LEGISLATIVE COUNCIL

Monday 3 June 2002

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

QUESTIONS

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 2 and 6.

ARTS, MINISTER ASSISTING THE PREMIER

The Hon. DIANA LAIDLAW: Based on earlier statements that the Premier has also accepted responsibility as Minister for the Arts in order to bring 'clout' to the arts in cabinet and the community—

1. Why, following the election, did he see the need to also appoint a minister assisting the Premier in the arts?
2. What is the role and responsibility of the assisting minister?
3. What are the reporting and accountability responsibilities of Arts SA to the assisting minister?
4. (a) Which South Australian arts companies funded through Arts SA, have been formally or informally, allocated between the minister and the assisting minister in terms of reporting channels and general communications; and
   (b) Why and on what basis have the allocations been determined?

The Hon. P. HOLLOWAY: The Premier has provided the following information:

'As Premier I recognise that the arts would benefit by extra attention from another minister as well as myself.

The minister assisting role is to undertake ministerial responsibility for specific arts organisations and attend events and functions on behalf of the Premier when required.

The minister assisting the premier in the arts has responsibility for specific arts organisations. They are:

State Theatre, SA Youth Arts Board (Carclew), History Trust of SA, Windmill, State Library of SA, Adelaide Symphony Orchestra, and Country Arts SA.'

SPEED CAMERAS

6. **The Hon. T.G. CAMERON:**

1. Between 1 January 2001 and 31 December 2001—
   (a) What were the top 10 postcode locations for speed cameras in metropolitan and country South Australia;
   (b) How many speed camera fines were issued in each of these postcode areas; and
   (c) How much revenue was collected from fines in each of these postcode areas?
2. (a) What were the top 10 postcode locations for serious road accidents in metropolitan and country South Australia between 1 January 2001 and 31 December 2001; and
   (b) How many serious accidents occurred in each of these?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

1. This information has been prepared by the SA Police Information Systems and Technology as at 13/05/2002:

Metropolitan locations

Postcode	Suburb	Number of Notices	Revenue
5000	Adelaide	25 466	$ 3 380 293.00
5084	Blair Athol	7 022	$ 859 751.00
5049	Seacliff Park	6 372	$ 875 801.00
5007	Hindmarsh	6 260	$ 795 333.00
5161	Reynella	5 360	$ 690 875.00
5014	Royal Park	5 227	$ 637 573.00
5112	Elizabeth South	5 155	$ 612 780.00
5162	Morphett Vale	5 146	$ 650 454.00
5022	Grange	5 133	$ 690 583.00
5008	Croydon Park	4 961	$ 620 558.00

Country locations

Postcode	Suburb	Number of Notices	Revenue
5290	Mount Gambier	2 653	$ 346 487.00
5211	Hayborough	1 764	$ 257 280.00
5600	Whyalla Playford	1 621	$ 196 467.00
5606	Port Lincoln	1 034	$ 132 277.00
5251	Mount Barker-Callington	944	$ 134 798.00
5351	Williamstown	844	$ 128 363.00
5343	Berri	747	$ 96 677.00
5261	Coomandook	730	$ 126 019.00
5171	Mclaren Vale	713	$ 103 302.00
5241	Lobethal	705	$ 106 313.00

2. (a) and (b)

Adelaide				Country			
P/Code	Fatal	Serious	TOTAL	P/Code	Fatal	Serious	Total
5000	1	40	41	5290	0	23	23
5013	0	17	17	5251	2	20	22
5108	4	13	17	5211	1	20	21
5112	2	15	17	5253	2	17	19
5158	1	16	17	5600	2	14	16
5162	0	17	17	5255	1	13	14
5008	0	15	15	5291	2	12	14
5064	1	13	14	5345	1	12	14
5009	1	11	12	5606	3	10	13
5062	1	11	12	5700	2	11	13
5082	0	12	12				

QUESTION TIME

ELECTION PROMISES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question on the subject of government integrity and broken promises.

Leave granted.

The Hon. R.I. LUCAS: In the most recent election campaign, the Labor Party released a funding strategy document. By way of further explanation, the Leader of the Government, as the shadow minister for finance, was one of the key shadow ministers responsible for the drafting of the Labor Party's finance and economic policy leading up to the most recent state election. That funding strategy document stated:

The basic principles of Labor's funding strategy will not require any increases in existing government taxes and charges or new taxes and charges.

The Hon. Caroline Schaefer interjecting:

The Hon. R.I. LUCAS: As my colleague the Hon. Caroline Schaefer aptly interjects, my question refers specifically to the issue of government charges, not to the issue of government taxes. On 18 January, the now Premier (the then leader of the opposition) promised:

None of our promises will require new or higher taxes and charges and our fully-costed policies do not contain provisions for new or higher taxes and charges.

My question is: in the interests of honesty and integrity in government—something which he and other ministers, including the Premier, have talked about often since their election—how does the Leader of the Government reconcile the announcement that he and his government made on Friday last week that there would be a 4.2 per cent increase in government charges with the statements and the promises that he, the now Premier and the now Treasurer made to the South Australian public during the election campaign?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is interesting that the Leader of the Opposition should be asking this question given that during half the period of the previous government he was the Treasurer who presided over something like $1 billion of additional taxes over the first seven years the Liberal Government was in office. In relation to fees and charges, the Leader of the Opposition should be well aware that charges in this state have been indexed for many years.

The Hon. R.I. Lucas: You promised not to, though.

The Hon. P. HOLLOWAY: Fees and charges have been indexed to keep the real value of fees and charges constant. The Leader of the Opposition can be as cute as he likes, but he knows full well that the formula employed by this government in relation to the indexation of charges is something that has happened in this state for many years.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Let me explain. The indexation factor of 4.2 per cent is a composite based on the Adelaide CPI and the South Australian public sector's wage cost index. I am informed that this composite indexation factor was first approved by the previous government in March 1998. Who was the Treasurer in South Australia in March 1998? It was, of course, the Leader of the Opposition. The Leader of the Opposition is well aware that there has been a long running convention in this state that fees and charges have been indexed by the CPI factor. The particular indexation factor that has been employed by this government was that which, I understand, was introduced by the previous government back in March 1998.

The Hon. A.J. REDFORD: As a supplementary question, at any stage during the election campaign did you explain that charges and fees would increase in line with the CPI?

The Hon. P. HOLLOWAY: I am sure that it was well understood, and I am sure that the public of South Australia is well aware of the particular convention that has taken place in this area. As to exactly what comments were made and not made, they would have been made by the Treasurer. Given that I do not have here a full list of statements made by every minister, I will not do that, but it is quite clear that what this government is doing is nothing more than a convention that was established in 1998.

I think we ought to go back and look at the record of the previous government to see what happened. In the first seven years of the former government, the Liberals increased taxes by nearly $1 billion, or over 50 per cent, and that was before the GST. Of course, it was this lot in government that lobbied to give us the GST, and we know what a disaster that has been for state finances. Who gave us the emergency services levy?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: This was the mob that gave us the emergency services levy to cover a blowout in the cost of their systems.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Who has given us electricity price hikes?

Members interjecting:

The PRESIDENT: Order! Members of Her Majesty's loyal opposition will come to order!

The Hon. T.G. Cameron interjecting:

The PRESIDENT: And the Hon. Mr Cameron!

The Hon. P. HOLLOWAY: Who gave us increased water bills? They said after the outsourcing of water that there would be a fall in our water bills, but they have gone up by $70 since the outsourcing of Adelaide's water system. Finally, I remind the former treasurer that it was the former Liberal government that introduced stamp duty on compulsory third party property insurance by 300 per cent. In one year it went from $15 to $60. Well may this opposition carp and whinge, because this government has done what has been the convention with fees and charges over many years in this state, and the public of this state will not be concerned. They will not be fooled by the protestations of this whingeing, carping, whining opposition.

The Hon. A.J. REDFORD: I have a further supplementary question, Mr President.

Members interjecting:

The PRESIDENT: Order! There is a supplementary question, when I can hear the Hon. Mr Redford.

The Hon. A.J. REDFORD: Am I to understand that at this time the leader cannot point to a single statement to the effect that taxes and charges would increase in line with the CPI?

The Hon. P. HOLLOWAY: I do not have a copy of all of the statements that were given before the election. What I can say is that it was quite clearly understood, and again I make the point that this Liberal Party will not get away with trying to distort the position. There has been a long-running convention in this state that fees and charges have been indexed at the rate using a method that the Leader of the Opposition, when treasurer, himself devised—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! You have asked the question, Mr Redford.

The Hon. P. HOLLOWAY: If the Hon. Angus Redford wants to go back to what previous people have said, perhaps he should look at the promises given by Dean Brown back in 1993. When the Liberals first came into government and indexed fees and charges by the inflation rate, they made it quite clear that they were going along with the accepted practice. That is the way it always has been in this state.

NATIVE TITLE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about native title.

Leave granted.

The Hon. R.D. LAWSON: As has been widely reported, it was 10 years ago today that the High Court of Australia declared:

> The common law of this country recognises a form of native title which, in the cases where it has not been extinguished, reflects the entitlement of the indigenous inhabitants in accordance with their laws or customs to their traditional lands.

The Native Title Tribunal has published material relating to the tenth anniversary, including a map showing the determinations of native title in the 10 years since that decision, and the map discloses where native title has been determined either by consent or litigation, or where it has been determined unopposed. However, the map shows clearly that in South Australia there have been no determinations of native title by any of those means. The Deputy President of the Native Title Tribunal (Hon. Fred Chaney) says:

> Some indigenous people are sceptical and even despairing that their native title will ever be recognised. . . some others lament the divisions engendered by competition within the indigenous communities about who is and who is not part of a particular native title group.

Mr Chaney also quotes the Hon. John Ah Kit (the Northern Territory Minister for Indigenous Affairs) as having told the Northern Territory parliament that the dreadful circumstances of many Aboriginal communities in the territory is a powerful message that secure tenure of land alone does not deliver an end to social and community disadvantage. Given the uncertainty that exists not only amongst native title claimants but also amongst pastoralists and miners, will the minister indicate what action his government is taking to ensure that native title claims in this state are finalised as soon as possible, thereby removing uncertainty for both claimants and the community generally?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important question, this being the tenth anniversary of the Mabo decision, which at least extinguished legally the position of terra nullius and gave us a starting point to begin negotiations around native title. This has been the basis for some communities to start building their future, because land is the cornerstone in their lives and is a part of their spiritual connection to life itself. I think we have come a long way from the first test case decision that provided us with that base. The honourable member would probably be appreciative of a lot of the work that was done by the commonwealth and other states in establishing that as a focus for the rebuilding of communities.

It is known not only in South Australia but throughout the length and breadth of Australia that, with respect to the question of land ownership and native title—that is, access to land for various religious, ceremonial and traditional reasons, and the issues of whether land is owned freehold, whether native title exists over that land or whether it is subject to other forms of ownership—it is quite clear that the land itself does not provide the basis for the advancement of Aboriginal people in Australia for a whole lot of service provision and enterprise building. The challenge for all of us is to try to go to the next stage in assisting Aboriginal people to not only negotiate through the difficult legal processes of native title but also to assist in what is now becoming a more popular form of settlement for access and, in some cases, ownership by freehold title to individual land use agreements (ILUA).

The situation in South Australia has been a bipartisan decision to not accelerate the basis for claims within the state around native title if, indeed, groups, by consensus, are able to work through individual land use agreements in relation to those areas that are not held through freehold title. I think a good illustration of land ownership or connection to land not being the final arbiter of advancing Australian indigenous people within South Australia through land ownership is the dispute between the two land councils in the north of our state.

In trying to deal with that issue it is quite clear that, although the spiritual connection with the land is vital, the next stage of enterprise building has to be the cornerstone that bipartisanship brings to the protection and advancement of the next generation of rights that Aboriginal people have, that is, the rights to the protection of cultural development, the rights to the protection of heritage for traditional reasons and the rights to enterprise building as a state and a nation in being able to protect, enhance and develop those two facets of Aboriginal life. The challenge for us is to sell that through reconciliation to the broader community so that the cornerstones for advancement, built on top of solving the questions of land tenure and/or access, are the cornerstones for building that choice through our own improved governance and improved governance at an indigenous level.

In conjunction with a whole range of native title claimants, we would like to progress claims to a point where, if people are in general agreement to proceed to the courts, that should be an option. The general consensus is that the courts have provided the basis for settlement and the legislation has provided an umbrella for negotiations that provide, in some people's eyes, maximum protection and, in other people's eyes, minimum protection. But in general there is a consensus that, if the native title legislation can provide an umbrella for those negotiations and provide in-built protections for the claimants and the community generally—the stakeholders, mining and pastoral companies and those people who would like to be involved in access to lands—and if it provides those sort of provisions within the individual land use agreements, that is the way we should be proceeding.

I know the previous government made special provision for funding for native title under the previous Attorney-General, for which we are extremely grateful. A lot of that money has not been used in taking those cases forward through the legal processes. I will, at a state level, be working with the commonwealth and all the stakeholders to try to advance the cases under consideration at the moment through negotiations in either the form of native title claims, if that is the general consensus and the way to proceed, or through the ILUA process. My preference is for the ILUA process to proceed with the protective elements of the legislation providing the basis for those discussions.

The Hon. R.D. LAWSON: Will funds previously allocated to the Native Title Unit but not yet expended because of delays in the processes be quarantined and kept for the purpose of native title matters?

The Hon. T.G. ROBERTS: I understand that those funds reside with the justice portfolio in the Attorney-General's Department. I will pass on that question to the Attorney-General in another place and bring back a reply.

MURRAY RIVER FISHERY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the Murray River fishery.

Leave granted.

The Hon. CAROLINE SCHAEFER: On 27 May the minister made a ministerial statement in this place. In part he said:

> I have been awaiting approval from cabinet before embarking on a consultation process with the affected Murray fishers on the removal of gill nets and future structural arrangements for that fishery. Following cabinet direction on this matter, I will be writing to each of the 30 affected Murray River fishers in the next few days and advising them of cabinet's decision.

In part, that is what the minister said. I naively thought that that meant that he was actually going to consult with the Murray River fishers and that they were going to get some detail of the form of any package which they would be offered. To my surprise, what they received was this one-page letter from the minister which says, in part:

> Since the election of the Labor government in South Australia, there has been considerable publicity over removal of the use of gill nets and access to native fish species to commercial licence holders in the river fishery. I have, on a number of occasions, confirmed this policy and indicated that I was working through the options available to me to implement this policy and to address the necessary adjustment arrangements to be considered by licence holders and the government.

He goes on to invite them to a meeting on 7 June followed by a light lunch, and they have to say whether they will be attending or not. That is it; that is the detail—nothing more and nothing individual. My questions are:

1. Did the minister forget to post the vital second page containing the details, because he has cabinet approval and therefore must have the details of any consultation packages?

2. What are the details; and, if the minister will not reveal them to the fishery, will he reveal them in this place today?

3. When will the minister come clean to these people, or are they never going to be given any detail?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): As to when I will come clean, the opposition has been criticising me for the past few weeks because I will not talk to the fishers. I have arranged a meeting for later this week—I will be there at Loxton on Friday—and we will have all the information to discuss in detail. A few weeks ago, the shadow minister was quite patronising in this place when she defined 'consultation' for the council. I suggest that the shadow minister go back and look at that question and re-read the definition of 'consultation', because it does not involve consultation via the parliament or the media. 'Consultation' means talking to the people concerned, and that is what I will do on Friday.

SOUTH-EAST, LIVESTOCK INDUSTRIES

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about livestock industries in the South-East.

Leave granted.

The Hon. CARMEL ZOLLO: Livestock industries are a major driver of jobs growth in the Lower South-East and directly contribute a large proportion of the area's income. The potential for intensification of sustainable grazing systems in the high rainfall areas of the South-East has been identified as a likely way forward for industry and regional development. However, more work needs to be done in the area of developing techniques to properly identify and harness the pre-existing potential of the region. Will the minister advise the council of any recent research on the potential productivity of livestock industries in the Lower South-East?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Last Thursday I was pleased to release a report that PIRSA's livestock group had commissioned PIRSA Rural Solutions to review the feed based productivity potential of the Lower South-East. The findings of that review have been presented in a report that shows that livestock productivity within the state's Lower South-East could be improved to increase potential farm gate income by more than $230 million. A number of leading farmers, particularly those in the dairy industry, have already developed more intensive grazing systems. I think they have shown the way forward for this state by achieving significant increases in stocking rates and profitability from their livestock enterprises.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The Hon. Angus Redford interjects that it is important that any advances that we have in agriculture be sustainable. I take his point, but let me assure the honourable member that in this report the review is obviously concerned about the sustainability of or any increase in agriculture potential which we raise. The PIRSA review has provided an objective perspective on opportunities for further intensification and development of agriculture including assessment of the issues likely to impact on the environment and the natural resources of the region. So, I think that addresses the concerns that the honourable member raised by way of interjection.

This review was overseen by a reference committee which comprised representatives from PIRSA Livestock, Sustainable Resources and also two leading graziers in the South-East, Bill Stock and Byron Macdonald. These producers were included because of their own achievements in improved grazing management and their strong connections with important stakeholders, such as the South Australian Farmers Federation, the Sustainable Grazing Systems program and the Limestone Coast Regional Development Board.

The review board estimated that there was potential to double the current value of livestock production—that is, from $232 million to $464 million a year—from the Lower South-East through improved land management practices, increased feed utilisation and more efficient water use for irrigation. If dryland pasture utilisation is doubled, as has been demonstrated by some leading graziers, there is also the potential to increase farm-gate income by $170 million. The current estimate is that only 30 per cent of the pasture produced is being utilised and that stocking rates in the lower South-East are 8.3 dry sheep equivalents per hectare. Data from various pasture programs, trials, benchmarking activities and leading graziers demonstrates the potential to more than double these figures with corresponding increases in income.

Further efficient and sustainable use of available irrigation water for dairying would enable the doubling of current dairy production in the region, adding $62 million to farm-gate income. This potential is consistent with the predicted growth of the South-East dairy industry outlined in the Dairy Industry Development Board's 10-year industry plan.

A return to profitability for the grazing industry provides an ideal environment for farmers to further invest in productive improvements. This also enables opportunities for joint initiatives by industry, the regional community and government to capitalise on a major potential for industry growth and regional development.

A series of recommended strategies has been made from the study, including the formation of a management team by key stakeholders in industry, government and local communities to promote and oversee a program for increasing productivity in the grazing industries in a substantial way.

PIRSA's Livestock Group is planning an initiative to facilitate early implementation of the recommendations and strategies that are contained in this important report. I believe that this report does give us a glimpse, so to speak, of the potential for growth in the South-East. Clearly, that growth has to be sustainable, as the honourable member indicates, but it shows that, if what has been achieved by best practice in the South-East were improved across the board, there would be huge potential for that region to grow.

MAGISTRATES COURT

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question regarding poor administrative practices in the Magistrates Court.

Leave granted.

The Hon. SANDRA KANCK: I have been contacted by Mrs Eleanor Boyd of Payneham, who refused to finalise payments with the builder of her property, in which she now resides, because of her allegations that the work had not been completed properly according to the contract. The builder, Avecon Constructions Pty Ltd, took her to court over the outstanding payment.

Amongst Mrs Boyd's complaints, validated by the court expert, was that, because of the slope of the floor, water from wet areas moved across into adjacent rooms, which is hardly an insignificant problem. Her distress about these problems with the building itself has only been added to by the levels of administrative incompetence of the court.

Last year, on 17 October, Mrs Boyd, as the defendant, attended a mediation conference that Avecon Constructions failed to attend. The magistrate found against Avecon and set a date for a hearing to award damages to Mrs Boyd. Despite this, Mrs Boyd received a notice of assessment from the court, dated 17 October, that stated the exact opposite of what had happened. It said that she had not attended the hearing, that no defence had been lodged to the originating claim, that her claim had been dismissed and that costs would be awarded to the plaintiff.

When she phoned the Courts Administration Authority, she was told that it was 'a mistake'. Avecon Constructions then responded with an affidavit, with an explanation as to why it did not attend the mediation conference and seeking for the claim to be reinstated. The hearing for reinstatement occurred on the same day as that scheduled for the damages hearing. The case was reinstated and the damages hearing did not happen. This is despite the fact that Mrs Boyd assures me that she exposed the affidavit in court as being untruthful. The case was concluded on 22 January this year, with the court determining that the builder had to make the necessary repairs but that Mrs Boyd had to pay $3 017.96 into the court's trust fund, such money to be paid to the builder when the repairs were satisfactorily completed.

Mrs Boyd borrowed the money and a cheque was deposited by the deadline date of 5 March, and then nothing happened—no builder, no repairs. Two weeks ago, Mrs Boyd contacted the court to find out why nothing was happening and was shocked to learn that Avecon Constructions had been paid the full amount by the Courts Administration Authority on 6 April, against the instruction of the magistrate. Last week, when Mrs Boyd phoned and requested an application form be sent to her for enforcement of the order, the Courts Administration Authority asked her why. As a consequence of Mrs Boyd's agitation, the builder has written to her this week advising that he has received the payment and will be undertaking the repairs.

Mrs Boyd remains concerned that, with the money in his hands, she now has no way of ensuring that any work will be 'satisfactorily completed' as per the court order. My questions are:

1. What monitoring of the administrative performance of the courts' system is done? Is any record kept of complaints and, if so, is such a record publicly available?

2. What level of expertise are the Courts Administration Authority staff expected to have? Are court staff obliged to read the record of decisions when sending out letters to people involved in court cases?

3. What is the process for payments from the court's trust fund being paid out? Does the Attorney consider that adequate checks and balances are in place?

4. With whom should Mrs Boyd now lodge a complaint? Should she anticipate an apology from anyone?

The Hon. M.J. Elliott: She should take the court to court.

The Hon. SANDRA KANCK: Yes, but that is a bit difficult. My questions continue:

5. Noting that this whole process has been extremely costly, time consuming and stressful for Mrs Boyd, is there any avenue left for her to ensure that the faults to her home are rectified in a timely and proper manner?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions about what appears to be a tragic circumstance to the Attorney-General in another place and bring back a reply.

COMPUTERS, SECURITY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question regarding the potential for security breaches for members of parliament.

Leave granted.

The Hon. T.G. CAMERON: On Friday 31 May 2002, new computer monitors were delivered to my office and to a number of other offices in the Legislative Council. My staff were notified about the built-in speakers in the monitors, but they were told of the nature of an inconspicuous tiny 9 millimetre by 14 millimetre grill in the top front of the monitor. After investigation and discussions with other staff members in Parliament House, it was revealed that the grill houses a built-in microphone. These microphones are connected to the hard drive and enable audio recordings to be taken of the area near the computers and of any persons in the vicinity.

With three computers for my four staff members and me, there are three such potentially hidden microphones in our

offices. Because our computers (when switched on) are permanently connected to the internet and the local network, a hacker from anywhere around the world, even perceivably within the parliamentary network, could gain control of one of these microphones and record every word uttered by a member's staff members. These concerns are not unfounded: the Pentagon has been hacked into, and it could easily happen here. Groups such as Internet Security Systems and the Ernst and Young nerd squad have found that programs that are freely available over the internet such as Net Bus or Back Orifice could easily turn on and off microphones on any computer in the world if they are hacked into.

The only way to permanently turn off these microphones is to physically unplug them, and I would recommend that all members and staff contact MAPICS to find out exactly how to do this if they want to avoid totally any security breaches. Given these security concerns, my questions are:

1. Is the minister aware of the security implications of these new monitors?

2. If so, what steps has he taken to inform members and staff of these security considerations?

3. Can the minister give an absolute assurance that the security protocols in place will prevent computers from being hacked into and these microphones used to record MPs or their staff?

4. If not, will the minister order the Parliamentary Network Support Group to instruct members and staff how to unplug these microphones and how to use them properly when they are needed?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take these important questions to the Attorney-General in another place and bring back a reply.

SA WATER

The Hon. D.W. RIDGWAY: I seek leave to make an explanation before asking the Minister for Regional Affairs a question on the topic of SA Water.

Leave granted.

The Hon. D.W. RIDGWAY: Given the boom times in rural and regional South Australia, the outstanding economic activity and development across all sectors, many rural council districts reporting housing shortages and an ever increasing demand for infrastructure, coupled with the statement on SA Water made by the now Treasurer a few days before the election, I am confident, and my advice is, that good, meaningful opportunities are available to make the organisation more efficient without affecting the work force. My questions are:

1. Why is it that this government has proposed to cut 40 jobs in SA Water across rural and regional South Australia?

2. Can the government give an assurance that it will continue to support development in rural and regional South Australia?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I will take those important questions to the minister in another place and bring back a reply. I, too, am concerned about job cuts by governments, both state and federal, in regional areas as a result of any decisions made by either the private or public sectors. The decision for SA Water's management service provision is in the hands of the management services, but, as Minister for Regional Affairs, I will take up the issue and bring back a reply through the minister responsible for SA Water.

RESEARCH AND DEVELOPMENT

The Hon. G.E. GAGO: My question to the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Science and Information Economy, is: could the minister inform the council of the impact on South Australia of the recent decision by the commonwealth government to suspend the R&D start program?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): It is a question that falls in line with the previous question asked by the Hon. David Ridgway in relation to the withdrawal of services and the problems facing regional areas when decisions are made for cuts to public or private programs. In some regions in this state, we are struggling to hold together our critical mass in relation to population levels for hospital provisioning, that is, health service provisioning, and for a range of other services. If population levels fall below a certain critical mass, then education services will be the next services to be cut—and so on.

The question posed by my colleague is important in relation to the funding provided by commonwealth departments and how they see the state. Previously, the commonwealth's funding regimes in relation to research and development were generous—I acknowledge that. But its recent decision to withdraw or suspend the research and development funding is a cause for concern.

The research and development start program was established by the commonwealth government to assist Australian industry to undertake research and development and commercialisation, in cooperation with the private sector. The research and development start program is a competitive, merit-based program available for research and development projects conducted within Australia. Applicants are required to demonstrate that they are able to find a share of the project costs in conjunction with the funding support to be offered by AusIndustry. Grants are available to a maximum of $15 million, which is quite substantial, but typically range between $100 000 and $5 million. Certainly, a lot of regional areas would like to see that sort of support program put into their communities. In the 2000-01 financial year, the research and development start program approved 249 grants and loans to industry across Australia, totalling approximately $207.8 million.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Well, it is important to alert members on both sides of the chamber of the difficulties that we face as a state in relation to holding commonwealth grants. Certainly we would like to see the opposition join with us in putting pressure back on the government to lift the suspension of this program.

With the program's expansion under the commonwealth government's innovation action plan backing Australia's ability, it was expected that approximately $180 million would be available to fund new projects for each year up to June 2006. However, on Friday 26 April 2002, the commonwealth Minister for Industry, Tourism and Resources—

The Hon. Diana Laidlaw: Are you going to read all of page 2 as well?

The Hon. T.G. ROBERTS: —(Hon. Ian Macfarlane MP) announced a temporary suspension of grants and loans for projects under the R&D start program until further notice.

The interjector asked whether I was going to read the second page of the reply to the question that was asked of me in relation to research and development. Well, I did have a good teacher in that the former minister for transport in another capacity—

The PRESIDENT: She should have taught the minister not to be diverted!

The Hon. T.G. ROBERTS: —used to quote, but probably far more quickly than I, in relation to some questions that were asked of her from time to time. South Australia received 13.1 per cent of the national funding available under the program, well above our pro rata entitlement of approximately 8 per cent. Information provided by the South Australian Office of Industry indicates that South Australia has also received approximately 14 per cent of the national funding in the financial year 2001-02.

The commonwealth's decision to suspend the R&D start program is extremely disappointing, not only for South Australian companies, small business in South Australia and future research and development in this state but also for regional areas that may have availed themselves of some of this funding.

CRIME STATISTICS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question about crime statistics.

Leave granted.

The Hon. IAN GILFILLAN: Last Thursday, 30 May, the Australian Bureau of Census and Statistics released figures on crime in Australia for the year 2001. The government took the opportunity to unveil its strategy for dealing with auto theft and misuse. This strategy consists of increasing the penalties for car theft and misuse, including joy-riding. No-one denies that illegal car use is a serious matter and that it causes grief to many South Australians. The rate of illegal car use did, however, decline over the past year. The ABS figures released indicate that illegal car use has decreased in both total numbers and on a per capita basis.

In the year 2000, total car thefts were 13 464, but this dropped to 12 663 in the year 2001. The rate of car misuse dropped from 899.2 per 100 000 people to 842.9. It was also interesting that, in a radio interview, Assistant Police Commissioner Mr Neil McKenzie reiterated that car crime in South Australia had decreased over the past year, and he suggested a number of reasons for the level of illegal car use. He saw as two factors the general age of cars and the size of the city. He also noted that as the use of security devices went up the rate of thefts went down. This suggests that there are alternative ways of preventing car misuse through better security measures. Instead, the government has decided on its 'lock them up' strategy. I have mentioned before the words of Frances Nelson QC, Chair of the Parole Board, as follows:

> International experience and research demonstrates quite clearly that longer sentences do not act as a deterrent. It would be unfair to convey the impression to the community that the introduction of longer sentences will reduce the crime rate and make them more secure.

Contrast this focus of the government on cars with the more serious crimes of assault and sexual assault. These present a far greater threat to the personal safety and dignity of people and also have a greater long-term effect on society. Assaults in the year 2001 rose from 15 423 in the year 2000 to 16 288, and the rate has been rising for the past five years. In fact, a person is more likely to be assaulted in South Australia than they are to have their car taken. The rate per 100 000 people for 2001 was 1 084.1. Looking back at figures from previous years, the incidence of assault has been higher than car misuse for the past decade and longer. My questions are:

1. Recognising that increasing the penalties has been shown to have minimal impact on the level of offences, what other measures is the government implementing to reduce illegal car use in South Australia?

2. What preventative measures is the government implementing to lower the level of assault and sexual assault in our community?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Police in another place and bring back his reply. Perhaps I could make the general comment that, in relation to motor vehicle theft, I can remember a decade or so ago when motor vehicle theft was very much on the rise. In those times I think Holden Commodores, in particular, were being targeted, and I remember being part of a group within the then government that was looking at that matter. Certainly, one of the most effective ways to deal with that problem then was to improve the security of the car lock. In fact, after Holden's did that I think there was a great reduction in the number of vehicles that were stolen. I do not think anyone would deny that better security measures are an important part of dealing with theft, or indeed with other crime. I think this government would believe that one also needs a balance by having appropriate penalties. Indeed, one needs to approach these sorts of issues in a number of ways. In relation to the other questions that the honourable member raised—the issues of sexual and other assault—I will ask my colleague in another place for a response.

The Hon. R.D. LAWSON: Sir, I have a supplementary question. Will the government investigate the compulsory installation of immobilisers similar to the measure introduced in Western Australia recently?

The Hon. P. HOLLOWAY: I am not aware of the measure that the honourable member has raised, but if it has been introduced in another state I would imagine that it would at least be worthy of consideration by the government. I will ask my colleague whether he is prepared to do that.

The Hon. A.J. REDFORD: Sir, I also have a supplementary question. Is the Attorney able to offer a reason as to why car theft and illegal use have decreased over the period of the report?

The Hon. P. HOLLOWAY: The original question that was asked by the Hon. Ian Gilfillan really related to police matters, and I was referring those to the Minister for Police. I will inquire whether the Minister for Police has information in relation to the statistics. It may well come under the Attorney-General. We will sort that out, and I will seek to obtain a reply for the honourable member.

HOMELESSNESS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about homelessness in South Australia.

Leave granted.

The Hon. A.L. EVANS: Homelessness is a growing problem in our state. The problem is not just with men who are homeless: it now seems to be affecting families—women and children. Mission Australia informed us today that it is currently housing 20 homeless families—women and children. Mission Australia reports that it has had to turn families away because it simply does not have accommodation for them. Accommodation for families in particular is difficult to find as the shelters are simply not fit for children. Last year a report was done by a brave journalist who actually spent time as a homeless person to gain a feel for what it was like. He said the following:

> The shelter was like a rabbit warren of dorm rooms, rows of old hospital beds, everywhere the smell of the zoo—a powerful stench that catches the back of the throat: unforgettable, like the smell of rotting flesh.

The government quite rightly points out in its party platform that access to housing is a basic human right. The government has pledged to halve the number of people sleeping in the streets in the next four years. My questions to the minister are:

1. How does the government propose to fulfil its pledge to halve the numbers of people sleeping in the streets in the next four years, particularly given the decline in the public housing stock? In particular, what are the details of the government's strategy?

2. Has the government carried out any investigation into the cause of homelessness for families?

3. Does the government recognise that there is an urgent need for housing to be made available to homeless families?

4. Does the government have any proposed strategies to address in particular the increased number of families who are homeless in our state?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

REGIONAL IMPACT STATEMENTS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about regional statements.

Leave granted.

The Hon. J.S.L. DAWKINS: I have noted several questions and supplementary questions in this place in recent sitting days relating to regional impact statements. I have also noted the minister's response to those questions and his subsequent ministerial statement. Given the minister's support for regional impact statements, will he indicate whether the government will prepare a regional budget statement as part of the budget papers as the previous government did in the years 2000 and 2001?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I thank the member for his important question and note the important work the honourable member does in regional areas. I understand he was in the Riverland area just recently during the launch of an initiative by the government.

The Hon. A.J. Redford: He was there a week late.

The Hon. T.G. ROBERTS: He is there quite often doing all sorts of things in relation to his responsibilities.

The Hon. J.S.L. Dawkins: I got into trouble for not telling Bob Sneath I was there.

The Hon. R.K. Sneath: So you should—you should have taken me with you.

The Hon. T.G. ROBERTS: There is an offer of bipartisanship that I hope the honourable member listens to and takes up. With the hospitality that Riverlanders show, I wonder who will drive them back! It is an important question. The budget process and the regional impact statements put out by the previous government will be continued. At the moment the Office of Regional Affairs is putting together a regional impact statement and, in line with our policy and in trying to come to terms with a lot of the budget strategies and developments in relation to our regional impact statements, we are in the process of putting together policy development that improves our ability to assess what is happening in the regions when budgets are put together annually. We are also strengthening the process through our policy development on how regional impact statements are being put together where public moneys are being expended and where we are able to explain to people in regional areas and perhaps send out signals as to what will be the impact downstream in relation to government spending.

The Hon. DIANA LAIDLAW: I have a supplementary question. Will the minister confirm or deny advice I have been given that this government has abandoned both the preparation and publication of the women's statement and the annual arts statement for cost cutting reasons, notwithstanding the government's alleged commitment to open, accessible and accountable government?

The Hon. T.G. ROBERTS: Those two areas fall within the province of other ministers. I will refer those questions in relation to—

The Hon. J.S.L. Dawkins interjecting:

The Hon. T.G. ROBERTS: I thought—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Are you talking about regional arts or a women's statement?

The Hon. Diana Laidlaw: Arts across agencies and women's policy and programming within agencies.

The Hon. T.G. ROBERTS: Yes. I will refer those questions to the ministers in another place and bring back a reply.

MOTOR VEHICLES, HYBRID

The Hon. R.K. SNEATH: My question is directed to the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation. What is being done by the government during World Environment Week to highlight the alternatives to the traditional motor vehicle?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important question, and I am sure that the opposition will be interested in the reply. The Environment Protection Authority has taken delivery of the Toyota Prius, which is a new hybrid motor vehicle powered by petrol and electricity. During World Environment Week the Minister for Environment and Conservation will use it as his ministerial vehicle. Hybrid vehicles are less harmful—

The Hon. M.J. Elliott: Why only a week?

The Hon. T.G. ROBERTS: Well, it's a test drive.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: If I can finish the answer to the question the honourable member will find out what is happening. Hybrid vehicles are less harmful to the environment than conventional vehicles, as we all know, and it is

estimated that the Prius uses 80 per cent less fuel and produces 50 per cent less air pollution emissions than conventional cars.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: Well, there may be a series of them coming. First steps are important in dealing with environment week. It is encouraging that car manufacturers are exploring clean energy options in the development of new vehicles. I am aware that General Motors has an electric vehicle available commercially in America and that Volkswagen sells electric cars in Europe. The use of LPG and natural gas is increasingly common. For example, Mitsubishi sells LPG powered small sized trucks. Mitsubishi has also developed a hybrid electric drive system for large city buses which uses an engine to generate electricity and a motor to drive the bus. There might be an important question out of that. These hybrid buses are being trialled this year.

Meanwhile, the use of ethanol as an energy source for vehicles has been extensively trialled in Sydney. Hybrid technology could be the future for transport, and I am aware that the Minister for the Environment is pleased to be trialling a hybrid car during World Environment Week which, for the past 30 years, has been educating and challenging the community about the future of our planet. Although the honourable member might think that the steps that we are taking are small, nevertheless they are steps in the right direction.

GAMBLERS' REHABILITATION

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question about the gamblers rehabilitation service in South Australia.

Leave granted.

The Hon. NICK XENOPHON: Last year I raised the issue of the lack of resources and the waiting time for those with a gambling problem to obtain assistance and counselling from the Break Even Network. The former chair of the Break Even Network at that time, Neil Forgie, expressed concern that people at risk (including those with suicidal ideation) were not able to obtain urgent face-to-face counselling and assistance and that, at that stage, there was a waiting time of between four to six weeks in many agencies.

I note that the previous government committed extra resources for gamblers rehabilitation services, and this government has also promised additional resources for problem gambling. My office was advised by three major welfare agencies (which are part of the Break Even Network today) that, whilst waiting times have been reduced from four to six weeks to one to three weeks, counsellors are able to keep waiting lists under control only by working 12-hour days (several hours a day unpaid). They are also in a position where if they are ill or on annual leave there are no replacement staff available because the funding is simply not there—and this has been the case for some time.

Given the level of gambling taxes that the state government obtains and the relatively minuscule resources it provides to gamblers rehabilitation services, my questions are as follows:

1. What additional resources are being specifically allocated for face-to-face counselling services as part of the Breakeven Network?

2. When will these additional resources be allocated?

3. Does the Minister for Gambling consider it unacceptable that no replacement staff are available for Breakeven counsellors during times of sick leave and annual leave, as has been the case for some time?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very important questions and will refer them to the Minister for Gambling in another place and bring back a reply.

MOTORCYCLES

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about speeding motorcycles.

Leave granted.

The Hon. DIANA LAIDLAW: Motorcyclists comprise 2.7 per cent of the vehicle fleet in South Australia, but motorcyclists represent 9 per cent of all vehicles detected by speed cameras as exceeding the speed limit by 40 per cent. Statistics also identify motorcyclists and their passengers as over-represented in road death and injury statistics in South Australia. A private member's bill that I have introduced makes provision for a specific new offence for excessive speeding, and I note that the Hon. Mr Xenophon's private member's bill has a similar offence but at a lower kilometre per hour limit. My bill, incidentally, also provides for the use of fixed-housing speed cameras to operate in South Australia, which would be useful in areas such as the Adelaide Hills where the winding road configuration rarely permits cameras to be mounted on vehicles or portable tripods.

If and when these important road safety measures are passed, I fully appreciate their potential to reduce excessive speeding, deaths and injuries among motorcyclists, and the trauma for family members and the general public will be frustrated for as long as motorcyclists are not required to identify their registration number on the front of the motorcycle.

Will the minister progress negotiations between representatives of motorcyclists, motor safety personnel and the police to determine a means of securing a registration number on the front of motorcycles that does not present a safety hazard to motorcyclists but is clearly legible for speed camera and other enforcement purposes?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and her unpaid political community announcement in relation to her bill. It is an important question. I understand that technology is available for front-mounted numberplates to be displayed.

The Hon. M.J. Elliott: It's very simple.

The Hon. T.G. ROBERTS: Yes, it is a very simple operation, and they can be mounted without any potential harm to pedestrians. I think it has been experimented with in this state and other states, but I am not sure whether any public announcements have been made.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Thank you. I will pass on those important questions to the minister in another place and bring back a reply.

REPLIES TO QUESTIONS

DRUGS SUMMIT

In reply to **Hon. A.L. EVANS** (16 May).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1. In 1999 a House of Assembly Select Committee investigated the establishment of a heroin rehabilitation trial in South Australia. The main findings of the Committee was that a prescribed heroin trial should not proceed at this stage and that the state government should actively monitor international developments for medically prescribed heroin. The government has also made it clear that it will await the findings of a detailed scientific evaluation of the outcome of a trial of a supervised injecting facility being conducted currently in Sydney, NSW. It would be inappropriate for the government to give active consideration to such a facility in South Australia ahead of the findings from New South Wales. Other state governments have taken a similar approach to this issue.

The government is aware that the period of the New South Wales trial was extended for another 12 months to allow for a sufficient period of data collection and analysis to occur.

2. The forthcoming Drugs Summit has been organised so that the government can listen to people's views about the way forward. The government's emphasis on how we as a state should deal with the growing use and production of amphetamine type substances will not preclude other issues being raised. The purpose of the Drugs Summit is to generate debate and look critically at the effectiveness of current policies and services, what has been achieved to date, what could be done better and what opportunities and new initiatives should be further explored.

The government has no plans to introduce safe injecting rooms at this stage and will not consider the possibility until the government has received and had an opportunity to fully examine the findings of the scientific evaluation of the outcome of the current NSW trial of a supervised injecting facility.

3. The government has no plans to introduce safe injecting rooms at this stage and there are no funds allocated.

4. The government has no plans to introduce safe injecting rooms and there are no funds allocated.

BAROSSA MUSIC FESTIVAL

In reply to **Hon. DIANA LAIDLAW** (8 May).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1. On 29 April 2002 he advised the Chairman of the Barossa Music Festival that ongoing funding will not be provided to the organisation for 2002/03. This decision was made following the recommendation of the Organisations Assessment Panel, the peer assessment committee of leading arts practitioners and experts appointed by the former Minister for the Arts, Diana Laidlaw, to provide recommendations on the distribution of funds to small and medium sized arts organisations. Specific funds have not been set aside for this event beyond 2002/03. The Barossa Music Festival, should it choose to continue operating, will be eligible to apply for future funding through Arts SA's assistance programs.

2. In recognition of the importance of festivals and events to regional arts and tourism, the government will explore options for a new arts event for regional South Australia. The term "festival" has not been applied as the government does not wish to restrict the investigation to particular regions, or types of events, or to prevent new ideas from being considered. The investigation will be undertaken internally with Country Arts SA the main agency. No "*group*" has been appointed to undertake the task.

3. The government has not set priorities for the location of the event. Mr Anthony Steel has been invited to assist with this investigation. He has not been engaged in his capacity as Chair of the Barossa Music Festival.

4. No "*Regional Arts Options group*" has been appointed, and terms of reference have not been developed. Mr Steel will be paid a fee of up to $5 000 for any contribution by him to the investigation.

5. The investigation will be resourced internally.

6. It is not envisaged that public submissions will be advertised for, however, interested members of the public are welcome to write to Arts SA with suggestions.

7. Advice is expected in the form of a brief options paper, prepared for Arts SA in the first instance.

8. In line with current practice for the discontinuation of funding, Arts SA will provide the Barossa Music Festival with up to $80 000 (or 50 per cent of its 2001-02 funding level) to help it to meet outstanding liabilities.

9. Prior to the decision that funding will not be provided to the Barossa Music Festival for 2002-03, the minister was fully briefed regarding the Barossa Music Festival's response to the conditions attached to its previous funding by the then Minister for the Arts. Despite early steps taken towards much-needed administrative support being lent by Country Arts SA, the assessment panel had expressed serious concerns about the festival's financial and artistic viability and related matters. Therefore the Minister for Arts concurred with advice that it would have been irresponsible to approve the payment of further taxpayers' funds to this event.

GAMBLING

In reply to **Hon. NICK XENOPHON** (7 May).

The Hon. T.G. ROBERTS: The Minister for Gambling has advised that:

The government is concerned about the incidence and implications of problem gambling in South Australia. The government will ask the Independent Gambling Authority to coordinate a study of gambling related crime.

The Authority will recommend to the minister for Gambling, Terms of Reference, process for consultations and time frames for the inquiry.

The minister will advise the parliament of these matters once they have been approved by Cabinet.

MEDICAL BOARD

In reply to **Hon. J.F. STEFANI** (15 May).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The government has announced its intention to introduce a Health and Community Services Complaints Bill that will establish a Health and Community Services Ombudsman. This will provide greater protection for consumers, balanced with greater clarity for health and community services professionals.

In addition, it is the government's intention to introduce a new Medical Practice Bill. The Minister for Health intends to consult all relevant stakeholders in the development of this bill, and address issues raised previously by a number of parties.

It is not the minister's intention for the development of this legislation to become a protracted exercise, or for there to be delays in reaching a compromise. However, it is important for interested parties to be involved in this process. There are a number of important issues that the government intends to address appropriately and comprehensively in any new bill and the minister is hopeful that there will be no unnecessary delays.

2. This government has made an unequivocal commitment to consult in all areas of government business and this includes in the development of any new or amended legislation.

The Minister for Health met with Dr Rice on 8 May 2002 and reinforced this commitment to him. The Minister for Health has undertaken to consult with the AMA, the Medical Board and other stakeholders who have expressed an interest in the drafting of a new Medical Practice Bill.

DISABILITY SERVICES

In reply to **Hon. SANDRA KANCK** (8 May).

The Hon. T.G. ROBERTS: The Minister for Social Justice has provided the following information:

1. Will the government match the national funding average of $624.89 per person with a disability in the commonwealth-state disability disagreement?

South Australian has fallen below the national average state contribution under the Commonwealth/State Disability Agreement. In the 4 years to 2001-02 state funding for disability services rose from $103 000 to $119 00 an increase of 16 per cent. This was the lowest percentage increase of all states and territories. The national average was 37 per cent increase.

Any increase in funding for the next budget is subject to budget negotiations through the bilateral process.

2. How will the minister resolve the extra burden on state services expected after the federal budget cuts?

Prior to the commonwealth budget I wrote to the commonwealth minister, along with all other state and Territories, to express my

concern that the commonwealth would consider reducing funding to this hugely disadvantaged group by $92m nationally, about $8m in SA. This would have affected 550 families in this state who have received essential help to care for a family member with a disability.

The 2002-03 commonwealth budget includes $547m (national) over 5 years which maintains the current contribution. This is contingent upon state governments maintaining a matching contribution.

3. How will the minister deal with the estimated $28 million of unmet needs in this state?

The estimates of unmet need are hard to validate. It was estimated at a minimum of $28m when our Australian Institute of Health and Welfare study was done 4 years ago, but the state has put in $6m per annum and the commonwealth $8m per annum since then. On the other hand, demand grows as people live longer and retire from supported employment and as ageing carers can no longer cope. The government is committed to addressing unmet need but this needs to occur with regard to the other Social Justice government priorities.

4. What is Labor's 10 year plan to provide for the forecast growth in the numbers of people with disabilities and to address unmet need?

The demand into the future is predicted to grow as people with a disability live longer. I have asked the Department of Human Services to provide advice about how this will be addressed and will consider this when it is received.

QUEEN ELIZABETH HOSPITAL

In reply to **Hon. SANDRA KANCK** (16 May).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The undertaking of the next stages of The Queen Elizabeth Hospital redevelopment is a high priority for the government. The government is committed to ensuring that The Queen Elizabeth Hospital maintains the level of services, bed capacity and staffing to provide first class health services to the residents of the western suburbs.

2. The next stages of The Queen Elizabeth Hospital redevelopment are part of a substantial list of capital project initiatives being considered by government within the current budget framework, the outcome of which will be announced in the July Budget.

3. The government has initiated a Generational Health Review to provide direction and strategies to meet future demands and determine investments required to deliver health and wellbeing outcomes for the health system for the next twenty years. The Terms of Reference emphasise that the scope of the review will include all acute metropolitan and rural and remote health services and will have an emphasis on coordination and integration across the health system. The role and services of The Queen Elizabeth Hospital, along with other hospitals, will therefore be considered in the context of this review.

4. The recommendations of the Interim Report of the Select Committee on the Future of The Queen Elizabeth Hospital will be considered by the Generational Health Review. Recommendations relating to the internal management of the hospital have been referred to the Board and senior management of The Queen Elizabeth Hospital for their attention.

The government is aware of the concerns of the Select Committee in relation to the uncertainty about the future role of the hospital and the effects on staff and the community and is taking measures to address these issues.

5. All recommendations of the Interim Report will be considered by the Generational Health Review.

KENDELL AIRLINES

In reply to **Hon. DIANA LAIDLAW** (14 May).

The Hon. T.G. ROBERTS: The Minister for Transport has advised me that the release of the draft bill for public comment was announced as soon as it was ready for release after a short period of consultation between Parliamentary Counsel, Transport SA and my Office.

The contents of the Governor's speech to Parliament are a matter for discussion between the Premier and Her Excellency. Obviously not every planned initiative of the government can be included.

The bill has been released for public comment because it would be inconceivable to introduce legislation of this sort without first ensuring that it is workable for the industry it seeks to serve. Six weeks have been allowed for comment because the industry is already under considerable pressure to comment on the large number of Discussion Papers and Notices of Proposed Rule Making involved in the commonwealth's aviation regulatory reform program.

It is not this government's intention to subsidise regional air services which should be subject to normal commercial considerations. The bill therefore does not contain specific provision for it to do so.

SEEDS ACT REPEAL BILL

In committee.

Clause 1.

The Hon. P. HOLLOWAY: When we last discussed the bill, the Hon. Terry Cameron raised a number of issues, and I would like to address those matters again. I did answer some of those questions last week, but I would like to put a full statement in *Hansard* to clarify it for the honourable member, and indeed any other honourable member who has an interest in this matter.

SA Seed Services is a business unit of PIRSA and operates entirely within government rules and guidelines. PIRSA established a seed services board in 2001 to advise the chief executive on the future strategic direction for SA Seed Services and monitor performance on behalf of the chief executive. The board reports to and provides advice and recommendations to the chief executive, who represents the owner and operates within the delegated authority of the PIRSA chief executive. A broad charter has been developed and outlines the broad business rules under which the PIRSA Seed Services Board is to operate. These rules will be subject to ongoing review and, if necessary, modification to reflect the changing needs of the chief executive.

In terms of financial targets, a budget will be reviewed by the board and approved by the PIRSA chief executive for each financial year based on estimated income and expenditure. The budget will include an agreed margin to be factored into the pricing of commercial activities each year to satisfy competitive neutrality principles. The PIRSA Seed Services Board provides advice and recommendations to the chief executive on the strategic positioning and performance of SA Seed Services including:

- review the environment in which SA Seed Services operates, including the market and opportunities, and recommend a market position and strategic direction;
- on an annual basis, review the business plan for Seed Services with a three year planning horizon, including market outlook and positioning PIRSA, incorporating a vision, mission, key result area, goals or objectives, key performance indicators and targets;
- provide input into setting priorities with a business plan;
- monitor the implementation of a business plan, for example, quarterly reports;
- actively explore and provide advice on the opportunity for South Australia to provide services under the imprimatur of the Australian Seeds Authority for Australia;
- develop a strategic view on devolvement of the management and control of SA Seed Services to industry and recommend future action steps;
- provide reports to the chief executive on the performance of the business in the form of quarterly performance

reports; annual reports, including profit and loss statements; balance sheet; cash flow statement and income; and business plan.

SA Seed Services needs to be responsive to the changing commercial environment within the Australian seeds industry. Of critical importance to Seed Services is the fact that the major Victorian seed services provider, Agrifood Technology, has recently been sold to AgriQuality New Zealand, a New Zealand government owned seed services provider. AgriQuality is expected to be a major competitor to Seed Services for both seed certification and seed testing services. In addition, AgriQuality can be expected to grow its business aggressively, targeting clients of New South Wales Agriculture in New South Wales and Seed Services in South Australia, particularly in the South-East. AgriQuality is likely to be a strong competitor in the marketplace, based on technical capability and price. As a consequence, Seed Services' pricing policies need to reflect the competitive environment in which it operates.

Whilst some cost elements of the Seed Services business may reflect general inflation levels, other business costs such as international charges will reflect specific costs to the business only and may exceed inflation in any one year. The Seed Services Board is a skills based board with seven members (including the Executive Director of Food and Fibre or nominee), and comprises members to cover the skill areas of accounting and finance, technical—and we are talking about the areas of production, testing, codes and marketing of services—and national and international seed marketing. The board includes two Seed Services customer representatives (growers and companies).

The members of the board, all customers of Seed Services, are extremely conscious of Seed Services' charges and are unlikely to recommend prices which would result in abnormal profits to Seed Services. The current board members are: Robert Rees (who is next to me at the moment), the Acting Manager of Industry Development for the field crop industries group; Dennis Jury, Marketing Manager for Seedco Australia Cooperative Limited, who has extensive knowledge and experience in seed production technology, seed testing practices and seed certification—he also has experience in national and international seed marketing; and Mark Harvey, Managing Director of Tranztas Seed Company, who has extensive experience in national and international seed and grain marketing, and in corporate management and business development. Mark Harvey served on the ministerial working party on seed services and is presently Chairman of the SIAA Southern Region.

Other board members are: Robert Mock, a Bordertown farmer and grazier, a producer of a wide range of certified pasture seed crops and a member of the board of SeedCo Australia Cooperative Limited; David Pengelly, a Keith certified pasture and cereal seed grower and the SAFF delegate on the GCA Seeds Committee and a member of the ministerial working party on Seed Services SA; Tim Schulz, a Naracoorte farmer and certified seed producer and the current chair of the SAFF State Seeds Committee; and Lyall Schulz, a certified fuel crop seed producer at South Kilkerran on Yorke Peninsula. He is Chairman of the South Australian Field Crop Association and a member of the Australian Field Crop Association.

The South Australian seed industry requires a range of market access measures involving seed quality management protocols for the marketing of its products without which its economic viability would be at risk. To ensure that facility, PIRSA currently provides two interrelated seed quality management services to the industry, principally in South Australia, but also, to a limited extent, to clients in New South Wales and Victoria. These programs include a laboratory based seed testing service for seed physical quality characteristics and three field oriented seed certification programs for the maintenance of varietal integrity and purity of seed of plant cultivars. In the past, charges for seed testing were set by regulation and those for seed certification by ministerial direction through a gazettal notice.

Under normal business practice, the business would set its own prices in line with competition and with changes in its cost structure. In the new system, the business will establish the pricing structure for the following year, refer the new charges to the Seed Services Board and a recommendation will be made to the minister, who will approve the charges for gazettal. I trust that that comprehensive answer will satisfy the honourable member.

The Hon. R.D. LAWSON: Will the minister indicate whether SA Seed Services has already established a price regime and, if so, will that regime be subject to the 4.2 per cent increase in charges announced by the Treasurer on Saturday?

The Hon. P. HOLLOWAY: If the honourable member had been listening last week, he would have known that was one of the questions asked by the honourable member, and indeed I thought I referred to it when I said—

The Hon. T.G. Cameron: You didn't answer it.

The Hon. P. HOLLOWAY: I think I covered it here. It says that while some cost—

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: What I said during that answer was that—and I will read it out again—whilst some cost elements of the seed services business may reflect general inflation levels, other business costs such as international charges will reflect specific cost to the business only and may exceed inflation in any one year. What we are talking about is a commercial service. We are not talking about public sector services. In many ways, what we are talking about is a commercial operation. As I indicated last week, we are talking about cost recovery. I am also advised that a budget is now being prepared for October this year and that it is likely that the price rise will be less than inflation.

The Hon. R.D. LAWSON: First, will the minister indicate what agreed margin over and above costs has been established by the board? Secondly, will the minister indicate whether SA Seed Services will report annually on its financial results? Thirdly, will the minister assure the chamber that the business rules by which the organisation runs are publicly available and open to parliamentary and other scrutiny?

The Hon. P. HOLLOWAY: Taking those three questions in order, the honourable member asked about the agreed margin. As I said in my reply, there is a competitive environment in which this operates and one would expect, therefore, that that would limit any margin to normal profit. In relation to reporting, I also answered that question earlier when I said that there would be quarterly reporting, as well as annual reporting. In relation to business rules, I am advised that the competitive neutrality principles are on the web site of the Department of Treasury and Finance.

The Hon. T.G. CAMERON: I thank the minister for organising a briefing on this bill from people within the department. I apologise for not being able to attend the briefing this morning but I had a commitment at the Social

Development Committee. The briefing which was provided did answer many of my questions, but I have a couple of further questions as a result of the minister's response today. Before I get to that, I did request a copy of the competitive neutrality policy document. I have not yet received that document. Is the minister undertaking to say yes or no to that request?

The Hon. P. Holloway: To the competitive pricing document?

The Hon. T.G. CAMERON: The minister referred to a competitive neutrality policy document which relates to how governments set prices in areas where there is competition. That is my understanding of it. I have not yet received the document.

The Hon. P. HOLLOWAY: I am sorry that the honourable member does not have that document. As I indicated in answer to the Hon. Robert Lawson, that document is on the web site of the Department of Treasury and Finance. If the honourable member cannot get it from there, I will arrange for someone to copy it and give it to him.

The Hon. T.G. CAMERON: A hard copy would be lovely. I do understand what the minister was saying when he talked about the fact that, where a cost recovery element was to be taken into account, fee increases could exceed CPI. I think the terminology that officers from the department used during the briefing this morning was that 'there may be a literal breach of the government's policy'. Later during the briefing we were advised that the government does not intend to break its promise. In the minister's answer earlier, he said that the department was considering a budget and, if I heard him correctly, that the increases to charges 'looked like being less than the rate of inflation'. I am wondering whether the minister could clarify why all other government fees and charges went up by 4.2 per cent but that the government is considering keeping increases to charges, and so on, within this area below 4.2 per cent. Is he using the government's guidelines, or is he selectively using the government's guidelines for increasing fees and charges?

The Hon. P. HOLLOWAY: I am advised that the proposal is for a new charge for the Australian Seeds Authority. This is a one-off charge coming in this year. Also, for the first time there is an international charge.

The Hon. T.G. CAMERON: Is that a new tax or charge? We were told that there were going to be no new charges.

The Hon. P. HOLLOWAY: This is a charge applied by the Australian Seeds Authority; it is a commonwealth charge.

The Hon. T.G. CAMERON: Is it a new charge? That is all I am asking.

The Hon. P. HOLLOWAY: Yes.

The Hon. T.G. CAMERON: How much is it?

The Hon. P. HOLLOWAY: I understand that the total amount is $30 000 across the whole spectrum of the seeds services, but this is a charge being applied by a commonwealth government authority so it must be recovered. That is the whole point about these charges. An operation such as this must recover these particular charges. As I understand it, there is not likely to be any increase in the certification charge so, overall, the amount of increase is likely to be less than CPI.

In relation to the more general comment, I remind the honourable member of comments I made last week. I said that, in relation to fishing and other areas where there is cost recovery, in some cases there are charges well in excess of the inflation rate and in some cases there are huge reductions significantly less than the inflation rate, because it depends on the basis on which the fees are recovered. It depends on the legislative provisions and the agreements reached with the particular industry concerned. I think one needs to consider these particular charges in the proper context of the industry with which we are dealing.

The Hon. T.G. CAMERON: As I understand it, fees will be set by administrative action and there will not be an act or government regulations to govern the seeds board. Any decisions made by the seeds board will be a recommendation to the minister which will not be subject to the current regulation making or rejecting powers of the parliament. What guidelines or criteria would the minister use to determine whether or not to accept or reject the seeds board's recommendation for a fee increase if that recommendation exceeded CPI and was not a cost recovery matter?

The Hon. P. HOLLOWAY: I would be the minister responsible for doing that. It is a hypothetical question at this stage, and I have indicated it is unlikely that it will be an issue this year. If at some stage in the future I was the minister and a proposal came up, I would require a briefing from the department in relation to components of any charge and what evidence it had to justify them. I would make a decision as to whether or not, on the basis of that evidence, I thought that charge was warranted. I remind the honourable member that I have already provided on the record the membership of that board, and I also indicated that the seeds board is operating in a competitive environment. There are already competitive constraints upon the board. Given the membership of the board, I expect that I would get a thoroughly professional recommendation and it would then be the duty of the minister at the time to thoroughly review the evidence provided and make a decision accordingly.

The Hon. T.G. CAMERON: I have no doubt, as the minister does, that when he gets recommendations from the seeds board, they will be thoroughly professional. My question to the minister—and I am pleased to see that I am speaking to the individual who will actually make the decision—is this: in view of the government's election promise (and I would have thought that this was a fairly easy question to answer) if the board recommended fee increases above CPI, other than for cost recovery items, would you then reject them?

The Hon. P. HOLLOWAY: From the way the honourable member has phrased the question, what he is really asking is that, if there were no reasonable grounds for a fee increase to be recommended, would I agree with it. If there were no reasonable grounds, I guess the answer would be no, but that is a matter one would have to discuss at the time. Let me say also that, if a fee increase that was unreasonable were recommended by the board and agreed to by the minister, I am sure the industry would be quite capable of making its views known, and I am sure there would be plenty of screams, and rightly so in relation to that matter. I really think there is something of a mountain being made out of a mole hill in relation to this matter.

The Hon. T.G. CAMERON: I think the minister is absolutely correct. If outrageous fee increases were put through on the board's recommendation by the minister, there would be a squeal from the industry. But I guess the point I am making is that, in the event of their being unhappy with whatever the new pricing or fee structure might be, they really have nowhere else to go. That is the point I am making. If they are unhappy with the increases, then the opportunity to have those fee increases set aside by overturning the

regulation in either house of the parliament would not be available. I guess only time will tell.

The Hon. P. HOLLOWAY: In fact, the whole point I was making is they would have somewhere else to go, and that would be AgriQuality New Zealand. As I indicated earlier, we are operating in a competitive market. That alone should act as a significant factor in the marketplace.

The Hon. T.G. Cameron: So competition will sort this one out, will it?

The Hon. P. HOLLOWAY: You were saying they would have nowhere else to go. I am just pointing out that, if the pricing structure were wrong, they would have somewhere else to go, and that would be to the competitors.

Clause passed.

Clause 2 and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 86.)

The Hon. G.E. GAGO: I rise to support this important bill which I understand has been very long in the making. I have been informed that it was initially developed in response to public comment on a green paper with respect to a review of South Australia's legislation in relation to regulation in this area which was distributed back in 1998 and which I understand involved a great deal of consultation at the time. It reached the committee stage in another place late last year, so there has already been a great deal of debate and lengthy consideration of this matter. I also understand that the bill before us has accommodated issues of concern which were raised in earlier drafts.

This bill enables the government to control risks that arise from the use of agricultural and veterinary chemical products and fertilisers. It does this in relation to the former within the restrictions established as acceptable by the national registration authority for agricultural and veterinary chemicals (NRA), and, in the case of fertilisers, by PIRSA. When considering legislation, it is always a challenge to get the balance right between the interests of the different parties which will be affected by that legislation.

I do not have to say how important agriculture is to the economic standing of the state of South Australia and, for that matter, this nation. It is critical that we provide prudent and rational legislation which is logical and realistic in its application and administration. The government has a responsibility to ensure the adequate provision of legislation in those areas where self-regulation is not possible, and that is particularly so when it comes to risk management to the public.

The bill before us seeks to repeal the Agricultural Chemicals Act 1955, the Stock Medicines Act 1939 and the Stock Foods Act 1941. One might presume that, given the dates of some of that legislation, the bill before us is in fact long overdue. I was alarmed to discover that currently there is no legislative power to protect or prevent the occurrence of damage to crops, for instance, contaminated by chemicals which have drifted from spraying used by, say, a neighbour. I was also concerned to find out that there is no current requirement for dangerous chemicals to be applied in agriculture in accordance with the directions on a label.

There are obviously many areas that require urgent attention in terms of this legislation. However, I think it is important at this point to note that considerable advances and improvements in farm management techniques have resulted in safer practices over the past years. This has been due largely to the cooperative efforts of our farmers, and they should be recognised for these achievements.

I know of many farmers from a wide range of different agricultural and horticultural pursuits, such as cereal crops, beef, dairy, sheep and market gardening, and growers of fruit, nuts, grapes, olives and even flowers—and the list goes on. Farmers generally want to do the right thing. They are not out to risk their health and safety or that of their family or neighbours, or, for that matter, their own market standing. Their aim is to turn out a financially viable product, which is of a high standard and meets all regulations, and therefore establish a reputation for themselves that enables them to maintain a long-term secure position in the marketplace.

Most of the farmers I know or know about are in it for the long haul. Improved technology and developments in farming practices have led generally to safer farm management practices, the development of safer products and the elimination of many dangerous products from general use, such as arsenic dips. We have also seen developments such as genetically modified cotton crops which have higher levels of pest resistance and therefore require less pesticide spraying. Even so, I understand that the use of agricultural chemicals continues to play a significant role in the financial viability of farming, nationally and internationally. So, chemicals are in fact here to stay, at least for some while.

However, in spite of many improvements here in South Australia, we are still able to identify areas where problems occur, even though many of these problems in fact occur inadvertently or by accident. Nevertheless, there is clearly a need to provide legislation that ensures improved controls in relation to the use of potentially harmful chemicals. Most people would be aware of instances where herbicides and pesticides have been detected in our water stores—no doubt due to their heavy use in some areas, which ends up being washed down into our water catchment areas. I understand that PIRSA receives about one complaint a week involving chemical drift from spraying—or chemical trespass, as it is called. Although only about one-third of these complaints has substance, nevertheless, it poses a significant potential threat.

We have also seen much evidence of large-scale environmental damage around Australia as a result of chemical mismanagement. I do not think any of us have forgotten the environmental and trade damage caused by the use of organochlorins such as DDT. These chemicals were widely used in Australian agriculture for a considerable period of time in such practices as dipping sheep and cattle. And it is hard to believe now, but we sprayed it quite extensively on our crops. These chemicals were banned in South Australia about 20 years ago. However, they have an extremely long life, and some areas in South Australia are still contaminated, although these areas are obviously monitored carefully and are well controlled. I know that we have learnt much from these types of mistakes in our past. However, we need to ensure that such damage never occurs again, especially such widespread damage.

I believe that the bill before us does get the balance right. It provides for the management of risk of damage to the trade of agricultural produce, thereby protecting industry, and it also seeks to reduce harm to humans and the environment by providing clear guidelines for the use of agriculture and

veterinary chemicals and fertilisers. I particularly commend the bill for its primary focus, which describes the limitations, or restrictions, aimed at preventing behaviour which could result in risk to the community, with the emphasis on education (although I understand that the educational measures will be largely dealt with within regulations at a later date).

The bill provides for a management framework for chemical trespass and contaminated produce and land as well as equipment used in the application of these chemicals and recording information about chemicals. The bill also will impose greater responsibility on veterinarians in relation to the chemicals that they can prescribe, and provides a framework for veterinarians and non-veterinarians in relation to acceptable chemical use. Some of the main features of this bill include the provision of the issuing of a trade protection order to prevent or reduce the potential for serious harm to trade for South Australian rural produce. This can take the form of a range of powers that can be applied where risk has been identified, such as prohibiting a particular cultivation or harvest from a particular area, recall and/or the disposal of produce, prohibiting the sale of a particular product, or to require specific analysis of samples, for instance, on a particular product or produce.

The bill also provides the power for the issuing of a compliance order, which can require that a person discontinue a risky behaviour for a period of time or not carry out a specific activity except at specific times or subject to specific conditions. Failure to comply with either of these types of orders can result in a fine of up to $35 000. The requirements around the making and issuing of a trade protection order or a compliance order are stringent and, thereby, ensure that the rights of the person to whom the order is being issued are upheld and that they are dealt with fairly. Provisions for appeal and compensation in certain circumstances are also made available under this bill.

In relation to the use of high risk chemicals, I understand that plans are well advanced to develop regulations which will require that those people who use high risk chemicals obtain the appropriate competency standard assessed as needed to use the chemicals safely. A schedule of dangerous chemicals will be listed under the regulations, and these will include danger to either health, environment or trade. By increasing the knowledge and skills required to use rural chemicals, hopefully, this will prevent problems before they occur. The bill also enables specific chemical records to be kept in some circumstances, and it gives the power to ban specific rural chemical use in South Australia in certain situations.

The focus of this bill is to reduce risky behaviour and practices, preferably before they cause harm. The ability to prosecute where damage is being demonstrated as occurring in relation to the environment or human health and welfare cannot be achieved under this bill, but it would progress under other relevant legislation, such as the Environment Protection Act 1993, the Public and Environment Health Act 1987 or the Occupational Health and Welfare Act 1986. I understand that there were a number of objections to the earlier draft of this bill in relation to the issuing of warrants by a magistrate, which would allow for an authorised officer to enter and inspect premises. This has been significantly tightened in the bill before us through changes to the administrative requirements of the warrant, which have been made more stringent and more explicit, thus providing limits to the powers of inspection and thereby preserving the rights of parliament and others involved.

One of the other provisions of this bill, which I believe is particularly insightful and wise in terms of keeping the focus on prevention rather than prosecution per se, is the provision for self-incriminating evidence which might be made available to an authorised officer during inspections not to be admissible in evidence against that person if prosecution occurs at a future date. It is good to see that this bill takes another step forward towards a national approach on compliance in relation to the regulation of agricultural chemical products, fertilisers and veterinary products. I believe that the bill before us is balanced and fair and that, overall, it seeks to improve the health and safety of this community. I commend the bill to the council.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 269.)

The Hon. CARMEL ZOLLO: I rise to support the Supply Bill. As is customary, it is a usual requirement to appropriate money for the running of government in the lead-up to the detailed examination and assent of the annual budget. Due to the election being held earlier this year and the subsequent further delay in the government taking office, there is an even greater need to facilitate this legislation. The appropriation of some $2.6 billion will ensure that our state continues to run smoothly in the delivery of agency services so as to maintain the positive progress of our economy. As Parliamentary Secretary assisting the Minister for Agriculture, Food and Fisheries and Minister for Mineral Resources Development, I am particularly pleased to see the positive outlook in rural South Australia. There are some very encouraging stories from rural South Australia, and many are from innovation, diversification and value adding.

It is good to see the press give prominence and report on this positive progress. The *Advertiser* as well as the *Sunday Mail* regularly report on the state of rural South Australia. Yesterday's article by John Merriman in the *Sunday Mail* was a particularly good one. There was a report on five regions of the state, and the main successes in those regions were highlighted. The article reports that rural South Australia is experiencing its biggest growth in the past 40 years. The article about Lisa and John Rowntree and their olive grove plantation at Coonalpyn highlights the importance of diversification and research. It was great to read of their confidence and willingness to learn and adapt from the experiences of others, and the importance of recognising our many advantages in South Australia. I understand there is the possibility that a multimillion dollar processing plant will be built in the area in the near future. Hopefully, this will lead to more jobs and all the benefits that flow from extra disposable income in the community.

Our wine industry has been South Australia's and Australia's great success story, earning us good export dollars. Wine exports have continued to grow to some $1.8 billion. We in South Australia produced about half Australia's wine, including about 70 per cent of exports by volume. However, many of us in this place, particularly the Minister for Agriculture, have had reason to talk about the

problems being faced by some grape growers, whose future has not been as positive as others. There is not necessarily any one single reason, but the tax incentive driven plantings, as well as the collapse of Normans Wines in the Riverland, have not assisted. The minister advised that his department is assessing the situation, but I am pleased to see that the federal government has announced a review into Australia's medium and small regional wineries. As reported, the review is looking at finding new opportunities in the growing export and tourism market. I am certain we would all agree with the Winemakers' Federation of Australia that this review is needed to assess the regional wine producing economies.

In the last parliament the then opposition facilitated the aquaculture legislation because there was recognition that this is one industry that will continue to expand. That is exactly what is happening. The West Coast has seen the greatest expansion of the industry and the associated benefits that go with it. It is a labour intensive industry, which means jobs and housing. As reported by John Merriman, in the towns where the industries are based, such as Port Lincoln, Coffin Bay, Streaky Bay and particularly Cowell, prices for housing have jumped. I tried my first kingfish meal late last year.

The Hon. J. Gazzola interjecting:

The Hon. CARMEL ZOLLO: It is very nice, isn't it? The Hon. John Gazzola and the rest of the members appear to agree. I was interested to read that kingfish farming began its first harvest only this year and had an export market already valued at $2 million to European and American markets. I was not surprised to read that tuna remains our star performer, with exports valued at more than $300 million last year. We should not be at all surprised that our newest millionaire is from the aquaculture industry. I wish his enterprises continued success. If we maintain sustainable development, coupled with our clean and green advantages, the industry can only expect even better times. One must acknowledge the vision of those investing in this new growth area.

The real estate boom has also given great confidence to the state. It was good to have the first home buyers' grant reconfirmed in the federal budget, although I am one who has doubts about whether it should be available without a means test. We have a federal government tightening the test for disability while at the same time it is prepared to give away money to people who might well be very wealthy. Real estate booms have their positives and negatives. For the government one acknowledges extra revenue via stamp duty. For people in established homes it makes very little difference: you get more for your own home and then you pay more for the one you buy.

For our young people on low or moderate incomes in search of their first home, it is a struggle. Real estate can often be beyond their means. Committing so much of one's disposable income on a mortgage is not something such people can go into lightly. For those on contracts or part-time employment, the recent real estate boom may well have set back their dreams for a few more years. Nonetheless real estate prices are a good indicator of the health of an economy and provide the first warning of the economy overheating. This usually leads to increases in interest rates. It is a fine balancing act. We have seen the market taking off very quickly in South Australia after a period of slow growth, and many are simply saying that we are catching up, which may well be the case.

In the last term of parliament in particular I was a frequent traveller to Yorke Peninsula and always said that it was a beautiful part of the state and still affordable by many families for a holiday.

The Hon. J. Gazzola interjecting:

The Hon. CARMEL ZOLLO: The Hon. John Gazzola, who travels there very regularly, agrees with me. The increase in real estate over the past year may put that accessibility in danger, but I hope that is not the case. It is certainly good news for the area to be in such demand and for its pristine coastline and the quality of life that goes with it to be appreciated. The waterfront development puts Yorke Peninsula on the map and I wish the area continued success.

In my Address in Reply speech I raised an issue that is still very topical and is hopefully moving forward towards a solution, namely, public liability insurance. At an earlier meeting of federal, state and territory ministers on 27 March this year a commitment was given to agree to a plan to address the issue of skyrocketing public liability insurance premiums. I talked about suggested solutions at that time and will not repeat them, but others in the chamber have also spoken of the worry in regional South Australia where it is often more difficult for smaller concerns to obtain insurance. Our Treasurer has pointed out that, whilst one cannot underestimate the seriousness of the issue, it is worthwhile bearing in mind that the rising cost of premiums is mostly being fuelled from New South Wales. On average, South Australia does have the lowest payouts in Australia. Nonetheless, because of the HIH collapse and probably the historically lower premiums, South Australia is now feeling the effects of much higher premiums, which has the result of precluding many smaller and not for profit organisations from obtaining insurance.

Whilst we might not like to admit it, because of course we do not agree that Australia revolves around the eastern states, New South Wales does have the biggest economy in Australia, has far more critical mass than the rest of the country and would appear to be more litigious. As well it does have various pressures from overseas that may not be felt in other states. I understand from our Treasurer that the New South Wales Treasurer is attempting to pass laws aimed at reducing the premiums in that state. It then follows that if the problems can be reduced in that state it will have a flow-on effect in the other states.

Last Thursday state ministers again met with Assistant Treasurer Coonan to discuss the report that has been prepared and, more importantly, its recommendations and to further develop a national approach to responding to public liability insurance problems. It is also interesting to learn that many of the recommendations of the report have already been adopted in South Australia. The Treasurer has committed the government to consider some bold steps to bring down premiums and ensure accessibility and affordability of public liability insurance. Those measures range from considering capping the amounts that are claimable to consenting to a review of the law of negligence. The Treasurer points out that, while an urgent solution is being attempted, the reality is that there is no quick fix.

Last week the Attorney-General also acted on building indemnity insurance. He announced that small builders in South Australia will be able to seek relief from the requirement that they take out indemnity insurance on building projects. Just as welcome, the decision will also benefit consumers who have had building plans delayed because of uncertainty over indemnity protection for the industry since the collapse of HIH last year. I am one who welcomed the news that a former director of HIH will be precluded from

acting in a similar capacity for 20 years. Maybe it is time the federal government tightened up laws to stop the practices of HIH and OneTel directors and the like in respect of their lack of accountability. I know that many people welcome the Attorney's decision to enable them to achieve their dream of having their homes built.

Another positive issue that has received publicity is that of law and order. Along with economic security people's well-being and safety is very much part and parcel of their quality of life, so I am pleased to see the commitment to strengthen our laws. Whilst the increase in assault and robbery was lower than the national trend, reported crime in 2001, compared with the previous year, shows that South Australia recorded an increase in the five major crime categories of assault, sexual assault, robbery, blackmail and other theft. The commitment to strengthen the fight against crime is a priority for this government, and several pieces of legislation have already been introduced in the other place.

Measures already introduced or soon to be introduced include legislation to abolish the drunks' defence; legislation to promote consistency in sentencing by the use of sentencing guidelines; legislation to increase sentences for offences against the person where the victim is elderly or suffering from a disability; increased police powers to take and deal with DNA samples from suspects and offenders; legislation to create a new offence of causing a bushfire and requiring arsonists and people who light bushfires to confront the consequences of their acts; legislation to increase the rights of innocent people to defend themselves against unlawful attacks; and legislation completely overhauling the laws in respect of theft and fraud and related offences of dishonesty.

Yesterday, the government announced that there will be zero tolerance in relation to the carrying of knives around nightspots. I understand that five serious stabbings have occurred at or near licensed premises in this state in this year alone. I am certain that many parents share my concern that our sons and daughters should have to factor into an evening out to have fun the likelihood of being a victim of some dysfunctional person carrying a weapon. As pointed out by the Premier, people carrying knives and consuming alcohol are a lethal cocktail. A discussion paper is being released this week for people to respond to in relation to proposed changes before legislation is introduced later this year.

One of the best pieces of news with which I can finish my contribution today is the announcement by the Treasurer last Friday that there will not be an increase in the emergency services levy rate. That announcement served to remind us all that, whilst we (in opposition) supported the introduction of the ESL as a way of spreading the fire levy on insurance bills more evenly across the whole community, we were very much opposed to the size of the levy when it became clear that the former Liberal government was using it as a Trojan horse (as described by the now Treasurer) to raise money to help to pay for the huge cost overruns of the government radio network.

An honourable member: There were no cost overruns: it was on budget and on time.

The Hon. CARMEL ZOLLO: Well, so say you. As I said, I welcome the Supply Bill. The former treasurer, despite advice to the contrary, we have been told, left out large cost pressures when he released his former government's mid-year budget review. We believe it was a manufactured bottomline designed to give him a phoney budget surplus during the election campaign: a surplus—and Mr Lucas attempts to have the public believe otherwise—which never really existed. The announcement in relation to the ESL will be welcomed by our constituents. I am pleased to add my support to the Supply Bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

WHITTLES GROUP

The Hon. SANDRA KANCK: I seek leave to make a personal explanation.

Leave granted.

The Hon. SANDRA KANCK: In October 1996, during question time, I made a number of allegations about Whittles management services, some of which had been provided to me by a person now known to have been a commercial competitor of Whittles management services. I wish to retract those allegations. I regret making those statements, and I apologise unreservedly to Whittles management services for the damage I may have caused.

DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 254.)

The Hon. J. GAZZOLA: I would like to discuss some of the arguments and assumptions that have been used in the Legislative Council and the public arena to support an articulate debate on this important bill in order to present my point of view. Before I start, though, I would like to thank the Centre for Applied Philosophy at Flinders University for its invaluable assistance and I stress that the direction, selection and interpretation of material that I will present borrows heavily from a collection of essays on euthanasia entitled *The Quality of Death*—a collection of distilled wisdom which captures what I feel is the essence of rational debate on this important matter. Having said this, I apologise and accept responsibility for any emphases that I adopt or conclusions that I make which were not intended by the learned contributors to this collection.

We are going to hear a lot about the slippery slope argument in this debate, and I would like to provide some discussion on both what it is and its implied consequences. The slippery slope argument claims to be an argument based on practical experience, but it is based on the idea that, if we commit ourselves to an action under the authority of, in this case, legislation, then we will have no choice but to proceed with this course of action and that this course of action is, of course, morally wrong. It assumes that the path of moral decision-making is a seamless path with no points of arrest or halting where we can make any significant decisions to detect any difference between one case of euthanasia and another. Therefore, if we believe the slippery slope theory, we cannot differentiate any morally significant difference between one case and the next and we inextricably and eventually drift towards a society where life is not respected.

We can resist the compulsion and allure of the slippery slope argument by denying that all requests for euthanasia must be treated in the same way. We can argue that each case is unique and that each individual possesses unique ethnically different reasons and requests. Our ability to make careful deliberations and decisions in particular legal, legislative and moral circumstances enables us to arrest any slide into what opponents see as inevitable social decline. This focus on the

individual in terms of what makes each case ethnically significant in the consideration of their suffering should motivate a refusal to consider approval for euthanasia as a general licence.

There follows then, in regard to euthanasia, the slippery slope and the idea of the common good: the consideration that. even though the right to choose is good for the individual sufferer, it is against the common good. As do all arguments from utilitarianism, this ignores the right of a minority group, in this case, the patient, to determine what is in his or her best interest. One approach to resolve this impasse is to adopt an egalitarian principle where all patients are treated as unique individuals according to the equal satisfaction of their needs and interests, needs and interests which are not lightly entertained by the patient but which are granted by a rational society that recognises the voluntary right of the individual to make a choice. This is also in keeping with the medical principle of striving to do the best for each patient where the emphasis on caring for the terminal patient is what he or she sees as desirable for the satisfaction of his or her needs and interests. The particular needs of a patient then do not need to be sacrificed on the altar of an opposing public policy.

I would now like to discuss the biblical prohibition against euthanasia as murder. God commanded of his followers, 'Thou shalt not kill', but how can we reconcile this absolute injunction with voluntary euthanasia. Society accepts that soldiers are lawful executioners in just wars, that people can defend their lives with absolute force as self-defence, and that doctors practise the withdrawal of treatment of terminally ill patients. It is clear that the taking or denying of life is socially condoned in some ways. It is socially accepted that a doctor can assist the terminally ill to die by withdrawing assistance in an act of what can be termed passive euthanasia, yet the AMA officially deplores active euthanasia when someone seeks consent and assistance to die in the face of an unendurable illness.

The ethical problems of voluntary euthanasia have, in the rational domain at any rate, arisen from the difficulty of reconciling conflicting duties in real life situations—the need for a medical practitioner to relieve suffering of the terminally ill without knowingly or willingly wishing to do any harm—with the simplicity of absolute prohibitions against killing. Voluntary euthanasia seeks to resolve the moral and legal dilemma of a patient consenting to his or her own death where the end to life is seen as a benefit not a harm and where the relevant consideration is not about whether a doctor passively or actively intervenes by way of culpable homicide but that the patient has given consent to escape unbearable suffering. The final consent must rest with the patient.

Substantial ethical debate has been focused on this issue, and the strong conclusion is that the laws and doctrines used to allow exceptions to the biblical injunction against killing suggest that euthanasia should also be an exception. As Dr Hunt of the Flinders University Centre for Applied Philosophy concludes:

> To be consistent in opposing euthanasia because it involves killing, one therefore has to oppose all killing without exception. If that position is too extreme, then it is hard to see what could warrant absolute opposition to euthanasia.

I have received many letters requesting that I oppose this bill, and I thank these people for their sincere concerns. It is heartening to see the public taking such a strong interest in social issues and exercising their right to use democratic avenues as afforded by the Legislative Council.

I have also followed with interest the arguments of honourable members on the bill and note their concerns. The Hon. Andrew Evans, who spoke at length, is correct in identifying the broad range of issues that such a bill raises. It is pleasing to note his view that discussion must move away from the anecdote and moving story, and that we must be prepared to discuss the issues at the heart of the matter.

Of course, this is an emotive issue, and social opinion and debate will be emotional, but it is the strength of argument that will, and should, eventually decide this issue, not the force with which one's point of view is expressed. Reason and emotion are not necessarily mutually exclusive, nor should we admit appeals to authority or the consensus view in debate where no substantial arguments are proffered. Historically, consensus politics and appeals to authority in disregard of reason have led to disaster.

There are areas of concern in the bill that have been raised in the Legislative Council, and I wish to look briefly at these again. The Hon. Carmel Zollo raised legitimate concerns in her reading of the view of Professor David Curnow of the Chair of Palliative Care at Flinders University in regard to, amongst other things, the short cooling-off period and the inadequacy of what constitutes 'hopelessly ill'. Flinders University is getting a good run in this debate.

These concerns were also raised the by the Hon. Andrew Evans in his discussion of his wife's health. I also have a concern with these, as I have with what precisely constitutes the terms 'competent' and 'incompetent' in regard to a person making an informed choice, and with what I see as a lack of completeness in the phrase 'adequate information' in 3(c). While the need for accuracy and completeness is of paramount importance, we must also make sure that the path of debate does not slide into an argument over semantics that ignores the spirit of the bill.

The objection has been raised that this bill is not perfect and, without in any way wishing to detract from the value of human life, nothing will ever be perfect. But this bill does make allowance for improvements under section 22 of the committee legislation; it does recognise the possibility of the shifting nature of debate and improvements in medicine to effect change in the legislation; and it does recognise the real needs and concerns of the desperate and terminally ill.

It is a moral bill in the only way that anything can be moral, and that is at the bench of reason. In the end, this is all we have to reliably steer us through life and death. I support the Dignity in Dying Bill.

The Hon. IAN GILFILLAN: I remind honourable members that I spoke at some length on this bill's predecessor, and for that text I would refer them to the debate that took place in 2001. I do not intend to go over that ground again, but I do say to the council that I am strongly resolved to oppose the bill at the second reading stage. I do not consider that I want a vote of mine to give any indication that I believe that this is an acceptable measure to be accepted into South Australian legislation.

I have some quotes which I want to put into *Hansard*. Some of them are from people to whom I referred in that earlier contribution. Dr Robert Britten-Jones, who is an emeritus consultant surgeon at the Royal Adelaide Hospital, has provided some comments which he provided to the Social Development Committee and which text would be available in full in the *Hansard* of the South Australian Social Development Committee's deliberations. However, I will repeat some paragraphs from his contribution and

put it into the context of what I believe still applies to this current legislation before us. Dr Britten-Jones says:

I do not oppose but vehemently support the withdrawal of measures which would only prolong the act of dying, such as the use of futile antibiotics, intravenous lines or life-support machines. I believe in relieving pain and distress in the terminally ill by the use of drugs which allow the patient to die in comfort but may, stress may, not will, as a secondary effect, hasten death. All of these measures as you know are allowed by the model legislation parliament had the wisdom to pass. I refer to the Consent to Medical Treatment and Palliative Care Act 1995. . . By withdrawing futile invasive treatment to a dying patient or prescribing drugs which may hasten death I am allowing nature to take its course. I am not intentionally killing that patient. I think [of] the statement on this point made by the House of Lords Select Committee on euthanasia: I quote "We consider that the law should not make a distinction between mercy killing and other murder. To distinguish between murder and mercy killing would be to cross the line which prohibits any intentional killing, a line which we think is essential to preserve."

In that same submission Dr Britten-Jones refers to an article in the *Advertiser* of 21 August 1997 and says:

Under a heading "Abuse of elders a big problem" special writer Nadine Williams wrote and I quote "abuse of the elderly could be as prevalent as child abuse but it remained a hidden problem in society, a Canadian gerontologist said in Adelaide yesterday. About one in 25 older people in Canada suffered some form of abuse, Toronto based educator, Dr Elizabeth Podnieks told the Sixteenth World Congress of Gerontology in Adelaide. The tragedy was that older people who were abused financially, physically and emotionally by their adult children blamed themselves. There is physical, emotional, financial abuse and neglect but in most countries financial abuse is the more prevalent form.

I remind members of the council, if they need reminding, that my substantial criticism of the whole measure is its vulnerability to undue pressure being placed on people who are at that time susceptible to pressure, and I believe that the references which I am giving reinforce the position that I hold quite firmly.

It is interesting that, in relation to that same matter, there is an article by Renato Castello in the *Messenger* of 27 March this year headed 'Family, friends blamed for elderly abuse'. The article states:

Family and friends are the main culprits of abuse reported by older South Australians to an advocacy service.

The Aged Rights Advocacy Service (ARAS) handles up to 500 calls a year from people aged 65 and older who have suffered financial, psychological and physical abuse. ARAS spokesman David Cripps said it was often their children—and more likely their sons—who have exploited the elderly parents for money or property.

"It will always be someone close to the older person, someone they trust," he said.

ARAS, a state government funded group, provided free and confidential advice to older people who were being abused.

Mr Cripps said that in some cases, hundreds of thousands of dollars had been "misused" by people trusted with an older person's finances.

He said this often occurred through unauthorised account withdrawals or the sale of assets.

"Financial abuse is one form of abuse, we also see a lot of psychological abuse where the person is being intimidated or threatened by the alleged abuser," Mr Cripps said.

"Often the two go together."

Mr Cripps said financial and psychological abuse accounted for 80 per cent of calls to ARAS.

A seminar on how older people could control their lives and prevent abuse is being held on Tuesday 9 April at Charles Sturt Council's civic centre. . . The seminar aimed to raise awareness about elder abuse; identify strategies to address the abuse and; increase community awareness of support services.

Then there is the detail of who organised the conference. I emphasise again, substantiating the point that we cannot take it for granted. Those people who we fondly believe will be making a purely independent and balanced judgment in their own interests will quite often be subjected to pressures which may very well put them into the situation of making a decision that they would not take if they were left unpressured by people—quite often members of their family—either overtly or covertly. I refer again to Dr Britten-Jones who further said:

If this bill is passed there will inevitably be pressure, real or imagined, on the so-called "hopelessly ill" to request euthanasia so as not to be a burden on their family. This risk was noted by Chief Justice of the USA Supreme Court Rehnquist when the court overturned the 9th Circuit Court of Appeal judgment allowing voluntary euthanasia. He said "We have recognised however the real risk of subtle coercion and undue influence in the end-of life situations". . . With legal euthanasia palliative care services will decline. If the lives of the "hopelessly ill" are allowed to be legally terminated, I believe the incentive to continually improve palliative measures will inevitably wane.

It is significant for me to refer to other people who I regard as being closer to the issue and a far more respectable authority than I in these matters.

Therefore, I intend to refer quite extensively to two other medical authorities. One is the Professor of Psychiatry at the University of Adelaide, Professor Robert D. Goldney. In a letter dated 6 April 2001 and addressed to members of parliament he states:

I consider that it is seriously flawed and would not advance the cause in relation to the optimum care of those who are terminally ill. Indeed, even the definition of those who are "hopelessly ill" is of concern as, as a clinical psychiatrist, there are many persons who have serious mental conditions with long-term impairment who, theoretically, would fit the criterion described. However, with adequate care, they are able to cope quite well with their families in the longer term.

The issue of depression assessment is also dealt with quite inadequately. The diagnosis of depression is fraught with danger and for there to simply be two medical practitioners, neither with any specified psychiatric experience, is contrary to an extensive literature which indicates that it can be particularly challenging to delineate depression and to offer appropriate treatments. Furthermore, clinical psychiatrists are well aware of those with severe depressive conditions who may express the wish to die, but who, with adequate treatment, improve.

I also refer to Dr Brian Pollard whom I have previously referred to. He has made some material available which is directly related to this bill and which was sent on the first of this month. He refers to the introductory speech of the Hon. Sandra Kanck. The email to Dr Britten-Jones states:

In her speech, Sandra Kanck makes much of the most desperate cases. I have little doubt that, were she able to draft a bill that, by its clear definitions, could be applied with certainty only to the kinds of cases she describes, it would almost certainly pass. But that is not the case with her bill. Her draft is so full of legal loopholes, (for example, as a palliative care doctor, I could easily find my way through its provisions, defeating their intention at many points, and no-one could see—

The Hon. Sandra Kanck interjecting:

The Hon. IAN GILFILLAN: —I can come to that in a moment, because there is some more detailed criticism of the clauses in the bill—

where I did it) that it could be applied to any number of cases which bear no resemblance to those she has itemised. She describes her so-called safeguards as being difficult to negotiate and to be therefore safe. But what she calls safe has been found to be unsafe by every committee that has gone thoroughly into the matter—

and he refers to some international reports—

She has clearly never read them.

I am not so sure about that.

The Hon. Sandra Kanck interjecting:

The Hon. IAN GILFILLAN: He may be wrong on that, but I think this man is a higher authority on the matter than most people would be. It continues:

She should be called to account for not having acquainted herself with them. . . and for not providing her answers to the difficulties they discovered. Some of her facts are wrong. She portrays the alternative for many as between dying with multiple, terrible complications or suicide or euthanasia. Her graphic depiction of death from motor neurone disease is not the way most of them die—they usually have a peaceful death. Nobody is claiming that sad and difficult cases do not occur—they do, but having regard for the safety of all is not the same as lacking in compassion. It is not the government's responsibility to legislate for hard cases—it is bound to protect the lives of all its citizens by law, and to have particular regard for the lives of most vulnerable. If the government will not do this, who will?

Her requirements for a palliative care specialist and a psychiatrist are optional—that shows that her compassion is selective. In view of my comments, the opinions of both should be highly desirable for safety and a psychiatrist always. If SA has no such service outside the cities, then euthanasia should not be even considered. Kanck cannot simply say to those in the bush, 'Bad luck!' She even gets testy when it is objected that her unsafe law would not protect others—does she not think, as the current criminal law thinks, that the life of every innocent person has equal value? On what grounds does she put different value on different lives?

It may be true that 'we recognise that we do have a divine right to arbitrate on what is morally right or wrong'. But each MP has a duty to decide as they personally see to be right. I do not doubt Kanck's passion for correcting what she would like to correct, but she cannot get what she wants by exposing others to risk, and that is simply what an unsafe law would do. No parliament should do that, no matter what the subject.

In response to some of the more detailed criticism of the bill, there is a longer document from which I will selectively choose quotes. It is again from Dr Brian Pollard, who is a retired anaesthetist who funded and directed the palliative care service at Sydney's Concord Hospital. The document states:

The fundamental natural human right of every person to the integrity of his or her life, the right from which all other rights derive their validity, is well articulated in the 1948 United Nations Universal Declaration of Human Rights. It declares this right to be equal, inherit, inviolable and inalienable, and should be protected by law. There are no exceptions, the right is not to be dependent on a life's quality at a particular time, and it may neither be given away or taken away. Together with a great majority of other nations, Australia is a signatory to that UN document. Natural human rights exist by universal consensus and cannot be made or unmade by any local declaration or legal process, as is proposed here.

Further, it states:

Protection for the vulnerable. The terminally ill are known to be peculiarly susceptible to influence. A famous doctor wrote that 'while the sick person is usually seen simply as a well person with a disease, he or she should be seen as qualitatively different, not only physically but socially, emotionally and cognitively'. For this reason, not only are some of the sick extremely vulnerable and in need of special protection but, without disrespect to anyone, this must be viewed against the fact that some doctors have been shown to be neither honest nor honourable. Medical killing traditionally takes place in private, and it would be irresponsible for a parliamentarian to place the sick in such dangerous circumstances as this bill would allow. If government will not protect them, who will?

There are some specific comments on clauses of the bill, which I will quote since it is my intention to vote against the second reading. I hope, therefore, it will not reach the committee stage. For the Hon. Sandra Kanck's information, he makes the following comments:

Section 4. The concept of hopeless illness is entirely subjective and not every reader would interpret it similarly. 'Hopelessness' raises the question, 'In whose opinion, and on what grounds?' with no particular relevance to mental function. Nor is a patient's reaction to his or her illness of any relevance to a definition. Terminal illness is not required, while many illnesses are not life threatening, though incurable. The reason for any reduced quality of life is not explored. For example, many doctors lack proficiency in their treatment of dying patients, which may often result in a low quality of life. This bill could then allow that life to be taken simply because the doctor was ignorant. Intolerability is totally subjective and cannot be objectively tested—it would only have to be claimed to be beyond dispute and so, to permit euthanasia on demand.

Section 7 deals with what a doctor must tell the patient about treatment, its effects and alternatives. This information will usually be given in private, and no words written in a bill could ensure that it would be always be adequate, correct, non-coercive or unbiased, unless an experienced observer was always present and a record kept. Simply making it a requirement will most certainly not ensure it happens. By tailoring the information, it would be easy for a doctor to elicit the response he thought best. . .

Section 7(2) requires no particular skills of the doctor, no experience of dying patients—would it not matter if he had graduated just one month before? If he is not a palliative care specialist, he must consult with one 'if reasonably practicable'. That is so elastic it would present the doctor with a ready excuse, if he wanted one, not to consult. And if the patients are in a remote area, it seems they will just have to take their chance as to whether they get appropriate and adequate treatment. This draft requires no information about the details of the medical treatment given, though without it, no-one could form any option of the real need for euthanasia.

Section 9 allows a doctor to be satisfied that the patient appeared to be of sound mind, appeared to understand the information and did not appear to be under duress. These are most important points in relation to a request to be killed, yet here they do not need to be verified, if indeed it would be possible to verify them. And if it is not possible, how safe is that? Does it not matter that the patient may not really be of sound mind or that he did not really understand? As to duress, it is quite impossible for anyone to know that. Does it not matter that the person really was being coerced by some family members, of whom the doctor was unaware?

Section 14(1)(d)(i) allows the doctor to have no reason to suppose the patient might be depressed. How does that cavalier attitude square with the fact that it is now universally realised that treatable clinical depression is a common cause of some seriously ill patients wanting their lives ended, and that general practitioners find this diagnosis difficult and therefore they often miss it? Indeed, Dr Kay Jamison, a world expert on mental illness at the John Hopkins Hospital, Boston USA, claims that '90 to 95 per cent of suicides are associated with major psychiatric illness'. Those who want euthanasia are always suicidal, they just do not want to do it themselves.

Subsection (d)(ii) would allow the doctor to do something that even very clever doctors cannot do, that is, to know what effect the treatment might have before it is tried, and then to withhold treatment when it may have been curative. This is an absurd clause. Subsection (g)—48 hours for reflection is shorter than thought necessary for the protection of householders against aggressive sales persons.

Section 18 deals with the doctor's report to the Coroner. Since the doctor will be the chief actor, the sole survivor of the event and the only author of the report, the chances of the Coroner finding anything he was not meant to find must be rated as next to zero. The laxity of this provision is almost in invitation to abuse the process.

Section 19(1) says death from euthanasia is not homicide, though it is. Homicide is the intentional taking of the life of another person. Why the deceit?

Section 19(2) says death from euthanasia is due to the patient's illness. More deceit.

Section 22 concerns the Dignity in Dying Act committee which is to consider the overall practice of euthanasia. The committee will get its information from the minister, who will get his [or her information] from the Coroner, who will get his from the doctor, who may report what he wants to report, so the committee's findings will be worthless. The danger would be, however, that they would be treated with respect, so that even honest people would never know the truth.

The Hon. Sandra Kanck interjecting:

The Hon. IAN GILFILLAN: Well, we will no doubt hear your detailed analysis. I also want to bring into my contribution two people whose opinion I take as being highly valuable in this situation when weighing up my final position on the bill. An article reported in the *Australian* of 24 May this year refers to Professor Margaret Somerville, and the first paragraph states the following:

> Margaret Somerville takes an unexpected stand in the voluntary euthanasia debate. The Australian-born professor of medicine and of law at McGill University in Montreal, and founding director of the McGill Centre for Medicine, Ethics and Law, holds progressive views on a wide range of social issues, including abortion and capital punishment. Her perspective is feminist, her argument secular.
>
> Just when you think you have her figured, however, she sidesteps typecasting with an emphatic stand against the legalisation of voluntary euthanasia, or doctor-assisted suicide, even in the most ghastly and terminal cases. It's an unfamiliar tune in the liberal repertoire.
>
> 'Humans, indeed all species, have a strong instinct against killing each other', she says. 'There is a basic moral line, and I describe it as profound respect for human life.'
>
> In a society that recognises no universal religious authority, values are carried by professional institutions. 'And to institute euthanasia is to have two major professions crossing that moral line', she points out. 'You'd have the law, which upholds the respect for life, changed to allow life to be taken. And you'd have the people who are supposed to act with the most profound respect for life—the physicians—actually taking lives. As a society, we can't afford that.'

The media has quite frequently given cover to the Vice President of the AMA, Dr Trevor Mudge, and I think his attitude has been fairly widely canvassed, but I will quote a paragraph from the same article where the case put was that public opinion is supportive of voluntary euthanasia. The article continues:

> Mudge too is sceptical of public opinion. 'If you ask, should people be able to end their own suffering? Ninety-nine per cent would say yes', he says. 'But if you ask, should doctors be able to kill people? Ninety-nine per cent say no.

I do not apologise for reading these quotes into *Hansard* because, as I stated before, I want to indicate that it is a much wider and calmly and objectively held view by people who are in a position to make objective judgments about the value or otherwise of accepting voluntary euthanasia as a legal option in our society.

The last paragraph of an article in last year's March issue of the *SA Medical Review* refers to AMA Chief Executive Officer, Brian Whitford. The article states:

> AMA Chief Executive Officer, Brian Whitford, observes evidence that, increasingly, elderly people feel society cannot afford to care for them.

The sentence which I think is so significant, and the big danger, states:

> Could euthanasia become a real option for people who simply don't want to be a burden?

I do think, however, that the debate may have some beneficial spinoffs in that the focus is so strongly on the provision of extra resources for palliative care that it will be very hard for any government and any medical-providing service not to be more aware and to look for more compassionate and resourced delivery palliative care.

The reason I feel so strongly opposed to it and am not prepared to support the second reading is that it challenges both the moral and ethical sense of our community. Dr Britten-Jones makes one other observation which I had not thought of, but which again reflects the reason I have this profound concern about this measure. He commented in his letter to me as follows:

> . . . to legalise suicide in certain circumstances gives a 'green light' to our young people who unfortunately have a high rate of suicide already.

The Hon. Sandra Kanck interjecting:

The Hon. IAN GILFILLAN: It is not a question of whether or not it is legal. It is a matter of whether or not you want to encourage people to commit suicide, and I certainly do not. Nor do I want it to appear to be more acceptable by our community for either self-delivered suicide or medically-administered suicide to be the option to take as the way out.

So, the passage of this bill and, in fact, I believe even the acceptance of it into the committee stage, waters down what I believe should be an implacable opposition to it as a concept to be considered in legislation in South Australia. I repeat that it is my intention to oppose the second reading of this bill.

The Hon. R.K. SNEATH secured the adjournment of the debate.

PUBLIC LIABILITY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made in the other house today by the Hon. Kevin Foley in relation to public liability insurance.

MABO DAY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made today in the other house by the Premier in relation to Mabo Day.

ICT CENTRE OF EXCELLENCE

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made today in the other house by the Minister for Science and Information Economy in relation to the ICT Centre of Excellence.

ADJOURNMENT

At 4.58 p.m. the council adjourned until Tuesday 4 June at 2.15 p.m.