do not commence until after 30 June. So, those drivers are still on the books as TransAdelaide employees. There is a further number of drivers, some 24 per cent, who have been working with TransAdelaide for just one or two years—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Yes. Well, this is not new. This public statement was issued on 21 April and circulated. Some 100 other bus employees of whom we know—and that is all in the statement; it has been on the public record, and I have been asked by the media—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: You are almost two weeks late, with respect, shadow minister, because it is all on the public record and I have talked—

The Hon. Carolyn Pickles: I have asked you this question before and you haven't answered it properly.

The Hon. DIANA LAIDLAW: Properly? I said I would get further information for you. If the media does not wish to follow up these matters with you or does not wish to provide you with a copy of my full statements to the media about these situations, that is not my problem. I highlight that we are working closely through these issues with the rail, bus and tram union. The wellbeing of the work force, both the work force with the new contractors and the work force who are redeployees, is a prime consideration. As I repeat for the third time, we are on track in terms of the whole-of-government estimate of the number of redeployees from the TransAdelaide bus business by 30 June.

BUSES, PRIVATISATION

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

Leave granted.

The Hon. CAROLYN PICKLES: I refer the minister to the new bus contracts recently signed between the government and private bus operators Serco, ATE and Torrens Transit. I draw the minister's attention to a letter in the *Advertiser* dated 29 April signed by a Mr Des Burbidge of Ridgehaven. That (very short) letter states:

> Having decided to go to the dawn service on Anzac Day on the bus, advertised (the *Advertiser*, 24/4/00) as leaving the Tea Tree Plaza Interchange at 5.20 a.m., I and many others were terribly let down. The bus advertised regarding public transport, 'Anzac Day timetable—We'll get you to the Dawn Service on time', did not arrive at all. About 5.40 a.m., some people went back to their cars and drove into the city hoping to get to the 6.15 a.m. service on time.
>
> At 5.55 a.m., the rest of us went back home, as it was too late for any form of transport to get us there on time. I walked 2 km to the interchange and then walked home in disappointment. How unpatriotic was Serco when it, with a depot so full of empty buses, did not bother to fulfil its commitment to the advertised dawn service bus?

I am sure the minister would be most concerned that some of the diggers could not get to the dawn service, and my questions to her are:

1. Will the minister detail the performance criteria for the bus operations as stipulated in the contracts?

2. Will the minister provide details of bonuses and penalties as stipulated in the contracts, which will apply to the private operators in meeting or failing to meet the performance criteria?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): There are penalties for missed trips and monetary penalties for late trips. I can obtain the exact dollar value in each instance for the honourable member, and I suspect that the performance criteria are also readily available. My view is that no penalty for the missed trip that the honourable member has referred to would be sufficient to make up for the disappointment of so many people who had anticipated—and quite rightly so—that that first Serco service would have arrived to take them to the dawn service.

I was not the only one disappointed about this: the Serco management not only rang the PTB as soon as it was alerted to this fact but also spoke with me during the day to advise me of what had happened, because of its disappointment in terms of service provision, particularly on that important day. I will obtain full details from Serco, but I understand that there was some misunderstanding with the driver concerned about the special services that day and some mix-up with public holiday services, it being a public holiday. It was a very genuine human error but, nevertheless, one that clearly disappointed many people, because it was a critical service on a critical day.

NATIONAL WAGE CASE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about the media described 'industrial showdown'.

Leave granted.

The Hon. T.G. ROBERTS: It is gratifying to see the amount of $15 handed down to low-paid employees in the lead up to what will be a very difficult economic period after the introduction of the GST, and to hear the minister say in this Council yesterday that that would flow to South Australian workers. At a federal level there is a struggle going on with the skilled trades, in the main, of the metal sector, with a major industry group embarking on 'an elaborate legal, political and public relations strategy to tackle an expected industrial showdown. . . '

These are the words in the *Australian Financial Review* of Wednesday 3 May. The article continues:

> The Australian Industry Group document shows that the business organisation expects to spend at least $1.93 million between February and July 31 this year combating the metal unions' bid to return the manufacturing sector to a system of industry-wide bargaining.

And, in my words, to take it away from the iniquitous and socially debilitating method of individual contracting.

The AIG strategy is pointed mainly at the unions in the eastern states, but I expect that whatever happens in the eastern states will flow into South Australia at some time. My questions are:

1. Is the minister aware of a similar campaign being conducted in this state by the AIG against metal industry unions?

2. Can the minister guarantee that the state government would not join any such campaign if the Australian Industry Group were to embark on such a strategy in this state?

The Hon. R.D. LAWSON (Minister for Workplace Relations): I am aware of the campaign reportedly to be adopted by the Australian Industry Group. The Australian Industry Group, which represents a large number of employers in the metal industry, does have a position that it is perfectly free to defend and promote; just as the metal industry unions, other unions and the ACTU have a similar interest in presenting a particular view on industrial relations.

I am not aware of any campaign either currently operating or planned by the AIG for South Australia in respect of the issues mentioned. However, it would not surprise me if the AIG did extend its campaign into this state, just as I would not be surprised if the metal unions did not similarly push their ideas. The AIG and the commonwealth government have not been necessarily unanimous in the views that have been put in relation to enterprise bargaining and also Australian workplace agreements.

As I say, the AIG is perfectly entitled to adopt its own attitude: it does not consult the South Australian government in relation to these matters, although I have had cordial relations with that organisation. I am not able to give any guarantees, however, with respect to what the AIG might do in South Australia or what we might do if asked by it to express a view about any campaign. Our interest is in maintaining employment in South Australia, in encouraging new employment and new investment and in ensuring that South Australian industry is sustainable. Industrial relations, wages and conditions, and other aspects of industrial relations, including matters such as enterprise bargaining and the existence of Australian workplace agreements and their development here, are of importance to us.

The honourable member congratulated me—I took it to be congratulations—in relation to the view I expressed yesterday that the Industrial Relations Commission award of $15 will flow on to South Australian workers. Of course, I in my answer yesterday I mentioned that the South Australian Industrial Relations Commission will be the final arbiter of when, how and the precise amount that will flow on to South Australia.

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Recreation, Sport and Racing, a question about the Hindmarsh Soccer Stadium.

Leave granted.

The Hon. J.F. STEFANI: I refer to the funding deed signed on 14 October 1996 by the South Australian government and the South Australian Soccer Federation, and in particular to clause 9.4 which provides that, if the General Manager of the South Australian Soccer Federation is reasonably of the view that it is likely that the federation will not be able to fully pay the moneys payable to the bank on the maturity date, the federation shall advise the minister by written notice, served at least five business days prior to the relevant maturity date, of the expected amount of deficiency in the amount payable by the federation to the bank.

In response to a question asked on 7 July last year, the minister provided me with information concerning the dates of written notices that he had received and the specific amounts of deficiency in the payments. The minister's response covered the period until 30 June 1999 and detailed six individual payments made by the state government as the guarantor to meet the shortfall in the loan repayments by the South Australian Soccer Federation to the bank. The total amount of these payments was $504 956.05. As a further 10 months has now elapsed, my questions are:

1. Has the minister received any further written notices from the South Australian Soccer Federation detailing the amounts of deficiency payable by the federation to the National Bank of Australia? If so, what are the amounts of deficiency in such notices?

2. Will the minister provide a list of the individual payments made by the state government since 30 June 1999 to meet any shortfall in the loan repayments by the South Australian Soccer Federation to the bank?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer that question to the minister and bring back a reply.

GULF ST VINCENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, both in her own right and representing the Minister for Environment, a question about an oil slick in Gulf St Vincent.

Leave granted.

The Hon. M.J. ELLIOTT: I draw the minister's attention to comments made by a representative from her department, Arndrae Luks, on 5AN yesterday morning. Mr Luks referred to the break-up of an oil slick discovered in Gulf St Vincent on Sunday without the use of dispersants or other chemicals. Mr Luks said:

> I am pleased to say that Transport SA and the EPA acted with the help of the Metropolitan Fire Service and again it presents just the efficiency and effectiveness of our oil spill response within this state which is amongst the best in Australia.

Even though there have been at least five oil spills off the coast of South Australia in the past five years, I have no

doubt that Mr Luks' claim of efficiency and effectiveness is sincerely based on the latest environmental impact reports made to the minister's department. However, my concern is that, because these reports have not been made available to the public, there is no way to independently confirm the accuracy of Mr Luks' claims.

When one considers that the report into the 300 000 litre oil spill off the coast of Sydney was released in just two weeks by the New South Wales government one can only question why the report into the 1996 spill (which was claimed by the government to be 10 000 litres, although others claimed it was more) and the report into the 260 000 litre spill in 1999 at Port Stanvac are still being suppressed by our state government. My questions to the minister are:

1. On what research and environmental reports did Mr Luks base his claim that South Australia's oil spill response is efficient, effective and amongst the best in Australia?

2. Were these claims based on the reports into the 1996 and 1999 Port Stanvac oil spills, as well as the most recent spill off West Beach?

3. When will the minister release for public scrutiny the reports into the response and impact of the 1996 and 1999 Port Stanvac oil spills?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will have to get some information on the third matter. On the first question, it was interesting to hear the explanation which seemed to be very confused between what Mr Luks was talking about in terms of response times and the actual spill itself and the—

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: Well, that may be another issue. I think from the material I have seen from the national response team, which coordinates and assesses actions in relation to oil spills, there is no question that South Australia has been seen as efficient and effective in dealing with the issue. The concern we should all have is that these spills are happening in the first place, and that is where the honourable member got a bit confused in his explanation and question.

In terms of the second question, I advise that Mr Luks' responses are based on a national assessment, not necessarily on the reports themselves, because the investigations related to the actual spill, not the responses to that spill, as I understand it. If I can make head or tail of the honourable member's questions, I will bring back further replies.

DISTINGUISHED VISITORS

The PRESIDENT: Order! I recognise in the gallery the presence of some of our colleagues from the Queensland Legislative Assembly. They are members of the Ethics and Parliamentary Privileges Committee led by the Chairman, John Mickel MLA, and the Deputy Chairman, Joan Sheldon MLA, with other members and members of staff. On behalf of honourable members in this place, I welcome them to the rarefied atmosphere of an upper house. I hope that their stay within South Australia and the parliament has been productive.

BICYCLE COURIERS

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 on bicycle couriers.

Leave granted.

The Hon. J.S.L. DAWKINS: I note that bicycle couriers perform an important role in the city and suburban areas and that most business people, including members of parliament, use such couriers from time to time. I express concern that some behave very recklessly, with seemingly no regard for their own safety or that of anybody else. I also note that on Monday this week the South Australia Police commenced Operation Cocoon to educate pedestrians and cyclists in an effort to reduce the accident rate of both pedestrians and cyclists. My question to the minister is: has the government given any consideration to the registration of bicycle couriers?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): This matter was canvassed with the bicycle courier companies and Adelaide City Council some years ago and, at that time, it was agreed that a voluntary code of practice would be implemented in South Australia. That voluntary code of practice is being reviewed at present at my request and I anticipate getting a report by the end of this month. I admit that, as a keen cyclist myself, some of the circus antics that I see by couriers on the road are breathtaking, but I wish they were not performed on the road.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: No, I have some respect for my own life, and I would not perform like some bicycle couriers do. I know that they are under extraordinary pressure in terms of commissions and the delivery of goods, but I think they bring some concern to the public about cycling practices and our promotion of cycling facilities in the city.

I have been thinking through the need for registration or some better identification of cyclists so that poor and risky behaviour that endangers the life of pedestrians, the couriers themselves or motorists can be pursued. A couple of years ago, New South Wales imposed the compulsory practice of numbering the uniforms worn by the bicycle couriers, but it did not work particularly well because they covered up their back with a bag or a satchel and I suspect they wore their uniform back to front or inside out. I note that Melbourne has just started implementing a similar practice of requiring the bicycle courier companies to number the uniforms of their riders.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: It may be that we could bet on some of the antics: who can be first through the red traffic light, seems to be a standard practice. We will be looking at all these schemes and circumstances, because I do think we want to promote the activities of the bicycle couriers and those companies that obey the road rules. We must also take into account those that do not. I am very conscience in this area, however, that hard cases make bad law and that we should be requiring much stricter discipline within the companies themselves. It should not be something that we require the police to spend time on, but certainly I believe that this assessment or review we are undertaking at the present time will complement Operation Cocoon, which was commenced last Monday by South Australia Police.

TRANSADELAIDE EMPLOYEES

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport a question about TransAdelaide.

Leave granted.

The Hon. G. WEATHERILL: I received a letter from a constituent who, unfortunately, had been in hospital for

some time as a result of operations. Upon reading the letter, I gained the impression that TransAdelaide has not kept him informed about his job prospects under the new bus scheme. He is quite concerned about it. He asks me what his job prospects are when he comes off WorkCover in about five weeks. This person has had one short meeting with representatives from WorkCover to try to find out what is going on. He asked for another meeting because TransAdelaide has not kept him informed, but he was told that they could not afford to spend time explaining the situation to him a second time as it costs too much. My question is: why is TransAdelaide not keeping its workers fully informed about the changes and job prospects, in particular for people who are in hospital?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am surprised by the content of the letter that the honourable member has received, because TransAdelaide has been working overtime in terms of consideration of the wellbeing of its work force and the options for their future. As the honourable member would know, TransAdelaide was never able to broker jobs from the public to the private sector, because tax rulings would have jeopardised the tax due on enhanced voluntary separation packages. But, if the honourable member would like to refer his constituent's letter to me, I would be more than happy to take up the matter today with TransAdelaide to see whether we can ease the concern of his constituent.

GLENSIDE MENTAL HEALTH SERVICES

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Human Services, a question about mental health care at Glenside.

Leave granted.

The Hon. R.R. ROBERTS: I have been asking a series of questions about the care of mental health patients in the Brentwood facility established at Glenside hospital. In pursuit of some support for this proposition, especially in the area of adolescents with mental health injuries, I wrote to the Human Rights Commissioner who provided me with some information which states that the Human Rights and Equal Opportunities Commission received similar information during its national inquiry into mental illness in 1992—that is, information that I outlined in questions I asked here on 12 April. He states:

> The inquiry was repeatedly told that, because there were so few services for children, they were frequently placed in extremely unsuitable facilities, sometimes at great personal risk. The inquiry heard damning evidence of children entering the juvenile justice system by default as a result of their having earlier been placed in correctional or semicorrectional environments instead of in supportive adolescent mental health facilities. One cannot help but feel concerned that the young people at Glenside are facing similar risk.

He also pointed out the conventions on the rights of the child, implemented in Australia in 1990 after ratification in 1989, and makes particular reference to three points, which are quite necessary for me to read into the record. Those covenants were:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or bodies, the best interests of the child shall be a primary consideration. (Article 3(1)).
>
> States parties shall ensure that the institutions, services and facilities responsible for the care and protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision. (Article 3(3)).
>
> States parties recognise the rights of the child to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States parties shall strive to ensure that no child is deprived of his or her right of access to such health services. (Article 24(1)).

I have also been advised by a number of constituents since I raised these questions that, because of the questions that I have asked, and concerns in this area expressed by other people over a number of years, there are a number of reports into the operations of Brentwood. My questions to the minister representing the Minister for Human Services are:

1. Is the minister satisfied that articles 3(1), 3(3) and 24(1) are being adhered to by Australia or South Australia as a signatory to the Convention on the Rights of the Child at Glenside, particularly the operations in Brentwood?

2. Will the minister provide me and this Council with copies of all reports held by the Department of Human Services, the minister's office or the hospital itself into the operations, procedures and recommended developments (structural and administrative) and services of the Glenside hospital and, in particular, those in respect of the operations of Brentwood, both north and south, and the handling of secure patients, including adolescents with mental illness, since 1994? If he will not provide me with those reports, why will he not do so?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer this question to the minister and bring back a reply.

DOMESTIC VIOLENCE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Attorney-General a question about domestic violence.

Leave granted.

The Hon. SANDRA KANCK: A recent survey regarding relationships of young South Australians aged between 12 and 20 conducted by Shine SA was released last week with some disturbing findings. It was found that one in seven young females had been raped or sexually assaulted by their boyfriends and that one third of young people in relationships had suffered physical violence from their partners. There is reporting of these kinds of incidences in girls and boys as young as 12 years of age. This is at a time when adolescents are developing their views and figuring out what are acceptable and unacceptable behaviours within relationships in the wider community.

The results were not a surprise to workers in the field and confirmed similar findings in 1997 when worrying trends in the attitudes of young males towards sex and the belief that it was okay to force girls to have sex with them became apparent. I recognise the programs the Attorney-General is currently supporting in regard to solving the domestic violence problem and the positive work being done here. I query, however, whether aiming additional programs at prevention and at a younger audience might be a useful strategy. It is certainly recognised that, to prevent the self-perpetuating cycle of victims and perpetrators of sexual, relationship and domestic violence, a proactive stance must be taken. My questions to the Attorney-General are:

1. Within the Domestic Violence Unit of his department is there an education program for upper primary and lower secondary aged school students aimed specifically at awareness and prevention?

2. If there is not, is the Attorney-General prepared to fund curriculum development for a program of this nature for South Australian school students?

The Hon. K.T. GRIFFIN (Attorney-General): I am not sure that my portfolio can go to the extent of funding curriculum development. Through the ministerial forum for the prevention of domestic violence we bring together all the agencies that have some responsibility or involvement, both government and non-government, in relation to domestic violence support but more particularly focusing on prevention. A number of programs around the state deal with children at the very early primary level. There are programs dealing with harassment and bullying which I think are a very important starting point to deal with issues of violence, whether they be domestic violence or otherwise.

There are programs such as the Southern Domestic Violence Program which, again, focus upon young children in schools. A lot of work is being done. I do not have all the detail at my fingertips about what programs are being run, but when they are all brought together it is quite amazing to see how much is happening to try to establish a proper basis for relationships between young people and, later, between adults. I will see whether I can get that information together and bring it back for the honourable member. In terms of curriculum development, again, I understand that work is being done in relation to the broader issues of violence—not just domestic violence. Again, I will get some information and bring it back for the honourable member.

HIGHWAY 1, PORT WAKEFIELD

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport a question about Highway 1, Port Wakefield.

Leave granted.

The Hon. CARMEL ZOLLO: On 25 May last year I asked the minister a question about the section of the road and its configuration at the junction at Port Wakefield. I said at the time that I was aware of a report commissioned by Transport SA with the Road Accident Research Unit led by Dr Jack McLean. I understand that at that time the report was to have been available by the end of March 1999. In her response in May 1999 the minister indicated that she had not yet received the report but when she did she was happy to provide a copy to me after she had considered it and assessed its recommendations. Assuming that the report is now available, can the minister advise the chamber what the recommendations are and whether she will make the report available as promised a year ago, especially in view of the problems that occurred during this past Easter period?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am not aware of any problems that occurred at the intersection to which the honourable member has referred. In fact, from police reports I understand—

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: Thank you, to the Hon. Legh Davis, in terms of his use of that intersection on Anzac Day. From police reports I have been advised that with the temporary lights everything worked smoothly at that intersection. I suspect that the honourable member is talking about a junction south of the town, where the carriageway from two lanes must merge into one. Notwithstanding that confusion, I can advise the honourable member that I received the report about the intersection of Highway 1 and the Kadina turnoff some time ago.

Some statement was made at that time about the actions that the government would pursue, and we did not accept the lower speed limit for the length that was recommended by Dr McLean. Subsequently, the honourable member may be interested to learn, there has been further approval for work—and I noted this work under way last Thursday—where the elevation of the road is being raised, which will give motorists coming from the Kadina-Yorke Peninsula area greater sight distances both to their left and to their right when they approach the intersection. I think that will be an advantage. This is a matter that the police raised with me some time last year.

Also, the boards and signs alerting motorists about the speed limit have now been backed with larger luminous boards, which make it much easier for motorists to appreciate their responsibilities as they approach this intersection. I apologise for indicating to the honourable member that I would provide a copy of this report and then failing to do so to date; she will receive a copy forthwith.

EXPIATION NOTICES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about the expiation of offences in regard to parking tickets.

Leave granted.

The Hon. IAN GILFILLAN: On 6 March new regulations and amendments to the Expiation of Offences Act 1996 were proclaimed. My question relates specifically to parking tickets and the processes involved in the event that a driver unknowingly has the parking ticket stolen from the vehicle. Under the act an expiation notice may be delivered in three ways, and the act provides:

(i) personally or by service on an employee or agent of the alleged offender; or
(ii) by post addressed to the alleged offender's last known place of business or residence; or
(iii) if a vehicle is involved in the commission of the alleged offence or offences and is found unattended—by affixing or placing the notice on that vehicle;

When an expiation notice is placed on an illegally parked vehicle, the relative council has lawfully fulfilled its obligation to notify a driver of an offence. Should the driver not respond or pay the fine within 28 days, a further expiation notice is issued to the owner of the vehicle. This is considered a reminder notice and incurs an additional fee on top of the existing fine. The regulations provide:

the reminder notice fee is—
(a) $30; plus
(b) if a vehicle was involved in the alleged offence to which the expiation notice relates, the fee incurred for one search of the register kept under the Motor Vehicles Act 1959.

However, several cases have been made known to me in which the driver has not received the initial notice but has been subsequently served with a reminder notice. Councils have no responsibility to inform an alleged offender beyond placing the expiation notice on the vehicle. Parking offences, it seems, are different from other such offences and are dealt with differently from other offences. In other cases, expiation notices are either initially posted to the owner of the vehicle or given directly to the driver.

However, with parking offences it seems to be considered adequate for an expiation notice simply to be left on a vehicle where any passing larrikin can cause the owner of the vehicle to be liable for an additional $30-plus fee. It is not hard to imagine how irritating and expensive that situation is. I am

reluctant to suggest that we allow 'I did not receive the notice' to become a legitimate excuse. I realise that such a solution would open up the possibility that everyone who gets a ticket could later claim that it was stolen. However, we need to find a compromise. I ask the Attorney:

1. Does he not think that forcing the drivers to pay the reminder fee is unfair?

2. Would it not be better to allow drivers the option of signing a statutory declaration stating that they did not receive the initial notice thereby exempting them from the reminder notice fee?

3. If this happens to be a problem in a localised area, will the Attorney comment as to the posting of the original parking ticket or expiation notice?

The Hon. K.T. GRIFFIN (Attorney-General): I will have to take some advice on it. I had always understood, notwithstanding that the parking ticket or expiation notice was put under the windscreen wiper blade, that there was always communication through the post. If I am wrong about that—and from what the honourable member is suggesting it sounds as if I am—then I can understand the concern if a notice stuck to a windscreen wiper happens to be removed unlawfully. I am not sure what the answer is.

The statutory declaration proposition that the honourable member has raised is probably tantamount to the 'I didn't receive it' excuse being widely used, but it may well be a way by which the issue can be addressed. For other offences which are the subject of an infringement notice, usually there is an opportunity to make representations to the issuing body if a notice is not received within the due time.

The bill I will introduce tomorrow will contain provisions which will, to some extent, address that issue, particularly in relation to traffic infringement notices—that is, to give a better opportunity for those who genuinely have not received the notices because they might have been referred to the wrong address. If the honourable member will allow me to take the question on notice, I will bring back a reply and see whether there is a way in which we can more effectively deal with it in the context of council parking infringements.

TAB, PROBLEM GAMBLERS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about the TAB.

Leave granted.

The Hon. NICK XENOPHON: The Productivity Commission's report on Australia's gambling industries reports that 33 per cent of gambling losses on wagering come from problem gamblers, with 23.5 per cent coming from severe problem gamblers—a percentage well above the 5.7 per cent for lotteries and 19.1 per cent for scratchies: only gaming machines at 42.3 per cent is higher. Earlier today my office was contacted by a gambling counsellor working for BreakEven Gambling Services requesting information on any mechanisms available to bar a problem gambler from a TAB outlet. My questions are:

1. What steps has the TAB taken to deal with findings of the Productivity Commission's report on levels of problem gambling amongst TAB players? Further, do these steps include any training for TAB staff?

2. Does the TAB at its outlets provide details as to where assistance for problem gamblers can be obtained?

3. Does the minister concede that current mechanisms for TAB problem gamblers to be banned, at the instigation of the problem gambler, the problem gambler's family or the venue, are manifestly inadequate?

4. What training does the TAB offer to its staff so that they can identify whether a person is exhibiting signs of being a problem gambler, thereby taking proactive steps to reduce the level of problem gambling at TAB outlets?

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

TOURISM MINISTER, STOLEN DOCUMENTS

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about documents allegedly stolen from the Minister for Tourism's car.

Leave granted.

The Hon. P. HOLLOWAY: On 23 November 1999, the last sitting day of last year, I asked the Treasurer a series of questions relating to an incident whereby documents relating to Hindmarsh stadium were allegedly stolen from the Minister for Tourism's car. Those questions to the Treasurer included the following:

> 2. Will he investigate how and for what purpose the Hon. Joan Hall came to be in possession of documents relating to soccer at Hindmarsh, given the minister's repeated recent claims that she has no responsibility for matters relating to Hindmarsh stadium; and in particular whether the content of the documents was known to the Minister for Recreation, Sport and Racing and whether the documents had been in his possession, power or control at any time prior to their being passed on to the Hon. Joan Hall?
>
> 3. Will he advise whether the documents or dockets related to soccer at Hindmarsh allegedly stolen include any originals or correspondence or file notes; and, if original documents are missing, are copies of these documents in existence and, if so, who has them?

I requested that the Treasurer seek answers to these questions and in response the Treasurer has stated:

> I will present replies when the parliament resumes.

My questions to the Treasurer are:

1. Given that it is now over five months since those questions were asked and more than one month since parliament resumed, when will a response be forthcoming?

2. Why has it proven so difficult to compile and check a simple list of documents issued to the minister for Tourism if proper cabinet procedures were followed?

The Hon. R.I. LUCAS (Treasurer): I will refer those questions to my colleague in another place and bring back a reply.

ADELAIDE, POPULATION GROWTH

The Hon. P. HOLLOWAY: Given reports in the media this morning—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —that the population growth report for 1998-99 shows that Adelaide's population growth of around ½ per cent is the lowest of all mainland capital cities and given that the author of that report says low population growth need not be seen as a negative, I ask the Treasurer:

1. Does he agree with the author of the report in those comments—that low population growth should not be seen as a negative?

2. Does the government have a target for population growth?

3. What steps, if any, will the government take to achieve that target?

The Hon. R.I. LUCAS (Treasurer): I will refer those questions to my colleague in another place and bring back a reply.

PORTS CORP

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Government Enterprises in another place this day on the subject of Ports Corporation.

Leave granted.

LOCAL GOVERNMENT LEGISLATION

In reply to **Hon. G. WEATHERILL** (11 April) and answered by letter on 25 April.

The Hon. DIANA LAIDLAW: The Minister for Local Government has provided the following information:

The Local Government Act 1999, the Local Government (Elections) Act 1999, and the Local Government (Implementation) Act 1999 came into operation, as planned, on 1 January 2000. The relevant proclamations appear in the government *Gazette* of 9 December 1999, at page 3113.

The Local Government Act 1999 and the Local Government (Elections) Act 1999, assented to on 25 August 1999, could not be brought into force, and supporting regulations could not be produced, until transitional provisions necessary for the commencement of the new Acts were passed. The passage of the Local Government (Implementation) Act 1999, containing these transitional provisions was expedited by Parliament and that Act was assented to on 18 November 1999.

Six main consolidated sets of regulations under the 1999 Acts replace some 20 sets of regulations under the 1934 Act. Five of these core sets of regulations (dealing with elections, members' allowances and benefits, financial management, general matters and implementation), which were necessary for commencement, have been made. Consultation with local government on the final core set of regulations dealing with procedures at meetings has concluded and these regulations, which will apply after the May 2000 local government elections, will now be made.

The new Local Government Acts repeal the majority of the provisions of the Local Government Act 1934, but some provisions of the 1934 Act are still in place. A Statutes Amendment (Local Government) Bill introduced into Parliament in September 1999 is still to be dealt with by parliament. The provisions in this Bill were not necessary for the commencement of the new Local Government Acts. They repeal further provisions of the 1934 Act dealing with matters which have been, or are under the Bill, incorporated in appropriate State Acts covering the field.

TOBACCO LEGISLATION

In reply to **Hon. R.R. ROBERTS** (29 March) and answered by letter on 25 April.

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. Four adolescents were trained to be absolutely honest in their responses to all questions asked of them by retailers. They were trained to ask for a certain brand of cigarettes (since they are all non-smokers they are unfamiliar with handling cigarettes) and to differentiate between the various types of signage (indicating that it is illegal to sell tobacco products to a person under 18 years of age), that may or may not be present.

The minors were selected to look no older than their chronological age, were instructed to wear clothes appropriate to their age (jeans, shorts and t-shirts) and the girls were told not to wear make-up. Furthermore the minors were instructed to be absolutely truthful and to state their correct age. If the minor was asked for identification they were instructed to say that they didn't have any. This gave the vendor the best chance to refuse to sell.

2. Four minors (two girls and two boys) were involved in the two compliance tests (September 1999 and January 2000). One girl and one boy were involved on both occasions. Their ages range from 14½ to 16 years.

3. Advice received from the Crown Solicitor's Office in regard to using adolescents for compliance testing of the sale of tobacco products to minors is that 'the idea for the operation is a well conceived one, provided that the aim is for warning purposes only'. Either congratulatory letters for not selling, or letters of warning for selling a packet of cigarettes to a minor, were sent to all retailers following the testing period.

4. The volunteers were given an ex gratia payment of a $50 shopping voucher for each day worked. The Department of Human Services approved this as the most appropriate method of recompense.

5. All members of the public involved in activities by the Department of Human Services were fully covered under the volunteer insurance arrangement by the Department.

6. On occasions work began at 8.30 a.m. and on other occasions outlets were visited up to 9 p.m. (e.g., pie cart at Port Pirie). Regular breaks were provided for food and drinks. The minors worked an average of six hours per day.

HEPATITIS B

In reply to **Hon. SANDRA KANCK** (3 August 1999).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. The Hepatitis B Immunisation Program costs in excess of $690 000 per year. This includes costs of:

- the vaccine ($278 000 per year);
- the nurses who visit schools to give the vaccine ($325 000 per year);
- Departmental staff;
- consent cards; and
- educational materials.

The Commonwealth government supports the State with $440 000; SmithKline Beecham supported the education package with $40 000. State and local government supply the remainder. The contribution of local government is in staff time, and a monetary figure for this is not available. The Department of Human Services purchases Hepatitis B vaccine on a contract basis from both CSL Ltd and SmithKline Beecham using funds provided by the commonwealth.

2. Hepatitis B vaccine is given as a series of three intramuscular injections. More than 95 per cent of children and adolescents and more than 90 per cent of young, healthy adults develop adequate antibody protection after completing the 3-dose course of the vaccine.

References: The National Health and Medical Research Council (NHMRC) (1997) The Australian Immunisation Handbook, 6th Edition;

Centers for Disease Control, A comprehensive strategy for eliminating transmission in the US through Universal Childhood Vaccination, MMWR, 1991 (RR-13) pages 1-17.

3. The number of notifications of newly acquired Hepatitis B since 1989 is:

Year	Number of notified cases
1989	50
1990	35
1991	28
1992	22
1993	35
1994	38
1995	26
1996	20
1997	18
1998	16
1999	15

As with all disease surveillance systems, there is likely to be under-reporting. The number of cases in the table refers to those cases where there is evidence of newly acquired infection.

There are many carriers of Hepatitis B, who can transmit infection to others and are at risk of developing cirrhosis and cancer of the liver. The NHMRC estimates that 0.1-0.2 per cent of persons of northern European descent in Australia may be carriers. Other ethnic groups may have much higher rates of carriage, for example greater than 10 per cent in some Australian Aboriginal populations.

The sexual health clinic (Clinic 21), reviewed the current data for SA carriers and consider that an estimated 15 000 people are carriers for Hepatitis B disease.

4. The program has not been introduced in response to an increase in the disease. The aim of the Hepatitis B Immunisation

Program is to control the spread of the disease and to reduce the burden of illness and death caused by acute illness and long term disease in carriers. Chronic infection with Hepatitis B (being a carrier) is associated with a 2-4 per cent risk of chronic disease including cirrhosis and cancer of the liver. Immunisation against Hepatitis B is intended to prevent these outcomes of the infection. In November 1996, the NHMRC recommended the administration of three doses of Hepatitis B vaccine to adolescents between 10 and 16 years of age. This recommendation has been followed by funding from the Commonwealth government to assist the States to introduce school-based mass Hepatitis B programs.

Cost/benefit and risk/benefit analysis demonstrates throughout the world that vaccination against Hepatitis B disease is the most effective and safe way to reduce the disease, disability and death caused by this virus.

5. The international experience of clinical trials of Hepatitis B vaccines, and of national reporting of reactions after vaccination, demonstrate the following adverse reactions following immunisation compared with the risk from the disease:

Effects of Hepatitis B disease: About 90 per cent of infants with Hepatitis B will develop chronic infection, and, of these, 15-25 per cent will die prematurely of either cirrhosis or liver cancer. Persons with Downs Syndrome, Lymphoproliferative disease, HIV infection and those receiving haemodialysis appear to be more likely to develop chronic infection.

Reactions following Hepatitis B vaccination: More than 500 million persons have received Hepatitis B vaccine worldwide since its introduction. Hepatitis B vaccines have been licensed and used in Australia since 1982. They have been shown to be very safe when given to infants, children or adults. During 1999 the Department of Human Services distributed 57 105 doses of Hepatitis B vaccine, most of these for the School Hepatitis B Program.

The most common side effects from the vaccine are pain at the injection site (5-15 per cent of doses), and mild to moderate fevers (about 2-3 per cent of doses). Nausea, dizziness, tiredness, muscle and bone aches have occasionally been reported. Studies show that these side effects are reported no more frequently among those vaccinated, than among persons not receiving the vaccine.

The SA Immunization Safety Surveillance Program has had one case of fever, rash and drowsiness reported during 1999 and there were 57 105 doses of paediatric Hepatitis B vaccine distributed during 1999. This reaction resolved with medical attention.

The NHMRC states that serious side effects are very uncommon. There is no confirmed scientific evidence to show that Hepatitis B vaccine causes chronic illness (MS, Chronic Fatigue Syndrome, Rheumatoid Arthritis, Guillain-Barré Syndrome, etc). A low rate of anaphylaxis (hives, difficulty breathing, shock) has been observed in the USA with an estimated incidence of one in 600 000 vaccine doses distributed.

Any presumed risk of adverse events associated with Hepatitis B vaccination must be balanced against the expected cases of Hepatitis B disease or deaths that would occur without immunisation.

6. It is not intended to withdraw the information. The educational materials used in this program have been developed by staff of the South Australian Department of Human Services and the Department of Education, Training and Employment with the assistance of staff in the Department of Human Services Victoria. The information in the materials is based on current published scientific information.

Two vaccine companies (SmithKline Beecham and CSL Ltd) supported the production of physical materials financially. SmithKline Beecham printed some of the material in the Hep B Not Me education package. CSL provided a video and the content of the video was reviewed by the SA Department of Human Services, the Victorian Department of Human Services, the SA Department of Education, Training and Employment, the Catholic Education Office and the Independent Schools Board. The scientific content of the material was written by staff of the SA Department of Human Services and Department of Human Services Victoria.

These materials assist teachers to educate students from Years 6 to 11 regarding Hepatitis B and other blood borne diseases. The materials encourage students and their parents to make an informed choice about vaccination.

A valid consent is required from parents before a child or person under the age of 16 can be vaccinated. Parental consent is documented in a written consent form. The consent form used in SA and included in the Hep B Not Me education package, was written and printed by the Department of Human Services. The form is directed at parents and details the risks and benefits of immunisation and gives information about the Hepatitis B immunisation program. A telephone number has been included on the consent form to encourage parents to contact departmental staff if they have concerns and questions about the vaccine. The Child and Youth Health Parent Helpline also takes calls from parents about the program. The information is provided to students and parents to enable valid consent to be given.

7. In early December 1998 the Chief Executive Officer of Department of Education, Training and Employment made school facilities available for the Hepatitis B immunisation program to be implemented. The program is a continuation of the longstanding Year 8 and Year 10 immunisation programs. The Department of Education, Training and Employment did not seek Ministerial endorsement of the program as it is congruent with the State government's commitment to immunisation.

The government supports the implementation of the Australian Standard Vaccination Schedule of the NHMRC. The Year 8 Hepatitis B Immunisation is one of the newer vaccination programs added to the schedule. In 1997, the NHMRC recommended that all States and Territories implement a school-based adolescent Hepatitis B Immunisation Program.

The Year 8 Hepatitis B Immunisation Program is an initiative involving collaboration between the Department of Education, Training and Employment, Catholic Education; the Independent Schools Board; the Local Government Association; local government councils who offer school-based immunisation programs and the Department of Human Services.

HOUSEBOATS

In reply to **Hon. T.G. CAMERON** (19 October 1999).

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information:

The increase in lease rental to $300 per annum for the Waikerie houseboat marina is the first increase since the lease was issued to the District Council of Loxton Waikerie in July 1992. The rent is determined on advice provided by the State's Valuer-General and is based on market evidence and comparisons with private moorings within the State. It is important to note that at present, commercial rates are in the range $600 to $3000 per annum.

Rent is payable for the exclusive use of public land and does not include lessee improvements or the provision of services. The Department for Environment and Heritage addresses any illegal moorings against Crown land either brought to its attention or identified by field staff. Offenders are required to relocate to an approved marina in accordance with government policy. The only exemption that the Department will give is for owners of property adjacent to the River Murray, and only for a non-commercial private mooring.

Regulations under the Water Resources Act 1990, relating to vessels on the River Murray, were recently declared to be an authorised Environment Protection Policy under the Environment Protection Act 1993.

The Environment Protection (Vessels on Inland Waters) Policy 1998 requires toilet water (faeces, urine, paper, flushing water), commonly known as 'black water', and solid wastes (kitchen waste, food and drink containers etc) to be contained.

These wastes can then be discharged (at no cost) at any one of 12 government waste disposal stations located along the River Murray from Goolwa to Lock 6. A number of marina operators also have facilities to pump out houseboat sewage holding tanks.

The discharge of toilet wastewater into the River Murray from any vessel is unacceptable.

Since the beginning of the year 2000 the Environment Protection Agency has only recorded three complaints concerning the discharge of 'raw sewage' (black water) into the River Murray from houseboats, only one of which was located in the Riverland.

These were all investigated and the Minister for Environment and Heritage has been advised that one vessel is no longer in the water and the other two are being (or have been) brought up to standard.

MATTERS OF INTEREST

HEALTH CARE, WAR VETERANS

The Hon. R.R. ROBERTS: I wish to talk about a problem which is facing some 78 000 ex-servicemen and women around Australia in respect of health care. Just recently we have seen a lot of television with the Prime Minister overseas looking at war graves and other monuments to those who fell in the service of Australia overseas. Whilst from a personal point of view I might say that the Prime Minister is doing some commendable work in honouring the dead, I have to criticise this government and previous governments for their neglect of war servicemen and women, especially from the Second World War, in respect of their health entitlements for that service.

There is a system called the Gold Card for those persons who served Australia in both the First World War and the Second World War—'the period of hostilities' is the term used by the Minister of Veterans Affairs, between 3 September 1939 and 29 October 1945. The people I am referring to are those who were not in a place of hostility or in a war zone, as it was commonly termed: those veterans, who in their youth were drafted into or volunteered for the army to fight in the Second World War, were not recognised in the first instance—and this is a different issue and of concern to those persons themselves—by their peers, in some cases, or by the governments of the day, as being returned servicemen.

However, those who were in a war zone or were under the threat of enemy hostility were deemed to be returned servicemen and just recently became entitled to a Gold Card, which provides a much better health service than is available to others. There are a number of related stories. There have been instances where people travelled from Cairns to Darwin: a couple of the crew were transported by ship whereas the others went by road. Those who went by ship are entitled to a Gold Card but the others, from the same platoon, in many cases, are not. It has left a great sore in the hearts of those servicemen and women that their services—and one could say that their sacrifices were not as great as the sacrifices of those sent to hostile areas—have been undervalued.

We are talking about 78 000 ex-servicemen and women who served but who are not entitled to the Gold Card. Second World War veterans are dying at the rate of 44 to 45 per day, or 16 000 per year, and the expected lifespan of these veterans is 74.6 years. The fact that in the past the government has not issued them with Gold Cards may well, a cynic would say, solve itself in a few years. That is not the point of my contribution. My contribution is that these people served their country. They were deployed where their superiors sent them and they were available for war service in any part of the world. They are Second World War veterans, and I believe it is time this country treated all our ex-servicemen—especially in the year 2000—with equal honours.

There has been an argument that it would cost too much: I would point out that most of these people are on Medicare or have other services, and some have White Cards. The cost of this proposal would be minimal but the recognition of the sacrifice and service of these aged members of our community, who served their country in any capacity in which they were asked, would be a psychological uplift to them as they live out their twilight years. I call on the federal government to provide these people with a Gold Card as soon as possible.

Time expired.

SINHALA NEW YEAR

The Hon. J.F. STEFANI: Today I want to speak about the Sinhala New Year, which was celebrated by the Sri Lankan Society of South Australia on 15 April this year. I was pleased to attend the celebration as an invited guest of the society, which has my strong ongoing support for the work undertaken for the benefit of the Sri Lankan community.

The traditional Sinhala New Year celebrations date back some 2 500 years. They signify the end of the old year and welcome the beginning of the new year. The program includes the observance of cultural traditions such as the lighting of an oil lamp and the boiling of milk, as well as traditional dancing.

History records that links between Sri Lanka and Australia date back to the early 1870s when 485 Sinhalese arrived at Mackay and Bundaberg in northern Queensland to work on the sugar cane plantations. Most of these early Sinhalese workers decided to settle in Australia. Strong trade links also developed between Australia and Ceylon, as it was then known, during the early years of Australian settlement. The influence and contributions made by Sri Lankan people in Australia can also be traced to the early pearl divers in Broome and on Thursday Island. The early cultural exchanges and personal links, together with many subsequent contributions made by Sri Lankan migrants to Australia, have forged strong bonds between our two countries.

During the late 1940s and early 1950s, a greater number of Sri Lankans arrived in Australia. They left an indelible influence on our multicultural society through their significant achievements and hard work in a variety of professions and various other occupations, within both the public service and private sector. There are many distinguished Australians of Sri Lankan origin who have made contributions in the legal and medical professions, as well as in the fields of engineering, architecture, accounting and the arts. I pay tribute to the important achievements and contributions made by members of the Sri Lankan community in South Australia and I wish the President and all members of the Sri Lankan Society in South Australia continued success for the future.

REGIONAL AUSTRALIA CONFERENCE

The Hon. IAN GILFILLAN: With yourself, Mr Acting President, for part of the time, I attended the fourth national Regional Australia Conference held in Whyalla from 11 to 14 April this year. I congratulate the organisers of that event, in particular Mr Peter Munn, Principal Lecturer at the University of SA, Whyalla campus. It was opened by the local member, Lyn Breuer, and then proceeded a very intense and informative series of presentations, some of them read, some with overhead illustrations, covering the range of health, regional development, local government, human services and education. At times it presented a dilemma because four sessions were conducted simultaneously, making it difficult to choose which session to attend in the first place and making it disappointing to miss out on what were obviously some excellent presentations.

I made a presentation, with a session entitled 'Globalisation, regional development, community re-

building', and my research assistant Gary Sauer-Thompson prepared a very good paper which was available at the conference. Any members who would like to have a copy of that paper have only to approach me or one of my staff and I would be happy to make it available. I did not read or speak directly to the paper because various other matters of interest had been raised and I took the opportunity to deal, in part at least, with the political ineffectiveness of rural and regional Australia, which is becoming more so as populations tend to drift away. In addition, the so-called safe seats have meant that there has not been particularly vigorous political representation. However, I make exceptions in the case of members in this chamber who attended the conference.

However, for such a significant event, it was disappointing that very little dealt specifically with the commercial aspect of regional development and regional problems in Australia, South Australia in particular, and there was also very little young people's representation and attendance. I spoke to Peter Munn about that and he indicated that it was difficult to get interest from both those groups. The commercial sector regarded that it was too much of a sacrifice of time and the young did not appear to be particularly interested in the programs from their own personal interest or from an educational point of view. For future regional conferences, a real attempt must be made to draw in the commercial aspects, particularly, so that the economic stresses and disadvantages of the agricultural, pastoral, commercial, industrial and manufacturing activities that all take place in regional Australia get proper attention.

There were some outstanding key speakers. Dr Wendy Craik from the National Farmers Federation spoke first and I was very glad to see at last that that organisation is becoming much more conscious of the social, caring needs of rural, regional, farming and pastoral people in Australia. It has tended to be a very hard-nosed, right wing organisation in my view but it has now realised that, for people to continue to live in the country, they must have the same social services, welfare and care that people enjoy in metropolitan areas of Australia. I congratulate the organisers on an excellent conference of Australia-wide significance.

Time expired.

FOOD ASIA

The Hon. CAROLINE SCHAEFER: From 9 to 13 April, in my capacity as convenor of the Premier's Food for the Future Council, I had the privilege of representing the Deputy Premier at Food Asia in Singapore. Food Asia is held on alternate years in Hong Kong and Singapore and is an expo aimed at all the major hotels in Asia. It is attended by hoteliers, chefs, food and beverage traders and retailers from throughout the world, but particularly from South-East Asia. Over three days, I understand that over 150 000 people visited the massive Convention Centre in Singapore.

South Australia had its biggest and most professional contingent of exhibitors ever. Australia was second only to the USA as the largest exhibitor at the expo which, when one compares the populations of both countries, is a remarkable effort. I spoke with a number of the many people who visited the South Australian stand and it was very evident that Australia is becoming a preferred supplier for many of the firms who attended, with South Australia considered something of a jewel in the crown. We had exhibitors promoting such varied produce as wine, seafood, potatoes, onions, other fresh fruit and vegetables, chicken from the Barossa Valley, beef and a large number of other primary products.

The Hon. Ian Gilfillan: Anything from Kangaroo Island?

The Hon. CAROLINE SCHAEFER: Yes, both cheese and wine from Kangaroo Island. It is understood that our produce is clean and healthy and of the highest quality. Although it is always difficult to assess, and of course contracts would be confidential, I am assured that all exhibitors were delighted with the response. Many signed contracts on the spot and others made very positive contacts. The South Australian stand was badged with the Taste SA logos, which were designed for Tasting Australia last year and trialled in Sydney. Our display truly stood out from the rest. I congratulate all concerned.

In keeping with the Food for the Future philosophy of partnerships between private enterprise and government and across all government departments, PIRSA officers from the Adelaide Plains accompanied a group of vegetable growers on a export-readiness tour coinciding with the expo so that they could visit both.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The level of conversation is too great.

The Hon. CAROLINE SCHAEFER: With those people we visited wet markets through to the huge, new and now preferred supermarkets, inspecting South Australian products and comparing them with those of the other countries who trade in that area. We also met with buyers from the supermarkets to discuss future opportunities for partnerships between growers and buyers. On my third and last day in Singapore I attended the South-East Asian Retailers Conference to learn about marketing and consumer trends in that region. As with any such event perhaps the most positive result is the networking which occurs between producers, exporters, government and private enterprise. All those who attended learned a great deal and gained an understanding of the region and also in monetary terms.

I congratulate the Department of Industry and Trade and Primary Industries and Resources SA who organised the trip. Perhaps the press would do well to sometimes look at what members of parliament do when they travel and what our trips contribute to the state rather than to construe that every trip is a rort.

BEACHPORT BOAT RAMP

The Hon. T.G. ROBERTS: I rise to give some weight to a petition that will be tabled in the lower house, hopefully some time this week, in relation to a proposal by the District Council of Wattle Range to build a boat ramp at Beachport. It appears that, wherever governments go to build boat ramps and marinas or to make changes and alterations to existing use in marine areas, they run into opposition from sections of local communities. Aquaculture is probably the best example for regional areas, and I suspect the West Beach marina is probably the best example in metropolitan Adelaide.

The concerns of the 675 petitioners in the South-East in relation to the Beachport proposal relate to the prospects of environmental damage being caused to an inner reef area and the isolation and the splitting of a family beach which has been used traditionally for safe bathing for small children and teenagers learning to swim in an enclosed area. I know that the application has been through all the legitimate planning processes. The Wattle Range council has done what it can to

ensure that the responses to the Development Assessment Commission on the representations received on the proposal have been answered, but there is still concern that a different proposal placed in another area of beach or shoreside area within the Beachport area might be a better idea than the proposal put forward at the moment.

The present proposal is an extension of an already existing ramp, so it is probably the best option—I will not say the cheapest—as far as Wattle Range council is concerned because some of the existing structure can be used as part of that extension. There is also concern about noise, which is always a problem, particularly with early morning fishers who start at daylight to catch the tides, and the movement of reversing vehicles in an area where, in some cases, young children would be playing unsupervised.

I hope the minister will take note when the petition is lodged. The petitioners call on the government to do the following:

1. Conduct an independent environmental impact study to assess the area involved in the plan including assessment of alternative sites to this proposal.
2. Have a delegation from the Development Assessment Commission to visit the various sites prior to making a final assessment and decision.
3. Investigate the impact on families and children that the closure of the main swimming beach will have with the loss of this facility due to the construction of a three lane concrete boat ramp and the construction of a breakwater.
4. Take into consideration the effect on the residents of the increased noise pollution and traffic in the early hours of the morning.

There is another petition to be lodged and, as I said, the petitions will be lodged some time this week in the House of Assembly. The other petition, which was circulated at the same time by another group of people, states:

. . . according to the plan before the Development Assessment Commission, the main front beach will be closed to swimmers due to a three lane concrete boat ramp and breakwater to be constructed on that beach. We implore you to request that an environmental impact study be conducted to determine the effects this construction will have on the fragile seagrass beds. Your petitioners therefore request that your honourable house will request that the Development Assessment Commission will conduct the appropriate environmental studies and consider alternative boat ramp sites.

They are the headings and they are the issues that, hopefully, the government will address when the petitions are finally lodged. I understand that the matter will probably end up in the ERD court and that that will be the final resting place.

Time expired.

NUCLEAR FREE ZONE

The Hon. L.H. DAVIS: There was a sense of deja vu when I received a letter from the City of Mitcham recently which indicated that the council was going to investigate declaring itself a nuclear free zone. It reminded me of the report of the Select Committee of the Legislative Council on Uranium Resources tabled as long ago as November 1981. I was a member of that committee. The report detailed the reality of the dangers of radiation, and page 44 states:

Potentially harmful ionising radiation emanates from many natural sources, e.g. the sun and outer space (i.e. cosmic radiation), rocks, soil, food, water and our bodies. It also comes from man-made sources such as x-ray machines, cancer therapy equipment, TV sets, luminous watch dials and radioisotopes used in industry and medicine. Radiation is used in the sterilisation of food, seeds, surgical and pharmaceutical products. Such treatment does not cause any of such items to become radioactive. Radiation is also released from the coal and nuclear fuel cycles.

The report also indicated that uranium ore was crushed and then dissolved by using acid; uranium was removed from the acid and converted into uranium oxide concentrate called yellowcake. This yellowcake has only a low radioactivity because of the very low rate of radioactive decay of uranium. Indeed, it is classified by the International Atomic Energy Agency as low level solid radioactive material. That is in sharp contrast to the intense radiation used for cancer cases which must be transferred to hospital units in lead-lined containers. We do use these dangerous radioactive isotopes; 30 000 persons are treated each year in this state. We accept it as a fact of life. But the Labor Party in May 1976, through the Hon. Mr Duncan and the Hon. Frank Blevins, supported members of the Australian Railway Union in Queensland who were refusing to transport supplies of yellowcake mined at Mary Kathleen, notwithstanding the fact that it had only low radioactivity.

The select committee received some evidence from AMDEL. The managing director, Mr Norton Jackson, explained that yellowcake was low in radioactivity, no worse than other chemicals handled daily. Notwithstanding the vicious attack on AMDEL's Thebarton laboratory by the then federal member for Hindmarsh (Mr Scott), testing showed that the annual dose for employees did not exceed 100 millirems over a four week period, although the maximum requirement was 350 millirems for a four week period. A member of the public would get a dose of 500 millirems if they smoked three cigarettes a week per annum. Mr Wilmshurst from AMDEL also gave evidence that a pacemaker provides 5 000 millirems per annum, and air hostesses receive up to 670 millirems per annum. Leigh Creek coal had a high concentration of uranium and thorium, which meant that radioactivity was being emitted from the Port Augusta power station. Parliament House itself has a very high level of radioactivity because of its granite structure.

There were some extraordinary misconceptions created by the Labor Party in those days, including the fact in the film *Backs to the Blast* that the ballast on the Indian Pacific railway line, because it came from Radium Hill, was highly dangerous. But it is no more dangerous than the granite at Granite Island, so popular with tourists, and it was about twice as radioactive as an average Adelaide brick house.

In those days, we had a rash of councils, including Norwood (with Greg Crafter), Unley (with Kym Mayes), Prospect and Port Adelaide, all demanding to be nuclear free zones. Signs 'Nuclear Free Zone' sprouted everywhere. It was summed up best in a letter to the editor back in 1986, which stated in part:

. . . when driving through Prospect, I saw that throughout this council area are signs declaring that it is a 'nuclear free zone'. . . Will the neo-Luddite nutters insist that all x-ray machines, fire alarms, smoke detectors, televisions, radios, microwaves, irons, hair-dryers, stoves and other radiation-producing household implements be banned?

Time expired.

REITH, Hon. P.

The Hon. T. CROTHERS: Mr President, I have been called in at the eleventh hour. I shall endeavour to do my best to pinch hit in this matter. This debate is on matters of public interest and, in all the times I have participated in this debate, I have never discussed a matter (as I will do later today) which should be of more interest to the general public. I want to talk about the Hon. Peter Reith, the Federal Minister for

Industrial Relations, and his ever descending star in respect of his aspirations to be Prime Minister. The Hon. Peter Reith first came to the attention of my office when he decided, for reasons obviously that would advance his future career, to have a go at the Submarine Corporation here and the state of play relative to our building submarines for the RAN.

As a consequence of that particular piece of animated advancement on his part—as a consequence of one of our own, a federal minister, condemning the activities of the Submarine Corporation here—I understand that, notwithstanding that negotiations were already fairly well advanced with a British commonwealth nation in South-East Asia, that matter went no further. The order was, I understand, for one additional submarine, which would have meant much to the economy of this state.

As one who has some knowledge about building ships, it was obvious to me that the Hon. Mr Reith was an absolute ignoramus relative to his knowledge of shipbuilding, so I did take issue with him, and the consequences of that were that no more was heard from the Hon. Mr Reith on the subject of shipbuilding. But too late, of course: the damage had been done.

He next sprang to some prominence over his strong arm tactics down on the wharf with Chris Corrigan's stevedoring mob. Chris Corrigan's brother was a member of the opposition party in this place and had much to say about his brother behind the scenes, and I understand there are still documents being held which have never yet seen the light of day relative to certain facets of Chris Corrigan's activities.

When I mentioned this to a colleague earlier today, he told me that Peter Reith had been stunning. He certainly had. If you look at him sending in the SAS serving officers to Dubai, to train a work force of club-wielding, balaclava-hooded thugs to defend Corrigan's interests against the striking work force, it certainly was stunning. The only stunning that Peter Reith was about to get involved in down there was to cudgel the striking workers over their head with billy clubs carried by the Australian paid thugs who were supposed to be trained in Dubai, but they were sprung in that matter, and it was well published. Far from Peter Reith's taking a backward step—

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: Yes, that was a good one. Far from his taking a backward step in this matter, he understood that the best method of defence was attack. His SAS colleagues and the Corrigan issue had obviously taught him that. So he attacked, and to some extent saved his bacon at that stage.

But the latest thing we find is that his department has issued a document which fell off a truck into the hands of the federal opposition. That document tells employers how to defeat workers with respect to award and enterprise bargaining agreements. This is a document put out by the department of the federal labour minister. He will, of course, take the usual Reithian action and deny all knowledge, as he did over Dubai. But he was caught with that one and he is caught with this one.

That document tells employers to play for time, to lie to the workers if they have to, to make false offers, to withdraw them. That is the sort of minister whom, unfortunately, some of the state Liberal ministers of labour and industry see as a shining star and would emulate—hence my opposition to his industrial legislation.

Time expired.

ELECTRICITY ACT REGULATIONS

Order of the Day, Private Business, No. 4: Hon. A.J. Redford to move:

That the regulations under the Electricity Act 1996 concerning the Industry Regulator, made on 30 September 1999 and laid on the table of this Council on 19 October 1999, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

ATTENTION DEFICIT HYPERACTIVITY DISORDER

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council requests the Social Development Committee to investigate and report on the issue of the impact of Attention Deficit Hyperactivity Disorder on South Australian individuals, families and the community, and in particular—

1. Recent stimulant medication prescription practices and trends within South Australia;
2. Appropriate diagnosis and treatment protocols;
3. The accessibility of the internationally recognised multi-modal treatment approach to South Australian families of young people with the disorder; and
4. Any other related matter.

(Continued from 5 April. Page 803.)

The Hon. CARMEL ZOLLO: I congratulate the Hon. Mike Elliott on moving this motion and on his excellent contribution. The Labor Party supports the motion. We, too, are alarmed at the prevalence of the disorder in South Australia and appreciate the necessity for further investigations on the issue. In particular, we agree with the need to examine the growing use of psychostimulants to treat ADHD, which is of particular concern to the community. Certainly, the statistics quoted are alarming. We also agree that the disorder has significant implications for education, health, justice and welfare. For people who are not familiar with the syndrome, there certainly is a great deal of confusion in the community at large as to what ADHD is about. It reminds me very much of the emergence of chronic fatigue syndrome, of the lack of sympathy and recognition that sufferers of the disease faced before its accepted diagnosis.

The Hon. Mike Elliott clearly articulated the view that ADHD is a physically caused behavioural syndrome, with one opinion being that it is caused by mental delay in the regions of the brain that control self regulation. The concern is that, because the biological proof of the existence of ADHD is difficult, medical experts recommend a range of tests and treatments and not just the prescription of medication alone. The honourable member talked about the difficulty of diagnosis and how the social environment in which a disorder exists is just as important as the physical cause and the need to encourage medical, behavioural, educational and social interventions for individuals. The honourable member also clearly articulated the international, approved treatment model for ADHD, namely, the multi-modal approach involving the use of psychological and educational interventions, behavioural modifications, family counselling, anger management and stimulant medication. It would be fair to say that it is the latter that is causing concern, being seen as a quick fix as it were, rather than amphetamine treatment being the last or complementary treatment and not the first resort, as statistics are suggesting.

Australian Medical Association President David Brand is reported to have praised the United States for investigating the overprescription of ADHD drugs and said that Australia, too, needed to review their safety. Whilst the office of the federal Minister for Health does not believe that Australia has the same problem as the United States, association President David Brand is also reported to have said it was not yet clear whether the drugs had any effect on brain development. 'High doses over long periods lead to problems later,' he is reported to have said. Karen Dearne reported in the *Australian* of 20 March this year that two US studies released last December may help settle arguments over appropriate treatments for ADHD and, indeed, whether it even exists. I personally found the last comment arising from this US study disturbing, given the number of children in the US on some form of psychiatric drug, nearly 7 million. Apparently, most of these are told they have Attention Deficit Hyperactivity Disorder.

Obviously, the need to investigate the appropriate diagnosis and treatment protocols is so very important. Dr Paul Hutchins, the senior paediatric consultant based at the new Children's Hospital in Sydney, and chair of the New South Wales stimulants committee, is quoted as saying:

> The Surgeon-General's Report doesn't say anything different from our own National Health and Medical Research Council Report.

Dr Hutchins believes that the US National Institute of Mental Health study confirms that locally developed, collaborative approaches are on target. I understand that New South Wales has led the charge with a Department of School Education guide to collaborative management of students with ADHD. I recently downloaded the document 'Attention difficulties, poor impulse control, overactivity or ADHD—Teaching and managing children and school students' from the South Australian Department of Education, Training and Employment web site. Perhaps it would be nice to hear from the government in its contribution the differences between these two protocol documents.

I noted that the tone of the South Australian document was one that was recommended to the teaching profession—not mandatory. My point is that, armed with this information, why do we still have such a significant oversupply of amphetamines, especially in this state? I understand that currently around 5 500 young South Australians are being prescribed medication for ADHD, with government records showing that 2.36 per cent of South Australians aged 5 to 8 years use medication for ADHD. This state experienced a 2 000 per cent increase in psychostimulant use between 1991 and 1995, reason enough for us all to be alarmed, even if one often hears that many in the medical profession believe that the majority of patients will respond to medication which is safe and effective.

In South Australia it is also particularly worrying to see the trend between the high density of prescription and the low socioeconomic and high unemployment areas within Adelaide as shown by studies carried out by researchers at the Flinders University. Dr Brenton Prosser of Flinders University recently wrote in the *Payneham Messenger*:

> My four year post-doctoral study into ADHD found that, while state governments publish recommendations for interventions, they often do not provide the resources necessary for health and education professions to implement these recommendations. As a consequence, the full range of treatments for ADHD are neither affordable or accessible to many families. In particular, many families in areas of lower income struggle to afford treatments other than cheap listed medication. Yet over the last two years the state government has repeatedly reassured parents and teachers that all the necessary services are available to families of children with ADHD. Why is it then that the schoolyard, our homes and the media are increasingly filled with stories of families in crisis? How is it that the state government can make this claim when it has no mechanism to monitor the full range of treatments for ADHD?

It certainly raises the important issue of access and equity in our community when some members of our community are not easily able to access the advocated treatment for disability. My colleague the member for Reynell in another place has been advised by a support group in the southern community that a recent survey of sufferers found an interesting piece of information: of the 51 participants in the survey all 51 had incidence of diabetes in their family.

We welcome point No. 4 of the motion, which asks the Social Development Committee to investigate any other matter. An issue like this is one certainly worth pursuing strongly, and I hope the Social Development Committee, hopefully with the motion being passed, will invite the support group to give evidence.

The Hon. Mike Elliott expressed his concern that South Australian school children may not be receiving the support they deserve. This concern is shared by many other people. It is clearly at odds with the Minister for Education's response and the belief of the Minister for Human Services. Given the research evidence that is now available and the call by the United Nations in warning Australia to curb its excessive use of amphetamines to treat ADHD, I believe that the motion is very worthwhile.

Carol Altman, reporting in the *Australian* of 23 March this year, summed up the situation well when she wrote:

> It is more than four years since the National Health and Medical Research Council presented a report into attention deficit hyperactivity disorder—a condition linked to levels of extreme activity, inattention and impulsivity—in which it concluded that the US approach of prescribing amphetamines to control ADHD children is inappropriate on its own. Instead, the report recommended a multimodal approach, where ADHD sufferers and their families have access to subsidised educational, counselling and medical services to provide a total treatment package.
>
> Despite this recommendation, Australia is threatening to tread the same path as the US—where an estimated one in four children is taking prescribed amphetamines for mental health problems—by offering few affordable alternatives to drug-driven treatments. Australian Health Insurance Commission figures reveal national prescriptions for the PBS-listed drug dextroamphetamine, the 'upper' used to treat ADHD, have jumped twentyfold, from 10 859 in 1992 to an incredible 206 000 last year.
>
> In the first two months of this year, 32 540 prescriptions—or more than 500 a day—have been written for the drug. Given the statistics, it is not surprising that Australia was among those countries warned by the UN International Narcotics Control Board in its 1998 annual report that it must curb excessive use of amphetamines for treating ADHD.

The issue is too important for so many young people and their families to be left to continue in the current manner. As a parent myself, I am certain that other parents do not resort lightly to medicating their children. My greatest concern is that parents are not pushed into this position because it is the only help they can access, that is, prescription drugs rather than all the available resources. Professor Kevin Forsyth, Head of Pediatrics and Child Health at Flinders University and Flinders Medical Centre, is reported as saying:

> In many cases there is little recognition given to a holistic view of the child's disturbed behaviour. Understanding the context of the child's behaviour, the psychological, social, environmental and physical elements, is crucial to diagnosis and management. Given the broad scope of this problem, there should be national templates developed to guide health professionals in their understanding, their diagnosis and management of children's behavioural problems.

Such templates would include full contextualisation of the child, include assessment and management by a range of health professions, and ensure adequate standards and quality in managing one of our major public health dilemmas.

I recognise that such templates should really be forthcoming from the federal level, but in the meantime, given that the federal Minister for Health is reported not to believe that Australia is destined to follow the US, a motion such as this before the Council is both timely and important, and one that the opposition is happy to support.

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

ALICE SPRINGS TO DARWIN RAILWAY

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

That this Council commends the federal, South Australian and Northern Territory governments for their financial support of the Alice Springs-Darwin railway and recognises—

1. The jobs this project will create in regional South Australia; and

2. The long-term economic benefits to South Australia which will be generated by this new rail link.

(Continued from 12 April. Page 916.)

Motion carried.

PARTNERSHIPS 21

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council expresses concern over the pressure placed on school councils and school communities to enter Partnerships 21 rapidly without a chance to properly assess the impact on their schools in both the long and short term.

(Continued from 12 April. Page 891.)

Motion carried.

MEMBERS, TRAVEL

Adjourned debate on motion of Hon. Nick Xenophon:

That this Council agrees to the following:

1. That travel reports of members of parliament be tabled in parliament and be made available on the parliamentary internet site within 14 days of any such reports being provided to the Presiding Officers as required under the members of parliament travel entitlement rules.

2. That this resolution be transmitted to the House of Assembly for its concurrence.

which the Hon. L.H. Davis had moved to amend by leaving out from paragraph 1 'That travel reports of members of parliament be tabled in parliament and be made available' and inserting in lieu thereof 'that a synopsis of any overseas travel report of a member of parliament including places visited and objectives of the travel, shall be prepared by the member and published'.

(Continued from 12 April. Page 898.)

The Hon. A.J. REDFORD: I support the amendment moved by the Hon. Legh Davis.

The Hon. P. HOLLOWAY: The opposition will support the amendment moved by the Hon. Legh Davis. This motion relates to the tabling of travel reports of members of parliament on the internet. I must say that in almost nine years as a member of parliament and member of this Council I have never made a travel report, because I have not travelled overseas in that time, nor have I claimed more than three days allowance for local travel. Nevertheless, I agree that there should be accountability in relation to members' travel. It is presently the case that travel summaries are issued after 30 June each year, and those summaries contain how much money is claimed by members of each House of the parliament for travel and living allowances. I have noted that the *Advertiser* has never failed to find a prominent place in its journal for the publication of those statistics.

So, there already is a reasonable degree of accountability. The public get to know, through the morning newspaper, how much members of parliament spend of their travel and living allowances each year. The opposition has no problem with the extension of that accountability to the internet, since that is now becoming a very common and popular method by which members of the public receive their information. We now have a very informative internet site for this parliament, and I congratulate those who have been responsible for establishing it: I think it is one of the better internet sites of any parliament in the country. It is the latest, so one would hope that it is good. I think it meets that expectation.

The Hon. M.J. Elliott: It has a good advisory committee.

The Hon. P. HOLLOWAY: Yes, it has been an interesting process, but I will not go into that here. The reason we support the amendment, rather than the motion of the Hon. Nick Xenophon, is that we think there are several problems with the motion. If the entire travel reports of members of parliament were to be put on the internet, the question of space would have to be addressed. If a member were to attend a conference and bring back documents of hundreds of pages, should that be included on the internet site? If everybody did that, it could consume a fairly large amount of computer space, and it might not be particularly user friendly, in any case.

The suggestion of the Hon. Legh Davis is that we have a synopsis that includes the places visited and objectives of the travel. That should provide the basic accountability information that members of the public have a right to know without creating too many practical problems on the site.

This motion is to be transmitted to the House of Assembly for its concurrence. Assuming that that support is given, a number of details will need to be worked out. Possibly changes to standing orders will need to be made. If it is carried, we would have to look at the practical problems relating to the motion. I accept that there might be a need for guidelines as to how this operates, and there might be practical difficulties which we will have to address at that time.

To sum up the opposition's view in relation to the principle of placing this basic information on the internet, we have no problem with supporting that principle and we believe that the amendment of the Hon. Legh Davis is the best way in which to do it. We support the amendment.

The Hon. NICK XENOPHON: I thank members for their contributions to this debate. I can indicate that, whilst I am pleased that the motion will be passed in some form, I am disappointed that members of the Liberal and Labor Parties do not see fit to support the motion in its original form. I will reflect on that shortly.

The Hon. Carolyn Pickles interjecting:

The Hon. NICK XENOPHON: An Independent; okay. I will briefly summarise the position. The issue of parliamentary travel has been the subject of a great degree of public

comment. We would all remember that recently the *Advertiser* ran a story on the travel of MPs from both houses.

The Hon. M.J. Elliott: A serialised story: it's once a year.

The Hon. NICK XENOPHON: Yes. I also reflect on an article by Mr Rex Jory in his column on Wednesday 21 April 1999 entitled 'Go on, MP: take that trip'. It is worth reflecting on some of the comments made by Mr Jory: they are sentiments that I think members of this place and the other place should heartily endorse. Mr Jory said:

> The more members of our parliament who get out of South Australia and look at the world the better. Members should not only be encouraged to travel overseas but, if necessary, they should be forced to go. In recent years a climate of suspicion and antagonism has developed about MPs going overseas. This has been caused, in part, because in the past some members have abused the privilege of overseas travel. . .
>
> Our political and business leaders must get out and see what the rest of the world is doing, learn how the rest of the world is thinking and nourish our community with new ideas. We are a contradictory lot. We criticise politicians for not having vision, for failing to put forward new ideas and new policies, and then sneer at them for going overseas to see how the rest of the world is coping with the type of problems we face. . .
>
> Let the MPs look for themselves at issues as diverse as financial management, waste disposal, water pollution, hospital planning, law enforcement and heroin treatment. Let them go with our blessing. It is the best chance we have to lift the standard of policy development and political debate in South Australia.

I will persist with the motion and call for a vote on it. I believe that it is important that there be a division on the amendment moved by the Hon. Legh Davis. Whilst I am grateful to the Hon. Legh Davis for his measure of support, I still believe that the motion is reasonable in the circumstances. It covers travel reports that have to be prepared by a member under the current rules—and that is for not only overseas travel but travel that a member undertakes where they claim more than three days per diem.

I do not think it is onerous or unreasonable to have those reports published on the internet given that they have to be published in a sense by being provided to the presiding officer, as is currently the case. In that respect, that restriction foreshadowed in the amendment of the Hon. Legh Davis is unnecessary. Clearly, the amendment is a step in the right direction and I am grateful to members who have indicated their support for the minimum position put by the Hon. Legh Davis.

In terms of the question of space, I think that is a legitimate concern of the Hon. Paul Holloway. Where you table a report with hundreds of pages, obviously some protocols need to be developed. My understanding, from those who are experts in the internet field, is that, if a report is provided in a compliant electronic format, it does not take up much computer space. If documents need to be tabled and scanned, that is a separate issue but, in terms of the member's report, even if it runs to 50 or 100 pages—

The Hon. P. Holloway interjecting:

The Hon. NICK XENOPHON: Sure. The Hon. Paul Holloway makes the point about copyright issues with respect to conference papers and the like. I would have thought that, if we are talking about a travel report written by the member and if he or she refers to various appendices, there will not really be a problem with space. However, it is obviously something that needs to be sorted out in terms of protocols and the technicalities.

In any event, the publishing of the entire report of a member for both domestic and overseas travel, given the current rules, I would have thought would not be onerous. I am pleased to say that, even if my motion in its original form is defeated and it is passed in an amended form, that would still be a quantum leap in terms of accountability in comparison with what we currently have.

If the other place concurs with the motion, I think it will put the South Australian parliament way ahead of other parliaments in terms of the level of accountability. I think it will have a tangible impact on the level of accountability and transparency. It is important that the motion be passed in some form so that we do have a quantum leap forward, in a sense, for a level of accountability and transparency as regards overseas and domestic travel, because it is something that can benefit policy debate and development in this state.

The Council divided on the amendment:

AYES (13)

Davis, L. H. (teller)	Dawkins, J. S. L.
Griffin, K. T.	Holloway, P.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Pickles, C. A.
Redford, A. J.	Roberts, R. R.
Schaefer, C. V.	Stefani, J. F.
Weatherill, G.	

NOES (3)

Elliott, M. J.	Gilfillan, I.
Xenophon, N. (teller)	

Majority of 10 for the Ayes.

Amendment thus carried; motion as amended carried.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That this bill be now read a second time.

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

Leave granted.

The *National Parks and Wildlife Act* received Royal Assent in 1972. As stated in the objects of the legislation, the Act serves two distinct but related purposes, one being to establish and manage reserves for public benefit and enjoyment and the other to provide for the conservation of wildlife in a natural environment. Frequently, these objects complement one another but, on occasion, public use of reserves, flora and fauna may conflict with the stated conservation objective. The role of Government is to maximise public benefit while minimising the impact of human activity on our natural assets.

Prior to the 1997 election, the Liberal Party released its Environment Policy document, which contained a commitment to review the fauna licensing system. This Policy states:

> Industries, which harvest our native fauna, or use them in more passive ways, such as recreation and tourism, are increasingly significant to the State's economy. It is important to set in place strategies, which will ensure that these industries develop in a sustainable way, encouraging economic development while protecting vulnerable species from over exploitation.
>
> A Liberal Government will:
>
> · Review the legislation and administration of wildlife licensing to improve equity and streamline processes.
>
> · Support the development of private sector enterprises, which are based on sustainable utilisation of native fauna.

Such a commitment is in accordance with the Ausindustry Business Information System, which has been endorsed by all Australian jurisdictions and the National Competition Policy Agreement. Currently, the *National Parks and Wildlife Act* and the *Wilderness Protection Act 1992* are undergoing competition policy review. These reviews have necessitated a detailed examination of the associated legislation and administrative processes. Although the *National Parks and Wildlife Act* is intrinsically sound in its intent and provisions, several aspects of the legislation were identified as being

in need of revision. It is the purpose of this amendment Bill to address those issues whilst not amending the policies or directions underlying the legislation.

A Fauna Permit Review Group was established to review the legislative and administrative mechanisms of the Fauna Licensing System. The objective was to improve access to information, explore options to promote the appreciation of wildlife, minimise bureaucratic processes and delays, ensure that the fauna permit system delivers the services required by Government and the public and to maintain the conservation imperative of protecting at risk wild populations. The legislative reforms required for the reform of the fauna licensing system were predominantly implemented by amendment to the Wildlife Regulations subordinate to the *National Parks and Wildlife Act*. As anticipated, various groups and individuals have diametrically opposing views on access to and commercial use of fauna and flora. Some seek an absolute prohibition on access to wildlife; others want access to be unfettered by regulation. This amendment Bill and the recent amendments to the Wildlife Regulations seek to balance their views, streamline administration for Government and the community, improve the regulatory framework provided by the legislation and aims to continue to protect our natural assets.

The Act currently allows for the payment of royalties for an animal taken from the wild if the species is proclaimed by the Governor. There are thousands of species for which people can apply for a take from the wild permit. As the Act stands, every one must be nominated by proclamation for a royalty to be imposed. Consequently, apart from the great kangaroos no royalties have been imposed. This amendment Bill allows the level of royalty to be set by regulation and to be dependent on the conservation status of the species and to cover the administrative costs of overseeing the capture of the animal and its subsequent living conditions. On this basis, if the species is not rare, endangered or vulnerable, a royalty of $25 is proposed. If it is rare, $50, vulnerable $75 and endangered $100. These charges do not directly reflect the commercial value of the animals, merely the administrative cost of overseeing their appropriate capture and care.

The Act specifies that the Director may issue hunting permits for up to a year. No such statutory limitation is applied to permits of other types. The fauna permit review has recommended that Keep and Sell, Fauna Dealers, Kangaroo Shooters and Processors, Hunters and Emu Farmers are provided with the flexibility to chose between one, three and five year permits. Implementation of this recommendation in respect to hunting permits requires a minor amendment to section 68A of the Act.

The Act specifies the powers of wardens. Two issues require clarification:

- As the legislation was drafted nearly thirty years ago, there is no provision for wardens to take blood, DNA, video and audio evidence. Such powers would, subject to the written approval of the Director, be afforded to wardens should the provisions of this amendment Bill be endorsed. The value of each is now well established as important components of briefs establishing the source, lineage and living conditions of animals.
- It is also a requirement that a person must produce their permit if asked to do so by a warden but the legislation does not indicate when it must be produced. These amendments would require compliance as soon as practicable after such a request.

When the Act was drafted, it was determined that providing false or misleading information to a warden should be an offence. The possibility of electronic communication was not envisaged. Within the next few years, electronic lodgment of forms will become a routine mechanism for commercial transactions. E-mail and facsimile transmissions are proposed as media by which a customer may lodge stock returns and applications for permits. To facilitate commercial transactions, it is necessary for the offence to cover providing false or misleading electronic statements.

Section 51A of the Act provides the opportunity to allow, through the publishing of a notice in the *Gazette*, persons of a prescribed class to kill prescribed animals in a prescribed manner. However, the provision has a sunset clause under which it expires on 23 May 2000. This section provides a useful mechanism to address nuisance birds e.g. Sulphur-crested Cockatoos in the Southern Vales and Rainbow Lorikeets in the Adelaide Hills. Over the last twelve months, the problems created by these flocks have increased. The Bill replaces section 51A.

Currently, the Minister determines whether or not a take from the wild permit should be issued. In accordance with open Government and competition principles, it is recommended that the Act be amended to create a provision stating that individuals directly affected may ask the South Australian National Parks and Wildlife Council to review the decision. The Council can make recommendations to the Minister, who may change the decision after considering the Council's recommendations.

The General Reserves Trust is established as a Development Trust under section 45B of the *National Parks and Wildlife Act*. New section 45BA to be inserted by the Bill will provide that the General Reserves Trust will be taken to have been established in relation to all reserves except those in relation to which another Development Trust has been proclaimed. This will mean that no reserve will be without a Development Trust.

This Bill provides that funds derived from activities on a reserve be used for the purpose of carrying out the functions of the reserve's Development Trust.

The Wildlife Advisory Committee is established under the *National Parks and Wildlife Act* as an advisory body to the Minister on matters of wildlife and habitat management. It also advises the Minister on the expenditure of the Wildlife Conservation Fund (WCF) which receives its revenue from the sale of Hunting Permits and Seized Fauna under the Act. Funds held in the fund generally fluctuate between $300 000 and $500 000 the bulk of which is committed to research projects involving the conservation of wildlife. Projects are generally funded for less than $20 000 each.

Unlike the *Native Vegetation Act*, and other more recent legislation, the *National Parks and Wildlife Act* does not provide for the Fund to accrue its own interest. Therefore, no interest is currently accrued on invested funds. This Bill reflects contemporary legislation and makes provision for interest accrued on funds to be paid into the Fund. Animals, which have been seized under this Act, may be sold through the Monarto Fauna Complex and the money paid into the Wildlife Conservation Fund. Frequently, animals are surrendered to Monarto. This bill expands the provision to permit the sale of such animals in the same manner as those, which have been seized.

Section 43C of the *National Parks and Wildlife Act* currently authorises fees to be set by the Director with the approval of the Minister for:

- entrance to reserves;
- camping in reserves; and
- use of facilities and services.

Commercial operators use park facilities extensively. Examples include Seal Bay, Flinders Chase and Wilpena Pound. While most pay operator fees there is no recourse if an operator refuses to obtain or to display a permit and the Act does not specifically provide for such permits to be issued or for fees to be charged for such permissions. This impacts on the financial base of park operations. In addition, enforceable licenses provide the opportunity to attach conditions relating to public safety, environmental standards and specific routes that may be taken. The provision is unclear whether activities, such as commercial tours, filming, cave diving, and use of Lake Gairdner for land speed records, are using facilities or services. Amendments made by the Bill make it clear that a fee, bond or other charge can be imposed as part of a lease, licence or other agreement entered into by the Minister or Director permitting specified uses of a reserve.

This would enable an environmental bond to be charged to repair damage sustained. If no damage were sustained the bond would be refunded and the lease fee retained. Similarly, on occasion, the site is booked for speed trials but the booking is cancelled due to unforeseen circumstances. It will now be possible to retain a proportion of the licence fee as a late cancellation fee.

Schedules 7, 8 and 9 (the Threatened Species Schedules) of the *National Parks and Wildlife Act 1972* list endangered, vulnerable and rare species respectively. The main purpose of the schedules is to define and protect species considered to be in danger of extinction in South Australia. The schedules were last amended in 1991, since which time there has been considerable change in the understanding of issues threatening species and the classification of species.

A review of the Threatened Species Schedules has been in progress since October 1998 as part of South Australia's ongoing commitment to managing threatened species. This involved extensive consultation with specialists and interest groups, including a large range of amateur and professional biologists as well as major institutions such as the State Herbarium and the South Australian Museum. Collaboration with non-Government natural history and conservation organisations provided a significant contribution to the revised schedules.

The review entailed an examination of all vascular plant and vertebrate animal species (excluding fish) that are under threat or are potentially under threat in the wild. This involved consideration of

approximately 3 500 native plants, 140 mammals, 460 birds, 227 reptiles and 26 amphibian species. This was a mammoth undertaking, and as a result, the revised schedules now recognise considerably more threatened species than were identified eight years ago: in all, 785 taxa have been included on the schedules. This is partly because many more species have been catalogued for the State, partly because of a substantial improvement in interpretation of biological information and partly because of demonstrated declines of some species.

Many of the listed species are plants. As an example of increased understanding of the plants of South Australia, the State Herbarium has recognised over 120 new plant species since 1991 and at least as many new plant sub-species. Many scientific name changes have also occurred in that time and are reflected in the revised schedules.

On the positive side for threatened species in this State, sixteen mammal species have a proposed conservation rating that is lower (i.e. less threatened) than on the 1991 Schedules. These include:

- The Ampurta, a small carnivorous marsupial that lives in sandy deserts, which has been down-listed from endangered to rare. This species was considered nationally endangered until extensive records were made in the Simpson Desert through the Biological Survey of South Australia;
- The Eastern Grey Kangaroo has been downlisted from vulnerable to rare; this is a species which is abundant and expanding in range in the eastern States, but whose range just extends into South Australia; and
- The Brush-tailed Bettong has been moved from endangered to rare as a result of reintroduction and management programs that have returned this once extinct species to South Australia. Recovery of this species has gone through the stages of captive breeding, island re-introductions and mainland releases to extensive areas managed for conservation within our National Parks.

Eighteen bird species have a proposed conservation rating that is lower (i.e. less threatened) than on the 1991 Schedule. These include:

- The Cape Barren Goose whose population has increased as a result of conservation initiatives in the 1960's. It has been moved from vulnerable to rare but is still listed because management around its summer feeding grounds has not yet been resolved.
- The Malleefowl has been down-listed from endangered to vulnerable on the basis of improved knowledge of distribution and population sizes;

This review is the first to consider the conservation status of reptiles (with the exception of three nationally endangered species included on the 1991 Schedule). This is possible now due to the great increase in understanding of the distribution and abundance of the State's reptile fauna, primarily through the Biological Survey of South Australia and the work of the South Australian Museum.

Amphibians (Frogs) have not previously been listed on the Schedules and currently are not protected animals under the *National Parks and Wildlife Act 1972*. By listing two threatened frog species on these schedules, they will become protected animals. This reflects the worldwide plight of frogs and will provide an excellent opportunity for promoting, to both the public and scientific communities, the conservation issues associated with frogs in South Australia

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 11—Wildlife Conservation Fund

This clause makes an amendment to section 11 of the principal Act to improve the operation of the Wildlife Conservation Fund.

Clause 4: Substitution of s. 13

This clause replaces section 13 of the principal Act with a provision that requires annual reporting by the Department on the matters referred to in subsection (1).

Clause 5: Amendment of s. 22—Powers of wardens

This clause amends section 22 of the principal Act to expand the powers of wardens under the Act.

Clause 6: Insertion of s. 24A

This clause inserts a new section making it an offence for a warden to use offensive language or hinder or obstruct or use, or threaten to use, force in relation to another person without lawful authority.

Clause 7: Amendment of s. 26A—Immunity from personal liability

This clause makes a consequential change to section 26A of the principal Act.

Clause 8: Amendment of s. 35—Control and administration of reserves

This clause amends section 35 of the principal Act to allow the Minister and the Director to grant licences and enter into agreements and to spell out that leases, licences and agreements can specify terms, conditions and limitations and fees and other charges (including bonds) payable by the other party to the lease, licence or agreement.

Clause 9: Amendment of s. 43C—Entrance fees etc., for reserves

This clause expands section 43C of the principal Act to include fees for an activity authorised by a permit under the regulations.

Clause 10: Insertion of heading

This clause inserts a heading.

Clause 11: Amendment of s. 45A—Interpretation

This clause inserts a definition in section 45A of the principal Act.

Clause 12: Amendment of s. 45B—Development Trusts

This clause excludes the operation of section 45B(2)*(a)* in relation to the General Reserves Trust as a consequence of the operation of new section 45BA.

Clause 13: Insertion of new section

This clause inserts new section 45BA. This section provides that the General Reserves Trust is established in respect of all reserves for which a Development Trust has not been specifically established.

Clause 14: Amendment of s. 45F—Functions of a Trust

This clause amends section 45F of the principal Act. New subsection (2b) provides that where the Minister or Director has entered into a lease, licence or other agreement the Minister or Director may direct that money payable pursuant to the instrument be paid to the Trust established in relation to the reserve concerned. The other subsections inserted by this clause are financial provisions.

Clause 15: Repeal of s. 45K

This clause repeals section 45K which is now redundant because of the new provisions.

Clause 16: Insertion of Division 2 of Part 3A

This clause inserts Division 2 of Part 3A which establishes the General Reserves Trust Fund.

Clause 17: Insertion of s. 51A

This clause replaces section 51A. The new section includes a new five year sunset provision.

Clause 18: Insertion of s. 53A

This clause inserts new section 53A which enables an applicant for a permit under section 53 of the principal Act to ask the South Australian National Parks and Wildlife Council to review the Minister's decision in relation to the permit. After the review the Council may make recommendations to the Minister and the Minister may vary or revoke the decision or substitute a new decision.

Clause 19: Amendment of s. 58—Keeping and sale of protected animals

This clause inserts new subsection (4a) into section 58 of the principal Act. The new subsection clarifies the flexibility of subsection (4).

Clause 20: Substitution of s. 61—Royalty

This clause replaces section 61 of the principal Act to enable royalty to be declared by regulation in relation to animals based on other classifications in addition to classification on the basis of species.

Clause 21: Amendment of s. 68—Molestation etc., of protected animals

This clause amends section 68 of the principal Act. The reference to 'injure' is replaced by 'interfere' and 'harass'. To 'take' an animal is defined in section 5 to include to 'injure' the animal. Section 51 of the principal Act covers the offence of taking an animal which includes, by reason of the definition, injuring the animal. The clause also provides a defence where there is a technical contravention of subsection (1) where the 'offender' is acting in the animal's best interests.

Clause 22: Amendment of s. 68A—Hunting Permits

This clause makes an amendment to section 68A of the principal Act which will enable hunting permits to be granted for more than 12 months.

Clause 23: Amendment of s. 69—Permits

This clause amends section 69 of the principal Act to provide for proportionate refunds of fees on surrender of permits.

Clause 24: Amendment of s. 70—Obligation to produce permit

This clause makes a minor drafting amendment to section 70 of the principal Act.

Clause 25: Amendment of s. 72—False or misleading statement

This clause amends section 72 of the principal Act to broaden its scope.

Clause 26: Repeal of s. 76

This clause repeals section 76 of the principal Act.

Clause 27: Repeal of s. 79A

This clause repeals section 79A of the principal Act. This section is now redundant in view of earlier amendments in the Bill.

Clause 28: Amendment of s. 80—Regulations

This clause amends section 80 of the principal Act. Paragraph *(b)* inserts new subsection (4) which enables fees to cover the cost of issuing permits in the form of plastic cards to be retained by the Director.

Clause 29: Substitution of Schedules 7, 8 and 9

This clause replaces Schedules 7, 8 and 9 of the principal Act.

Clause 30:Amendment of Schedule 10

This clause amends Schedule 10 of the principal Act.

Schedule

The Schedule makes Statute Law Revision amendments to the principal Act.

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

ROAD TRAFFIC (RED LIGHT CAMERA OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 April. Page 955.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will add a few words in concluding the second reading debate. When I last addressed this matter on 13 April, I answered questions from the Hon. Sandra Kanck about red light cameras, speeding, and death and injury in general and I also addressed questions from the Hon. Ron Roberts in relation to a driver turning right at intersections with cameras. The Hon. Ron Roberts asked some further questions, as follows:

1. How many speed camera infringements were there last year?
2. How much revenue was raised from these offences?
3. How many accidents occurred?

I advise that from July 1998 to June 1999, 247 796 expiation notices for speed camera offences were issued. I will have to confirm the revenue generated in the same period. The honourable member's question on the number of accidents last year presumably relates to the number in which speed was a factor. It is notoriously difficult to determine with any precision the role played by excessive speed in the incidence and consequences of road crashes. Nevertheless, excessive speed has long been recognised as contributing significantly to the problem of road crashes. National studies have shown excessive speed to be an important factor in approximately 20 per cent of fatal crashes.

As to how much revenue the new cameras will bring in, which was also asked by the Hon. Ron Roberts, I advise that the government's whole objective in introducing more red light cameras and attaching demerit points to the offence is to reduce the current level of offending, particularly repeat offending. Therefore, it is important to recognise that in terms of the police estimate of the revenue from any new cameras. The objective is to reduce the offence overall by better enforcement. However, based on the number of cameras to date and the current levels of offending, the police estimate that 12 more red light cameras would generate approximately 20 000 extra expiation notices per year and, at $199 per notice, that would mean additional revenue of $3 980 000.

The Hon. Ron Roberts also asked how many accidents would be avoided. That is different from offending, which I addressed above. The new red light cameras will be installed at intersections with the highest crash incidence. Surveys by the Roads and Traffic Authority in New South Wales show that drivers run red lights because they are in a hurry or do not believe their action has the potential to injure or kill someone.

The Hon. Sandra Kanck: Do we have similar thinking in South Australia?

The Hon. DIANA LAIDLAW: I am sure we do but that is where the work has been undertaken, because New South Wales has had red light cameras and demerit points for longer than we have.

The Hon. Sandra Kanck: We should have a psychological test for drivers.

The Hon. DIANA LAIDLAW: The Hon. Sandra Kanck may have a good point there. The increased chance of detection is likely to change driving behaviour, and that is the practice and research evidence to date. Additional red light cameras at signalised intersections will increase the chance of detection. It is difficult to estimate how many crashes would be avoided, but a 20 per cent reduction, for instance, would have economic and health benefits for the community. The Motor Accident Commission strongly supports this effort in terms of red light cameras and demerit points to the degree that it is interested in investing in the cameras.

I highlight that the deterrent effect of demerit points is illustrated in a recent, 1998 SAPOL study on speeding by R.A. McColl and N. Sutherland, which is entitled 'Demographic and offence profile of speeding in South Australia'. The study shows that the incidence of repeat offending decreases when demerit points are attached to the speeding offence, and that is the government's goal and that has been the sentiment expressed in this place by all who have spoken on the bill.

I want also to address the issue raised by the Hon. Carolyn Pickles. Her specific question was, 'How many new red light cameras does the government intend to introduce and what will be the cost to the government of the installation of the cameras?' I advise that currently there are six cameras used at 13 sites in the metropolitan area and at two sites in Port Augusta. Each intersection is set up to take one camera pointed in one direction. If more than one camera were to be used in the same direction, further work would be needed to modify the intersection. The total cost would be $1.525 million for a proposal that Transport SA is considering at present, which would be 12 new red light cameras and 25 new sites.

The Hon. Sandra Kanck: What is the payback period in terms of fines?

The Hon. DIANA LAIDLAW: Probably half a year, if the offending is at the same rate but, as I indicated earlier to the Hon. Mr Roberts, the whole goal is road safety, as it is with cameras generally. One has only to face those who shoot through red lights to know how fearful the action is and, if we can reduce that behaviour, that would be good overall for the community. In terms of repeat offenders, demerit points are highly effective and we know that in other road practice.

I highlight to the Hon. Carolyn Pickles that the $1.525 million cost is based on 12 new red light cameras at $75 000 per camera, making $900 000. The 25 new sites would involve $25 000 preparation per site, making a subtotal of $625 000, with the total cost being $1.525 million. I seek some guidance from you, Mr President. I have a list of the 25 proposed sites. Do you consider that this is in a form that can be inserted in *Hansard* or do you want me to read it all into the record?

The PRESIDENT: Only statistical tables can be inserted in *Hansard*, so the minister will have to read it.

The Hon. DIANA LAIDLAW: The proposed sites are:

Adelaide City Council
- Frome Street and North Terrace
- North Terrace and King William Street
- Jeffcott Street and Barton Terrace
- Burbridge Road and West Terrace

Other metropolitan areas
- Reservoir Road and North East Road
- Sudholz Road and North East Road
- Daws Road and South Road
- Reservoir Road and North East Road
- Marion Road and Cross Road
- Beach Road and Dyson Road
- Wheatsheaf Road and South Road
- Sturt Road and Marion Road
- Ascot Avenue and North East Road
- The Parade and Glynburn Road
- Prospect Road and Fitzroy Terrace
- Goodwood and Cross Road
- Glynburn Road and Montacute Road
- Portrush Road and Magill Road
- Regency Road and Main North Road
- South Road and Torrens Road
- Wheatsheaf Road and South Road
- Portrush Road and Kensington Road
- St Bernards Road and Montacute Road
- The Golden Way and The Grove Way
- South Road and Manton Street
- Gorge Road and Lower North East Road
- Sturt Road and Brighton Road

The Hon. Carolyn Pickles asked: what is the worst metropolitan intersection? In terms of injury crashes, the intersection at Reservoir Road and North East Road ranks No. 1. She also asked: what criteria has the government used to decide the most appropriate intersections at which the new cameras will be installed? I am advised that the new sites have been chosen on the basis of crash injury data from 1994 to 1998. The final question asked by the Hon. Carolyn Pickles is: how is the traffic light sequence determined in metropolitan Adelaide? Does it relate specifically to the need to be able to control the traffic lights in case an emergency vehicle is going through that intersection?

I advise that Transport SA uses the Adelaide Coordinated Traffic Signals (ACTS) system of traffic light control. This system, which was invented and developed in Australia, is one of the world's leading traffic light control systems. It maximises the amount of traffic which can flow through an intersection and minimises the number of vehicle stops by linking traffic lights along sections of a road. By these means, delays, transport costs and air pollution caused by road traffic are minimised. Each traffic light intersection is designed individually for the traffic flow, which includes the buses, trucks, cars, pedestrians and cyclists that use that intersection.

Some traffic lights near fire stations are controlled by Transport SA and the Metropolitan Fire Service to provide priority for firefighting vehicles. The Australian Road Rules exempt drivers of police and emergency vehicles from the requirement to stop at a red light provided the driver is taking reasonable care and the vehicle is displaying a red or blue flashing light or is sounding an alarm. If photographed by a red light camera an expiation notice is issued. Upon provision of a certificate that the vehicle was engaged in an emergency response the expiation notice is withdrawn. I should highlight that the Adelaide City Council operates its own traffic lights coordination signal system. It is my own view that one day we may be able to have one uniform set of traffic light controls, a coordinated system, across the metropolitan area.

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

MINING (ROYALTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 April. Page 922.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their support for the second reading of this bill. The Hon. Sandra Kanck has indicated that the Australian Democrats support this bill in principle and that they have placed some amendments on file. I am pleased that the support is forthcoming because it is the government's view that this legislation will provide incentives that will bolster the state's mining industry and remove potential inequities that could deter further processing of minerals at a mine site. At present the bulk of the mineral royalties collected on South Australian mineral production are derived from Olympic Dam production. However, it should be noted that there are significant royalty revenue contributions from the production of iron ore, coal, gypsum, limestone and other industrial minerals, salt and extracted minerals.

The Hon. Sandra Kanck has made reference to the granite quarrying industry on Eyre Peninsula. The government has long recognised the granite industry's potential and it is continuing to encourage greater value adding of dimension stone within the state. The provisions contained in the present bill could indeed go some way towards ensuring that the local industry remains competitive on world markets. With regard to the maximum royalty rate of 2.5 per cent cited in this bill, I note that this is the subject of one of the Hon. Sandra Kanck's amendments now on file.

It is the government's intention to oppose this amendment because a royalty rate without a ceiling would pose a huge disincentive to investment in the resources industry in this state, particularly in exploration. An open upper-ended mineral royalty regime would be anathema to investors and would create uncertainty to such an extent that it could lead to the demise of the state's exploration sector.

I take this opportunity to clarify the situation with regard to the royalties payable by the Olympic Dam mine operator. The Roxby Downs Indenture Ratification Act 1982, which I will refer to as the indenture act, spells out the details of the royalty regime that applies to present and future mine output, and royalties are collected under the provisions of that act. The basic royalty rate is currently 3.5 per cent of ex-mine lease value plus a surplus related royalty. After 2005, the basic royalty rate to apply will be equivalent to that specified from time to time in the Mining Act 1971. However, the complex two-tiered royalty provisions of the indenture, which has been specifically designed for the Olympic Dam mine having regard to its type, scale, maturity and infrastructure, will continue to apply to the mine's royalty calculation and collection.

I am pleased, too, that the opposition is supportive of the initiatives contained in this bill. The Hon. Paul Holloway correctly noted that, even under a royalty rate reduction of the type and situation contemplated in this bill, the royalty revenue flow to the government should in fact be enhanced, based on an increased value of the ex-mine mineral product. Co-benefits would include greater job opportunities. I can assure the opposition that equity is fundamental to this bill and like mines would have equivalent royalty rates.

I note that the opposition has requested information about the mineral royalty rates that apply in other states. A copy of the most recent listing of the Australian states' royalty rates prepared in October 1998 by Australia's mineral resources

ministers and the Australian and New Zealand Minerals and Energy Council was forwarded to the Hon. Mr Holloway. It should be noted that several royalty types—ad valorem, unit, profit-based and tiered—and various valuation bases—gross, net, assessed—are applied by the states in setting their respective mineral royalties.

Superficial comparisons of rates which do not take into account regime variations could therefore be misleading. Suffice to say that South Australia's rates in general appear to be competitive with the other states. An internal review of the South Australian mineral royalty rates is currently in progress to confirm this position.

With regard to royalty compliance, the government aims to tighten up its administration of the state's mineral producers through the late payment penalty provisions contained in the bill. It is expected that the threat of penalty will lead to prompter lodgements by producers resulting in administrative efficiencies. In response to the Hon. Paul Holloway's request for statistics on late returns and payments, I advise that a total of 936 returns were issued to the state's mineral producers relating to production for the 6 month period ended 31 December 1999. It was found necessary to send out 131 reminder letters to lessees who had not submitted their completed returns by the due date. The government will undertake to supply updates of this information in future budget papers to serve as a measure of the effectiveness of the bill's penalty provisions.

I advise the Council that the government sees a transparency benefit flowing from the amendment to this bill filed by the Hon. Sandra Kanck relating to the publication of a notice in the *Gazette* describing the identity of recipients of royalty concessions, and for this reason the government will be supporting that amendment.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. SANDRA KANCK: I move:

Page 3, lines 14 and 15—Leave out 'but must not exceed 2.5 per cent'.

As I indicated in my second reading speech, while the 2.5 per cent that we have currently is comparative to what is occurring around the world, it seemed to me that we could be putting South Australia at a disadvantage if royalty rates around the world were to increase. I therefore felt that it was a good idea to remove any mention of the amount.

The Hon. K.T. GRIFFIN: The government opposes the amendment. The purpose of clause 3 is to provide the minister with flexibility via a royalty concession, and that is the flexibility to remove a disincentive or redress an inequity affecting further processing of the minerals on the subject mining tenement. If a maximum royalty rate of 2.5 per cent is specified, mining investors are afforded absolute certainty that the royalty impost on the value of their mineral output sales will not exceed the specified level. That is the reason why the government very strongly argues for retention of the upper limit.

An open-ended royalty rate would be perceived by the mining industry as an additional financial risk that any mining development would have to bear. Uncertainty would be created in the mind of an investor with regard to the royalty rate that would ultimately apply to its mining development, keeping in mind that this amendment really proposes no upper limit. That, I would argue, creates a significant disincentive to undertake any mineral exploration in South Australia.

In one stroke South Australia would be seen as unattractive and potentially uncompetitive as an exploration and mining investment destination, remembering that, at the moment, the competition for exploration dollars and subsequent development dollars is particularly fierce around Australia. I recollect seeing something only the other day which indicated that across Australia there had been a slump already in exploration dollars for a variety of reasons.

The establishment of an open, upper ended royalty regime would send precisely the opposite message that the government seeks to broadcast through this bill: that South Australia intends to put in place a competitive minerals royalty regime. Further, the negative impact of an open, upper ended royalty rate could more than negate any incentive linked to a royalty concession of up to 1 per cent which could be offered by the minister to encourage further processing as proposed in this bill.

The Hon. P. HOLLOWAY: The opposition will not support this amendment. We accept the argument that if you remove the limit it may have an uncertain effect upon the mining community and that that may lead to a decrease in exploration activity. I remind the committee that, during the term of the last Labor government, the South Australian Exploration Initiative was established, which led to a considerable increase in exploration for minerals within this state. The state has, I believe, benefited significantly from that. We would like to see that sort of exploration activity continue, because that is how the state will earn more in mineral royalties. The more we get in mineral royalties the more we have to spend on other areas of government.

It should be pointed out, too, as I understand it, that under the Mining Act the sort of mining operations that would be paying royalties are relatively small operations. From the information the Attorney provided me with earlier, the larger mining operations such as Roxby Downs pay a royalty rate of 3.5 per cent. It is actually higher than the cap figure anyway, because their mining royalties are fixed under the indenture act for those operations. The tradition in the past was that, in the case of larger mines, the royalties and other conditions relating to the mines were assessed differently and separately anyway. Given that most of the activities to be covered by this bill are relatively small operations and given that we are trying to encourage downstream processing, on balance the opposition believes that the cap is a reasonable one and is more likely to produce a desirable outcome than would be achieved by removing it.

Amendment negatived.

The Hon. SANDRA KANCK: I move:

Page 3, after line 29—Insert:

(4c) However, the minister must not act under subsection (4b)(b) to reduce the rate of royalty payable in a particular case to take into account any processing carried out in relation to uranium.

I have it on good authority that Dennis Mutton of PIRSA recently returned from an overseas trip where he held talks with General Atomics. For those who know about the uranium industry, General Atomics is an integral part of the Beverly uranium mine in the north of our state. I understand that Mr Mutton was told that General Atomics is very interested in uranium enrichment. This amendment therefore goes somewhere in the direction of trying at least to slow that down by ensuring that a reduced rate of royalty would not be available for uranium processing.

The Democrats certainly do not want to see South Australia plunged further into the nuclear industry than we are already. We certainly have the most appalling record on that. We need to take a stance and say that South Australia should not be further involved, because every time we take another step into the nuclear industry it places further pressure on us from outside to take nuclear waste into our state. It is therefore very important that, although we probably cannot stop uranium processing from occurring, we at least remove an incentive for this being done.

The Hon. K.T. GRIFFIN: The first part of the amendment, that is, to insert new subclause (4c), is opposed. I do not know what Mr Mutton did while he was on his overseas trip, and I do not intend to take time out to ask him. Uranium can be lawfully mined in South Australia, and no positive purpose would be served by specifying uranium as an exception to the flexible royalty provision proposed in this bill.

The Hon. Sandra Kanck: Do you want nuclear power?

The Hon. K.T. GRIFFIN: This is not about nuclear power: this is about mining and exploration of mining.

The Hon. Sandra Kanck interjecting:

The CHAIRMAN: Order! The Hon. Sandra Kanck will have an opportunity to make a contribution.

The Hon. K.T. GRIFFIN: I know the Hon. Sandra Kanck has some very strong views on uranium, but this bill is about exploration and mining, not about nuclear power. A feature of South Australian geology is the incidence of polymetallic ore bodies comprising copper, uranium, gold and silver mineralisation. The royalty liability of a producer is based on application of one rate to the aggregate value of sales and products from a mine. If uranium royalty differentiation were introduced, as is proposed in the amendment, an unintended constraint could be imposed on upgrading the coproducts such as copper, silver and gold from a mine with a uranium output credit. In this way, development of a polymetallic mine could be put at risk by rendering it potentially uncompetitive through the imposition of an inequitable royalty impost. In addition, uranium royalty differentiation would not only discourage uranium exploration and mining investment in South Australia but also discourage exploration and development of Olympic Dam-style ore deposits.

In respect of the other two subclauses, the government does not oppose those amendments. We are prepared to support them on the basis that they enhance the transparency provisions of the legislation under which mining developments take place. The government recognises that the present amendment would achieve that. In respect of subclause (4e), routine tenement information is already available on public registers kept by the minister. It is reasonable to make available publicly details of the name of a tenement holder, tenement number, relevant minerals and any reduced royalty rate as determined by the minister that apply to a mining operation. Again, that is the reason for supporting new subclause (4e).

The Hon. P. HOLLOWAY: The opposition will not support the Hon. Sandra Kanck's amendment in relation to new subclause (4c), although we will support the latter provisions. Our reasons for not supporting proposed new subclause (4c) differ somewhat from those given by the government. The Labor Party policy in relation to uranium mining and processing is well known. We have a federal policy on this, which we have adhered to for some time, but I would like to put the key parts of that policy as they relate to this issue on record, as follows:

> Labor will not allow the mining and export of uranium except in limited circumstances and on the most stringent conditions as described below.
>
> . . . that Labor will:
>
> prevent, on return to government, the development of any new uranium mines;
>
> ensure that the first consideration for workers in the uranium industry is the protection of their health, and constantly check health protection standards to ensure that they are adequate and properly enforced;
>
> establish a mechanism for ensuring as a matter of course the application of world best practice standards in Australian uranium mining and milling, based on extensive, continuing research on environmental matters and on the health and safety of employees and affected communities;
>
> ensure through public accountability mechanisms that the Australian public is informed about the quality of the environmental performance at uranium mines; and
>
> foster a constructive relationship between mining companies and Aboriginal communities affected by uranium mining.
>
> 60. In relation to exports, Labor will:
>
> allow the export of uranium only from those mines existing on Labor's return to government, and only to those countries which observe the Nuclear Non-proliferation Treaty (NPT), maintain strict safeguards and security controls over their nuclear power industries, are committed to non-proliferation policies and have ratified the international and bilateral nuclear safeguard agreements necessary to support these controls and policies.

There is a bit more detail there that I will not go into, but the final part of the policy that I wish to put on record is that Labor will:

> . . . vigorously oppose the ocean dumping of radioactive waste;
>
> prohibit the establishment in Australia of nuclear power plants and all other stages of the nuclear fuel cycle; and
>
> fully meet all our obligations as a party to the NPT.

In giving that detail, it is clear that the Labor Party does not support an expansion of the uranium industry. We are opposing this proposed new subclause because it just creates a whole lot of administrative difficulties. It actually raises expectations that cannot be delivered. The simple fact, as I indicated earlier, is that the current royalty that applies to uranium from Roxby Downs is 3.5 per cent, a higher level than the maximum proposed under the Mining Act. But it is set through the Roxby Downs Indenture Act.

If the fears of the Hon. Sandra Kanck were to come to pass, that this government were to be silly enough to try to expand the industry in relation to enrichment, one would expect that it would be with a place such as Roxby Downs, where all these arrangements would be covered under the indenture act anyway. So, we do not really see that this simple amendment to the Mining Act, to try to get some uniformity and encouragement into mining exploration and monitoring processing, could possibly have the sort of application that she attributes to it; that it would somehow lead to uranium enrichment plants in this state.

As I say, if this government were ever silly enough to do that, it would obviously apply to larger mines such as Roxby Downs. Just for the sake of some consistency in policy, we oppose the proposed new subclause.

The Hon. SANDRA KANCK: I expected that the government would not find this amendment acceptable, and it is totally consistent with the record and policies of the Liberal Party. But the ALP from time to time tries to paint itself as being anti-nuclear and pro-environment. When it has an opportunity to put it to the test, as with an amendment like this, it fails abysmally.

The proprietors of the Beverley mine have said quite clearly that they believe that, with the processes they are using there, they can remove the uranium from the ground so cheaply that they will put Canadian uranium miners out of

business. There is an enormous amount of uranium at Beverley alone that can be enriched and, under these circumstances, with the knowledge that we have of Dennis Mutton's recent talks with General Atomics, I believe that we can be 100 per cent certain that there will be uranium enrichment in this state in the near future.

The ALP at the moment is posturing in the lower house with a bill to stop nuclear waste being dumped here in South Australia. The Hon. Paul Holloway says that the ALP is opposed to the nuclear fuel cycle: enrichment is an integral part of the nuclear fuel cycle, and by not supporting this amendment the ALP is making it just that little bit easier for South Australia to be further involved in the nuclear fuel cycle. The hypocrisy of the ALP never ceases to amaze me.

The Hon. Paul Holloway noted the royalties that Roxby Downs currently pays, but that will revert to the norm in about three years and it will be paying 2.5 per cent. Now, because the ALP has failed to support this amendment, there is the potential that in exchange for enrichment of uranium it could be paying as low as 1.5 per cent. Apparently, South Australia will be better off. I do not believe that it is, and I think that ALP members should be ashamed of themselves for not supporting this amendment.

The Hon. P. HOLLOWAY: Just to clarify the record, it is probably to be expected that the Democrats would try to come up with some issue whereby they could distort the position, but the fact is that if this government decides to go ahead with uranium enrichment it can. This amendment does nothing whatsoever to prevent that. I repeat what I said earlier in relation to Roxby Downs, the largest uranium mine in the state: that under that indenture the royalty levels, for at least some years, are considerably higher.

If the Hon. Sandra Kanck really wished to use financial disincentives, she would be addressing that issue and trying to amend that. This is really a very roundabout, indirect and, I would argue, fairly irrelevant way of trying to make the critical point that the Hon. Sandra Kanck seems intent on making. This clause really has no merit at all in principle, in terms of achieving any reasonable objective in relation to the uranium cycle.

As I indicated earlier, the Labor Party's policy is quite clear, and at national and state level we will not support any new mines or any extension of the industry.

The committee divided on the amendment:

AYES (4)

Elliott, M. J.	Gilfillan, I.
Kanck, S. M. (teller)	Xenophon, N.

NOES (15)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T. (teller)
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Pickles, C. A.
Redford, A. J.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Stefani, J. F.	Weatherill, G.
Zollo, C.	

Majority of 11 for the Noes.

Amendment thus negatived.

The Hon. SANDRA KANCK: I move:

Page 3, after subclause (4c)—Insert:

(4d) The minister must cause notice of a decision to reduce the rate of royalty payable in a particular case to be published in the *Gazette*.

(4e) A notice under subsection (4d) must—

(a) set out the name of the person to whom the reduction of the rate of royalty applies; and

(b) identify the relevant mining tenement or private mine, and the relevant minerals; and

(c) state the rate of royalty that is to apply in the particular case.

I think that both the government and the opposition have already indicated approval for this amendment, so I will not labour the point.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) BILL

Adjourned debate on second reading.

(Continued from 12 April. Page 924.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The advice on my *Notice Paper* for today is that all members are ready to vote on the bill. I have just checked with the Hon. Sandra Kanck, who has indicated that she supports the bill; and I have spoken to the Hon. Trevor Crothers, who said that, if the opposition supported it, there are no amendments and no questions raised, he would also support it. I thank the Hon. Sandra Kanck and the Hon. Trevor Crothers for those indications.

In particular I thank the Hon. Paul Holloway for addressing the bill and the indication of support from the opposition for the measures proposed which are to allow visiting health professionals to provide services to visitors who are participating in special events in South Australia.

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

CHILDREN'S PROTECTION (MANDATORY REPORTING AND RECIPROCAL ARRANGEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May. Page 974.)

The Hon. SANDRA KANCK: The Democrats support the second reading of the bill. I will take this opportunity to make some observations about the bill, because it does a fraction more than is claimed by the minister in his second reading explanation; and I will be asking some questions in committee. I taught for three years in New South Wales in the 1970s, and at that stage there was no such thing as mandatory reporting. During those three years I recall at least six girls whom I taught or who came under my control through extra curricula activities and whom I believed were being sexually abused by either their father or grandfather.

I will mention a couple of examples. Eight year old Tabitha in my class was a very bright and animated girl, and overnight her whole demeanour changed—and I literally mean that: from one day being a bright, animated girl with good grades to the very next day being a child who suddenly became dull and reticent, and all her grades dropped. After a few weeks of this behaviour persisting I asked her to stay behind at lunch-time to talk to me. I asked her whether anything was wrong at home. She said that everything was okay, and all I could say to her was, 'Well, Tabitha, if an adult is doing something to you that you do not like, you can

tell me about it.' But nothing ever eventuated with respect to her contacting me and her very bad grades continued.

At another school I was coaching the hockey team, and I had an exceptionally good player in my team called Joanne. We were in the state knock-out competition; we were one-off from the quarter finals, and Joanne was not performing. At half time I took her off and said to her, 'Joanne, what's going on?' She said, 'I have a bit of a cut under my arm.' Well, I had a look at the cut under her arm and it was a gaping wound that, as far as I was concerned, needed stitches. I said, 'How did you get that?' She said, 'Dad hit me.'

I went back to school and reported it to the principal but I believe that nothing was ever done. Every bone in my body said to me that, in these two examples I have given, those children were being abused. At that stage because there was no such thing as mandatory reporting I had no authority as a teacher to be able to do anything more than I did, which was either to talk to a child and ask whether something was wrong or to report the matter to a principal.

The sad thing about Joanne, as I since found out from another teacher who was at that school after I left, was that by the time she was 15 years old she was working as a prostitute from the family home at her father's behest. So it was very clear that a great deal of abuse was occurring but, as I say, we did not have mandatory notification at that time. I believe that mandatory notification is a positive move forward and it certainly gives some assistance and authority to people who are working with children when they have doubts about the care of those children in their home.

In relation to this bill, I am interested that the Pharmacy Board has requested that its members again be allowed to be mandated notifiers, and I have to say that I was a bit surprised about this, because I would have thought that it might be a rather onerous responsibility. As I said, I am going to be asking some questions in committee about this, because I fear over zealous reactions by some people. My son, for instance, was and still is a risk taker. Throughout most of his childhood there was never a time when he did not have bruises on his body as a result of the various activities he undertook on his BMX bike, his skateboard and his rollerblades later on. If someone had looked at the bruising on his body at some stage, there could have been an accusation that within his family there was some abuse being imposed.

I return to the example I gave of the student Tabitha. What if I had been wrong and had made a notification that I thought abuse was wrong? What if she had a disease to which at that stage I do not think anyone had yet given a name—chronic fatigue syndrome? Suppose she somehow, overnight, had developed chronic fatigue syndrome? There is always room for mistakes in this industry. We have to be very careful.

When an allegation is made by a mandated notifier, the child is frequently removed from the home. The system effectively operates as 'guilty until proven innocent'. I put the care of children at the top of my list of concerns because, if children are abused, we turn them into adults who are very often not able to function in society. I think it is a totally appropriate response that, when an initial report is made, children are removed from the home.

However, in the 6½ years that I have handled this portfolio on behalf of the Democrats, I have regularly received reports from families where some sort of notification has been made and the parents have never been able to prove their innocence. Certainly, what I have seen is that, once the mud has been slung, it sticks. There are a number of cases that I know of where parents have continued to argue their case with FAYS (Family and Youth Services), and the FAYS response to the parents' claims of innocence is that FAYS has a different standard of proof to that of the court. In these cases the parents, if wrongly accused, are never able to clear their names.

There is a particular case that I have been pursuing with the Minister for Human Services for almost three years and he regularly receives letters from me about it. Two weekends ago, I visited the father when he had his son and daughter with him for their weekly access visit. I have to say that, just as I 'knew' back in the 1970s that there were girls in my teaching care who were being abused, I can say that in the case of this 4-year-old girl there are absolutely no signs of abuse whatsoever. The girl is so well adjusted. She reacts positively to her father at all times and yet FAYS persists in a view that this child may be at risk of being sexually abused. On the other hand, in this same case, when reports are regularly given to FAYS of continual reinfestation by head lice of the children following access visits to the mother, FAYS appears not to be concerned about this. I personally regard that reinfestation of the head lice to be a form of abuse, particularly as the children are the responsibility of FAYS. With the failure of FAYS to act and stop that reinfestation it becomes part of the abuse system.

I have observed over the past 6½ years a number of FAYS employees who take on their task of child protection with a missionary zeal. They are people who believe that they have an almost divine right to intervene and take control of the lives of other people and they are not prepared to step outside of their theories. I invited one FAYS worker to look at things in a different light and her response to me was, 'There is a great deal of literature supporting my position.' So, the theory, on occasion, is what leads these employees to take the position they do rather than being able to look at things through reality. It is my contention that some of these workers create even greater instability in the lives of some children.

There are some conservative elements in our society who still hold a very 1950s view that 'the family' is always a place of safety and security and 'the rights' of parents should be inviolable. The experience of many people shows that this is a dangerous view to hold. On the other hand, there is the other extreme where workers particularly hold the view—and some feminists, might I say—that all men are rapists, and once an accusation of abuse has been made against a father he does not stand a chance with the authorities. As far as I am concerned, neither of the views is right.

In our social support of children, and any interventions that this act allows, we need to find a balanced approach between these two views. At the moment, despite the best efforts of those who amended or rewrote the act in 1993, I believe we still have an out of balance situation where we exchange one form of emotional, sexual or physical abuse of children within the family and substitute it for instability and institutional abuse by the department. I accept that we are making amendments to the act and not rewriting the whole act, but I believe it is important to take this opportunity to put some of these concerns on the record, in that we are increasing the number of mandated notifiers in this state as a result of this bill. However, I do indicate what I think is strong support for the reciprocal arrangements between the other states and New Zealand which, I believe, are very important. I indicate that the Democrats support the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

SUPPLY BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 5.56 p.m. the Council adjourned until Thursday 4 May at 2.15 p.m.