HOUSE OF ASSEMBLY

Thursday, 29 April 1993

The SPEAKER (Hon. N.T. Peterson) took the Chair at 10.30 a.m. and read prayers.

LOCAL GOVERNMENT (SHOPPING TROLLEYS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 March. Page 2589.)

Mr QUIRKE (Playford): The other day I was remonstrating with the member for Napier for stealing my thunder on the issue of shopping trolleys, particularly as he used the example of the television program. I want to make a few other remarks about this measure. We on this side of the House are not supporting it, and the reasons for that are basically very simple. The Retail Traders Association has made very clear that it believes any further imposts of this type would not only be detrimental to their particular business but would be the wrong way to go in a whole range of ways. The association has made that position quite clear to the Government and has indicated that it sees measures of this type as expensive. It also feels that the innocents are being punished instead of the guilty.

The situation is this: if somebody takes away a trolley and deposits it down the street or leaves it somewhere well away from where that trolley should reside, and a long way from the owner, why should the owner be penalised and punished in such a way? Further, the Retail Traders Association has made clear that a number of voluntary measures in a number of areas are being introduced where deposits are paid for trolleys. The member for Murray-Mallee commented on this in his address. In fact, that was the sensible part of his address. The other part, when he stated that it was like controlling roaming stock on a farm, did not do very much for his argument. The member for Murray-Mallee stated there were a number of places where the deposit system for trolleys has worked well. As I understand it, it is the ambition of most supermarkets to go down a similar road. In summary, we on this side of the House feel that this measure is far too restrictive and far too regulatory, and it is totally unnecessary.

Mr S.J. BAKER (Deputy Leader of the Opposition): I thank all members for their contributions to the debate. In some of their reflections, obviously they have reiterated the comments made by those people in the retail industry. I make it quite clear at the outset that, as a result of representations from the retail traders, individual supermarket owners and local government, the measure will be withdrawn. However, having moved the motion—

Mr Ferguson interjecting:

Mr S.J. BAKER: It is a matter of whether I withdraw it now or proceed to the second reading debate and allow the 'Noes' to stand—it is not particularly relevant to me. The matter will be pursued. We will get a code of conduct. If we do not do it by legislation, we will do it by other means. The fact is that it is quite unsatisfactory at the moment. Even after bringing this matter to the attention of the people concerned, I still finished up with three trolleys in my creek for a period of two weeks. I still have supermarket trolleys being deposited outside my door. I still see supermarket trolleys being used as skateboards at the Mitcham Shopping Centre. All the problems still remain despite the fact that industry said, 'We have not done it particularly well, we will make some amends, we will try to do it voluntarily.'

Despite the fact that legislation was brought before this House and they could see concern was being expressed, the concern did not last more than about 24 hours, when people came knocking on my door and saying, 'This is harsh and draconian.' It has not achieved a particularly beneficial effect. Local government has some concerns about the measure. For example, they would prefer control by regulation within the council rather than the provision of by-laws. I will be addressing a number of other matters. We will get reform in this area. This is the start, and I am quite happy for the 'Noes' to call against the Bill.

I will be talking with industry representatives again. I will be talking to local government again. I have put it on the agenda, which was my intention, and at some further stage down the track we will get a reasonable resolution of this matter. I am not a great believer in resolving these things by legislation, as members would understand. However, when you reach a situation where the aggravation gets to a point beyond belief, you have to say that change has to take place. So, I am relaxed about the Government not supporting the Bill, but the matter will be pursued.

Second reading negatived.

CLASSIFICATION OF PUBLICATIONS (DISPLAY OF INDECENT MATTER) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 April. Page 2966.)

The Hon. JENNIFER CASHMORE (Coles): In rising to support this Bill, which I commend as an initiative of the member for Hanson and my colleague in the Upper House, the Hon. Bernice Pfitzner, I am reminded of the debates in which I participated in the late 1970s when the subject of pornography was of deep concern to the South Australian community. Those debates were vigorous, and I believe they highlighted, through the quoting of research material and empirical evidence, the direct causal link between the depiction of women as sexual objects and the incidence of rape, violence and sexual assault against women. The issue at the heart of this subject is the balance that must be struck between what are considered to be private and civil rights and public good. That, in essence, is the balance that must be struck in the enactment of any law.

In this area of publication of pornographic material or material that is, in the eyes of some, pornographic, the debate continues to rage. When there is doubt one must always come down on the side of the safety of women and children. That being the case, whilst this Bill does not attempt to proscribe any right to purchase such

material, it does provide for a very practical and reasonable measure, as follows:

(b) a condition of such publications that they must not be displayed in a place to which the public has access (not being a restricted publications area) unless the publication is—

(i) contained in a sealed package and placed in a rack or other receptacle that prevents the display of any prescribed matter; or

(ii) contained in opaque material (being opaque material that does not depict any prescribed matter);

I do not consider myself in any way a prude, and I am very willing to admit that over the past 15 years my attitudes on matters concerning many things have altered. However, on the issue of the depiction of women as objects, and on those depictions being freely available to children (one could almost say forced in front of their faces), my attitude has not changed one jot. I also believe that my attitude is shared by the vast majority of South Australians. I am not referring to those who are vocal and who stand on civil liberties platforms, as I am frequently willing to do in the cause of civil liberties, but to those who are simply sickened when they go to the local delicatessen or newsagent and find the covers of magazines depicting women either naked or semi-naked, or in poses which can only be described as degrading in the extreme.

The Bill proposed by the member for Hanson is perfectly reasonable. If enacted, this legislation would not stop anyone who wanted to buy those magazines from doing so. But it would, at the very least, and to put it bluntly, clean up our footpaths. I am just so tired of walking past delicatessens and being confronted by this material which I regard as offensive in that context. They may not be offensive in the context of a private home, and they may not be offensive in the context of a library, but to have them jammed up against the sausages, bread, cigarettes and sweets that children might be buying is, in my opinion, a complete misuse of the freedom that publications in the normal manner ought to have.

All we are asking is for this city, and indeed the whole of South Australia, to be presented in such a way that sex is not thrust in front of every one on every street corner at every retailing opportunity. Surely that is not unreasonable. Surely the values of South Australians can be accurately reflected in our shop fronts; surely we do not have to use the crudest of crude methods, literally, and use sex to sell publications. I repeat: the causal link between the depiction of women as objects and their vulnerability to sexual assault has been very strongly established.

I do not propose to take the time of the House, because others have done it before me, to provide chapter and verse the evidence establishing those causal links. Suffice to say that they have been established. The Parliament should take notice of those facts and support a very reasonable measure, which simply aims to ensure that any material that is restricted by law—by laws which this Parliament has already supported—is placed in sealed covers and out of the reach of the normal display. I support the Bill and sincerely hope that the majority of the House will do the same.

Mr FERGUSON (Henley Beach): This matter has been declared a conscience issue on this side of the House. When the Australian Labor Party determines that a matter is a conscience issue, it then becomes a truly conscience issue, so far as Parliament is concerned.

Members interjecting:

Mr FERGUSON: I am sorry, Sir, I thought that my remarks were quite innocent and non-inflammatory.

Members interjecting:

The SPEAKER: Order! Let us start the day right.

Mr FERGUSON: Do you mind if I speak—

The SPEAKER: Order! The member for Henley Beach has the call and I would ask him to direct his remarks through the Chair.

Mr FERGUSON: Thank you, Sir. I would appreciate it if I had the opportunity to say a few words.

The SPEAKER: The Chair will ensure that that is the case. I ask the honourable member to direct his remarks through the Chair.

Mr FERGUSON: I certainly hope so, Sir. I was saying that when a matter of this nature is declared a conscience issue it then becomes a truly conscience matter for the whole of the Parliament. These occasions come along very rarely and I think, in the 11 years I have been here, this would probably be about the fourth or fifth time that I have spoken on what is a truly conscience matter. I am, I suppose, what can be described as a four wheel Christian. I was taken to church in a pram with four wheels on it to be christened; I was taken in a car with four wheels on it to be married; and I have no doubt that I will be taken in another vehicle with four wheels on it when I am buried. I am, what you might call, a nominal Christian.

I have donated to the British and Foreign Bible Society and I do so from time to time for a particular reason. One of those reasons is—and you may be quite surprised about this, Sir—that the Bible has been banned in many countries. The Bible is banned in muslim countries and has been for a long time in China. It was through the British and Foreign Bible Society that bibles were able to enter those countries. The reason why I was prepared to donate to that society, even though I am what you might call a nominal Christian, is that I believe strongly that there ought to be no such thing as censorship.

With this proposition, we are again entering into the area of censorship. Somebody is telling me as a private citizen that, if I go to a news agency, I shall have to hunt around to find a particular publication. That is something that we as a society ought to resent. I am old enough to recall the great pornography debates of the 1970s. We came from what I consider to be a prudish society to the society that we now have. I do not wish to return to a society where somebody can tell me what I should look at or what I should or should not read. I have never bought *a People* or *Post* magazine.

An honourable member: You read them in the barber's shop, anyway.

Mr FERGUSON: Yes; but these days I do not go to the barber's shop very often. I have never been prepared to put my hand in my pocket and buy one of those magazines. However, anybody who wishes to do so should have that right. The proponents of this proposition will say—indeed, the member for Coles tentatively said—that this is not censorship and that these magazines will be available for those who want them. The point is that the magazines will be hidden away and people will

have to search diligently to get hold of them. These magazines are produced by Australian tradesmen; they are produced by Australian publishers; they create work in Australia; and they are sold by hundreds of thousands of small business people. Those small business people will now be put to what I consider to be unnecessary expense to make provision for these magazines. If this proposition goes through, the capital outlay that will be necessary not only in news agencies but in delicatessens and other places will run into hundreds of thousands of dollars. That proposition has not been given due consideration.

I must say something about the emotional argument that these unnecessary photographs are put before the eyes of children. If children aspire to higher things, such as being a doctor or a physiotherapist, they will have to see people without their clothes on; they will have to attend people who do not have a stitch of clothing on. If mothers find it so terrible that children have to look at people without their clothes on, they are denying them the aspirations that they may and should have.

The Parliament was kind enough to allow me to go on a study tour, and I went to Florence. I am extremely pleased, because I can speak in debates like this in the House with some knowledge. While I was there I saw the statue of David. More than one million people a week file past that statue of David; as many people file past the statue of David as go into the Remm Centre in Rundle Mall.

Members interjecting:

Mr FERGUSON: I do not have time to answer interjections. Over time millions and millions of people have filed past that statue, which depicts David not wearing a stitch of clothing. No-one has expressed indignation, so far as I know, that there is a naked David standing there. David is not only standing on a pedestal but is represented in huge proportions so that those people who actually file past the statue cannot miss out on any detail depicted.

There are times in this world when one cannot escape nakedness. One cannot hide from it and one cannot hide one's children from it. When one visits the Art Gallery of South Australia, one sees many paintings in the gallery of people without their clothes on, and I have never heard of any parent or anyone suggesting that children ought not enter the gallery because people are depicted without their clothes on. What is the moral value there?

If we can take our children to the Art Gallery and show them nudes in the name of art, what is the difference between that and walking past a newsagency where similar displays are available? As to pornography, I have never been able to understand the argument about what is pornography—

The SPEAKER: Order! The honourable member's time has expired. The member for Newland.

Mrs KOTZ (Newland): I must admit that I am somewhat disappointed with the address of the member for Henley Beach on this matter. I am sure he is aware that censorship exists and that certain controls already apply throughout this country. If censorship can be classified at all, it should be at the feet of the Labor Party, because it instigated the classifications that cover the controls we are talking about.

In supporting the Bill I want to point out, as others have done, that the Bill is not against free speech. It does not prevent adults from purchasing any material that they can already purchase. All it does and all it will do is to prevent public display of magazines that degrade or promote violence against women, and it will prevent public display in places where they are accessible to children and people who do not wish to see them.

It is a Bill to protect children and the sensibilities of the general public who are offended by such displays. A great deal of research has been done on the links between violence and pornography and the effects and implications as they affect women and children. I would like to put some of these studies on the record, because I believe they are important as they affect the Bill.

Some of the research that was done as far back as 1974 in Hawaii showed that, from the time restrictions were placed on the sale of pornographic material, rape figures fell for the following three years. The restrictions were then lifted and the incidence of rape immediately increased. In 1985 in Oklahoma City, adult stores were closed and a 25 per cent decrease in the rape rate occurred over the next five years—between 1985 and 1990. In the remainder of Oklahoma State there was no such law and thus no decrease in the rape rate at that time.

In 1985 South Australia had the highest rape rate in Australia and Queensland the lowest. The availability of pornographic materials in terms of these two States supports the findings that I have already cited from Hawaii and Oklahoma, and they are supported by studies from other countries. In South Australia the crime rate statistics, verified by the Attorney-General's Department in the last crime report available to me, showed an increase of 12.7 per cent in the incidence of sexual crimes, including rape.

Another area of research conducted in America took place in Manitoba at the University of Malamuth. A group of people was exposed to soft core pornography for less than five hours over a six-week period with the result that sentences thought to be appropriate for rape were halved. Apparently, many other studies have since corroborated that finding. In a comparative study of rape rates in the United States, Scandinavia, Britain, Australia and New Zealand, John Court found a clear connection between the availability of pornography and the level of rape. He specifically refutes earlier studies that purported to show otherwise, particularly in relation to Australia where the uniform crime data, according to Mr Court:

> ...actually support the case for showing an increase (in rape rates after the liberalisation of pornography) quite convincingly.

Of sex murderers interviewed by the Federal Bureau of Investigation in prisons in America, 80 per cent said that their biggest sexual interest was in reading pornography. A Michigan State police study found that pornography was used just before or during 41 per cent of 48 000 sexual crimes committed over 20 years. The eight major men's magazines *(Chic, Club, Gallery, Genesis, Hustler, Qui, Playboy and Penthouse)* have sales that are five times higher *per capita* in Alaska and Nevada than in other States such as North Dakota. The point is that rape

rates are six times higher *per capita* in Alaska and Nevada than in North Dakota.

That is a very short list of some of the research that is available at the moment, but the links between pornography and rape and pornography and violence are very strong, and increasing. This Bill is a modest approach towards getting the community to start thinking about these issues. We all recognise that, ultimately, the community itself will decide these issues. The Bill is about protection for children and women; it is a measure that I totally support. One of the objections raised in another place was that because national standards would be looked at shortly it was perhaps not necessary at present for this State to enact such legislation.

I want to place on record a precedent that involves the principle for requiring the States to look at exemptions so that we can put into place legislation that can be effected now rather than waiting until some time in the future when national standards will account for the type of legislation that we want to enact. Not long ago I debated this principle with one of the Government's Ministers. The matter related to the vehicle operations section of the Department of Road Transport. A constituent asked for an exemption from the Road Traffic Act regulation which dealt with the downgrading of 'V' rated tyres to 'H' rated tyres. I will not go into the detail of what the request for exemption was about, but I debated the principle with the Minister. I did not consider that it was a viable argument to insist on waiting for national standards to be legislated when an exemption could be issued at this time. I am pleased to say that the Minister agreed with that request, and in his reply to me—and, once again, I pointed to the principle of this—he stated:

> The situation relating to tyres [which is the issue in this case] is being examined on a national basis and a proposal to remove the speed rating requirements in their present form is currently under consideration.

The Minister went on to say that he considered this to be the appropriate approach and that a general exemption had been prepared for publication in the *Government Gazette.* I point that out purely to emphasise that precedents have been set and that, although national standards may be being discussed, it is necessary that a decision be made at this time and not at some time down the track, so that, in effect, we can put into play our own regulations. I totally support this Bill.

Mr QUIRKE (Playford): This Bill may have a number of merits, but it is really in the wrong place. The issue itself certainly needs to be addressed, but it ought to be addressed in Canberra. One of the problems that we have with these sorts of measures is that we forget sometimes that we are a nation. We forget that a number of towns in South Australia are near the boarders with the other States. With respect to censorship and a number of other such questions, we must also have a national perspective. The argument that we can do it here in South Australia is an argument that in many respects misses out on some of the key issues, and one of the key issues is this: it is my view that as a nation we vested the powers in Canberra over a range of activities—and, of course, we know of the foreign affairs and defence powers that are there. Over the years we have allowed the censorship provisions which apply in film, television and literature also to be applied at that level. This is an issue that really ought to be taken up by the Commonwealth censor.

Probably more than anything else, the thing that triggered this debate most was the photograph of a woman who was in a dog collar and who was displayed quite prominently in a number of newsagencies last year, and that led, for some two or three months, to that publication being classified as appropriate only in regard to sex shops. Indeed, as I understand it, the publishers have agreed to a code—and perhaps they should have done this many years ago—to prevent this sort of thing happening again. It may be inappropriate to display certain publications in petrol stations, supermarkets, delicatessens and a number of other areas. However, a uniform approach is needed because many newsagents, in particular, deserve at least this sort of consideration so that they know where they stand. If every State goes its own way on this issue, that will pose a number of difficulties.

Let us deal with some of the issues. Comments have been made by some of the speakers that there is not censorship, that it is not stopping anybody from buying this sort of material. As I understand it, most of the objectionable material is already classified and is for sale only in certain establishments or to people over the age of 18 years. Further, those sorts of magazine—and in particular that offending publication last year—contain very limited amounts of what could be described as bare flesh or whatever. In fact, when you open most of these magazines, you will find ludicrous stories such as 'My mother is a Martian', and so on, but no further nudity or any such thing present in that publication. However, an argument can be made that these sorts of publications must be submitted to the Commonwealth censor and, if they transgress these rules, then it is appropriate that they be given a different classification at the national level and be sold only in those establishments where they should be sold.

Another issue needs to be brought out here. The member for Newland's comment that through access to pornography there is a correlation between rape and other crimes is not really applicable to this matter. We are told that this measure is not about censorship because it will not prevent anyone from going near these publications. Whilst I could spend a great deal of time talking about those figures and the work of John Court, who is a friend of mine (but I must say that we have agreed to differ on these points), that would not be appropriate. This is not about censorship but the way in which certain classifications of material will be available in the future.

I agree with what the member for Henley Beach said previously about nudity in the Art Gallery and a number of other places. I wonder whether the same sorts of people in the community who have pushed for this measure will not be pushing for the cover-up of those items in the future. If anyone thinks this is just a flash in the pan and is not part of a whole agenda to bring a much more restricted view of the human body into our world, particularly that view which currently prevails, I think they are very wrong.

As a father of three boys, I have some problems with the type of material that has been made available from

time to time in service stations in particular and, to a lesser extent, in the supermarkets. I am also very concerned about other things they are exposed to in this world. When this issue was first put down for debate in this Chamber a few weeks ago on a Wednesday, I arrived home the following night in time to see the television news broadcast. I must say that my 2½ year old was much more disturbed at seeing items on the six o'clock news that night.

As does every member of this House, I watch as much of the television news services as I can. It is part of our occupation. However, our kids see things on those broadcasts that are far more distressing to them. My son made it very clear to me that it was extremely distressing to him to see a mother holding a dead child with a broken back riding in a truck coming out of Bosnia. I made these comments to a few of my colleagues the following week, so we put the television on in the parliamentary lounge, and we saw a family that had been murdered in Bosnia. They were very distressing images to be broadcast at 6 p.m. They are the sorts of things that young children in particular find very hard to contemplate. In fact, I find it very difficult to grasp the terrible situation that occurs today in Somalia, Ethiopia, the Sudan and Bosnia. Images from those places appear every night on the television news, but I have not heard anyone say that these very distressing images should be culled from the six o'clock and seven o'clock news services, and that the later editions of the news at night is the more appropriate time to show this imagery. I have not heard those arguments at all.

I would be quite happy to participate in a debate like that. Again, it is something that should be done at the national level. This is one issue that is more appropriate for that level. If this measure is successful in this House, I would like to see a reasonable phasing-in period so that newsagents and other organisations can address these problems so they are not imposed as an extra cost overnight. I would have thought the best procedure would be to refer it to the Legislative Review Committee for its consideration and for it to come back to the House later in the year.

Mr Holloway interjecting:

Mr QUIRKE: No, not the Social Development Committee. I have every faith in that committee, but I know that its workload is so stretched that the Legislative Review Committee would be more appropriate. I understand that a number of people would not support that idea because they are in a rush to try to get this measure through as quickly as possible. I make no comment on their motives for that, except to say that I imagine a number of my good friends on this side of the House will support the measure. A number of people with whom I have been associated for many years will support it also. I will not be supporting it because I believe it is in the wrong Parliament.

Mr Lewis: You're a wimp!

Mr QUIRKE: Whilst the debate is a legitimate one, it should be conducted in Canberra. As for being a wimp, I must say that, if the comment came from anyone other than the member for Murray-Mallee, I probably would be worried about it, but I take that as a badge of pride. If the member for Murray-Mallee says that I am a wimp, it must be true: I am a wimp. I make the confession that I find these measures very difficult to contemplate.

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

Mr BLACKER (Flinders): I do not wish to delay the House for very long other than to indicate my support for the measure. There have been many debates over long periods about various aspects of censorship and classification. This is not one of those debates. This is purely a matter of determining how such classifications should be displayed and, to a degree, it is a very small step in trying to put some restrictions on the display of material that many people find offensive.

I was interested in the member for Playford's arguments because he mostly agreed with the Bill but chose not to support it on the basis that it should be a Federal issue rather than a State issue. What better way to put pressure on the Federal Government than to pass a piece of legislation through the Houses of all States, preferably, and give clear indication to the Federal Government that that is where the matter should be. The honourable member could assist the cause, given the support he gave to aspects of the Bill, by supporting it at this time, thereby flagging the South Australian Government's intention and view that a measure of this kind should be supported.

The Bill puts a small restriction on the display of publications and, therefore, it is something that I believe this House should support and, to that end, I hope that the House will support it. Like other members, I have received many letters and personal communications from various people, saying that the Bill should be supported. I have indicated to those persons that my intention is to support the Bill and I have expressed the reasons for that support. I was more concerned when I found a newspaper insert by a group called the Eros Association, with a 0055 number, which I certainly did not contact.

The Hon. J.P. Trainer: Give it to the member for Bright.

The SPEAKER: Order!

Mr BLACKER: It reflected on various aspects of some public opinion polls that have been taken. Having read that publication, one must ask: where does the money for such material come from and who benefits by the promotion of that material? I note that the member for Henley Beach made reference to the people involved in the printing and distribution industry and he suggested that their jobs could be at risk if this Bill went through. I strongly deny that. In any event, if our industries have to be supported by such material, we should be questioning our ethics in so doing. I ask the House to support the measure.

The Hon. D.J. HOPGOOD (Baudin): When my friend and colleague the member for Henley Beach rose in his place, his initial remarks were met by some cynicism by members opposite. I hope what I am about to say will show that there is no cause for cynicism over the way in which the Labor Party is approaching this matter and the concept of the conscience vote. I support the measure and I believe that a number of people on this side of the House will be similarly supporting it. I am not convinced by any of the arguments put forward by

the member for Newland. I think a lot of that was pop sociology, and I remind the honourable member of the old adage about the chicken and the egg. It is always a problem in these things, if I can go to the extreme, of whether one argues that nasty stuff produces nasty people or whether one argues that nasty people, anyway, are attracted to nasty stuff. Some of those things need to be sorted out before one starts parading lots of statistics that are probably pretty well meaningless.

I want to take us back to the 1970s. I was here at that time and I remember the debates about the changes in the censorship law at the time. There were two basic propositions that were put forward which underpin that law. The first was that adults should be allowed to have access to material to which they want to have access. The second was that people who do not want to be confronted with the same material should not be confronted with that material and, in a blanket way, that was applied to juveniles. How was that brought in by way of legislation? Prior to the legislation, the courts had power to ban material that was pornographic, and all those words were used. As is often the way in common law, there was no specific definition and it was left to precedent to sort out all those things.

What the Parliament of the day did, rather, was to write in a number of principles and to invest the administration of those principles in a board. What the board could do, confronted with particular material, was to classify it in such a way that it could be sold under restricted conditions, perhaps not put on public display, not sold to particular classes of people, or it could refuse to classify it. In the circumstances that it refused to classify, the traditional law could still apply. The person purveying this material could still be subject to prosecution. As I understand it, that is still the case and, of course, it will remain the case irrespective of what happens to the passage of this Bill.

Let no-one run away with the idea that we do not have censorship in this State. We do have censorship and we always have had censorship in this State. What Dunstan or anyone else did in the 1970s did not affect that basic principle. It is still part of the law of the land that a person can get a court to rule that a particular publication is so offensive that it should not be published, sold or given away. We do have censorship and we always have had censorship, and I assume that, for that reason, there is a sense in which every member of this Parliament would say that from time to time we may run across material that is so grossly offensive to all of us that we would not cavil at the court's banning it.

The second principle is that people should be protected from material that they themselves find offensive. Speaking for myself, the sort of material that may come under this legislation, if it is carried, is material that I do not find offensive in a moral way although I am sometimes offended intellectually by it. Only a week ago some of us were in the refreshment room during the evening and there was a show on that displayed a good deal of bare flesh. My objection to that show was simply the dishonesty. If they want to come on and say, 'All right, fellas'—and let us be perfectly clear because for the most part this material is directed to the male of the species—'for the next hour there will be lots of bare female flesh on view and you can all sit down and ogle it,' that would be fine. But they were not honest. They tried to suggest that this was some sort of sociological investigation.

Mr Ferguson: A survey.

The Hon. D.J. HOPGOOD: That is right, a survey. It was suggested that this was some means whereby the populace of Australia would have their consciousness expanded as to what was going on. It reminded me very much of the nadir of journalism that I saw in the *Sunday Mail* some years ago when a survey was taken about the number of acts of copulation that occurred in the various suburbs of Adelaide, and a map was actually drawn with contour lines. I rang up my brother and said, 'Tea Tree Gully is lagging behind Noarlunga. What are you going to do about it?' It was so ridiculous and so intellectually dishonest that that was my objection to it rather than any suggestion that an article such as that would corrupt adults or young people.

I do not find this material offensive in a moral way but what I have to say is that a very large number of citizens do. I take heed of what the member for Coles said earlier about certain images, clearly demeaning women as they do, and in those circumstances I can see no objection to a proposition that says that people should be protected from the flagrant display of this material while at the same time not interfering with the right of a person to be able to go in and purchase such material if they want to do so.

As I understand it, provided the magazine cover is designed in a particular way, it need not be necessary to hide the name of the magazine but merely from time to time that which is depicted on the magazine that a lot of people find quite offensive. That is the reason why I will be supporting the Bill. South Australia, I believe, led the way in the 1970s in relation to this matter. We did not wait for the country to catch up with us: we did not wait for uniform legislation. I think that, in relation to this very modest measure, there is no reason to wait for uniform legislation.

Mr LEWIS (Murray-Mallee): I find some of the arguments put in opposition to the proposition to be incredible. For people to claim that we do not have a responsibility to do something about this is a demonstration of their ignorance of the constitutional authority and therefore responsibility that we as a Legislature have on this matter. They are simply abdicating responsibility to do something about a problem which they, like the member for Playford, have identified exists. It is not a matter of saying, 'Let's do it at a national level.' For that matter, why do not we do it internationally? We are a society and a community and a constitution in a State, and that State is part of a Federation. The State has responsibility for these matters and it is therefore our duty to determine as a Legislature what ought to be done.

Turning the argument to the nature of human response to certain stimuli, I found the sort of comment made by the member for Henley Beach and other arguments that I have heard in opposition to the proposal a bit inane. To say that David stands in sculptured form naked before whoever may come to view that great work of Michaelangelo, and that this represents what those of us

who support this measure regard as wickedness or inappropriately stimulating is ridiculous in the extreme.

The focus of attention of photography in the images portrayed in full colour in the sorts of magazines to which this measure addresses itself is the difference between our concern for such publications and our regard and applause for what obviously are works of art.

The focus of attention when viewing Michaelangelo's sculpture of David is therefore subjective, and what can be seen is thus very different from what will be seen if we examine a photograph which focuses attention upon a particular pose of the torso of either sex and the genitals and the manner in which they are related to that pose and the non-verbal cues which come from it. That is the difference between what I see as art with merit and soft core or hard core pornography—and all members in this place know what I am talking about in that regard.

The intonation used, for instance, in the expression of an opinion can give a clear message without anybody being able to understand the words that are being used by the speaker. Those messages come across as non-verbal cues, and the member for Henley Beach knows that. The non-verbal cues of the physical disposition and the non-verbal cues in oral communication by intonation are things to which we respond at a more primitive level than our intellectual comprehension of either the terms that are used or the images that are portrayed by a sculpter. The member for Walsh may look aghast, but that illustrates either his unwillingness to accept the validity of social psychology, or his ignorance of it. If he is unwilling to recognise the truth of it, he must be ignorant of it. I thought he was a teacher by prior training and vocation, and would have some clear understanding of that. The pose he now takes in the Chamber projects an impression to those of us who are watching him as to what he means or what our minds think he means.

Accordingly, as I said, that is the difference between the images in these publications and that which is otherwise seen by works not intended to focus attention upon sexuality or any of its expressive forms in practice. So, to have a woman with a dog collar being led about on all fours with her genitalia exposed in a provocative fashion is an entirely different message from the message which the viewer gets when looking at Michaelangelo's statue of David, Venus De Milo or any other statue. We all know that the majority of human beings, in their response to such images, will differ, but the vast majority of them will not be adversely affected. There is a small percentage who by virtue of their temperament, controlled by the construction of their brain—and that is genetic—and who by virtue of their own experience of life also will react in a way which is undesirable and unacceptable socially, and they will perpetrate acts of violence or rape, or seek to gratify those desires and urges which arise in a way which is unacceptable to the rest of us.

What we need to do if we want to minimise such anti social behaviour is remove the images which would otherwise excite them. We should put stimuli away from the people who could otherwise perpetrate such crimes. We are not all the same: we are different and as members of Parliament we have a duty of responsibility to the majority of society who need to be protected from what are otherwise unacceptable acts which occur in greater frequency in response to those stimuli. That is the basis upon which this legislation has been formulated and, accordingly, I have no hesitation in heartily endorsing what we seek to do through this Bill.

Debate adjourned.

ECONOMIC AND FINANCE COMMITTEE

Mr QUIRKE (Playford): I bring up the sixth report of the Economic and Finance Committee, being the annual report for the year ending March 1993, and move:

That the report be received.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr McKEE (Gilles): I move:

That the interim report of the Legislative Review Committee on an inquiry into matters pertinent to South Australians being able to obtain adequate, appropriate and affordable justice in and through the courts system be noted.

I stress that this is an interim report. There are no recommendations or decisions made by the committee that at this point require discussion. The committee is of the view that this is an extremely important issue. It is central in a democracy that people have access to the judicial system and justice along the same lines as people have the right to universal health care and a full and balanced education system. So the Legislative Review Committee has treated this matter with great importance.

We have called for evidence from a number of areas. At this point the committee has received evidence in relation to court fees, court delays and lawyers' fees. The committee received evidence on and considered the full question of legal aid—its ramifications, accessibility, limitations and funding. The committee discussed alternatives to legal aid, contingency fees and legal insurance schemes. We also discussed and received evidence on alternative dispute resolution and community mediation services; the volume and style of legislation (and that refers directly to the activities of the Parliament and the way we frame our legislation); and education in the class room on the justice system.

It is important to note that, whilst this is an interim report, the committee is still allowing receipt of evidence until 30 June. That is why we are not making any recommendations at this stage: we have not completed our work. I wanted to place on record the areas in which the committee has already received evidence and to point out that the committee will continue to call in different aspects of the legal community as it sees fit. Of course, anybody who wishes to give evidence to the committee still has at least a month or so in which to do that.

The committee was interested to note, in terms of the legal system itself, that the majority of people who undertake the profession of law have usually come from a middle to upper class background and have been educated in the eastern suburbs, if not in private schools. Certainly as a member on this side of the House, I find that we should examine is how we broaden the intake of members of the legal fraternity in South Australia and

give access to people whose financial and work background makes it difficult for them to gain access to the justice system rather than perpetuating the system whereby people who do not have difficulty with money or the education system take up that profession.

We found those statistics quite alarming, but I stress that this is an interim report; we are not in a position to make recommendations at this stage. Since April 1992, when the committee addressed this matter, it has received 18 submissions and has taken evidence from 16 persons or organisations on the various issues that are identified under the terms of reference. To date the committee has concentrated its efforts on taking evidence from persons in organisations which are directly or indirectly involved in providing a service or facilities or in protecting user rights in the justice system.

Mr MEIER (Goyder): I am pleased to support the noting of the interim report, and I support the remarks made by the member for Gilles, who is a member of the committee. The committee has certainly had a very busy and interesting time over some months, taking evidence in relation to access to the courts and the affordability of justice in our courts. I must say that I was disappointed to see the front page article in the *Advertiser* of last Monday headlined 'Shoplifters Face Instant Fines'. I thought, 'What on earth is going on now?' Most members would know that the Government has been on the wrong track for a long time. I thought, 'Now it is going on some other track.' But, when I looked at it, I saw that it came from the Legislative Review Committee and I thought, 'Hang on, I am a member of the Legislative Review Committee. I have read the interim report and my recollection is that we have not made any recommendations at all.' I looked at the article and I felt that it had misrepresented the situation. The editorial stated:

> The Government must dismiss recommendations from Parliament's Legislative Review Committee to extend the on-the-spot system by applying the fines to shoplifters.

That was a statement completely out of context. It had no relevance from the point of view of what the report sought to do. In fact, I would draw members' attention to item 6 in the introduction to the report, which states:

> This interim report does not include committee recommendations for change or improvement of the justice system. The ideas expressed and issues raised are drawn from evidence taken and do not—

and 'not' is underlined—

> necessarily represent the views of individual members or the committee as a whole.

Yet anyone reading the *Advertiser* article would have assumed that the committee had recommended on-the-spot fines for shoplifters. That sort of misreporting really upsets me. The issues in the report are certainly comprehensive. I hope that all members will take the opportunity to read the interim report. As the committee members indicate, we are still happy to receive submissions from persons who may wish to address particular issues and, certainly, we have to make our recommendations.

Telephone conferencing is an alternative method more effectively to deal with conferences, rather than persons having to turn up in person. Surely the telephone can be used much more effectively in that regard. There is the issue of legal aid, as is stated in the report. The high cost of justice in Australia has resulted in the legal system being inaccessible to sectors of the community, and we all well know that. That is the very reason why we are investigating this whole issue, and Chief Justice King observed exactly the same thing.

The solicitors who take on legal aid receive only 80 per cent of the normal set rate. Is that the way we want to go—that solicitors should have a 20 per cent pay cut? Obviously, the implications are serious for the rest of the community. If they are to take a 20 per cent pay cut, perhaps everyone else should go the same way.

The committee looked at the area of Aboriginal legal services. We certainly invite more comment on problems and concerns peculiar to Aborigines and Aboriginal legal services. It will be interesting to hear people's views on whether all people should be treated equally or whether some sectors of the community have additional legal services in comparison with other sectors. That needs further consideration.

The Law Society of South Australia launched the Litigation Assistance Fund in July last year. It is an interesting move, being very much in its infancy. It has only a $1 million grant at this stage from the Legal Practitioners Guarantee Fund, and we would hope to ascertain a little more, by the time our final report comes forward, whether that is working satisfactorily. There is also the issue of legal expenses insurance schemes. The Public Service has had a pilot scheme operating for some time and it appeared to work very efficiently and effectively.

However, the problem started to arise when the more people who knew about it the more they were taking advantage of it and the amount of money available probably would not have covered expenses if the scheme had continued operating for some years. At this stage the scheme is not continuing.

The issue of compulsory third party property damage for motor vehicle insurance for all persons has been discussed as long as I have been in this Parliament, and I am sure it was discussed well before that. It is interesting to see some of the comments made indicating that this is the direction we should be following in more detail.

Alternative dispute resolution is also a possible avenue for limiting judicial costs in South Australia, and it was interesting to hear the lawyers engaged in alternative dispute resolution indicating what advances have been made and what training is taking place for persons and solicitors to be trained in appropriate alternative dispute resolution.

There is much more information in the report, and I trust that members will take the opportunity to read it. I hope that those members who wish to make further comment take the opportunity to present themselves before the committee or make a written submission to it.

The Hon. T.H. HEMMINGS (Napier): It gives me great pleasure to support this interim report but, in doing so, I would like not only to discuss the problems that the committee dealt with—for example, the question whether South Australians are able to obtain adequate, appropriate and affordable justice in the law and through

the court system—but also to refer to the problems confronting the committee itself.

In considering this subject the committee has been running on a shoestring. The committee has no permanent research officer and has had to get a research officer through the Attorney-General's Department. If anything, a swiftie was played on the committee in getting it to agree to have such research resources made available at that time, yet the Economic and Finance Committee obtained the lion's share of resources by having two research officers, with the Environment, Resources and Development Committee having one research officer and the Social Development Committee also having one research officer.

Obviously, someone added up and said, 'Look, we have none left for the remaining committee.' I have always believed that no committee is greater or more important than any other committee. We have ended up with the Legislative Review Committee having nothing. This worries me and, as one of the Presiding Members who cast a fatherly eye on the four standing committees, I am sure that you are aware, Mr Speaker, through the grapevine, that one of the committees is putting in an ambit claim for a further two research officers. I am not trying to ask you, Sir, to show your hand at this stage, but I would suggest that what you should be doing with your esteemed colleague the President of the Legislative Council is to make sure that, before we start allocating more resources to one committee, that the Legislative Review Committee at least reaches the same level of resources as two of the committees that have a research officer. I will not comment further—

The SPEAKER: I point out to the member for Napier that that was a decision of the Parliament.

Mr Hamilton: I warned the Parliament.

The Hon. T.H. HEMMINGS: As my colleague the member for Albert Park says, he warned the Parliament, and he did. Sometimes the Parliament makes the wrong decision, as you well know—

The SPEAKER: I draw the member for Napier back to the question of relevance to the debate.

The Hon. T.H. HEMMINGS: I have dwelt on resources because not one member of Parliament at some time or another does not have a constituent coming to their office to talk about either the lack of affordable legal representation available to them or the fact that, if they do go down that path, if they cannot get representation from the legal aid system, it will obviously bankrupt them to go through the court system. The report has touched on that. Either one has to be wealthy or very poor to go through the courts. If one is in the middle bracket, one cannot take advantage of the aid that is available quite correctly to the disadvantaged among us. For the wealthy it does not matter if they pay $20 000 or $30 000 for legal representation, but people can be caught in the middle.

The committee brought that problem to our attention. The committee looked at that matter in April 1992; in fact, it was in April 1992 when the terms of reference were agreed. This is only an interim report and the full report will not be available until there have been further submissions. Certainly, that is not a reflection on the committee.

Mr Ferguson: They need more—

The Hon. T.H. HEMMINGS: They need more research resources available to the committee to provide a cohesive report, and I hope the Government will pick this matter up. I hope members of the committee will see my comments not as a criticism of them but as a criticism of the system that was set up. That committee was considered the poor southern cousin in the committee system and it has had to operate almost on the syndrome of pearls cast before the swine by the Attorney-General. That is just not on. We had an example last week of a motion debated where the Legislative Review Committee was placed under some form of criticism by the member for Murray-Mallee because the committee had not reported on citizen initiated referenda—

Mr Atkinson: That's because it doesn't want to.

The Hon. T.H. HEMMINGS: The member for Spence says it is because the committee does not want to do that. That may well be the case, but I could argue that it is because it might well want to bring down a report but does not have the resources available.

The SPEAKER: Again, I point out to the member for Napier the need for relevance in the debate. He has been allowed great freedom in this debate but he has also reflected on a decision of the House, which is out of order. I bring his attention back to relevance to the matter before the House and I warn the member for Napier that, if he does not bring his comments back to this measure, I will withdraw leave.

The Hon. T.H. HEMMINGS: Can I just say, before I move to the report—

The SPEAKER: I suggest that the member for Napier move directly to the report now.

The Hon. T.H. HEMMINGS: One point in the report is that we have had a refreshing change, because the committee has stated that the report does not necessarily reflect the complete or unanimous view of the committee. It has been considered of sufficient importance to include that comment on the record. That makes a great change from some of the reports where we have almost had deliberation by exhaustion until we obtained a comprehensive and unanimous decision by the committee involved, whether it be—

Mr Ferguson: Something like the bushfires—

The Hon. T.H. HEMMINGS: The bushfires select committee is a classic case—where, unless there is a unanimous decision, a report will not be delivered. The Legislative Review Committee recognises that the subject matter encompassed by the report does not reflect the views of all members of the committee. I am anxious to hear some of those views and to see exactly how, as this important subject is debated, individual members perceive the solutions to this problem. I congratulate the Legislative Review Committee—it is a great report, interim as it is—but, again, I ask the House to reconsider the resources that are made available to standing committees.

Mr SUCH (Fisher): I will be brief. As the member who initiated this matter last year, I am pleased to see that the committee has brought down an interim report. I acknowledge and strongly endorse the comments of the member for Napier and I commend the committee for the work it has done despite its limited resources. The way

in which it has conducted itself has been excellent under the chairmanship of the Hon. Mario Feleppa. The matters being addressed by the Legislative Review Committee relating to access to affordable justice are important and significant to the community. They affect many people, usually individuals or families. We do not see mass demonstrations of people who have been denied access to the court system or who feel as though they are being denied justice, because this tends to happen, as I said, on an individual or family basis. However, all those people put together would comprise a significant number in the community. As the member for Napier pointed out, as members of Parliament we are constantly in contact with people who are angry about what they feel is the denial of justice to them.

It is important to note that our legal system is not necessarily a system of justice. The two should be one and the same thing, but often that is not the case. We talk about democracy and the importance of political rights, but it is also important to focus on legal aspects. If a person does not have access to the court system and cannot be represented, in my view justice is denied. If the committee in its final report can come up with some positive recommendations, I believe that it will not only save the community and individuals a lot of money but it will also prevent a lot of heartbreak which currently exists in the community because people have been denied justice.

I accept that this is an interim report. It canvasses many issues. The *Advertiser* gave it prominence recently when it highlighted an issue that, in essence, was not the central focus of the committee—but that is the way in which the media tends to operate. We should not lose sight of the fact that the committee is inquiring into and making recommendations on obtaining adequate, appropriate and affordable justice in and through the court system. I commend the committee for the work it has done and I urge all members, if they have not already done so, to read the report and present a submission to the committee.

Mr S.G. EVANS secured the adjournment of the debate.

SELECT COMMITTEE ON PRIMARY AND SECONDARY EDUCATION

Mr HOLLOWAY (Mitchell): I move:

That the time for bringing up the committee's report be extended until the first day of next session and that the committee have power to act during the recess.

Motion carried.

CITIZEN INITIATED REFERENDA

Adjourned debate on motion of Mr Lewis:

That this House calls on the Legislative Review Committee to submit an interim report on its inquiry into the proposal to introduce citizen initiated referenda and, in particular, its understanding of public opinion based on the evidence given to it of:

(a) the intervals such question should be put;

(b) the form of any such questions;

(c) how to decide if a question should be put;

(d) whether attendance at the poll should be voluntary; and

(e) any other matter relevant,

before the close of parliamentary business on Thursday 6 May 1993.

(Continued from 21 April. Page 2968.)

Mr MEIER (Goyder): I cannot support the motion of the member for Murray-Mallee, for many of the reasons that have been outlined in the previous debate by the member for Napier. I want briefly to mention one or two matters. First, it needs to be stated clearly that the primary role of the Legislative Review Committee involves the scrutiny of regulations, and that must be done virtually on a weekly basis. People may or may not realise that on many occasions the committee must take evidence from persons or groups regarding those regulations. If a member of the committee has a query with the regulations and if that cannot be sorted out there and then, the committee obtains information in written form or requests people to appear before it to explain what is going on.

The member for Eyre has moved for the disallowance of many regulations because of his concerns. The committee itself has from time to time moved for disallowance, sometimes simply with the aim of giving the committee further time to fully investigate the regulation or matters pertaining to it that are being considered by the committee. I am not speaking of regulations which apply not only to this Parliament but also to local government authorities. On occasions, those matters have taken up a considerable amount of the committee's time. I refer, for example, to the issue of allowing horses onto Brighton beach. I cannot recall how many weeks or months the committee spent on that matter, but it was a long time.

Mr Matthew: Sea horses?

Mr MEIER: No, not sea horses, racing horses.

Mr Matthew: A very important issue.

Mr MEIER: It is a very important issue. It was not the first time on which this matter came before the committee; the matter was dealt with by the former Subordinate Legislation Committee, but I am sure that all members who took the opportunity to read the evidence would appreciate that there were strong views on both sides. Those views had to be considered: the views of the residents who believed that their freedom and privacy were affected versus the views of the racing industry which believed that it needed that provision. The racing industry is an exceptionally important industry at a time when many businesses have closed their doors and are leaving the State. Let us keep that in mind first.

Secondly, as members would be well aware, because this matter was debated this morning, the committee has brought down an interim report on the cost of justice in this State. As the member for Napier so eloquently espoused to this House, a lot of time has been put into that report and the committee has been hindered to a large extent by not having available to it the services of a full-time research officer.

The matter reached the point where, thankfully, we were provided with, if my memory serves me correctly, a $5 000 piecemeal grant. We were told, 'That's what you have available; you can hire someone.' We could not

go to a top person—although I think we have one of the best officers assisting us—but we actually looked at graduates from the Law School. We worked out how many hours would be needed and decided how best we could spend that money. It should not have been up to the members of the committee to do an analysis of how we could best spend the money or what sort of person we could get. If we had hired a barrister, we would have got only two Sessions or perhaps three.

We were very responsible. We sought to use that money to the greatest advantage possible, and we have done that. The person who has been working for us has gone over and above the call of duty to assist this committee. I also understand that, thankfully, a further small amount of money has been made available so that we can continue down that track. The member for Napier indicated in this Parliament that we will receive a full-time research officer, and that will make our life a lot easier—assuming that we do not get snowed under now with other motions coming before us requesting that we investigate this, that or the other matter.

We still have this matter of access to justice before us; we also have to handle the Courts Administration Bill. That was a Bill that another place could not sort out, and it handed it to us. I suppose we were very honoured to be given the task of seeing whether we could come up with a reasonable solution to the Courts Administration Bill, and we did just that. However, it took quite some time to hear all the evidence from persons interested in it and then to put forward our recommendations. Without having checked all aspects of the *Hansard* from the other place, I believe all our recommendations were agreed to. If nothing else, that at least made us appreciate that we are handling the situation in a very responsible way.

Therefore, as it relates to the member for Murray-Mallee's asking for an interim report, the truth of the situation is that, whilst we have received some submissions on citizens initiated referenda, we have not had time to get down to a detailed investigation into it. We have not had time to hear evidence from those persons who wish to give evidence. I categorically refute any suggestion that we are seeking to put this issue on the back burner, and I was very upset by an interjection from an honourable member, when the member for Napier was speaking, who indicated that that was perhaps the thinking of the committee. That is not the case. The committee has a full program; we are well into the program.

The matter of citizen initiated referenda will come before us very shortly—I would hope within the next few months—and we will be happy to give it full consideration. It is useless for a committee such as ours to say, 'Look, we haven't got much time, so we will do it quickly; we have a few different views; and other people can do the hard work.' We have sought to do the hard work in every issue that we have looked at so far, and that will continue to be our attitude and policy. We look forward to the time when we have a full research officer, and hopefully that will help to speed up things so that the House can receive our report at the earliest possible convenience. I cannot support the member for Murray-Mallee's motion.

Mr S.G. EVANS secured the adjournment of the debate.

CAPITAL PUNISHMENT

Mrs KOTZ (Newland): I move:

That this House is of the opinion that a referendum should be held to enable the people of South Australia to indicate their opinion on the reintroduction of the death penalty as a sentencing option for intentional and malicious acts that result in the murder of any person.

This motion is supported by petitions that have been tabled in this House attracting 16 118 signatures. Also, 3 750 other signatures have been addressed to the House of Representatives and, therefore, will be tabled in the Federal Parliament. That makes a total of almost 20 000 people who have signed the petition to support the reintroduction of the death penalty. The petition states:

The humble petition of the undersigned electors sheweth that:

Intentional, malicious acts resulting in murder are increasing in the community and that penalties are inadequate.

The petitioners also pray that the House will:

Call for the reintroduction of the death penalty to be applied to any intentional malicious act resulting in murder, including the:

abduction of any person or child that results in the death of that person or child;

sexual assault of any person or child that results in the death of that person or child;

rape of any person or child that results in the death of that person or child;

and that any person/persons convicted of these crimes be sentenced to death.

This debate allows me only 15 minutes to put statements that support the reintroduction of the death penalty, and I consider that to be totally inadequate. I just put that on record. Prior to Christmas 1992, constituents from my electorate approached me, as their local member of Parliament, to raise a petition to reintroduce the death penalty for certain acts of violence that resulted in murder. At that time, I stated that, because of the serious nature of the issue, I would look at presenting a Private Members' Bill or look at the issue of referendum as a means of debating the issue if a substantial number of the population signed the petition indicating that the community were willing to take and accept responsibility to implement the execution of an individual convicted of specific crimes. It was never the intention of me or those who approached me to raise this issue that the death sentence should ever be considered for all and every homicide ever committed, which has been the unfortunate suggestion of certain persons opposed to the death penalty and which I can only presume was their attempt to trivialise this very serious matter.

A further claim that the issue was raised for political gain and publicity during recent criminal incidents reported in the press is maliciously incorrect. This subject was a matter of public record prior to the spate of high speed car chases and the tragic death of a taxi driver who was involved in those incidents. The people I represent in speaking to this motion are members of families whose concern for their children and other family members is the catalyst for the call for the

reintroduction of the death penalty. Prior to Christmas 1992, several attempted abductions of children and young people took place and continued into the new year.

There was also the murder of a six year old child interstate, whose pitiful little body was found in a playground discarded like unwanted refuse after being tortured and abused in the most atrocious and unspeakable manner. The support indicated by South Australians for the reintroduction of capital punishment indicates an underlying and strongly felt disgust and fear that law and order generally and justice in particular has dissipated to unworkable proportions whereby the criminal appears to be more protected than their victim.

Those who have failed to apply adequate penalties have failed to deter crime. Criminal courts play a major factor in the deterioration of law and order; their actions have condoned crime. In just over two decades, our basically law-abiding society has seen an eruption of crime unheralded in our history. Those who have weakened our laws are those who support the offender to the detriment of the victim and potential victims. Those who have weakened our laws in the name of humanity refuse to acknowledge that humanity is better served by a serious and just concern for the weak and the innocent.

It is the result of Government policies that have assisted the lowering of values that morally and ethically reduce social attitudes to the lowest common denominator. It is the result of paternalistic attitudes of Governments that have forcibly and obtrusively accepted responsibility for the individual and denied individuals the right to be responsible for their own actions. It is the result of academic theorists who argue there is no crime, there are no criminals but there are only complexes, and the greater the number of complexes the more we are supposed to succumb to the complexities of dealing with the complex range of problems. These advocates of complex variables mask what is their passive inaction by rhetoric designed to convolute and confuse reason that determines the basis of what is right and what is wrong.

Those who oppose capital punishment have portrayed the result of its reintroduction as having a brutalising effect on society. When a society of civilised human beings commits acts of atrocities upon its young and does not seek retribution of a proportionate penalty by judicial means, the so-called brutalising effect on society has already been instigated. The brutalising of human nature is not the result of capital punishment because the brutalising of human nature is already upon us and at this time capital punishment is not.

It is quite obvious that two major positions are held by those who enter this debate. In simple terms, they are those for and those against, with no middle ground accepted by either side. In other words, there is no considered evidence that convinces the proponents of the death penalty that it is not a deterrent, and there is no considered evidence that convinces the opponents of the death penalty that it is a deterrent. It has been disappointing to note that many of the more vocal minority amongst opponents or abolitionists claim to have all wisdom, all rationale and all intellectual properties of ethic, moral and religious principles. Perhaps they are not all in the one individual argument, but certainly that is the case across the board in their attempt to support their point of view. They regard the proponents or retentionists as devoid of any of these characteristics. Public polling on this issue places 75 per cent of the population in that category.

This is the unfortunate dilemma which I believe defuses the credibility of the vocal minority of abolitionists. They cannot accept that any intelligent, rational and just person who believes in the sanctity of human life could favour the death penalty. The retentionist is also accused of seeking revenge and of being vindictive. Well, I for one have no such feelings. The majority of people who wrote to me in support of the death penalty clearly made the point that justice was their motivation rather than any emotive or irrational motivation. They also expressed the opinion that the death penalty should be applied to those convicted beyond doubt of specific crimes of murder—hardly the concerns of the irrational.

It is also the opinion of the people who wrote to me that the sentence of life imprisonment should be just that: a life sentence. There is no doubting the sincerity of the majority of those who deplore capital punishment. However, the innocent victim has the right to pursue a lifestyle free from horror and fear, and no abolitionist can claim with any degree of authority that capital punishment is not a deterrent, nor can any abolitionist or any so-called authority declare that potential murderers have not been deterred during past times when capital punishment was an option and therefore potential victims have been spared.

One of the reasons of difficulty in establishing deterrence due to the death penalty is the abysmal nature of data collection of statistics in this country. Another is the practice of accepting opinions of so-called authorities on this subject who have invariably theorised their presented opinion based on the opinions of others, whose credibility or statistical bias has never been questioned. The Australian Institute of Criminology presents a paper regularly, with which I am sure all members are familiar, called 'Trends and Issues'. In 1987, an edition on capital punishment was presented by Potas and Walker on behalf of the institute. In an article headed 'Effects of Capital Punishment: Crime Rates'—the intent of which was to present data suggesting that abolition did not lead to an increase in homicides, although the qualification was made that the data was inconclusive—there was a startling contradiction in that portion that relates to South Australia, which I will read into the record. When referring to the graphs that were presented to show this incidence, the article states:

> Table 4 shows that of the major Australian States, only South Australia experienced any sudden increase in murder or manslaughter convictions in the five years after abolition compared to the five years before—

and I ask members to take note of that—

> yet a detailed report on homicide published in 1981 by the South Australian Office of Crime Statistics showed that abolition of the death penalty had no effect on homicide trends in that State.

I find it interesting, to say the least, that there is a significant contradiction in the two portions of that one paragraph. Why would Potas and Walker totally ignore the relative fact of the sudden increase in homicides in South Australia in a most pertinent time span which covered the five years after abolition, yet accept that a report published at the end of that five year period,

covering that same time span and stating that abolition had no effect on homicide trends, was a sufficient and authoritative opinion to relegate the contradiction of a significant nature to the realm of almost no consequence? They completely discounted their own evidence without question.

The Hon. M.D. Rann: That was at the time of the Tonkin Government. I remember that.

Mrs KOTZ: Hardly—it was in 1987, and it was by Potas and Walker. The death penalty remained on the statutes for 12 years after the last execution in 1964. The attitude of resistance to the death penalty was permeating the criminal courts jurisdiction at that time. The Labor Government of the day supported abolition. The late 1960s was a time of peace marches and a passive outlook on any form of aggression. Two years after the last execution in South Australia it was a foregone conclusion that the death penalty would never again be used. The courts and the judges accepted that it would never be used. The Government encouraged its non-use and the people's perception acknowledged this change. The homicide rate in this State has continued to escalate since the time that perception of non-use was acknowledged.

In the 1920s, there were 87 homicides over a five year period at an average of 17 a year. During the depression and the Second World War, from the 1930s to the 1950s, homicide rates decreased followed by an upward trend which peaked in the 1960s, levelling out in the period prior to the last execution in 1964. From 1966 through to 1976, prior to the death penalty being struck from the statutes, an unparalleled increase in homicides took place, and I ask members to remember that from 1965 the death penalty was never again utilised and was actively campaigned against, and most importantly it was recognised that it would never again be invoked. After the abolition in 1976, the upward trend of increased homicides was of a significant nature, and significant to at least be recognised by Potas and Walker in the Trends and Issues article in 1987, even though it was ignored as of irrelevant nature.

From 1976 to 1980 crime rates increased by 14.3 per cent, including 295 homicides in that time. The increases continued to spiral in the next five year period from 1981 to 1985, with a 20.7 per cent increase and a total of 356 homicides. In the last statistical count, from 1986 until 1990, again there was an increase of 20 per cent in the homicide rate, with a total of 426 murders committed in that time, and I point out that the population increase during that time was only 4 per cent. The South Australian statistics state very clearly that high level rates of all serious crime, including murder, rape and serious assaults, were most apparent and did increase dramatically after the abolition of capital punishment in 1976 and have continued that upward trend to this present day.

Mr Holloway interjecting:

Mrs KOTZ: I can do that as well, if I have the time. In presenting this motion to the House, I do not ask members to share my opinion on the death penalty, and I do not ask them to share my belief that penalties should be proportionate to the crime, although that is the basis on which our legal system operates. Nor do I ask that they believe that the murderer who takes a child to violate in the most indescribable manner for no other reason than self-gratification should be put to death, but I do ask that members of this House support the call to issue a statewide referendum to enable a decision on this life and death issue to be resolved by the will of the people of South Australia whom we each represent.

Mrs HUTCHISON secured the adjournment of the debate.

MODBURY HOSPITAL

Mrs KOTZ (Newland): I move:

That this House condemns the Government for the closure of hospital beds and staffing cuts at the Modbury Hospital, which have caused distress and hardship to residents in need of medical attention and increased stress to staff, and calls on the Government to give priority to re-establishing necessary levels of staffing and the number of beds required for the provision of adequate health care by the hospital forthwith.

This motion is backed up by signatures on petitions which, in this case, total 6 324 from residents in the areas of Tea Tree Gully and Campbelltown. They are members of a community who recognise unequivocally the tragic deterioration of hospital and medical services which, in relative terms of only a few short years, were equal to or better than the hospital services that one could hope to find anywhere in Australia, let alone in this State. In those few short years, this Government has destroyed the very essence of health care provision for South Australians. Nursing staff and medical practitioners work around the clock, in diminishing numbers, I must admit, with less and less support and fewer resources, to provide health care to a greater number of patients. They must be admired for their dedication to their profession under circumstances which test the most durable and dedicated staff member.

At the Modbury Hospital, over 120 operations have been cancelled in recent weeks, and that is an absolute disgrace. Here we have a Government whose only answer to the people of this State for the disgraceful and incomprehensible dereliction of Government responsibility is to stand in this House and, in a most immature manner, mock members of the Opposition who attempt to provide rational and sensible alternative measures to assist this Government to correct the symptoms of decay which have been brought about by the incompetent management of the Labor Government.

With 800 people on waiting lists for Modbury Hospital, 120 operations were cancelled. This Government gains no credibility from its carefully worded promises of Federal funds to combat ever-increasing numbers on hospital waiting lists, because the reality is that those promises are only window-dressing for short-term political gain rather than a true recognition that the people of this State are being denied access to taxpayer-funded hospitals to relieve the pain and suffering that necessitates medical procedures.

Modbury Hospital has opened 10 beds with part of the Federal money and this Government has claimed success in reducing hospital waiting lists, which is why the funds were allocated. What the Minister did not say is that the allocation is so minimal that the 10-bed increase will enable 180 extra patients to be admitted over a period of

four weeks, when the funds will then be totally expended and the 10 beds will close again. Having faced what is obviously an extremely distressing and distasteful task of cancelling 120 operations in the past weeks, in absolute terms Modbury Hospital is gaining waiting list relief for about 60 patients.

I now refer to a memorandum signed by the Medical Administrator of Modbury Hospital, which was sent to all medical staff. It gives the hospital's directions to the staff on other limits that were placed within the hospital, referring to the hospital beds. It is headed 'Limits on Overnight Stay—Elective Surgery Patients' and states:

Modbury Hospital is experiencing high numbers of emergency admissions through A and E. Bed closures have exacerbated this and the result has been a shortage of beds, cancellations of elective patients and frequent transfers of emergency patients to other hospitals. In response to this, the hospital executive has decided to limit the number of overnight elective surgery call-ins to one per theatre list. This will take effect from Monday 5 April 1993.

The memorandum goes on to say the only exception to this are the lists performed by two of the medical staff, who are named, prior to 30 April with South Australian Health Commission waiting list funding. It continues:

Under this arrangement, Modbury Hospital contracted with the SAHC to perform 100 ENT and 80 urology procedures at a given price. This money has funded the 10 extra beds in Ward 4 West and six beds in Ward 5 West. If Modbury Hospital does not get another waiting list contract, the 10 beds will close on 30 April. These changes are effective until 30 June 1993.

I have referred to the problems of Modbury Hospital in the past, and I refer the Minister to page 2213 of *Hansard* of 2 March when the House was debating the Supply Bill. At that time, I addressed the issues of great concern regarding Modbury Hospital. I do not believe I have had an answer from the Minister to those points. At that time, I also asked the Minister and the Government several questions relating to what policies the Government has for the public of South Australia who are in need of hospital and health care and what policy the Minister of Health would present on behalf of the Government to the people of South Australia.

I also asked what finances are available to address what is a serious problem inherent in the critical health care needs of all communities we represent, and that includes the members who sit on the Government benches. What finances and what policies does the Government have to provide basic health care for any individual who requires medical procedures to alleviate his or her pain and suffering? I do not believe that we have seen any policies from this Government. Instead of this Government continually asking itself dorothy dix questions, it should address the most serious of issues, which are presented in this place by members on behalf of the people of South Australia.

At the time, I also mentioned that the problems faced by Modbury Hospital are not just immediate ones. They have been occurring, as they have in our other State hospitals, over the past five years. Each of the different annual reports of the Modbury Hospital in that time has shown that the number of services in each year has diminished because of the lack of budget allocations to the hospital system. What was once a very proud hospital system, which was becoming one of the best in the State, has now been stripped of many of its areas of support to maintain the type of infrastructure that is needed to support the 200 000 people who belong to the catchment area and who utilise and require the facilities of Modbury Hospital. I also mentioned in my speech on 2 March that the annual report for 1991-92 stated that concerns were related to the budget for that year, as follows:

... it was recorded that the financial outlook remained bleak. Understandably therefore, the hospital, like all others, entered the 1991-92 financial year with a now familiar degree of trepidation about how much longer it could continue to do the same amount of work, or more, with less money.

I remind the House that I am quoting the annual report of the Modbury Hospital. It continues:

In preparing its 1991-92 budget, the hospital had to take account of the following: a $300 000 arbitrary cut to be absorbed; except for the national wage increase, all other award increases to be funded internally; revenue estimates determined using a reduction figure of 2 per cent in the number of ordinary private inpatients in the metropolitan area; no funds would be available for increased activity; no additional funds for award restructuring (at a cost to this hospital in the order of $100 000).

It also stated:

... the clouds of doom and despair about next year's budget are already gathering, and another challenge in financial management seems inevitable for 1992-93.

I suggest that that challenge in financial management for 1992-93 is upon us, because the Labor Government's appalling management of the State hospital system has created this crisis at the Modbury Hospital.

Modbury Hospital's budget for 1992-93 has already blown out by $500 000—another half a million dollars that that budget is now in deficit. In addition, there is no provision for projected wage rises for next year which could cost the hospital an estimated $700 000. In what is a desperate attempt by the hospital to cope with the situation, the hospital is not renewing staff contracts, and those affected I believe will not be receiving any redundancy payout. As well, a ward presently being refurbished will not be reopened next financial year, resulting in the loss of 32 beds; and another ward might have to be closed for a 12 month period.

This is an absolutely intolerable situation which has reached the point where, only two weeks ago, six operating lists were cancelled. This meant that every patient booked for surgery on those lists had to wait even longer for their operation. Plans to increase the size of operating lists have had to be shelved because of bed closures. Now there is a limit on the number of overnight elective surgery call-ins to one patient per surgery list. This means that the already long waiting list for surgery will get even longer, putting paid to the Health Minister's claims that hospital waiting lists are being managed.

The late cancellation of operating lists is a disgraceful waste of money and expertise, because all necessary staff are already in place waiting for operations to proceed. The fact that operating lists have to be cancelled because of a shortage of beds is a testimony to the Labor Government's mismanagement of the hospital system. For too long the Minister of Health has been giving assurances that problems within the hospital system are under control. To the hundreds of people who are having

operations cancelled at the last minute because the Government cannot ensure that there are enough beds, I can only say that those assurances sound extremely hollow.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I will deliberately limit my contribution in terms of time, because I know that time is limited. I believe it is important that I address many of the matters that the member for Newland raised in the debate today. One would never know, from the contribution of the member for Newland, that hospital activity in this State and in particular hospital activity at the Modbury Hospital is substantially up. Despite the budget restriction which she discusses—and I will get to that in a moment—the reality is that there has been an enormous increase in activity. Overall admissions at Modbury are up 12.3 per cent from the same time last year; overnight stays are up over 10 per cent; day—only surgery is up 16 per cent; and accident and emergency admissions are up 20 per cent.

This is not symptomatic of a hospital system or a hospital which is in a state of decline. Rather, it is an example of an area that is growing rapidly; where hospital admissions and the demand for health services are high; where that issue is being addressed; and where that hospital, through good management and the work of dedicated staff, and the overall efficiency of the health system, is able to deliver substantially increased services to those people while still correctly and properly in the 1990s limiting its demands on taxpayers' funds, because those funds are not unlimited.

The member for Newland maintains that there is a shortage of beds in this State. The member for Newland should address this issue in a wider perspective. This State has one of the highest levels of availability of beds in this country. The reality is that Australia has one of the highest levels in the world—well over that of any of our competing nations, well over the OECD average and way ahead of the level of almost every other country on the planet.

Mr S.G. Evans: We must have a lot of sickness!

The Hon. M.J. EVANS: The member for Davenport makes an interesting comment. This State also has one of the highest ratios of doctors per head of population in the world and one of the highest levels of hospital utilisation in the world—and I suspect that those figures are not unrelated. The reality is that people have very high levels of demand for health services. It is perfectly reasonable that, given that people in the 1990s in this country and particularly in this State have access to one of the world's best health systems, naturally they will seek to use that system to accommodate their requirements for health services, and I understand that.

The honourable member correctly states that Modbury is a growing area. The whole of the north is a growing area and the reality is that the increase in demand for services in the northern districts is quite substantial and is being addressed within the health system as part of the ongoing budget discussions. The honourable member indicated that some 32 beds in the ward to which she referred will remain closed and that we are shortly to close the 10 beds that are presently being funded by the Federal Government's waiting list money—which I might say is some $6 million extra to provide much needed surgery for those who have been on the booking list for too long.

The reality is somewhat different from the honourable member's statement. Yes, those 10 beds which are now being funded will shortly be closed, but 16 beds in the ward that has recently been refurbished—as have almost all the other wards in the Modbury hospital—will open on the day that those 10 beds close. So in actual fact we will be an additional six beds up on the position in which we were in at Christmas. That is the kind of response that I think is appropriate. There is the demand: we must address that demand.

The reason we have had problems in relation to elective surgery is the significant increase in accident and emergency admissions. This is what happened at Flinders last year; it is what is happening at the Lyell McEwin; and it is certainly what is happening at Modbury. The demand relating to accident and emergency admissions is substantial. One of the things the system does extremely well is to respond to the immediate demands of patients for accident and emergency treatment; and so it should and must. Patients who present with immediate conditions must be dealt with, and at Modbury they certainly are. But that demand, which is up substantially, is there. Accident and emergency admissions are up 20 per cent for reasons which are not entirely clear; the area is growing quickly, but it is not growing at that kind of rate. It is being addressed, but it puts pressure on elective beds, and that situation has to be managed by the people at Modbury and they are doing quite well at that. The additional six beds which the Health Commission is funding will improve its scope and ability to address that demand in elective surgery.

Despite the very real restrictions on financial circumstances in this State and in Australia generally, the reality is that since 1988-89 the budget for the Modbury Hospital has increased 6.2 per cent in real terms, and the budget for the health system as a whole over last year is up some 2 per cent. So while this Government has been very responsible in its overall economic management of the State, as indicated by the Premier's recent Economic Statement, the reality is that the very important areas of health and education have been subjected to far less stress than the overall situation in South Australia would indicate. Therefore, I am very proud of the fact that our hospitals have, in many cases—not in the case of Modbury in the past 12 months but certainly in the case of the health system as a whole and Modbury over the past five years—enjoyed significant increases in real funding. While the honourable member talks about staffing cuts, the number of medical practitioners employed at the hospital has increased over last year, and I believe that is hardly indicative of a hospital where the medical staff are being cut.

There are many other issues one could legitimately discuss in relation to this matter, but I know that time is pressing. I believe that I have at least made a start on addressing the issues that the honourable member raised in her contribution in this debate. It is not just about Modbury Hospital: it is about the health service in general. All South Australians, all Australians, can be very proud of that health system. The honourable member also raised the issue of what the Government's

policies are. The Government's policies are providing that very high standard of health care. The United States spends nearly double what we spend and yet fails to deliver the same standard of health care to its citizens. This country has that very high standard on 8 per cent of GDP and I would ask the honourable member what her alternative policies are to deliver a better service.

The people of Australia very recently had an excellent opportunity to comment on the policies of those opposite and I would just remind the honourable member for Newland that her colleague in Sydney, the Federal health spokesman, who represents a marginal seat as well was not returned to the Federal Parliament. I would say that was very indicative, not only of the general policies of the Party which he was supporting but also particularly and specifically of the health policies which that spokesman was promoting. And, indeed, the people of Lowe addressed the question, which the whole of Australia addressed, and rejected those alternative policies. Rather than questioning the Government—

Mr Gunn interjecting:

The Hon. M.J. EVANS: The reality is that the member for Lowe was quite clearly and decisively defeated in relation to his health policies. Adelaide is a marginal seat as well and we will just have to wait and see whether the people of South Australia take the same view. But the reality is that this Government is delivering those health services; it is providing a massive increase in health services in this State and the honourable member must work very hard indeed to provide alternative policies which can go any way towards addressing them. The last policies that they presented were defeated. I eagerly await the next set.

Mr S.G. EVANS secured the adjournment of the debate.

STUDENTS, COUNTRY

Mr GUNN (Eyre): I move:

That this House calls on the Government to increase financial assistance to parents of isolated students to enable them to have access to educational facilities.

This is a very important matter because throughout rural South Australia, and particularly in the far north, many parents are finding it increasingly difficult to give their children the same opportunity as can be afforded to those living in the large regional centres or in the metropolitan area.

One of the hallmarks of a responsible, decent society is that we give every opportunity to the future generations of South Australians. Unfortunately, the amount of money which is available from the State Government over the years has been, to put it mildly, very limited in this area. It was the Tonkin Government that originally provided this financial assistance and I well recall the debates which took place prior to the 1979 election when we were determining policy and when the Hon. Harold Allison and I put together that particular program. It was then implemented by the incoming Tonkin Government.

Since that time there has been a considerable escalation in prices and costs associated with educating children. I believe the State Government should be working towards providing the same sort of assistance that is provided by the Queensland Government. That assistance, coupled with what is available from the Commonwealth, would go a considerable way towards assisting those people to meet a cost that is in many cases beyond their capacity to pay.

We are talking about not only the people who own businesses or pastoral properties but also the people who manage them and work in them. For children to get a decent secondary education in isolated communities, such as Cook and the rest of the State, they have to leave home, and that in itself creates a great deal of disruption to the family, with considerable costs involved. Last week I was in contact with one of my Queensland colleagues who provided me with a considerable amount of information, some of which I think I should read into *Hansard.* One document, entitled Assistance for Isolated Children, states:

Who is eligible? The assistance for isolated children (AIC) scheme helps primary and secondary students who have no reasonable daily access to an appropriate Government school. This may be because they:

are geographically isolated;

have a disability, medical or psychological condition requiring specialised schooling;

attend a special education course; or

are in an itinerant family.

In such cases, the students' education needs can be met only by boarding away from home or studying by correspondence. AIC is generally only paid to students over three years and six months and under 19 years of age (at 1 January 1993). However, certain pensioner students may receive benefit up to their twenty-first birthday.

What allowances are available? Every eligible AIC student is paid a minimum level of allowance, regardless of family income or assets. There are four types of allowance:

Boarding Allowance is paid for students who must board away from home.

Correspondent allowance is paid for students who are enrolled in full-time studies with an approved school.

The second home allowance is paid where parents maintain a second home to enable their children to attend school daily.

The pensioner education supplement is paid for students who receive a disability support or sole parent pension and who study at a level lower than secondary.

Students 16 years and over should apply for Austudy unless they would receive more assistance from the AIC.

How much can you get?

Correspondence (primary), $10 a week.

Correspondence (secondary), $20 a week.

Second Home, $2 500 a year.

Boarding, $2 500 a year.

Pension education supplement, $30 a week.

Boarding allowances can be increased up to $3 048 for primary students and $3 384 for secondary students aged under 16, depending on the family's assets and income.

It then goes on and tells the person concerned how to apply. Those particular benefits are substantial but they are, in my judgment, the way in which this State education system should be moving. It is, in my view, not only unfair but also unreasonable that the children of people who live in isolated parts of this State are put at a disadvantage.

The amount of money currently spent by the State Government is adequate and I believe we should be moving towards implementing the Queensland scheme. There will be a cost but there are costs associated with many areas in which the Government gets involved. It is the responsibility of Government to ensure that all students in this State are given equal opportunity as far as education is concerned. Because the parents do not have the financial means, because the parents live in an isolated or small community, those students should not be denied the right to have access to the education facilities of this State.

Mr S.G. Evans interjecting:

Mr GUNN: No. The Government, in its wisdom, has spent millions of dollars on all sorts of activities. As my colleague the member for Davenport reminds me, the Government spent $40 million on an entertainment centre which is going to cost the taxpayers a considerable amount of money each year. It is not the fault of those parents that the Government was less than prudent in its administration of statutory authorities and that thousands of millions of dollars has been wasted. It is not their fault, but their children will be penalised. Therefore, I believe that this Parliament will not be acting in a responsible, compassionate or reasonable manner unless the current amount of money available is increased so as to lift the financial burden.

Because of the income base of many pastoral properties, it is beyond people's capacity to pay private school fees or even pay board so that children can attend high schools and other institutions in Adelaide or other parts of the State. The Government has had every opportunity to do something about this but, because those people live in isolated areas and because they are productive, the Government seems to want to ignore them.

They may be out of sight but they should not be out of the financial mind of Treasury and the Education Department. I believe it is the Government's responsibility, even though it has had 10 years to drastically increase funds and not just tinker around the edges, to do something substantial about these matters. In times of economic difficulty it is even more important that these children be given access to a decent education. It should not be the preserve of those who live close to regional centres or the metropolitan area, or those few who are in a sound financial position, to give their children a decent standard of education.

I commend the motion to the House and look forward to the support of all members. If they are not willing to support the motion, we will know that they have no regard for the people who live in the isolated parts of South Australia. I look forward to their support. I have much more that I would like to say, but unfortunately time will run out on me.

Mrs HUTCHISON secured the adjournment of the debate.

NATIONAL RAIL CORPORATION

Adjourned debate on motion of Mr Gunn:

That this House calls on the Government to resist signing away running rights to the National Rail Corporation until the future of Australian National and the rail industry in this State is guaranteed; calls on the Federal Government to re-examine the NRC concept and ensure that the NRC does not interfere in the continued operation and survival of AN and the rail industry in this State and in particular the rail workshops at Port Augusta and Islington; and, further, calls on the Federal Government to immediately commence work on the Darwin-Alice Springs rail link and release the $17.5 million for the refurbishment of the Indian Pacific,

which Mrs Hutchison had moved to amend by—

(a) leaving out the words 'calls on the Government to resist signing away running rights to the National Rail Corporation until the future of Australian National and the rail industry in this State is guaranteed;'

(b) leaving out the words 're examine the NRC concept and' and

(c) leaving out all words after 'link'.

(Continued from 20 October. Page 1144.)

Mrs HUTCHISON (Stuart): When I previously spoke to this motion I moved an amendment and spoke to it. I said that one of the problems the State Government had was concern that some of the freight transport functions of particular significance to Australian National would be lost and that negotiations were continuing on this matter. I referred to the transport of freight from Broken Hill and freight to the West Coast and the coal freight from Leigh Creek to Port Augusta.

Since I last spoke the Indian Pacific upgrade is continuing and there has been quite a bit of work done in the Port Augusta workshops on that project because funds have come through for that. Further, there have been negotiations by Australian National for some rather lucrative contracts for work from Morrison Knudsen involving ongoing locomotive work with that organisation.

Much was said in the House about the Morrison Knudsen operation going to Whyalla as opposed to Port Augusta. My feeling during those negotiations was that the work would go to either Whyalla or a location in New South Wales, and I considered at the time that it would be more worth while for that operation to be based in Whyalla because there would be a chance of ongoing work for AN, whereas had the work been based in Sydney naturally none of that work would have been available for the Port Augusta workshops.

As it turns out, that has been precisely what happened. AN negotiators have come away with good contracts from Morrison Knudsen and they are or should be ongoing contracts. That aspect is good for the Port Augusta operations. Also, the Port Augusta and Islington workshops were to undergo an accreditation program and I understand that that has been going on for some time and work is progressing satisfactorily.

I have to say that morale in the workshops has improved with the latest announcements of the contracts with Morrison Knudsen, plus the fact that the workers on the Indian Pacific upgrade have been achieving some overtime, so the position has substantially improved since I last spoke on the matter. I know that Australian National was looking at doing a three-year business plan, which was one of the requirements placed on it by the

Federal Government at the time of setting up the National Rail Corporation.

AN has taken up the challenge, and I believe, but am not sure, that the business plan has been completed. They are now working on it, but I am not sure whether it has been presented to the Federal Government. If it has not been presented, it will be presented in the near future. I believe that AN officials have become positive about their business plan and will promote it in the interests of both Australia and South Australia. I look forward to having talks with AN to see exactly what the business plan contains, and I will be doing that in the near future.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

INFLUENZA

A petition signed by 740 residents of South Australia requesting that the House urge the Government to fund the vaccination of all children against influenza type B was presented by the Hon. M.J. Evans.

Petition received.

QUESTION TIME

FURNITURE MANUFACTURERS

The Hon. DEAN BROWN (Leader of the Opposition): Does the Premier agree that the collapse of furniture manufacturing companies in South Australia in the past two years reflects a disastrous business climate and lack of confidence in this State, and does it also reflect the failure of his Government's rebuilding of the South Australian economy program launched last year which allocated $40 million of which only $23 million will have been spent by the end of this financial year? I have been informed that furniture manufacturers have been forced to close their doors through the deterioration of the South Australian economy and the uncompetitive position of our manufacturers. According to the figures I have, 40 companies have closed in the past two years alone, resulting in over 800 jobs being lost from that industry.

The South Australian Government launched the 'Rebuilding the South Australian Economy' program in June last year. That program specifically included a manufacturing modernisation program to make our manufacturers world competitive. Of the $40 million allocated for this year, the Government has earmarked only $23 million for spending, yet companies continue to close despite that under-expenditure of Government funds.

The Hon. LYNN ARNOLD: The Leader is suggesting that somehow or other those companies which had the misfortune to close in the past two years or which closed before June of last year should have anticipated the introduction of the program last year and that that anticipation would have somehow saved them. Clearly, that is illogical. To say that the failure of those companies before the program was announced last year somehow proves that the program is a failure is a *non sequitur*. The point is that the money which was announced last year has been progressively spent. Indeed, by the end of the financial year I am confident that either the moneys that have been outlaid will be seen to be well spent or appropriate provisions will be made for carry-over of those funds. Certainly, it will be a bigger figure than the one referred to by the Leader. The Leader has chosen not to talk about the role of South Australian furniture manufacturing compared to the manufacturing industry in Australia at large. He has not, for example—

An honourable member interjecting:

The Hon. LYNN ARNOLD: Well, this is a very important point, because South Australia is, proportionately, a larger furniture manufacturing State than its population share would suggest. I forget the exact figure, but some years ago when I opened a furniture expo I heard some of these figures and they are very telling indeed. I think about 20 per cent of Australia's furniture manufacturing industry is based in South Australia. Our population share, as members know, is 8.7 per cent. That would suggest that we are buying twice as much furniture per household as the remainder of Australians.

In fact, that is not the case; what is happening is that furniture manufacturers in South Australia are selling their furniture to other States of Australia. Yet, the Leader makes the comment that they are uncompetitive. I suggest that the furniture industry, which seems to be able to sell its products across the distance of Adelaide to Melbourne, Adelaide to Sydney and Adelaide to other parts of Australia, clearly must be competitive in those other parts of Australia.

I turn now to the next point. The Leader said that 40 companies have closed in the past two years at a loss of some 800 jobs, and that certainly is to be regretted. I would like the Leader—and I cannot myself give it off the top of my head because I did not know that he was going to ask this question—to put that in the context of how many furniture manufacturers there are in South Australia and how many people the furniture manufacturing industry in total employs in South Australia. The question would be very significant if there were 41 furniture manufacturing firms in South Australia back in 1989 and now 40 have closed and there is one left. I would agree with the point that there is clearly something very wrong with the furniture manufacturing industry in this State. I have a very strong feeling that that is not the case, and I say that because I know they produce about 20 per cent of Australia's furniture requirements; therefore, it would be many more than 40 firms and many more than 800 people who are employed in that sector.

What the honourable member would also have done well to advise the House of is exactly what has been happening to the furniture manufacturing industry in Australia. While he may choose to believe otherwise, the recession has not been unique to South Australia. The country has been in recession and the housing industry in other States has been even worse affected than it has been in this State. I think it would have been appropriate for the Leader to tell us exactly what percentage of

furniture manufacturing firms and employees have gone out of business or lost their jobs in other States of Australia. He chose not to do that but, when I come back with a more detailed answer, I will endeavour to get those figures to put things in context.

Finally, the Centre for Manufacturing is an area that the State Government has actively supported, to its praise by members of the manufacturing industry in this State. It is well received not only in this State but is well acknowledged by other States. As I identified in the Economic Statement, some 900 firms received assistance from the Centre for Manufacturing until this year, and the manufacturing modernisation program is about expanding, amongst other things, the capacity of that centre to help other firms in this State. So, while those 40 firms may not be able to be brought back into furniture manufacturing, there are others in furniture manufacturing that will be able to receive that assistance, to benefit from that money which we have committed.

ARMY BAND

The Hon. D.J. HOPGOOD (Baudin): Will the Premier, of his own motion or in concert with his Minister for the Arts and Cultural Heritage, make urgent and strenuous representations to the Commonwealth Government with a view to preserving a very significant piece of South Australia's heritage and an important area of employment in a specialised area, namely the Australian Army Band? Yesterday afternoon, I had a telephone call from a person who indicated to me that the Army Band in Adelaide and in Western Australia was to be disbanded. That was confirmed this morning on the Conlon program.

Since the Conlon program gave very little detail, I will briefly indicate that there are over 300 members in the music corps in Australia, and it is to be reduced by more than 100 members. It is to be reduced by eliminating the bands in Perth and Adelaide and, while retaining bands in Melbourne, Sydney, Brisbane, Canberra and—wait for it—Wagga, nonetheless those bands will be downsized. My informant suggested to me that it would be nice, when we celebrate the republic, that we do so with a band and not an audio tape.

The Hon. LYNN ARNOLD: I thank the member for Baudin for his question. I also appreciate the fact that the member for Walsh did not interject—when the honourable member talked about the band being disbanded—with one of his usual references. I do take the point made by the member for Baudin. It is of concern to see this happening, and I am certainly prepared, along with my colleague in another place, the Minister for the Arts and Cultural Heritage, to make representations to the Federal Government. I certainly understand the point that the Federal Government does have financial restraints with which it has to deal, and as a result it is perhaps appropriate to reduce the size of the sum total of the Australian Army Band. However, it does seem unreasonable that the Australian Army Band will not have a presence west of a line through Melbourne. It certainly seems a pity that while Wagga Wagga can keep its band, we are to lose ours in South Australia.

I will make those representations. The Army Band has certainly added to band music in South Australia, and I know that the honourable member has a great interest in band music. As Patron of the Salisbury City Band, I also know how much interest bands attract in South Australia, but the Australian Army Band has played a very important role in band music in this State, and I would like to see that it maintains a presence in South Australia.

The SPEAKER: In the absence of the Minister of Labour Relations and Occupational Health and Safety, the Deputy Premier will take questions normally directed to him.

STATE BANK

Mr S.J. BAKER: (Deputy Leader of the Opposition) Will the Treasurer confirm that the $647 million that the State is to receive from the Commonwealth for the sale of the State Bank will now be provided totally in cash and not as a mixture of grants, forgone interest payments and debt forgiveness which was the original intention? Before the Federal election, the Government said that the Commonwealth assistance package would be a mix of grants, forgone interest payments and debt forgiveness, and that the benefits to South Australia would be applied substantially to reduce debt.

However, the Opposition has been informed that the $647 million is now to be paid totally in cash. This will mean that, after the use of the first $263 million to be provided this financial year for public sector redundancy packages, the balance of $384 million is to be provided in the next two years, and this will fund recurrent spending rather than reduce debt.

The Hon. FRANK BLEVINS: There are still some discussions about this, but the Federal Government announced that the $647 million would be provided in a certain way, and that is a matter for the Federal Government. If the Federal Government subsequently chooses to provide it in cash, I have no particular interest in how it arrives, as long as it is hard currency. Apart from that, it does not make a blind bit of difference whether it is in cash or in forgiveness of loans.

Members interjecting:

The Hon. FRANK BLEVINS: It makes absolutely no difference whatsoever.

Members interjecting:

The Hon. FRANK BLEVINS: Well, Mr Speaker, I do not want to get into a dispute with the Deputy Leader so early in Question Time, but I can assure him that, whether it comes in cash or part cash and part forgiveness of debt, it makes absolutely no difference whatsoever. The net present value will be exactly the same. It will be about $600 million, which is considerably more than the $200-odd million that Dr Hewson was offering. It makes absolutely no difference whatsoever. I have no interest in how the Federal Government sends this money—none whatsoever.

PUBLIC SECTOR CUTS

Mr FERGUSON (Henley Beach): Can the Treasurer, representing the Minister of Labour Relations and Occupational Health and Safety, inform the House whether the Government intends to cut 9 000 jobs over the next three years? A pamphlet is being circularised around Government departments, under the auspices of the Public Service Association, which states:

The State Government intends to axe 1 500 jobs by the end of June this year through the offer of targeted separation packages. This is the first step in an overall plan to cut 3 000 jobs by June 1994. Moreover, the Government plans to cut 9 000 jobs over the next three years.

The Hon. FRANK BLEVINS: I was surprised when I saw that pamphlet this morning. I welcome debates of this nature—I think they are very important debates—about the way the public sector is structured and how it continues into the future. However, I do ask the PSA in particular to debate on the facts and not to make spurious claims about 9 000 Public Service jobs going over the next three years. That is just totally manufactured. There are some more important issues at stake than the question of the factual nature or otherwise of the PSA pamphlet. I think it is a great pity that it chose to act in the way it has and to publish the material it has.

The position is very clear. As regards the PSA, all other public sector unions and everyone in South Australia, taxpayers or otherwise, the financial position of the South Australian Government is this: we are looking at a $10 billion debt around the neck of this State in about three years time, unless action is taken, and we are also looking at a financing requirement, that is, borrowing, to pay the day-by-day bills of something of the order of $800 million at about the same time. The question that must be faced by all taxpayers and the PSA is whether that is a sustainable position. The answer is quite clearly 'No.' Is it a sustainable position that we increase taxes to attempt to pull that back? Clearly, the answer again is 'No.'

What the PSA and other public sector unions have to understand is that, unless we take action now of removing 3 000 jobs from the Public Service over the next three years by voluntary separation packages, which are far in excess of anything that I know of on offer in the private sector, where the taxpayers work, I cannot see the public sector carrying on in the way in which we have known it. I cannot see the public hospital system continuing in the way we know it if in three years time we have a debt of $10 billion and a financing requirement of $800 million. I cannot see the public education system of this State—

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. FRANK BLEVINS: —continuing in the way we all understand. Whatever drift there is to private schools now will become a flood—

Mr Ingerson interjecting:

The SPEAKER: Order! The member for Bragg is out of order.

The Hon. FRANK BLEVINS: —to the private schools—

Mr S.J. Baker interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. FRANK BLEVINS: —unless action is taken now. What we have done over the past three years—

Members interjecting:

The SPEAKER: Order! The member for Bright is out of order.

The Hon. FRANK BLEVINS: —is in excess—

Mr Matthew interjecting:

The SPEAKER: Order! I warn the member for Bright.

The Hon. FRANK BLEVINS: —of the job losses that we are talking about now. We have lost well over 3 000 jobs. They have all been achieved through voluntary separations with extensive consultation with the trade union movement, and that will continue. We have done it with the minimum of disruption to services being delivered to taxpayers. It can be done with minimum disruption and minimum disturbance if there is goodwill on both sides. If there is not goodwill on the part of the unions, I assure them that in three years time, if this program is not completed, the public sector as we know it is finished.

ROXBY DOWNS

Mr INGERSON (Bragg): I direct my question to the Minister of Aboriginal Affairs. Has the Office of Aboriginal Affairs given the Government advice that the Roxby Downs Indenture could be declared illegal as a result of the Mabo decision? This matter was raised at a recent meeting of departmental heads to discuss the Premier's Economic Statement, with the head of the Office of Aboriginal Affairs warning that the Mabo decision jeopardised the Roxby Downs Indenture.

The Hon. M.K. MAYES: This is an extraordinary question but I will deal with it seriously, because the Mabo issue is a serious one, and the Government is looking at it in a comprehensive way. Advice is coming to the Ministers responsible. I expect that we will be dealing with that in the next week or so. I am sure that everybody is aware of the debate that is happening in the community with regard to Mabo. I have had discussions with the Director of State Aboriginal Affairs about the issue; I have discussed it with interstate colleagues and with Aboriginal community leaders in South Australia.

It is a very complex issue. I am sure that most members saw the *Lateline* program last night, which raised some of those issues. From my perspective of assessing what was said last night, I think that some people have a clear picture of it while others are somewhat confused. I believe we have to deal with this in a very sensible and balanced way. It has to be a very careful presentation. The States, as indicated by the Federal Minister and the Prime Minister, have a very important role in assessing the implications of Mabo from the point of view of resource industries, whether they be mining, pastoral or, in a sense, recreational as with Crown lands that are part of national parks or any other resource or asset which we have and which is the responsibility of the Crown.

I can assure the honourable member that the Government is dealing with this issue, as complex as it is, as I am sure are the other States. There have been national discussions between key officers, including the Director of State Aboriginal Affairs. I hope that in the next week or so one or other of the Ministers responsible—probably the Premier and the Attorney-General—will make a clear statement about the Government's position in terms of the negotiations. Where it goes from there is again something that will have to be dealt with at a Federal level.

PUBLIC SECTOR ASSETS

Mr HOLLOWAY (Mitchell): Will the Premier outline the Government's asset sales strategy and advise the House of what steps will be required to raise an additional $1 billion through asset sales? The Leader of the Opposition has indicated that he would have an accelerated asset sale program to help reduce debt by a further $1 billion.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. Indeed, I noted the Leader's comments on this matter: he said that, first, he would have an accelerated asset sales program; then he would have an audit committee, which would do a committee approach to asset sales; and then at the end of it all he says, 'You can factor in about $1 billion and that makes everything okay.' The mathematics of all that, as I explained to the House last night, simply do not come through in his statement. I note that his statement has been well and truly buried by the media; the financial analysts seem to have given it a big yawn by totally ignoring the analysis of the Leader—as well they might, because it was a very shallow, superficial analysis that deserves to be buried deep.

The Government has, in terms of asset sales, quite clearly outlined what we believe can be sold. We have come up with a responsible program in this regard, and we have detailed each of these issues at their various stages—Sagasco, the State Bank, the grain bulk loading facilities at South Australian ports and some commercial lands owned by the Housing Trust. They are very specific indeed. We believe that all that will give us the realistic opportunity to achieve the $2 billion in asset sales.

When the Leader was being asked about the issue last week after I released my Economic Statement, he indicated that he would be coming out with a strategy on asset sales—that he would be coming out with some actual information on asset sales. When he was interviewed, the interviewer did try to drag it out of him, and it was somewhat like pulling teeth as he dragged out bits: first, SGIC—'Oh, yes, yes'—then Sagasco and other things we have already indicated we are selling any way.

Now this week, there have been no additions to that list, other than the airy, 'There must be lots of land around the place. We will raise that figure by $1 billion extra.' That is not a strategy: that is simply wishful thinking. The reality is that in terms of the assets that are actually available for sale—

Mr BRINDAL: On a point of order, Mr Speaker, Standing Orders clearly preclude debate when answering a question. I believe that the Premier is debating the issue and I ask you to rule on that matter.

The SPEAKER: My attention was diverted momentarily. It was a very broad ranging question about the sale of State assets. I would ask the Premier, though, to be careful not to debate. I did not pick that up, but I will be listening.

The Hon. LYNN ARNOLD: One other point I noted in connection with the sale of the assets was that the Leader referred to GAMD and criticised the fire sale of assets that he alleges, quite incorrectly of course, is taking place. What is interesting to note is that his own Deputy Leader was busy saying on radio a couple of weeks ago that the Government should cut its losses and sell one of its biggest assets, namely, 33 Collins Street. If we were to cut our losses on that we could do it by only one means, if we were to follow his prescription, and that would be by way of a fire sale.

So, before the Leader starts telling this House and the rest of South Australia what should happen with asset sales, it is about time he told his own colleagues what is about to happen if he were ever to be Government, and let them know what the line is so that they can get it right. Because the blunt point is that in the Economic Statement the Government has delivered a coherent and credible strategy. What the Opposition has given to this place, as acknowledged by the commentators by their silence on the shallow document the Leader issued yesterday, is that the package simply does not stand up.

MULTIFUNCTION POLIS

Mr OLSEN (Kavel): Is it still the Premier's view that 1993 is the vital year for the MFP during which the project must be sold to the public? And, if so, can he explain why the new Chief Executive Officer has refused most media requests for interviews today? Is he acting on Government instructions?

The Hon. LYNN ARNOLD: This question tells us what the member for Kavel listens to or does not listen to. He must be listening to some other radio station because I think a number of us in this place were listening to the Keith Conlon program this morning and I may have missed it, but it seemed to me that I heard Ross Kennan talking to Keith Conlon on that program. I also happen to have some peripheral information—and lots of peripheral information comes to us—that, as I understand it, Ross Kennan is doing an interview with other outlets and in particular the *Advertiser.* He may be doing some other interviews, I am not certain, but certainly it is not in my interests, the Government's, or any of our interests for me to start telling him who he should or should not be talking to.

It is suggested that he is under a media ban from the Government when it comes some hours after his being on a radio program this morning. I forgive the member for Kavel, because he may not know that Ross Kennan is being interviewed by the *Advertiser,* but I can tell him that my advice is that he is (and I have advice from other outlets that I am not certain about). I come back to the starting point of the Leader's—sorry, the member for Kavel's (a genuine slip)—question, and that is that I have said that 1993 is the key year to regrab the public

imagination for this MFP, this project of a generation. That certainly is true. I have full confidence in the board, corporation and its new Chief Executive Officer in Ross Kennan in being able to do precisely that. He was present at the meeting of the Cabinet subcommittee on the MFP which I chaired last night, and I was, as I believe my colleagues were, impressed with his calibre and his performance. I believe that a very sound appointment has been made. He is the right person for the job, and in this key year it is precisely what has been needed.

Members interjecting:

The SPEAKER: Order!

The Hon. Dean Brown interjecting:

The SPEAKER: I warn the Leader.

FISHERIES, PRAWN

Mr QUIRKE (Playford): My question is directed to the Minister of Primary Industries. What are the Government's intentions now in respect of the management options for the Gulf St Vincent prawn fishery, given the failure of legislation on this matter?

The Hon. T.R. GROOM: Let me say from the outset that I think it would have been far easier to secure the passage of these vital amendments, and very important amendments, to the Fisheries Bill if a certain Mr Lawson, QC, had not been promised the shadow Attorney-General's job in the next Parliament—

An honourable member interjecting:

The Hon. T.R. GROOM:—you might say it is outrageous but it is true—instead of the Hon. Trevor Griffin. The rejections—

An honourable member interjecting:

The Hon. T.R. GROOM: Well, he is.

The SPEAKER: Order!

The Hon. T.R. GROOM: The rejection of the amendments—

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: On a point of order, the Minister is reflecting on a decision made in this Parliament as recently as this morning.

The SPEAKER: I have not picked that up yet.

Members interjecting:

The SPEAKER: Order! The Chair has certainly heard the Minister commenting on an issue not related at all to the question. I caution the Minister about that. However, I will let the Minister answer until he reflects on the decision of the House or refers to the debate, which is out of order.

The Hon. T.R. GROOM: Most certainly I will not do that, Mr Speaker. The Chairman of the Gulf St Vincent Prawn Fishery Management Committee, the Hon. Ted Chapman, the former member for Alexandra in this place, served on the select committee which reported in October 1991. He has my full support as Minister and I would have hoped that he would have had the support of all members in the Upper House, but that did not prove to be the case. Dealing with the honourable member's question, this now presents a difficult situation for the Government because, to enable this fishery to be opened in December, provided that the survey results with regard to the biological status of the stock proved correct, these amendments needed to be in place.

The Government has now been met, with the greatest respect, with a very shabby political exercise, which means that it is highly unlikely that the gulf can be opened, even if the biological data proves correct—

Mr S.J. BAKER: Sir, he is reflecting on decisions of this Parliament, quite clearly.

The SPEAKER: Order! First, 'he' is not acceptable—

Mr S.J. Baker: The Minister.

The SPEAKER: I assume that the Deputy Leader means the Minister and his referring to a 'shabby exercise'. I am not sure to which exercise the Minister was referring. I assume it is the decision of this Parliament. Therefore, I caution the Minister on the use of that term.

The Hon. T.R. GROOM: I take the point, Mr Speaker, and I put it this way, which is probably a little plainer: the fact is that without a proper management structure in place the risk of opening the fishery, despite promising data in the biological improvement of the fishery, is too great a risk to be taken. In answer to the honourable member's question about what needs to be done at present, without that legislation in place—and even if there were favourable survey results later this year—the risk is far too great to open the fishery in December, and that is the consequence of the present status. I will have to put up the amendments again next session. For what purpose? They cannot pass in the ordinary course until early next year. It is a slap in the face to integrated and proper management of fisheries in this State.

AMBULANCE INSURANCE

Mr SUCH (Fisher): My question is directed to the Minister of Education, Employment and Training. How much does the Minister expect the Government will have to pay each year under the new arrangements for ambulance calls to schools, and does she consider these new arrangements to be yet another disincentive to parents from taking out private health insurance? I have been informed of new arrangements for payment of ambulance services when called to schools. If an ambulance is required, the school will pay for the service and be refunded by the Government, provided the parents are not privately insured with a health fund or with the St John Ambulance Service.

I am informed that ambulances are called to South Australian schools an average of five times a day, usually at a cost of hundreds of dollars each time, and that most of the children attending State schools would not be privately insured. I am further informed that the new arrangements have been necessitated by enormously increased insurance premiums which were to be levied against the schools because of the escalating ambulance fees which have been caused, in turn, by the elimination of volunteers from the service.

The Hon. S.M. LENEHAN: It is interesting that the honourable member comes from the same political Party that has been asking me time and again whether the Education Department was prepared to pick up the insurance cost of students in school with respect to ambulance cover. We have now had a 180 degree turn in

the position: 'We do not want the Government to pick up the responsibility for insuring cover for these families.'

Members interjecting:

The Hon. S.M. LENEHAN: I am happy to answer the question. Those families who cannot afford ambulance cover are the ones we are going to pay for. Those families who can afford cover will be taking it not just because their children are attending school. What happens to families when children are injured out of school hours or when other members of the family require the attention of an ambulance service? It is absolute nonsense to talk about this, as evidenced in the honourable member's question, as a disincentive to families to take out private ambulance cover.

That is an absolute nonsense. Is the honourable member going to suggest that the only time people might need an ambulance is when their children are at school when in fact most of that period is spent within classrooms where the risk of accident is probably minimised compared with when they are at home, in the local playground or anywhere else? I find this amazing, because the same Opposition demanded with great dudgeon that the Government should come to the party and be prepared to pick up that coverage when needed. Let me explain to the honourable member exactly what is happening.

Mr Such interjecting:

The Hon. S.M. LENEHAN: Well, I am delighted. It is a shame that the honourable member could not understand what is written in front of him, but, because he has asked the question, I am prepared to explain. The Government will pay for the ambulance service only when the service has been provided—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: —to the student and the bill sent to the family. If the family is not covered and cannot afford to pay, the Government will pay. We do not believe, as do members opposite, that we should disadvantage those families who are poor or who have large numbers of children. We will need to pay for ambulance cover only when it is used and when (a) the family cannot afford to pay or (b) it does not have private insurance which covers the ambulance service.

I cannot believe that the honourable member has asked this question. What is he suggesting? Is he suggesting that we just ignore families who are poor and do nothing when his own Party has asked me to do something about this? When I do something about it, of course he criticises. I think the community will judge the honourable member accordingly as being a hypocrite in terms of his question and in terms of trying to score a tatty, cheap political point.

EDUCATION AMALGAMATION

Mr De LAINE (Price): Will the Minister of Education, Employment and Training say how the South Australian Institute of Teachers and the Public Service Association will be involved in the process of bringing together the Department of Education, DETAFE, the Children's Services Office and State Youth Affairs following the Premier's Economic Statement and the announcement of plans to amalgamate these departments into one single department?

The SPEAKER: I draw the Minister's attention to the ability to use a ministerial statement.

Members interjecting:

The SPEAKER: Order! I ask the Minister to keep the answer as concise as possible.

The Hon. S.M. LENEHAN: I will be extremely brief. The issue of the involvement of the unions in the amalgamation process is in my opinion and that of this Government critical. If we are to achieve an organisation that represents best practice in every sense of the word, we must be focused on the delivery of services to the community. It is therefore essential that the work force of 28 000 people—our most precious resource, our human resource—is involved in a dynamic way in making sure that the planning is right so that we can implement this Government decision.

This morning I met with representatives of the Public Service Association and the South Australian Institute of Teachers to discuss these opportunities. I have invited both organisations to be represented on the amalgamation planning group. I believe this will provide a key to the valuable partnership that will benefit not only the employees of my departments and of my new department but also the quality of service provided to their clientele which comprises about 360 000 South Australians.

MAWSON CANDIDATE

Mr MATTHEW (Bright): My question is directed to the Deputy Premier representing the Minister of Labour Relations and Occupational Health and Safety. Will he ask the Minister to investigate the circumstances of Mr Michael Wright, a ministerial adviser on the Premier's staff who is employed at taxpayers' expense, campaigning in working hours in the electorate of Mawson for which he is a candidate, and will he also investigate the use of the Premier's office facilities for Mr Wright's campaign purposes?

Members interjecting:

The SPEAKER: Order!

Mr MATTHEW: I have been given a series of dates and places of functions attended by Mr Wright in the Mawson electorate in the past six months. These include visits with the Minister of Housing, Urban Development and Local Government Relations, the Minister of Business and Regional Development and the Minister of Primary Industries to McLaren Vale, McLaren Flat and Woodcroft. Of the 11 functions given to me, 10 were held on weekdays during working hours. I have also received minutes of the Noarlunga Community Services Forum, which lists Mr Michael Wright's work number as his contact point.

The Hon. FRANK BLEVINS: Mr Speaker, I—

An honourable member interjecting:

The Hon. FRANK BLEVINS: He asked me.

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I regret that this question has been asked. It smacks of a little bit of a witch-hunt, which I think is always unfortunate. Had the question been asked by way of letter it would have been answered promptly, and if anything was required to be

followed up or wished to be taken up publicly that course was available to the honourable member.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence is out of order.

The Hon. FRANK BLEVINS: However, it is highly unlikely that Mr Wright would have attended any of these meetings during working hours; it is most probable that he took time off to do so.

Members interjecting:

The Hon. FRANK BLEVINS: Well, yes.

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! The member for Coles is out of order.

The Hon. FRANK BLEVINS: I seem to remember a similar type of question, equally as sleazy, being asked by members opposite prior to the 1985 State election and relating to the former member for Newland. Members opposite have something of a penchant for these sleazy questions. I think it is a pity that they soil themselves in this way. Nevertheless, I will take up the question with the Minister of Labour Relations and Occupational Health and Safety, and I am sure he will be pleased to bring back a reply.

TYRE DISPOSAL

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Environment and Land Management say whether there will be a new policy for the disposal of used tyres in South Australia, and what are the details of any proposed changes? It has been put to me by a delegation of used car dealers and garage owners that the vexed problem of the disposal of used tyres has now reached endemic proportions in my garden suburb electorate, and I would like to know what the Government is doing to address this issue.

The Hon. M.K. MAYES: I am pleased to inform the House that an announcement has been made today to the effect that from 1 July of this year the dumping of whole tyres as part of land fill will be prohibited under the new policy adopted by the South Australian Waste Management Commission. Alternatives will be offered to retailers and wholesalers so that they can find a suitable environmentally safe way in which to dispose of and recycle tyres, including of course their use, which has already been seen, in marine reef constructions, which have been very successful particularly off the coast of this gulf and Spencer Gulf, and erosion control. Of course, shredding will also be offered as an alternative for processing into other products and also for use in land fill, which is a very important aspect.

The other option is the use of tyres for an alternative fuel source. If certain programs are followed that meet the Clean Air Act requirements we can use disused tyres as a fuel source in normal processes both in industry and in a commercial environment. I am pleased to say that following consultation with the industry—and there will be a significant amount of consultation-we will be looking at a new policy from 1 July which will prevent the disposal of whole tyres as part of land fill.

HOUSING TRUST TENANTS

Mr OSWALD (Morphett): Does the Minister of Housing, Urban Development and Local Government Relations agree with the remarks of his colleague the member for Napier, published in the *City Messenger* of 6 April, that the Housing Trust has turned its back on the needy and lost compassion? It has been brought to my attention that the member for Napier, a former Minister of Housing, was quoted in the *City messenger* as follows:

> The Housing Trust as a corporate body is more intent on raising its image than meeting the desperate needs of people in public housing.

Further, the former housing Minister said:

> The trust's restructuring has not achieved the results intended, and the trust has turned its back on the needy and lost compassion.

The person who brought this matter to my attention points out that this latter remark raised the question of what restructuring has achieved other than a blow out in the waiting list of 42 000 and a tenant debt of $7.8 million.

The Hon. G.J. CRAFTER: The answer is 'No.'

Members interjecting:

The SPEAKER: Order! The Chair will not call for order again. The member for Stuart.

LOCAL GOVERNMENT REPORTS

Mrs HUTCHISON (Stuart): I direct my question to the Minister of Housing, Urban Development and Local Government Relations, representing the Minister for the Arts and Cultural Heritage in another place. Can the Minister advise whether it is a requirement under section 35 of the Libraries Act for local councils to provide a copy of their reports to the Parliamentary Library? It has come to my attention that the Port Augusta City Council declined a request from the Parliamentary Library to provide a copy of its annual report on the ground that it considered that it was not required to do so and, if Crown Law advice was that it had to provide a copy, it would wish to see that advice. There would appear to be some confusion regarding this matter which requires clarification in the interests both of the Parliamentary Library and local government bodies.

The Hon. G.J. CRAFTER: I thank the honourable member for her question, which I will attempt to clarify at the moment but, in time, it will require reference to my colleague the Minister for the Arts and Cultural Heritage who has the responsibility for the Libraries Act 1982 which requires the publisher of materials such as newspapers, magazines, journals and other serial publications to be delivered to the Libraries Board and to the Parliamentary Librarian. I am aware, as no doubt all members would be, that, where an annual report of a statutory body is tabled in Parliament, a copy is to be provided to the Parliamentary Library for reference. However, due to the large number of other publications, there may be instances where a legal deposit copy is not automatically or immediately sent to the Parliamentary Library. In these instances, the Parliamentary Library may take the initiative to follow up a copy of the

publication to ensure its records are up-to-date and received in a timely fashion.

I am able to advise that, under section 42a of the Local Government Act 1934, each council is required to prepare and adopt an annual report by 31 December each year. In 1992 councils were requested for the first time to produce an annual report as such, rather than audited financial statements, and this is yet another example of increasing the accessibility of councils to residents by making information on the operation of a council publicly available and widely disseminated. However, as it is, the Libraries Act which contains provisions for a legal deposit copy. I will refer the honourable member's question to my colleague in another place for a more complete reply.

WHEAT GROWERS

Mr LEWIS (Murray-Mallee): Will the Minister of Primary Industries urge his Federal counterpart, Mr Crean, to make credit available to the Australian Wheat Board so that it can make progress on finalising payments for the wheat pools going back to 1987? Is he aware that, because of delays in making the payments which were caused by the Federal Government and which were due last September, hard pressed growers have been denied payment of $1 a tonne for the 1987 harvest, $3 for the 1988-89 harvest and $10 for the 1991 harvest?

The Hon. T.R. GROOM: I thank the honourable member for that question. It should be put in the context of the package of assistance that is being provided by the Federal Government and the State Government in South Australia. Since July 1992 the total amount advanced or committed to rural South Australia by the Federal and State Governments is about $47 million by way of package. Even with regard to the wool industry, the benefits of the package of assistance that have been advanced by the Federal and State Governments—

Mr Venning interjecting:

The Hon. T.R. GROOM: Well, if you just be patient, I will display the relevance.

The SPEAKER: Order! If the honourable member were to direct his remarks to the Chair, the interchange would cease.

The Hon. T.R. GROOM: Thank you, Mr Speaker. However, even with regard to the wool industry, the $4 million package that was announced by the Federal Minister yesterday, of which—

Mr Venning interjecting:

The Hon. T.R. GROOM: Just be patient!

The SPEAKER: Order! The member for Custance is out of order. If he has a question, he can let the Chair know.

The Hon. T.R. GROOM: I would have thought members of the Opposition would be more sympathetic to rural South Australia, because they claim it as their heartland. Perhaps I am receiving persistent interjections because they do not like hearing of the level of assistance that is given by this Government to rural and primary industries in this State. The combined packages that are being made available to the wool industry and which were announced at Christmas time recently amount to about $8 million additional to the $4 million, making about $12 million in all. Specifically in relation to the honourable member's question—

An honourable member interjecting:

The Hon. T.R. GROOM: Well, it does help wheat farmers; of course, the assistance package that has been granted by Federal and State Government's assists wheat farmers in South Australia. Specifically in relation to the Wheat Corporation, this matter has been drawn to my attention through representations, and I am awaiting advice on it. I do not intend to make any sort of policy on the run. I will give careful consideration to the honourable member's request, as I have done in relation to similar requests over the past 24 hours, and I will bring down a reply to the honourable member in due course.

PASMINCO METALS

Mrs HUTCHISON (Stuart): Will the Minister of Business and Regional Development advise the House whether any projects are being contemplated which may be of benefit to the Port Pirie area, given the recent tragic announcement of more job cuts at Pasminco Metals BHAS? Port Pirie residents have been devastated by the recent announcement of job losses of about 140 from Pasminco Metals BHAS. Sixty staff have been retrenched this week and a further 80 stand to lose their jobs next week.

The Hon. M.D. RANN: I think every member of this House would be most disturbed by the tragic news of what is happening in terms of lay-offs by Pasminco. I want to pay tribute to the Port Pirie Regional Development Board for the work it is doing in terms of trying to identify new opportunities. Indeed, some coverage was given recently about some initiatives by the Regional Development Board in relation to Indonesia.

Mr Quirke: It was in the *Sunday Mail.*

The Hon. M.D. RANN: It was in the *Sunday Mail.* I want to praise the *Sunday Mail* for its editorial last Sunday in seeking to boost the standing of the Leader of the Opposition: in other words, if I can paraphrase, it said, 'Keep him there despite his inadequacies.' If his staff think that is good news, perhaps he should change his staff. The fact is that a manufacturing facility is being proposed by the Regional Development Board of Port Pirie to manufacture containers. The simple fact is that the vast majority of containers used by industry in this country are imported, and the Regional Development Board has been working with Pasminco to perhaps work up a facility to manufacture containers that would service Pasminco's needs but also, of course, be available for industry throughout Australia.

Certainly, the Port Pirie Development Board believes that, following discussions with Pasminco, efficiencies in freight and operational procedures can be achieved. The board has held discussions with shipping and leasing companies to ascertain their views, and in each case support for this proposal has been given. The board then proceeded with the development and subsequent distribution of an investment brief to the container industry around the world. By introduction in response to

this brief, four overseas parties were initially identified. Again, I want to pay tribute to Ken Madigan and his team who have been working with the Economic Development Agency in this regard. The Port Pirie Development Board then visited the Amerin container firm in Indonesia and another container firm in that country on several occasions, with a return visit by Amerin to Australia and Port Pirie during the week ending 23 April.

I met with the member for Stuart and the Hon. Ron Roberts from the Upper House with delegations from Indonesia to assure those delegations (which were of the very highest level, representing some of the biggest companies in Indonesia) of the support of this Parliament and the Government for the activities of the Port Pirie Development Board. During this visit by Amerin, a memorandum of understanding has been executed by the Port Pirie Development Board and Amerin to explore the viability and practicality of establishing a facility at Port Pirie.

Mr Venning interjecting:

The Hon. M.D. RANN: The EDA met with the Chairman of the Port Pirie Development Board today and the following approach has been adopted: Pasminco has demonstrated strong support for the project to date and Pasminco's future involvement and support, therefore providing surety of a minimum base demand for containers, possible equity participation, and management support to any joint venture company is deemed essential to the project materialising.

It is proposed that a delegation will visit Indonesia early in May following a request from Amerin Container Industry to determine the time frame of those objectives. It is important that this Parliament should get behind the Port Pirie Development Board in this very exciting opportunity. There is still a great deal of work to be done. It is not in the bag yet, but there is substantial interest in this development from Indonesia and, I understand, from Korea.

There was an interjection from, I believe, the member for Custance as to when Port Pirie will get an enterprise zone. I find it very interesting that the Leader of the Opposition denounced enterprise zones, along with the export schemes from which his company has received assistance, but which he denied; he denounced the Main Street program, yet yesterday in this House during debate one by one members were calling for them for their area. What a bizarre carry on! If members do not think they will work, why are they asking for them?

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. D.C. WOTTON (Heysen): I direct my question to the Treasurer. Following the recently announced SGIC losses relating to Hurricane Andrew in the United States, what other catastrophe losses is SGIC involved in, and to what extent, arising out of overseas re-assurance placed in aviation, marine, pollution, asbestosis and other huge American liability losses; and what recovery is due from SGIC's own catastrophe re-assurance?

The SPEAKER: 'Catastrophe' is the type of insurance, I take it?

The Hon. D.C. WOTTON: Yes, Sir.

The Hon. FRANK BLEVINS: I do not have that information in my head, although I do point out—and it has been announced—that this type of re-insurance is no longer being written by the SGIC.

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: I will obtain that information. It is all there in the annual report. I heard the question. The member for Heysen is far better equipped than the member for Mitcham to ask the question. He asked it clearly and distinctly. I heard it and I am answering it. He needs absolutely no assistance whatsoever from the honourable member. I will obtain the information of the various classes requested by the member for Heysen. It was a very good question and I congratulate the honourable member.

EMPLOYEES' WAGES

The Hon. J.P. TRAINER (Walsh): I direct my question to the Deputy Premier, who is taking questions on behalf of the Minister of Labour Relations and Occupational Health and Safety. Can the Minister review the situation whereby workers who lose their employment when the company or individuals for whom they work are bankrupted or liquidated have their overdue wages given very low priority compared with taxation payments and payments to other creditors? On Tuesday I was approached by a constituent who had again become unemployed as a result of the rapid turnover of businesses in the restaurant industry. He advises me that his former employer's business collapsed owing rental on premises and with $2 000 in wages owing to my constituent.

He also claims that a substantial number of employers in this industry keep inadequate salary records, and this aggravates the plight of employees of restaurants which get into financial difficulty. It appears that the problem arises because other creditors, by law, must have priority over wage claims, so I will not mention the particular restaurant where my constituent was most recently employed. However, as this is not a petty matter, I hope that a report can be prepared this session.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I thank the member for Walsh for his question. It is actually a vexed question and has been for very many years. I understand that it is primarily Commonwealth legislation that applies in this area, and my learned legal colleague can correct me if I am wrong. That makes it extraordinarily difficult for State Governments to have a great deal of influence in this area.

As I understand it, the liquidators have first call on any funds; the Australian Taxation Office has second call; and then people who are owed money stand in line with the rest and may or may not get a proportion. It is extremely difficult to influence that process. However, I will ask the Minister of Labour Relations and Occupational Health and Safety to examine the question to see whether there is anything at all that we as a State

Government can do, because it is quite wrong that wage and salary earners who have contributed to the profits of that business, whilst that business was making profits—and a business can make profits only out of its employees—are then discarded as worthless employees, being owed plenty. Quite often the owners of these businesses continue to lead quite a lavish lifestyle whilst the poor old worker who has made the profits for them gets absolutely nothing or very little.

I will have the question examined. I thank the member for Walsh and I know that the Minister of Labour Relations and Occupational Health and Safety will get back to the honourable member as soon as possible.

WOMEN'S SUFFRAGE CENTENARY

The Hon. LYNN ARNOLD (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. LYNN ARNOLD: At 2.15 this afternoon, my colleague the Hon. Anne Levy made a statement in the other place which I will now convey to this House. I am pleased to inform the House of a further funding allocation from the State Government for the 1994 Women's Suffrage Centenary celebrations. In the 1992-93 budget, the State Government provided the centenary steering committee with $200 000 to assist with an initial round of programs and grants for community projects. I am now delighted to be able to announce the provision of a further $250 000 to assist with projects and grants during the next financial year 1993-94.

As well as this, there will be additional Government money for staff and support services to coordinate the centenary year. The Government has also made a commitment through all public sector agencies to ensure their contribution to the celebrations in an appropriate fashion. The steering committee has worked hard to secure sponsorship commitments from the private sector, and to date it has been able to secure about $100 000. I congratulate the steering committee on this effort. The State Government recognises that the centenary celebrations are of major significance to South Australia and will contribute to our image both nationally and internationally. Our continuing contribution to the celebration also affirms our commitment to women in our community.

MULTIFUNCTION POLIS

The Hon. LYNN ARNOLD (Premier): I seek leave to make a further ministerial statement.

Leave granted.

The Hon, LYNN ARNOLD: Before doing so, I apologise to members that I do not have copies of this statement. This is simply an answer to a question I was asked earlier today by the member for Kavel. Some five minutes after I sat down, my officers, who had been listening to Question Time, followed up this matter and found out that in fact Ross Kennan had already scheduled a 4 p.m. news conference today. That will take place in another 55 minutes.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

Mr VENNING (Custance): I raise this issue today because things are particularly bad in the rural sector. Simon Crean, the Federal Minister, with his statement yesterday and his offer of financial assistance helps me to make these comments. I have grave concern at this Government's lack of assistance to the besieged sector of this State, and I refer to the rural sector and, more particularly, farmers. In this House today, the Minister of Primary Industries could not answer a question about payments to grain growers. He spent the whole of his time saying how the assistance to the wool grower would help the grain grower. If that is the ability and intelligence of the Minister of Primary Industries, heaven help us. However, his last two or three sentences were dead right: he would go away, find out and do all he could to make sure that these payments were made to South Australian and Australian grain growers.

There is no single dramatic event that prompts my concern, apart from the wool industry and wheat payments, as I said, and the continuing dry weather. We are grateful for the fact that there have not been any floods, fires or droughts and that there is not much pestilence. However, a mice plague is a continual problem and annoyance for our country folk. These things all come and go. South Australian farmers, resilient through generations of battling the odds, come through such setbacks with more or less help from the Government, and lately it has been less rather than more. Catastrophic events occur, but they can be dealt with by short-term emergency action. What the entire rural community now faces is something far worse.

The normal burdens of bad seasons and climatic disasters have been made worse by a litany of creeping horrors. Many of them are the fault of Labor Governments, both State and Commonwealth, and I will raise a few of them today. We have witnessed a decade of steeply rising costs while commodity prices have remained static or have slid back, as we all know. There has been a whittling away of support services from a sector that is seen as politically powerless, and I have raised that issue in this place time and time again. There are no votes in the country any more. Since the principle of one vote, one value was introduced, the country areas have been easy meat for Labor Governments, and the service sector has taken away the lion's share of the existing infrastructure.

We have seen the closing down of community services for the same reasons: the policies act as additional burdens on business in general and farm business in particular. At the moment, the situation is particularly desperate. I do not know how farm businesses exist, let alone make profits. There are ever-rising Government charges and new charges, and the taxation policies fail to

recognise the special nature of primary industry. Taxation, as much as anything else, is killing primary industry. Farmers need more tax incentives so they can continue farming. The Government continually brings in new regulations that do not suit the needs or nature of farming practice. All these and more have been piled on the already overburdened farmer in this State. There is a bureaucracy of paperwork and, to a T, farmers dislike it greatly. What a way to die—to be smothered in paperwork.

Long ago South Australian farmers learnt to cope with natural disasters and other adversities. The nature of agriculture in most of this State is such that there are good years and bad years, with the bad years probably being more numerous. Farmers have learnt very well to adapt and cope with that. They have learnt to make the most of the good seasons and to look after their resources through the bad. Of late, farmers do not have any spare resources up their sleeve, because taxation and Government charges have drained all their reserves and, in difficult times, we see great hardship.

In more recent years, they have learnt how to make sure their farming enterprises can be sustainable. The best of them have always been ready to look for better and more productive methods, and the rest have not been slow to take up new practices that show promise. They have built an industry that has long been the backbone of the State's economy. Even today, when depressed world prices and advances in technology have combined to lessen the role of agriculture, it is still a vital and indispensable contributor to South Australia's standard of living.

Mr HAMILTON (Albert Park): The closure of the Seaton North Primary School raised a number of problems, not the least of which is the very important aspect of the growth of a child through the use of play equipment. Unfortunately, the play equipment at the old Seaton North Primary School was found by the local Woodville council to be in an unsafe condition. I wrote to the Minister about the matter, expressing my concern about the safety of the children and other people who use the equipment.

I believe that the State Government and the local council have a clear responsibility to assist the community of Seaton. There is a need for appropriate play equipment and for an area of land to be set aside for that purpose, and I have addressed that matter in Parliament, imploring the Minister and the Government to set aside such a piece of land. I do not consider that to be a major problem because of the closure of the school as a result of its declining enrolments and the overall rationalisation that took place within the Education Department. I believe very strongly that $10 000, $15 000 or $20 000 should be set aside for the replacement of the equipment.

Play equipment is important for a child's development. The use of jungle gyms, horizontal bars, rings, cement pipes, see-saws, roundabouts, slippery dips, etc., is very important. They are tools by which children get healthy exercise for their growing bodies and it teaches them coordination, balance and a sense of timing and throws out challenges to children in the various age brackets using the equipment. It is also a very useful tool for social interchange or interaction with other children of similar ages and with adults.

I have pursued this matter with rigour because I believe that children in the Seaton area and visiting children should have such facilities provided by the State Government and the local council. Because the equipment is unsafe, it should be taken away, and the Government will be put in a very awkward position if it is not taken away. It is a danger to the children who play on it, and I have alerted the department about this matter in the past, and I am doing so again today. However, that equipment should be replaced as quickly as possible, and I intend to pursue this matter with all the rigour that I can muster; I will be seeking support from the local community. Approximately 12 months ago, in anticipation that this would occur, I indicated what my stance would be, so I give notice to the Government that I intend to pursue it.

There is no question that the Government has saved money through the closure of the Seaton North Primary School, and some of those savings should be put back into providing these very important facilities. The children will benefit from the social interaction and from building a healthy body. It is a long-term investment for the children who use the equipment now and for the children who will play on the equipment in the future. I plead with the Government to provide new equipment for the children in this area.

Mr GUNN (Eyre): I will follow a similar line to that taken by the member for Custance and express my concern about the Australian wool industry. The House and the general community should be aware that in March 1992 growers received approximately 648¢, per kilogram for their wool. At the last sales, the price had dropped to 397¢, which was a decrease of about 250¢, in approximately 14 months.

Unfortunately the cost of production is continuing to increase. The Government still is a victim of its own propaganda and has done nothing to undo the foolish decision which it made at the time the new Pastoral Act was introduced, when it sided with environmental groups against the best interests of the industry; and it has done nothing to accept that it made a mistake in relation to rents.

The Hon. D.J. Hopgood interjecting:

Mr GUNN: The honourable member can speak for himself. He had to have the support of the political opportunists in the Upper House—the two Democrats—to eventually force through what was an unacceptable proposition. I do not wish to be sidetracked from the fact that the Government should realise that the wool industry, the pastoral industry and the agricultural sector never have been a bottomless bit. They are a group of people who have made a tremendous contribution and should be supported. What the House should clearly understand is that because of the difficult period we have had in recent years the indebtedness that the rural industry is carrying has increased from the 1987 figure of some $10 690 million to some $15 589 million in 1992. That in itself is nearly a 50 per cent increase in the total debt hanging over the industry.

The reasons for it are very simple. We have been competing on an international market which has been

supported by the Treasuries of the major trading countries. Governments in this country have failed to understand the needs of the industries because they were advised by academics and others who had no understanding of the real world. The decisions to do away with investment allowance and accelerated depreciation allowances were a clear indication that those academics in Canberra—and unfortunately Labor Governments always take notice of public servants and do not take notice of the people who really know—fell for the three card trick. Treasurer Crean did it and this Government did it.

What has happened? It has had a direct effect on the Australian agricultural manufacturing sector. Go and try to buy Australian manufactured farm machinery today! Look at what has happened to Shearers. The member for Albert Park probably drives very close to the Shearer factory; he should go and see what happened there. It was a great institution which played a significant role in agricultural development. Both State and Federal Governments have a responsibility to join with the industry and support it during this difficult time. One of the things that the people in the rural sector cannot understand is why Government departments and public servants will not take any notice of the people who know.

Recently I was given a copy of a letter which a constituent of mine from Nundroo received. There had been a deputation to see the Minister and the officers were told to sit down with the group and talk to them. They went through that exercise, and after reading the letter which came back it was obvious that they were hell-bent on putting their own thoughts into it. They are not interested in what those communities want. They have a mania for getting rid of as many farmers as they can and getting their hands on as much land as they can, even if it means that in little places like Coorabie the future of the school will be endangered. Fowlers Bay has been in operation for a long time, and the representations put forward by that community have been responsible and rational. I say to the Minister, the member for Unley, that he ought to step in and tell those people who are conducting the negotiations—

The SPEAKER: Order! The honourable member's time has expired. The honourable member for Baudin.

The Hon. D.J. HOPGOOD (Baudin): I wish to address the matter that I raised by way of a question to the Premier earlier today. I have some additional figures and information I would like to place before the House which was probably not appropriate that I give in explanation of the question, Sir: it would have been testing your patience and also the Standing Orders. The music corps in the Australian Army at present is at a strength of 330, and my understanding is that that is to be cut to 120. This will be done by eliminating the bands in Perth and Adelaide and reducing the size of the bands in the Eastern States. Sydney and Melbourne bands are 60 piece bands; the Adelaide and Perth bands are 34 piece bands; and I am not sure of the size of the bands at Brisbane, Wagga and Canberra.

There will, therefore, be the opportunity for some personnel to be transferred from Adelaide and Perth to those bands, and temporarily the Sydney and Melbourne bands are likely to be larger than 60 piece, although the idea eventually is to phase them down I think to the smaller size, to the 34 piece band. The first packages are to be offered on 6 May. The redundancy packages are two weeks pay for every year of continuous service.

As I say, some will be able to go to Sydney or Melbourne, although in some cases they may face only another 18 months service before they also leave the Army. The Army Reserve Band is not unaffected by this. It is likely that we will have two reserve bands, I heard on a radio interview this morning. The existing band of the 10/27th Royal South Australian Regiment in effect will become (and I use the words that were given to me) riflemen who hold instruments. The remnants of the Adelaide Australian Army Band will become a new reserve band—the point being that those personnel are paid only for parades and are not on a salaried basis as are the full-timers.

The Australian Army Band (Adelaide) was originally known as the Central Command Band and was later known as the band of the 4th Military District. It is a military style or concert band featuring reed instruments as well brass and percussion instruments, and it has become a very valuable professional goal—a goal for the professional route or paths of musicians in this country. To remove that number of jobs and that degree of Government patronage from a very important area of the arts is, I think, a crippling blow to live music.

We are all aware of the fact that in many respects the demand for live music has been diminished because of technology, and this is something that has been happening for a long time. One could go back to the number of violin players who were rendered redundant by the coming of talking pictures in the late 1920s, when there were no longer orchestras to provide impromptu music to the silent movies as they had been before that time. We can now be surrounded by music which comes to us from video and audiotapes, radio, long-playing records (if people still use them), CDs, film, television and radio.

Yet I think most of us would want to keep music live, to use a phrase which has been used a lot by the Musicians Union in this State and elsewhere. Otherwise, where does the new talent come from? Where does it originate? We have in this State over the years put a good deal of resources into a teaching program for music which is probably second to none. That was illustrated by the fact that in the band world last year three of the four major national titles were taken off by South Australian bands, and this year at the nationals two of the four were taken off both in the military band and in the concert band area—the university's band, the Elder Conservatorium Wind Ensemble, in A grade; and the City of Brighton band in B grade.

It is important in all of this that jobs be kept open for young aspiring musicians. Of course, music for most of us will only ever be an avocation rather than a vocation either because we lack the high degree of skills or we are just not interested in making it a career. But if the careers are not available, if that underpinning of Government support is not there, then it seems to me that not only do the vocational aspects of music suffer but so do the avocational aspects suffer, and that means that we all suffer.

Mr MEIER (Goyder): Today I wish to bring to the attention of the House concerns in the marine scale fishery about the possible outcome of the white paper, specifically the recommendations as to the licence amalgamation scheme and the use of points between licence holders. Members would probably recall that it is about three years since the first green paper was released on the marine scale fishery. That paper was, to put it bluntly, a total disaster and had to be taken away and completely rewritten. I guess that took another nine months or so, if not almost a year, and then after that second green paper a white paper was released, which could have been last year or the year before, and the Government still has not acted on much of that white paper.

It certainly concerns me that the Government has had a moratorium on the transfer of marine scale licences. That moratorium, although I am still waiting for an answer from the Minister to a question I recently asked in this House, it is suggested will extend from 1 July to 31 December, which will mean that it has operated for some two years. Just imagine if that had applied to your business, your house, your property and you had not been allowed to sell it during that period, even though there might have been a need to do so. That is the exact situation that applies to the marine scale fishery today.

I have had complaints from quite a few marine scale fishery licence holders who have desperately wanted to sell their licence but cannot. I cite the example of one gentleman who has suffered three heart attacks in the past three or four years. His doctor has said that he is never allowed to go out in a boat again. He cannot use the licence. I have made an unsuccessful representation to have his case made an exception, or an exemption, to the rule.

In March of this year I received a petition from some 57 fishermen. It is not in the normal form of a petition and therefore I wish to read it into *Hansard.* It is actually addressed to me, as the member for Goyder, and I quote:

Dear Mr Meier,

We, the undersigned, wish to bring to your attention our grave concerns as to the probable outcome of the white paper into the marine scale fishery, specifically the licence amalgamation scheme points system and the possibility of the abolition of the family transfer. We believe it to be discriminatory and unfair as:

(a) it discriminates against age, physical ability and circumstance;

(b) it is unfair to all fishermen, long and short term, who for various reasons have not established a good catch history; and

(c) with the abolition of the family transfer all fishermen who do not have the required number of points, because of age, physical condition or circumstances, will be denied the right to pass their licence onto a member of their family without purchasing another licence.

Whilst we recognise the right of all fishermen to fish as they wish, within the confines of the Fisheries Act, the object of the white paper is to reduce effort and conserve fish stocks.

There is little doubt that the amalgamation of two (e.g. 30 000 point) licences with a net authority has the potential to increase effort rather than decrease effort.

It would appear that the fishermen with the least effort, and thus those putting less pressure on fish stocks, are the ones to be penalised.

That petition is signed by some 57 fishermen. It is quite clear that there is real concern in the fishing fraternity about the implications of using the point system for the transfer of licences. I think it needs to be emphasised that the matter involving family transfers is a key concern and it would appear that the scale fish committee has not backed up the fishermen on that issue. The second matter of real concern is that those who have caught more fish will be entitled to more points, and yet surely if we want to conserve our stocks it should not go that way.

The SPEAKER: The honourable member's time has expired.

Mrs HUTCHISON (Stuart): I wish to refer to a question which was raised with the Minister of Business and Regional Development, involving the position currently applying in Port Pirie whereby, after next week, there will be job losses of 140 in Pasminco Metals, BHAS. This has been a big blow to the people of Port Pirie, and I am sure that the Minister would realise that and be very sympathetic about it.

One of the good things about Port Pirie is that the people there always bounce back. They have a very positive attitude. This is certainly shown by the response that the Minister gave today in relation to the negotiations which have been carried on between the Port Pirie City Council, the Port Pirie Development Board and the participants from Indonesia.

I must say that it really is a breath of fresh air to speak with those people, even though they keep getting knocked down—and over the years people in Port Pirie have experienced a lot of problems which they have overcome. One of the big problems that they had to get over was the lead problem. They have done that and they have done that fantastically well. They are seen as world leaders in the way that they are addressing the lead problems involving children. Delegations from countries around the world have actually come to Port Pirie to see what is occurring there. Even in Australia, the other States have been contacting the people concerned in Port Pirie to find out how they, too, can deal with the lead problems being experienced in their areas.

These people having received another blow with this latest round of job losses, I am very heartened to hear from the Minister that in fact there is a real chance of a container manufacturing plant being established at Port Pirie, and I hope that that plant will eventuate. If the Port Pirie City Council and the development board have anything to do with it I am quite sure that it will eventuate, because they will pull out every stop in order to ensure that it goes ahead in Port Pirie. It will certainly give a lift to the people by providing a considerable number of jobs. I am not sure at this stage of the employment potential but I certainly hope that it will exceed the number of job losses occurring at BHAS.

One of the worrying things, of course, is that it is not just the matter of job losses at BHAS: it is the multiplier factor from those job losses. If those people have to move from Port Pirie to get jobs in other areas that will have an impact on the businesses operating and

the services provided in the city and it will also have a very big impact on the school age children involved.

For example, I understand, although this has not yet been confirmed, that there are quite a large number of young people who will be losing their jobs in the next round of cuts, which is the 80 forecast for next week. That really will cause a lot of problems. As members would be aware, it is not so difficult perhaps for those people who have had a long history of work at the BHAS and who would be entitled to a voluntary separation package which could look after them in later life. However, those young people who have not yet been able to build up a superannuation requirement or a package which could be offered to them at the end of the round next week are in a very serious situation. Many of them, I believe, would be young home owners with young families and, of course, this will have a major impact on them. Many families in Port Pirie do not want to shift, and there is a wonderful morale existing among the people of Port Pirie who support one another when these sorts of situation arise.

It is very truly called the city of friendly people because no matter what hits them, as I said before, they seem to bounce back. I sincerely hope that the latest developments with the container traffic proposal do eventuate. If ever a city deserves to go ahead Port Pirie does because of its very positive attitude.

NATIONAL RAIL CORPORATION

Adjourned debate on motion of Mr Gunn (resumed on motion):

(Continued from page 3231.)

Mrs HUTCHISON (Stuart): This is my third try to complete my comments on this debate, so third time lucky. Before the luncheon adjournment I was speaking about the Port Augusta workshops and the fact that so much work was being done regarding accreditation of the workshop to national standards, in addition to the considerable amount of work that was coming into the workshops from various avenues, one involving the refurbishment of the Indian Pacific and the other, the Morrison Knudsen contracts which had been negotiated.

Because of what has been going on in those workshops, they have now positioned themselves for an all-out effort on tendering for National Rail Corporation work. Because of the work done, I believe that they will secure a high percentage of the work from the corporation. I certainly hope that that is so, because they have worked hard to be competitive enough to do that. I do not think anyone would question my long interest in railways. I come from a family with a railway background. My father worked in the railways, my brother was an apprentice in the railways and, when I left school, I went into the railways because Port Augusta was a railway town at that stage.

The Hon. T.H. Hemmings: You can drive a train.

Mrs HUTCHISON: No. The member for Napier says that I can drive a train. I have attempted that only once and I would not say that I am very expert at it. In my previous position I had much contact with AN workers in Port Augusta. Over the years it has been difficult to maintain employment in the railway workshops. Every year there were negotiations through the Federal member's office in order to maintain the number of apprenticeships offered by AN. That was always an ongoing battle, which was always won, I am pleased to say.

The Darwin to Alice Springs rail link is another part of the motion. For two years I have been working at both the Federal and State level to try to get this rail link built. I know that the previous Premier, the Hon. J.C. Bannon, the member for Ross Smith, also had a keen interest in seeing that rail link built. He had numerous negotiations at the Federal level to try to ensure that there would be backing for the project. About 18 months ago I made representations to a Federal committee to see whether it would consider the link as an infrastructure project for the State of South Australia, but not only for South Australia, because it has national implications in opening up Asian markets. Such a link would have a major impact on the northern areas of the State, particularly the areas of Port Augusta and Whyalla. I know that the Deputy Premier also has had a keen interest in this project.

Just prior to the recent Federal election there was another push to try to have the rail link built. Again, I offered my support to that push because I firmly believe in the project. Without hypocrisy, I believe it is a project that should be built and I will continue to push for its construction, so that any moves made at any level to ensure the rail link is built will have my support. Also, I know from my negotiations with the previous Premier and the present Premier that they too will support the building of this rail link. The project would have enormous repercussions for the Spencer Gulf cities. The project should always be looked at in a sensible light as a project about which we should have forward thinking as we address ourselves to trying to obtain funding for it.

It does not mean that the link has to be built entirely by the Government. It could be built by a combination of the Government and private enterprise or entirely by private enterprise. However, we must continue to make every effort to try to find the people who will be able to build this rail link. It is no good saying that we must first find the traffic for the link. We must be forward thinking enough to say that we will build the link, and then we can work on getting the traffic. Present indications suggest that much freight should come through for the rail link.

It has been suggested that there should be an in-depth feasibility study into the building of the link. If that is required, we must push to have that inquiry started immediately because the longer we leave it the chance of having the link built diminishes. I ask all members to support the amendment, which relates closely to the motion. I certainly support the sentiments of the motion and ask members to support the amended motion.

Mr S.G. EVANS secured the adjournment of the debate.

OPERATION HYGIENE

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House, an independent inquiry should be held into Operation Hygiene and in particular as it relates to the conviction of Stephen Fuller and Malcolm Pearn.

(Continued from 21 April. Page 2973.)

Mr SUCH (Fisher): I speak on this matter because of grave concern about two young men—Malcolm Pearn and Stephen Fuller—who have been convicted and gaoled as a result of Operation Hygiene. In itself, that is an interesting name, suggesting purity and cleanliness. I can accept that the Police Force would seek to remove from its ranks officers who have done wrong, and I fully support that. However, I believe that there can be a danger with such campaigns, whether we call it 'Operation Hygiene' here or 'Operation Raindrop', as in New South Wales.

With those campaigns, there is a need to apprehend someone and that can arise largely to satisfy public opinion and pressure from the media. It is not uncommon for that to happen in criminal matters where generally the police do not rest easy until they have someone to charge. However, we have to be careful that in pursuing the bad officers within the Police Force—and I am sure there has only ever been a minority of them—we do not get the wrong people and do not end up gaoling people who, in my opinion, are innocent.

Our legal system is one that generally we can be proud of in terms of it generally being far better than others that exist in the world, but it is far from perfect. Members would acknowledge that there have been plenty of cases in the past where our system, as good as it often is, with the jury system and so on, is not perfect. We know from experience here as well as in England that people who have been hanged have later been exonerated.

The Hon. J.P. Trainer: Draw that to the attention of the member for Newland.

The SPEAKER: Order!

Mr SUCH: As I said, it is a good system overall. I support the jury system in general terms but it is not perfect and, like all things created and devised by humans, it is subject to error. I believe that in this case we should be very careful, because these two young men were convicted on the evidence of self-confessed criminals who have engaged in significant criminal activity. As a result of what might be called a trade-off, basically they have been able to walk away from their actions, but the two young men to whom I referred earlier (Stephen Fuller and Malcolm Pearn) are now in prison. To convict on the evidence used in this instance is dangerous and something that we as a community should review to ensure that more adequate safeguards are built into the system because, as I indicated, what convicted the two young people about whom I speak was the evidence of people whose character and behaviour are more than questionable; it has been established that their behaviour was illegal and outrageous.

I have a strong feeling of unease about this whole matter. I do not know these two individuals personally, but from reading the court material and the reply from the Attorney-General to my colleague the member for Davenport my concerns have intensified. I wrote to the Attorney-General earlier this year asking for an independent inquiry, but as yet he has not replied. In the meantime, I have seen the reply that the member for Davenport received from the Attorney-General. That reply and the material he supplied relating to judgments of the court have strengthened and intensified my concern about the serious possibility of there having been a grave miscarriage of justice in relation to these two young men.

I strongly support this motion. I believe there is a need for an independent inquiry, and I think this case is a good illustration of the danger of relying on the evidence of people whom I would regard as unworthy of offering evidence on almost any matter. I have no personal connection with these two young men. I have had some contact with some of their relatives, but as members know I am prone to make up my own mind, whether it concerns a matter relating to gaming machines or anything else. In this case, my strong feeling is that these two men are innocent and have become the victims of the system. Whilst the intention to clean up the Police Force and to clean out the minority of undesirables within it was a good one, these two young men have paid the price. I do not believe that we should engage in operations such as Operation Hygiene unless we end up catching the right people, the real criminals and not, as I believe has happened in this case, two innocent people. I commend the motion to the House and I urge members to support an independent inquiry so that justice can be done in relation to Stephen Fuller and Malcolm Pearn.

Mr GUNN (Eyre): I strongly support the motion of the member for Davenport. Like the member for Fisher, representations have been made to me by the family of one of the two former police officers. I have known the family in question all my life. I have never found them to be dishonest or to engage in any activity that would bring them into question with the law. They are people who would not set out in any way to be associated with wrong or criminal activities. I am one of those people who believes that, if there is any wrongdoing or criminal activity in the Police Force, it should be rooted out and the individuals concerned removed from the force once and for all. However, when operations such as Operation Hygiene are conducted, we must be careful to ensure that innocent people are not caught up in the wider net.

It is easy when these sorts of activities are taking place sometimes to throw caution to the wind and rely upon the evidence of people who, in my judgment, are less than honourable. One could only describe them as scoundrels. They had everything to gain and nothing to lose. It did not matter to them who they dragged in with them. I am of the view that there is sufficient doubt about the credibility of these people to believe that they set out, as has happened in other parts, to cast doubt on their police colleagues in order to place themselves at an advantage.

When inquiries are made in these sorts of circumstances, people must be very careful. This whole sorry exercise in my view needs careful re-evaluation and examination. I, like other members who have been involved in this debate, realise that we must be very

cautious when calling for an inquiry of this nature, because the South Australian Police Force has always had a high reputation for honesty and integrity, and we all want to see that maintained. However, I do not think that anyone in this House or in the community would want to see innocent people deprived of their rights and their liberty or made the victims of self-confessed criminals and villains and convicted, unfortunately, solely upon the evidence of these scoundrels. One matter which must be considered concerns the fact that the amounts of money that these two police officers are alleged to have received were minimal.

Mr Such: It isn't logical.

Mr GUNN: It is not logical. They were minimal in relation to the risk they would have been taking if they had been in receipt of illegal payments. Can anyone imagine that these people, who had been longstanding reputable members of the Police Force, for a few dollars—$10, $20 or $50—would jeopardise their whole career? I find that hard to believe. Why is it that the police log books, which could have been quite pertinent, are no longer available? Why were these people told that if they pleaded guilty—and this is something I cannot understand—they would get a small fine of about $200, be dismissed from the Police Force and, I have been reliably informed, that would be the end of it?

Why should people have to plead guilty when clearly they believe they have committed no offence? I am particularly concerned about this matter because, if these people were guilty, in my judgment the families would not have gone to the great expense and trauma of continuing to fight this issue to the lengths they have. They would have recognised that they had got their just deserts. If the Government kills off this motion, the matter will not die here, and let us make no mistake about that.

Mr S. G. Evans interjecting:

Mr GUNN: It will be back in this Parliament. I believe that all those people who have been involved in this exercise must stop and look carefully at what has taken place, because I do not believe that anyone would want to see innocent people victimised in the way in which these people have been. What does concern me is the letter which was dated 17 March and which the member for Davenport received from the Attorney-General. It states:

> The Court of Criminal Appeal undertook an independent assessment of the evidence as it was required to do.

I quote from the judgment of Justice Prior as follows:

> I have considered carefully whether this verdict can be regarded as safe, having regard to the fact that it depended entirely upon the evidence of two witnesses who have admitted to serious crimes and a course of corrupt conduct and abuse of their position as police officers. It is nevertheless not contradicted by the evidence given in court. I think that that was open to the jury to accept that evidence, if they considered it proper to do so, having considered the warning which was given to the trial judge as to uncorroborated evidence of accomplices.

The decision to convict these people was made entirely upon the evidence of those who had everything to gain and nothing to lose. These people were villains—

Mr S.G. Evans: They were self-confessed criminals.

Mr GUNN: Yes, self-confessed. They were the ones who were going to get off. Whether they were innocent, if they dobbed their mates in, they had everything to gain.

Mr S. G. Evans interjecting:

Mr GUNN: As my colleague points out again to me, in excess of 30 convictions—

Mr S.G. Evans: No, 30 offences.

Mr GUNN: Whatever the number, it was in their interests. They knew full well that, if they cooperated—

Mr S.G. Evans: Immunity from prosecution.

Mr GUNN:—they would get immunity from prosecution. In view of what happened and the recent television program that looked at what took place in New South Wales, there is a very strong case to have this matter examined by an independent party. It concerns me that, I understand, one of these persons is employed in a responsible position. He is left free and easy, having admitted to all the offences, but these other young men, whose lives have been ruined and whose families are distraught, are in gaol.

In my view, the real villains are walking free. What sort of system is it that allows that to take place? This Parliament, as the highest court in the land, has a responsibility to give these people the opportunity to prove their innocence. No matter how perfect the system, a few people always get through the net. Therefore, I strongly urge the Attorney-General to re-examine this matter and appoint someone to conduct an independent impartial inquiry into what has taken place. There is a lot more that I and others could say, but what we want to do now is to give these people the opportunity to prove their innocence. I believe they should have that opportunity. I support the motion.

The Hon. D.J. HOPGOOD (Baudin): I want to commend the member for Davenport for bringing the matter before the House and the member for Fisher for some of the things he said that I heard earlier this afternoon in this debate. I know that you, Mr Speaker, will not let me go far along this path, but I would commend what he had to say to the hanging member for Newland because, in effect, he was saying that from time to time the law makes mistakes. It is very difficult to apologise to a corpse. However, I will not go any further in that direction. I want to say that I thank members for bringing this matter forward. It is a very serious matter. I do not in any way question members' sincerity in bringing the matter forward and, in the normal courtesies of the Parliamentary procedure, my colleagues and I will be taking the matter away and in due course indicating to the Assembly the support or otherwise that we are prepared to give to it after due consideration.

But what extraordinarily short memories a lot of people have! I will return to some of the things that were being said by the member for Fisher. The member for Fisher has not been here very long. Had he been here in the mid to late 1980s, he may well, given the attitudes he has expressed in this debate, have exercised somewhat of a restraining influence on some of his present colleagues, particularly the member for Murray-Mallee, to whom I will refer in just a minute. I can think of no other period in our recent political history when there has been so much hysteria, so much whipped up emotion about alleged political and police corruption with so little return in terms of anything that was actually dug up. The media

have to take a good deal of blame for this. They brought people—so-called investigative journalists—over from the Eastern States, because they said, 'Well, if there has been corruption in Queensland and New South Wales, obviously there's got to be some corruption in South Australia,' and it is a good way of selling newspapers. So we saw these sensational articles.

The Opposition has to accept some blame. The problem is that I do not think a lot of them were being cynical at all: some of them are prepared to believe anything of those who sit on the other side of the House simply because they sit on the other side of the House. So we got the vilification of the current Attorney-General, Christopher John Sumner, with the extraordinary pressure and strain that that put on that gentleman—and we all know the outcome of that and the vindication of Chris Sumner, his activities and his character.

Mr Atkinson interjecting:

The Hon. D.J. HOPGOOD: Well, we all remember the question that was put on notice by the member for Murray-Mallee (and I thank my colleague for the reminder, because I did not indicate to the House that I was going to mention him in passing). The next case I want to mention I do not sheet home in any specific way to the Opposition at all or even to the media, but it was very much a part of the whole of the hysteria that was around at that time. I refer, of course, to the late Assistant Commissioner, Kevin Harvey. Kevin Harvey, but for the charges that were laid against him, almost certainly would have been appointed as the Deputy Commissioner; but for the charges that were laid against him Kevin Harvey may still be alive and walking the earth today. Yet, he was disgraced, though exonerated by the court, and died of cancer, as I recall, sometime after that—and we know that pressure and stress can well be a factor in the onset of cancer. That is a matter which has haunted me from that time. I do not know what I could have done any different as Police Minister. I am sure that, if I had done anything different from what I did, I would have been accused of somehow interfering in the normal processes of the law. I had to sit back and see the whole tragedy unfold.

Some extraordinary things came out of the atmosphere at that time, and it would do well for members to sit back and read in detail, if they have not, some of the results of the Hydra investigation and others which emerged and which showed that, in fact, political life in South Australia was as clean as you will get anywhere around the country. That has always been the case, and it has been the case when members opposite and their predecessors have occupied the Treasury benches, as it is today and as it has been during the time that my Party has been in Government in this State. Unless there is a considerable change in political morality in the State, if at some stage in the future members opposite are occupying Treasury benches in this Parliament, I would not expect that things would change in any way whatsoever. The question is, 'Did we have to go through all that political pain, all that personal pain, the extraordinary amount of public expenditure to reassure ourselves that we were clean?' Did we not know that beforehand? Could we not have trusted to the normal processes of the law, the checks and balances, the fact that we have a Police Complaints Authority, the fact that we have an internal bureau within the Police Department that is responsible for chasing up complaints against the police, and the fact that we have the whole paraphernalia of the courts? Could we not have allowed that to happen without the extraordinary whipped up hysteria that occurred at that time.

I could not let the opportunity pass without placing on record my concern about what happened in those years and thanking the member for Fisher for in some way reminding us of that, thanking the member for Davenport indirectly for reminding us by bringing forward this motion and, at the same time, at the end of it all, saying that in all that I have said I do not want in any way to suggest that I am trivialising the matter that the member for Davenport has placed before this House. It will be given every proper consideration before any vote is taken on the matter.

Mr BLACKER (Flinders): I, too, wish to add my support to this motion of the member for Davenport, and I thank him for moving it. Some members of the family of one of the persons mentioned are constituents of mine, and they have expressed grave concern about what they see as a real travesty of justice. They just do not know which way to turn. I commend the member for Baudin for his comments to the House on this occasion and thank him for the undertaking that the matter will receive proper consideration through the appropriate channels that he can present to the House.

The member for Baudin also referred to a number of other experiences in recent years in the political spectrum. There is a great difference between those experiences—and I have some sympathy for what the honourable member said and grave reservations regarding some of the incidents—but on this occasion we know that two gentlemen are in gaol now purely on the evidence of known criminals, who had admitted to in excess of 30 offences and had secured immunity. They had good reason for concocting all sorts of stories to plead their own innocence and to keep themselves out of gaol, and they obtained immunity to do just that. So, something is wrong with the system when that can occur. It was only on that evidence that the issue was brought up.

The two young police officers were reported to be the first on the scene of the alleged break-in or theft, or whatever it was. That is questionable but, if police operations procedures require that three police officers must attend to a reported offence, a ludicrous situation results. I can see all sorts of ramifications. The police would have to send three or more officers to the scene of a reported break-in, rather than two, as is currently the case. That is an operational situation, I know, but it just compounds the problem and makes one wonder where we go from here.

I applaud the member for Davenport for drawing the motion to our attention. I could add additional comments, but it would be better if the issue went to an independent inquiry. My evidence has really come only from family members. In no way am I questioning the veracity or the validity of the comments; however, my information is third hand and, as such, my concern is shared by nearly every member in this Chamber who has had any

involvement in this matter at all. Again, I thank the member for Baudin, and I trust that his colleagues will view the matter in an equally serious way.

The Hon. J.C. BANNON (Ross Smith): My comments will be similar to those of my colleague the member for Baudin, who spoke on this matter with a considerable deal of authority. By 'this matter', I am not talking about the detail of the case so much as the principles on which this motion is based because, as Minister of Emergency Services for some considerable period, the honourable member was obviously confronted on a regular basis with issues of this kind at a time, as he has reminded the House, of what one might call considerable hysteria and public uproar in this area. I might say that the former Minister handled that with his usual calm and aplomb, and the way in which we are able successfully to investigate and deal with these matters is in no small part due to his very capable administration of that portfolio.

Having said that, I would reiterate the statement he made that, as far as members on this side are concerned, we have not had the opportunity to consider the merits of the motion. We are very much in the hands of members opposite who are seeking to argue the case for this independent investigation. We must remember it is a fairly major step for the Parliament to take. We are confronted with the end result of a process of the law which has gone through all the requirements of the courts and which has been assessed by a jury. We know the importance of the jury system where, if you like, the commonsense of ordinary members of the community can be brought to bear on the legal and factual issues of a case; they come to a conclusion and, following that, judges fix sentences and the law takes its course. So, for Parliament to move a motion which, in a sense, suggests a miscarriage of justice—and I concede that it does not say that this has been so; it says that we should simply have another look at the matter—is a very major step for the Parliament to take.

As we know, in many cases, we as individual members of Parliament, both as Government and Opposition members, receive representations on behalf of those who have been convicted or even charged, asking for these matters to be reconsidered. That is common, but it is rare that, as responsible members of Parliament, we would feel able to take the matter to the point that has been taken in this case, that is, to put a motion before the House. Therefore, we on this side must listen with considerable care to the strength of the arguments that have been adduced by members opposite.

I have to say at this point that I have not been convinced. It may be that, on further consideration, perhaps the case has been made, but I must admit that simply reference to the known character of the individuals concerned, their family and representations made by the family and so on, bearing in mind the processes that have been gone through, is not enough. Members opposite would say, 'Yes, but look at the nature of the evidence that was led in this case. This evidence came as a result of an indemnity given to those who were admittedly involved in criminal offences. They must have had an axe to grind', and so on.

Members must remember that the issue of credibility of people in that situation is obviously a very important one for the court and the jury to consider, and they were there listening to the proceedings, listening to the arguments for and against and, more importantly, assessing the evidence directly. They could look those witnesses in the eye, knowing that they were in fact persons who had admittedly committed offences and knowing that they were giving evidence under some sort of indemnity. Nonetheless, they had to weigh up whether they would accept the credibility of their evidence. I would suggest that, unless there is strong argument to the contrary, it is very difficult for us to substitute their direct experience in this matter.

So, the onus of proof, if you like, before this Parliament is very much changed from the presumption of innocence. In the face of a conviction, the onus of proof turns on those who wish to overturn that conviction which has been levied under the normal processes of the law.

The other point I would make—and this relates directly to the arguments used by members opposite in this case, and I have heard each of the remarks made so far—is that it really makes one increasingly amazed to hear that part of the problem in this instance is the atmosphere in which these proceedings took place. As the member for Baudin has asked, 'Who has been leading the charge in this area?' I am not pointing the finger at individual members opposite or those who have spoken in this debate, but I am talking about a general posture taken by members of the Opposition in relation to matters such as this.

It was very much part of the process that resulted in inquiries being established, under huge media scrutiny. Let us face it: but for members of Parliament being able to say things under parliamentary privilege that could be reported, it is unlikely that the media could have whipped themselves into the frenzy that they did. They needed the active cooperation and involvement of Opposition members, more particularly in another place than here, but in this place as well, to undertake these sorts of inquiries and this action. If hysteria has led to the conviction of these persons and if indeed they are innocent—and I say again that I do not think the case has been made yet—I would have rather liked the Opposition or Opposition speakers in support of the motion at least to have acknowledged some degree of responsibility.

I think particularly of the Attorney-General of this State who was subjected to one of the most ghastly campaigns of vilification to which any public officer has been subjected. Like the case that members opposite are arguing, the allegations were based on statements made by admitted breakers of the law—by criminals, by unsavoury characters, by persons seeking some form of immunity or anonymity. These were the people who were brought in evidence against the Attorney-General in a vast rumour mill, who had their allegations erected into some kind of public notice by members opposite picking them up and giving them currency under parliamentary privilege, which resulted in the most traumatic, exacting and appalling examination of the private affairs of an individual that one could expect.

At the end of the day, at the end of the pain, suffering and so on, what was the result—a total exoneration of the

honourable Attorney-General. Each of the matters raised, the reputation of those who raised them, the vilification and the false motives that resulted in those accusations were all laid out very clearly in a publicly delivered report following an intensive inquiry. I suppose one could say that that is all right, that the Attorney-General can stand up and say, 'There you are. I have been vindicated.' What about the pain, the suffering, the opprobrium that he had to bear throughout that long drawn-out process? I did not hear too many members of the Opposition stand up and say during that process the things they have been saying in this case, and there was more reason for them to do so at that point of the proceedings. I simply make that point.

We are being asked by members opposite to take a certain interpretation of events that have led to the conviction of two individuals, we have been given some arguments about it and we have been told that we must have regard to the circumstances in which this happened. I would be more convinced if some members opposite were prepared to say that they accept major responsibility for the atmosphere that may have led to that situation developing.

The Hon. B.C. EASTICK secured the adjournment of the debate.

PRESS GALLERY

Adjourned debate on motion of Hon. Jennifer Cashmore:

That, recognising the power and influence of the media, this House—

(a) supports the principle that journalists who report parliamentary proceedings are an integral part of the democratic process; and

(b) requests the Standing Orders Committee to consider establishing a formal procedure for accreditation of journalists and to consider whether those holding permanent passes, as press, radio or television journalists, accredited by the Speaker to cover the proceedings of Parliament, should be required to complete returns for a register of interest in a similar form to that prescribed for members of Parliament, such register to be held by the Clerk of the House for inspection by members of Parliament only and not by any other person.

(Continued from 31 March. Page 2779.)

Mr ATKINSON (Spence): I move to amend the motion as follows:

Leave out the words 'Standing Orders' and insert in lieu thereof the words 'Legislative Review'; leave out the words 'by the Speaker'; and make the word 'Clerk' to read 'Clerks' and the word 'House' to read 'Houses'.

When I first read the member for Coles' motion, I tried to recall an instance of a journalist's financial interest affecting his or her reporting of the House. I could not think of an example but, then, I have been in the House only three years. What interest of a journalist that would be registrable under our pecuniary interests law has brought forth this motion? Few journalists work in Parliament House. The number of candidates who could have offended is small. I think that the Deputy Premier picked up the scent early in the member for Coles' speech when he interjected, 'Everyone is wondering what this is about.'

I think that the interest that prompted this motion was Rex Jory's casual employment by the State Bank to write profiles of those members of Parliament who could influence the Government's attitude to the State Bank. Until recently, Mr Jory was the *Advertiser's* chief reporter here. That episode reminded me of Fergan O'Sullivan typing for Tass document H an unflattering portrait of his fellow reporters in the Canberra Press Gallery. Mr O'Sullivan was called before the Petrov royal commission. I do not think that Rex Jory will be summoned by the State Bank Royal Commission.

Members will recall that the *Advertiser's* David Hellaby, who does not work here, wrote a front page exclusive story on how the State Bank was keeping secret files on State MPs. The story was more exclusive than the editorial conference knew because the secret files contained nothing but profiles written by Rex Jory, who worked on the same editorial floor as David Hellaby. Rex Jory had been moonlighting for the State Bank. Soon afterwards, the *Advertiser* dropped the story without explaining Rex Jory's role.

Should we require journalists who work in the Parliament building to register their pecuniary interests so that we may avoid the mischief caused by Rex Jory? I say 'No'. The mischief is not serious enough to justify the regulatory effort that the member for Coles proposes to require of the Clerks and our journalists. Could a greater mischief occur if we do not pass this motion? I have yet to hear evidence of this from the two speakers so far. Would this proposal prevent the mischief? I do not think so. Casual work for journalists is just that—casual. Much of it would not be caught by the annual or biannual reviews of the pecuniary interests register.

The member for Coles argued that the British Parliament requires journalists to register their pecuniary interests. On 17 December 1985, the Commons passed a motion to this effect:

That those holding permanent passes as lobby journalists, as journalists accredited to the Parliamentary Press Gallery or for parliamentary broadcasting be required to register not only the employment for which they had received their pass but also any other paid occupation or employment where their privileged access to Parliament is relevant.

The resolution was the outcome of a select committee and it was passed by way of amendment on a free vote to a milder motion moved by the Leader of the House. Mr Allan Williams, the member for Swansea West, said during the debate:

We must bear in mind that the lobby enjoys early information, often well before honourable members enjoy it. They enjoy easy access to Ministers, honourable members and off-record briefings. For that reason, it does not seem unreasonable to me that we should adopt the recommendation which requires the declaration of relevant interests.

Sir Geoffrey Johnson Smith, the member for Wealden, said:

The committee considered whether to extend the register to other classes of person. It found that unexpected use was being made of privileged access to Parliament by some of those

holding passes to the palace. Allegations were made that those with access to the building were providing a paid service to people who were other than their stated employers...It is important that, when honourable members talk to a lobby journalist or a research assistant, they should be sure that they actually work here and do not represent some other interests.

Those quotes make a strong case for the member for Coles' motion but I put it to the House that, on close examination, they also contain a case against it. First, journalists do not have privileged access to our Parliament. We have no pass system.

When I started work in the gallery for the *Advertiser* in 1983 I had to badger the then Speaker, the Hon. Terry McRae, until he provided me with an orange pass. He did not know why I wanted it. I stopped wearing it because no-one else wore them. If there is no privileged access there is no corresponding duty; if there is no pass system the Commons debate is of little relevance.

Secondly, we have no gallery association in this Parliament. We do not accredit journalists. We have no system on which to graft the member for Coles' motion. Thirdly, we do not have a lobby system as in the Palace of Westminster whereby journalists can receive off-the-record briefings and other privileged information in return for agreeing to obey the lobby rules.

Journalists in this building are, in a formal sense, treated no differently from members of the public in the Strangers' Gallery. Any persistent busybody who can write English could do much the same job in this place. In 1984 my mate Mark Davis wrote a State politics column for the University of Adelaide student newspaper *On Dit* by scribbling away in the Strangers' Gallery. Some people in this place tried to stop him, but eventually they gave up. If they could not stop Mark Davis how are we going to stop a determined reporter who, pencil and pad in hand, comes into this place refusing to file a pecuniary interest return? What if such a person sits in the gallery without taking notes and returns to the newsroom to write a story from memory?

Fourthly, what facilities or privileges do we give journalists apart from two small rooms? Journalists do not even get a feed in the Strangers' Dining Room one day a week as they did when I was in the gallery in 1983 and 1984. In conclusion, I hope that my remarks will be taken into account, along with those of the member for Coles and other speakers, by the Legislative Review Committee, and that we will see what emerges from that committee.

The Hon. JENNIFER CASHMORE (Coles): I am very pleased to accept the amendment of the member for Spence. I am intrigued by the honourable member's extremely grudging support for a proposition which is in fact ALP policy and which is outlined on page 122 of the ALP Summary of Policy and Platform (paragraph 2.4) under parliamentary reform. It states:

Labor will ensure that all members of Parliament, candidates for Parliament, senior public servants, staff of Ministers and journalists accredited to Parliament are required to report publicly the business and financial affairs of themselves and their immediate families to the extent necessary to disclose any possible conflict of interest.

I consider that an enlightened policy, and I am sorry that the member for Spence is so reluctant to embrace it. However, his colleagues obviously have seen the wisdom of it. Many of the points made by the member for Spence were met in my speech to the motion. I have no doubt that some of the difficulties will be dealt with by the Legislative Review Committee.

In concluding the debate on this motion, I stress that the 1980s, as indeed in every decade of the history of this world that preceded the 1980s (but particularly in our memories the 1980s stand out), was a decade in which no section of society was exempt from charges of corruption—neither the members of Parliament, the judiciary, the medical profession nor any other profession or occupation once held in high esteem and bound by the highest and strongest of ethics. Why, Mr Speaker, should journalists be seen to be the only ones beyond reproach and beyond question when it comes to occupational conduct?

As other members have noted and as I note myself, journalism is not a profession but a trade. It nevertheless is a trade which ought to be bound by standards of conduct which are beyond reproach. Indeed, the AJA sets out those standards and this motion is entirely consistent with the AJA code of ethics. The motion simply seeks the same accountability from journalists as is required from members of Parliament with respect to the declaration of their pecuniary interests. I stress again as I did before that journalists reporting Parliament exercise significant power over and influence on the democratic process. They are not paid high salaries. Many do freelance or contract work for companies, organisations or individuals who recognise the commercial and political value of a press gallery journalist's privileged access to Parliament.

I could give hypothetical examples—and I stress that they are hypothetical: the Building Owners and Managers Association may seek the services of a parliamentary press gallery journalist as a publicist; so may the Retail Traders Association, the Tobacco Institute of Australia, the Hotels Association, the fishing industry and many other organisations which can fairly be described as having a very strong vested interest. There is a potential for reporting of debates to be influenced, consciously or unconsciously, by the desire of a journalist to retain or expand his or her supplementary source of income by reporting Parliament with the interests of the supplementary source of income in mind when such interests are relevant to the debate. If the pecuniary interests of journalists are declared to the Parliament then any possible conflict of interest is exposed and the risk of improper influence is greatly diminished.

The ultimate influence, I suppose I could say, is not only on the passage of legislation but on the election of Leaders and Ministers in this place. It is not beyond the bounds of possibility—and I describe it as an entirely hypothetical possibility—that people outside this Parliament can be said to attempt to influence the appointments of this Parliament, the election of Parties to Government, the elections of Leaders to Parties and indeed the choice of Ministers by the favourable or unfavourable reporting of any individual's conduct. That should be ruled right out of court, and this is one way by which we might possibly do that. I commend the motion to the House and I am pleased to accept the amendment.

Amendment carried; motion as amended carried.

ARNOTT'S BISCUITS LIMITED

Adjourned debate on motion of Hon. J.P. Trainer:

That this House condemns the opportunistic, unsolicited and unwelcome attempt by the Campbell's Soup Company of America to take over Arnott's Biscuits Limited of Australia in an effort to gain control of what Campbell's President described as 'those fabulous brands [those] precious jewels that we see incredible value in' as a basis for Campbell's expansion into Asia to benefit American shareholders regardless of the impact of its takeover on Australian employees of Arnott's, including those working in the Marleston biscuit plant.

(Continued from 10 February. Page 1884.)

Mr BECKER (Hanson): I can fully understand and appreciate the reason for the honourable member moving this motion, but unfortunately it back-fired on him because his Party in Federal Government let down the shareholders of Arnott's. Here was a truly Australian company that was doing extremely well. Arnott's evolved from the merger of Arnott's, Mottram and Menz. Menz biscuit manufacturing company was a very old, well established South Australian company. The last surviving member of the Menz board that I can recall was one of my neighbours. I know how much he put into the company and how disappointed he and the Menz family would be now that control has been lost.

The Federal Government could have saved Arnotts through the Foreign Investment Review Board. The Federal Government could have stepped in to prevent the takeover of this company, but it did not do that. All those people who are currently employed at Arnotts at Marleston certainly have reason to be upset, disappointed and concerned to see their company now fall into foreign hands.

We should be doing more to preserve Australian companies. We should be doing more to purchase Australian made goods and goods manufactured by Australian owned companies. I do not think we are doing enough in that respect. I admire companies like Ampol, who give out brochures advising their clients of the various Australian owned and Australian made products. By doing that they are supporting a consumer organisation that is endeavouring to put value back into Australia. By doing this we are preventing very valuable dollars going overseas, let alone exporting jobs. We should be all about creating and protecting employment, and that is where I think the member has failed, because this motion really does not do that. His representation should have been far stronger and far more critical of the irresponsible attitude adopted by the Federal Government.

Debate adjourned.

At 4.35 p.m., the bells having been rung:

The SPEAKER: Call on the Orders of the Day.

TOBACCO PRODUCTS CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March. Page 2311.)

Dr ARMITAGE (Adelaide): In addressing the Tobacco Products Control (Miscellaneous) Amendment Bill, I am really delighted to indicate that the Liberal Party supports the Bill. It does so as an indication that this is a major public health issue for South Australia, and indeed for young South Australians, as this Bill focuses on youth. The annual toll of smokers is about 20 000 premature deaths in Australia, and that is an appalling figure. Whilst smokers would maintain their right to slowly suicide, and I do not deny them that right, what is worrying to me is that, of these approximately 20 000 premature deaths annually in Australia caused by smoking, about 1 000 of those, according to a submission to me by the Assistant Secretary General of the AMA, are non-smokers exposed to environmental tobacco smoke.

I am sure most people interested in this subject would recognise the importance of the previous landmark decision by Justice Morling, and indeed I would suggest to anyone interested in the matter of smoking and passive smoking that Morling's judgment is well worth reading, with particular regard to the credibility, and perhaps more importantly the objectivity, of the witnesses called by the opposing sides. Studies show many difficulties caused by smoking. I would like to quote from an article in a recent *New Scientist* of 20 February 1993 (page 5), in which Richard Doll, who is reported to be the first epidemiologist to make the link between smoking and lung cancer, celebrated his eightieth birthday with a media conference called to announce some reassessment of some figures on smoking. It was in fact an update of his 40 year study into the epidemiology of this matter.

The figures, updated from the Imperial Cancer Research Fund's Cancer Studies Unit in Oxford, indicate that half of heavy smokers aged 35 die before their seventieth birthday, compared with one-third of light smokers and only one-fifth of non-smokers. So, there is significant value in not smoking from the point of view of longevity. Of course, the longer one smokes the more likely one is to have a problem and hence the efficacy of this Bill in attempting to stop young people starting to smoke. Richard Doll indicates that the person who smokes 60 cigarettes a day and lives to be 95 does exist. We all know them and indeed they are the linchpin upon which smokers usually hang their argument.

Doll indicates that his figures show that three out of every 200 heavy smokers might be expected to reach their ninetieth birthday compared with 90 light smokers and 30 non-smokers. Again, there is a very clear statistical benefit in not smoking. Since the last full analysis of Doll's data carried out in 1971 the gap in life expectancy between smokers and non-smokers actually widened, and male smokers aged between 55 and 64 were found to be three times as likely to die as non-smokers. These figures are not necessarily new to people who have had an interest in the area, but they do confirm much anecdotal evidence and they certainly add to the argument for stopping smoking.

Of course, this Bill is not necessarily about stopping smoking, although in my former position, before I entered Parliament, I used to valiantly try to get people to do that. This Bill is not about stopping smoking because, if it does pass—and far be it from me to presume that it will—people will still be able to purchase

cigarettes, but Australia's youth, and more importantly South Australia's youth, will find it more difficult to begin to smoke.

Looking at the figures, 20 per cent of 14 year olds in South Australia today are regular smokers and one asks: why is this the case? I think there are a number of reasons for it, but certainly one reason is that it is not difficult, if you are a 14 year old and you wish to smoke, to procure cigarettes. Indeed, 14 year olds have a reported 100 per cent success rate in obtaining cigarettes from vending machines. This gives further weight to the very sensible provision in this Bill of providing vending machines only in licensed premises where children do certainly still go but they are usually in the company of adults. Certainly I would put it to the House that 12 and 14 year olds, who have a 100 per cent success rate of obtaining cigarettes from vending machines, would only ever go to licensed premises in the company of adults.

According to studies conducted in South Australia, children have a 45 per cent success rate in respect of obtaining cigarettes from retail outlets. Accordingly, to increase the age at which it is legal to buy cigarettes from 16 to 18 years of age once again makes it less likely that young children will be successful in obtaining cigarettes from retail outlets. One might ask why one should attempt to stop anyone smoking. I think most people would agree that it is a fact that smoking causes disease. Even the smokers that I know admit that it is likely to cause disease.

I would like to read a litany of potential problems for smokers sent to me by an Associate Professor of Medicine and the Senior Director of a respiratory unit. I intend to read this long list rather laboriously in order to make my point. I will start from the beginning, leaving out only one of the following 14 relevant points:

(1) There is a study in the *New York State Medical Journal* which shows that smokers have 50 per cent more traffic accidents and 46 per cent more violations than non-smokers. These differences remain when differences in alcohol consumption, age, driving experience and education are taken into account.

(2) Recent analysis shows a clear association of cigarette smoking and stress.

(3) Smoking both marijuana and ordinary tobacco is associated with impaired foetal growth and a 5 per cent reduction in corrected birth weight.

(4) There is a higher incidence of carcinoma of the cervix associated with smoking in women.

(5) Smokers with melanoma have reduced survival rates.

(6) There is a smoking effect on fertility in females and producing impotence in males...

(8) Bladder cancer is twice as great in cigarette smokers as it is in non-smokers.

(9) Smoking reduces high density lipoproteins and is a clear risk factor for atherosclerosis.

(10) There is also a clear association with peripheral vascular disease. In Australia there are almost 800 limbs amputated each year because of the effects of smoking on peripheral vascular disease.

(11) There is a strong association of cigarette smoke in a variety of respiratory problems in childhood, including asthma, middle ear disease and respiratory infections.

(12) Nicotine is probably more addictive than heroin.

(13) Duodenal ulcer relapse is also much more common in smokers versus non-smokers.

(14) There is from the US Surgeon General a report that there is a much higher incidence of suicide and homicide in smokers versus non-smokers.

As I made the point before about suicide, we could regard cigarette smoking as merely a slow form of suicide. They are the reasons why people ought not to smoke, and it is for those reasons that the Bill attempts to stop young people from beginning to smoke.

I reiterate: there is no provision in this Bill, although perhaps there ought to be, to stop people who are already smoking as adults from continuing that habit. An Anti-Cancer Foundation initiative and a National Heart Foundation initiative also found that many other diseases such as emphysema and chronic bronchitis, which were not mentioned in the litany of diseases to which I referred, are clearly risk factors. Having indicated that smoking causes these disastrous illnesses, it has always been my view that, if a smoker gets lung cancer, mouth cancer, bladder cancer or pharyngeal cancer or whatever, that is unfortunate and I feel for them. They usually die and they die fairly quickly. What particularly distressed me in my profession prior to entering Parliament—and it still distresses me—is the number of people who have long-term chronic diseases such as emphysema, chronic bronchitis and strokes which affect their daily living and ability to live dignified lives for 20 or 25 years.

As to smoking, many people say, 'Smoking contributes a lot of money to the economy.' I draw the attention of the House to the fact that in 1984 the Western Australian Health Department studied the matter and indicated that the annual cost to the Australian community as a result of smoking was about $2.66 billion. That is an enormous but basically preventable cost. In the same year the Tobacco Institute indicated that the benefits from smoking amounted to $2.363 billion, which leaves a total annual cost to the Australian community of about $300 million from a preventable cause.

As is usually done, if one takes about 10 per cent of benefits or detriments from the Australian total as South Australia's share, it means that the preventable illnesses caused by smoking cost South Australia about $30 million annually. I presume that the Minister of Health, Family and Community Services would rather spend $30 million on other public health initiatives than treating preventable illnesses caused by smoking.

A number of people have said to me previously, 'Smokers have rights, so why does society wish to interfere with them?' I accept that and emphasise that in no way does this Bill attempt to interfere with the rights of smokers to smoke. Indeed, if one looks at this issue as a public health matter, in the late nineteenth century and early twentieth century it used to be acceptable to spit. One of the reasons tuberculosis is now a much more controlled disease is thought to result from the fact that spitting was ceased by legislative means.

To anyone who indicates that I am attempting to interfere with smokers' rights through legislation such as this, I would merely ask them whether they would equally claim that I might attempt to repeal any Bill that makes it feasible for people to spit regularly and hence spread tuberculosis. There seems to be universal support for increasing the age at which children can obtain

cigarettes from 16 to 18 years. In speaking to me about the Bill the Tobacco Institute indicated its support for that position. Dr Lyn Roberts, Coordinator, South Australian Smoking and Health Project, said to me, 'The advantages of raising the age to 18 years are obvious.' One of those advantages is that it clearly indicates to children that smoking is an adult behaviour. At age 18 many young people have a form of identification—either a driver's licence, an alcohol identity card or whatever—which means that vendors can clearly identify the age of the person purchasing cigarettes and hence are more able to comply with the legislation.

Another feature of the Bill is that it tightens the interpretation of point of sale advertising for tobacco products. Clearly, this matter has been interpreted fairly broadly in the past where many people have so-called point of sale advertising stretching across shop fronts, protruding out of supermarkets and on to streets and so on. Basically, the proposed amendments should help to clarify the situation and allow for greater and easier enforcement of this part of the legislation. I repeat: the Bill does not stop anyone from purchasing a cigarette. One of the major features of the legislation is the promotion of health messages on individual packets of cigarettes. Studies undertaken indicate clearly that more legible, larger, intelligently written warnings in language that people understand have the effect of stopping people smoking or starting up smoking.

Dr Roberts also indicated that, given the experience of staffing a telephone counselling line, it appeared that many smokers want to quit smoking but they do not necessarily have the skills or the knowledge to plan to successfully achieve their goal. The promotion of a quit line on the packet of cigarettes ought to ensure that those people have easy access to information to help them to achieve their goal to stop smoking. In my experience, most smokers want to quit but they simply do not know how to go about it. Anything that can be done to encourage them to achieve that goal ought to be actively supported, particularly in view of the fact that the figures I have quoted from both sides of the argument indicate that smoking costs South Australia $30 million annually.

This piece of legislation will be an admirable piece of public law when it is passed. In my view, it taps into a vein of strong public opinion that the youth of South Australia ought to be discouraged as much as possible from taking up a habit that clearly militates against their future health.

Mr BECKER (Hanson): The remarks I am about to express are my own personal opinion: they do not reflect Liberal Party policy on the issue, because I oppose the legislation.

Mr Ferguson: Do you have a conscience vote on this?

Mr BECKER: For the benefit of the member for Henley Beach, members of the Liberal Party are entitled to express their point of view provided they advise the Leader and the Party room. Whilst there is no conscience vote on the issue, I exercise my right as an individual member to speak on behalf of my constituency and on behalf of at least one-third of the people in South Australia who smoke. In all the years that I have been in Parliament, no legally produced or manufactured product has been subject to so much interference and/or bureaucratic humbug as has tobacco in this State and in this country. Whilst it is recognised that we all have certain civil liberties and rights and whilst I accept that anyone can object to anything, to discriminate is illegal—and that is what is happening today by way of this legislation.

About three or four years ago I had a pain in the lower part of my leg. I went to my doctor, who referred me to a specialist. The specialist performed an examination, and his very next question was: 'Do you smoke?' I said, 'What's that got to do with the price of fish?' He asked, 'Do you smoke cigarettes or have you ever smoked?' I reminded him that I had certain rights and I could not see what whether I did or whether I did not smoke had to do with the problem. This seems to be the standard procedure amongst some medical practitioners. I thought, 'Blow you, Charlie Brown; I'll go and get a second opinion.' I remained with the second specialist, because he explained to me exactly what had happened to an artery in my leg, and that was the build up of plaque which can happen to anyone for any reason at all. It was not necessarily associated with cigarette smoking as I had not smoked a cigarette for about 12 years.

Mr Ferguson: But you did smoke.

Mr BECKER: Whether or not I smoked had nothing to do with the price of fish. I used to do a lot of running, walking, athletics and high jumping. As a youth I was a pretty fit and agile athlete and I suffered a few injuries, so it is not surprising that I might have damaged part of my leg. I broke and sprained both my ankles in the hop, step and jump. On many occasions I would jump out of the pit or I would jump so far that the pit was not long enough for the hop, step and jump.

Mr Ferguson: What about the motorbike?

Mr BECKER: I have never fallen off a motorbike, thank goodness. I was a bit more careful, but the hop, step and jump board was always too short. I get annoyed when a whole lot of statistics are rattled off about the effect of cigarettes because, as everyone knows, it is possible to claim all sorts of things when one toys with statistics. If one looks at statistics produced by the Australian Bureau of Census and Statistics for South Australia, one sees that there is hardly any huge impact on the number of deaths associated with heart disease or cancer, because the statistics are collated at a ratio of so many to 10 000.

This legislation is not just about whether smoking is good or bad for our health. The Minister is rushing to bring in legislation to this House so that he can claim that South Australia is the first cab off the rank. The Minister of Health in Western Australia, who was known as a perpetual basher of the tobacco industry and all things to do with cigarette smoking, put legislation through before the State election and, of course, the political Party that he supported has been soundly defeated. The person who jumped in after the ministerial council meeting is no longer the Minister of Health and his Party is no longer in government. So the Minister in Western Australia, to whom I will refer in a minute, is taking an entirely different attitude towards this matter.

South Australia is the next State to jump in with this legislation. As I contemplated that this might happen, I put the following question on notice:

317. Mr Becker will ask the Minister of Health, Family and Community Services:

1. Have Australian Ministers of Health proposed that 50 per cent of the surface of a packet of cigarettes be devoted to health warnings and, if so, why?
2. Is the Minister aware that no other country in the world requires more than 20 per cent, on average only 11 per cent, of the surface of a cigarette packet to be taken up with health warning messages; if not, will he have further research undertaken on this issue before making any decision; and, if not, why not?
3. What compensation has been proposed by Australian Ministers of Health to tobacco companies for loss of brand trade marks and packet designs and from which budget line will such expense be funded?

That question has been sitting on the parliamentary Notice Paper for weeks, if not months. It ill behoves the Minister not to have answered that simple question on the Notice Paper. The Minister is earning a reputation of a typical 'Yes, Minister' man because, if the bureaucrats tell him not to answer it, then he will not. The Minister has done his credibility a tremendous amount of damage by not promising to carry out what he always said he would. He said that he believed in freedom of information, in the right of members to ask questions and in members being informed instead of being kept like a mushroom on a mushroom farm. Here we have a very important question on the parliamentary Notice Paper which the Minister cannot be bothered to answer. He must take full blame for not having the decency to answer my question. As support for my asking this question and to provide some comparisons, I seek leave to insert in *Hansard* a purely statistical table that lists various countries and the requirements regarding the percentage of the package that must contain warnings, as proposed by this legislation.

Leave granted.

O.E.C.D COUNTRIES
GOVERNMENT INFORMATION REQUIREMENTS

Country	***% of Pack	Manufacturer
Australia*	50%	Private Enterprise
Austria	6%	Government Monopoly
Belgium	15%	Private Enterprise
Canada	20%	Private Enterprise
Denmark	15%	Private Enterprise
Finland	15%	Private Enterprise
France	15%	Government Monopoly
Germany	6%	Private enterprise
Greece	15%	Private Enterprise
Iceland	20%	Private Enterprise
Ireland	15%	Private enterprise
Italy	6%	Government Monopoly
Japan	5%	Government Monopoly
Luxembourg	6%	Private Enterprise
Netherlands	6%	Private Enterprise
Norway	15%	Private Enterprise
New Zealand	15%	Private Enterprise
Portugal	15%	Government Monopoly
Spain	15%	Government Monopoly**
Sweden	15%	Government Monopoly
Switzerland	5%	Private Enterprise
Turkey	5%	Private Enterprise
U.K.	15%	Private Enterprise
United States	5%	Private Enterprise

*Proposed
**Some Joint Venture
***Minor Variations Due to Different Pack Sizes

Mr BECKER: From that table it will be seen that Australia proposes that 50 per cent of cigarette packets manufactured by private enterprise be required to contain a warning. In Austria, where the Government has a monopoly as the manufacturer, only 6 per cent of the package is required to be used for health warnings; in Belgium, private enterprise manufacturers, 15 per cent; Germany, private enterprise manufacturers, only 6 per cent; one of the highest ones is Iceland, private enterprise manufacturers, 20 per cent; New Zealand, 15 per cent; Portugal, 15 per cent; Sweden, 15 per cent; Switzerland, one of the most technically advanced countries in the world in terms of health, 5 per cent; the United Kingdom, 15 per cent; and the United States of America, 5 per cent. Those OECD countries have not felt it necessary to go to 50 per cent of the packet for health warnings.

I find that very difficult to accept, because statistics can be used to do whatever we like. The last Federal election in this country proved conclusively what can be done when statistics and scare campaign tactics are used: a political Party can throw total caution to the wind and scare the daylights out of the electors so that it can win government. To back this up, I will quote from an article entitled, 'The pollsters, the pundits and the politics of fear,' written by Derek Parker in the *IPA Review,* volume 46, No. 1, 1993. Regarding the politics of fear in the last Federal election, he said:

> Ultimately, the ALP tactics were successful. This is the bedrock truth: attack politics work, and the more aggressive the better. It matters little whether what is said is true or not. Both the Coalition and the ALP's experience (in the first part of the campaign) showed that no support is won with policies for change—although, if the South Australian outcome for the election is a guide, straightforward bribes may be of some value.

He continues:

> The experience of 1993, and the evidence of the polls, shows that the Australian electorate, when choosing between a slightly painful truth and an easy lie, will choose the latter.

What a tragedy! That is where we hear so much about statistics. That argument has been put up in the document prepared by the Ministerial Council on Drug Strategy, on Health Warnings, Contents Labelling on Tobacco Products. That document has been subject to independent research. It was financed by the Tobacco Institute of Australia in October 1992, but eminent academics have criticised and torn to shreds certain findings of that ministerial council.

In Australia, if this legislation is passed—certainly in South Australia, and we will be out of step with everyone else—50 per cent of cigarette packets must be used for health warnings. The same magazine, the *IPA Review,* volume 46, No. 1, page 8, under the heading 'Education monitor', states:

> A recent parliamentary report states that up to 25 per cent of children leaving primary school unable to read.

The amount of illiteracy in this country is horrific, and that has been a well known fact for many years. One can go to any TAFE college and find out the problems that are experienced by the teachers regarding illiteracy and comprehension. Here we are asking the population to read, knowing that a large percentage of the population cannot read or comprehend. So, given that the statistics

on which this proposition are based are nothing more than a swindle, what is the benefit of using 50 per cent of a cigarette packet to explain all sorts of little health warning messages?

I asked members of the Tobacco Institute for its opinion of this legislation. If the Government brings in legislation, it is only fair and reasonable to consult the manufacturers—those who are affected. It is all very well for the Minister to be advised by his health people, who are part of the bureaucracy which is costing this country millions of dollars. There seems to be little or no consultation whatsoever with members of the tobacco industry. After those members asked on many occasions whether they could be involved, they were included, but everything was prejudged; they had no hope. The attitude was, 'Yes, you can come along to a meeting, but you are wasting your time, because the bureaucrats have really made up their mind what they are going to do.'

Let us look at the Minister's legislation and the effects that it will have. I consider this to be a Committee Bill. I cannot understand why the Minister is rushing ahead with enabling legislation in this form when there is not agreement by all Health Ministers in Australia. So, where is the master legislation coming from? Under the heading, 'Health labelling of tobacco products', the Ministerial Council on Drug Strategy put forward on 15 April 1992-12 months ago—a plan to increase dramatically the amount of pack space devoted to health warnings. The decision to change was taken without any consultation at all with the tobacco industry. In England, before that occurred—and this proposal follows what happened in England, because I was in England 12 months ago and was advised about this matter—the industry was consulted. But there was no consultation here. The Government is too frightened to consult with the industry; we found that out last night with regard to questions to the Treasurer about taxes.

Only one State, Western Australia, has gazetted regulations to implement the ministerial council and drug strategy decision. These regulations were made by the previous Labor Government, as I have already explained. Under the present Liberal Government, the Western Australian Health Department has belatedly undertaken a detailed review of these regulations with tobacco manufacturers. This review has revealed very serious faults in the regulations, and they make compliance absolutely impossible. The Western Australian Health Department has indicated that it will contact the South Australian Health Department regarding the complexity of the existing Western Australian regulations and the impossibility of enforcement. I want to know whether that was done and also whether anybody in the Health Commission is aware of the difficulties experienced in Western Australia and, if so, why the Minister is proceeding with this legislation.

The main point of tobacco package labelling cannot possibly be implemented before July 1994. It is ridiculous to claim that this is an urgent Bill which must be passed before the end of the current parliamentary session. The situation across the country on tobacco labelling is totally confused or officially under review and is likely to be resolved in the near future. If South Australia makes regulations similar to those gazetted in Western Australia, South Australia may find itself completely isolated and out of step with the overall national plan of uniform packaging regulations.

The current situation regarding the MCDS (the Ministerial Council on Drug Strategy) tobacco health warning proposal in the States and Territories is as follows: Victoria is completely opposed to the MCDS proposal; and the New South Wales Premier has stated in Parliament that this tobacco packaging question will be referred back to the MCDS for further review at its next meeting in early June 1993. Will the Minister attend that meeting in June 1993? Will he listen to his ministerial colleagues from the other States? In Queensland the Government is not in favour of the MCDS proposal as it stands and is currently reviewing alternatives; Tasmania is opposed to the MCDS proposal; the Northern Territory is opposed to the MCDS proposal; the Australian Capital Territory favours the MCDS proposal but has taken no action; and the Federal Government has indicated resistance to the MCDS proposal.

So, here we have South Australia going it alone again. Gung ho! You beaut! We are broke; we have nothing; we are insolvent; we must borrow money to pay everybody and to pay the interest on the interest. We are attacking an industry without consulting that industry, without having further consultation with ministerial colleagues in the other States. I would have thought more and better of the Minister. He has been in the Public Service long enough to know that, on an issue such as this, one cannot go it alone. We will be horribly out of step with the rest of the nation if we do not wait until that meeting in June—and if we do not wait to see what all the States and the Ministers of Health will do regarding this matter.

The Bill would prohibit the sale of cigarettes through vending machines unless they are situated on licensed premises. There is no allowance for vending machines in workplace canteens. Here is the real discrimination: the workers at Mitsubishi and Holden—and do not forget that Holden had 26 000 employees 10 years ago but it has only six now, that is how well we looked after that company—are not allowed to have a vending machine in the canteen. Why can they not have a cigarette vending machine in the canteen? There are lollies, sweets and all other things that are not supposed to be good for our health, so we are told—

Members interjecting:

Mr BECKER: Absolute rubbish! The makeup of each individual is different. I do not see why vending machines cannot be placed in workplace canteens. I would like to see what would happen down at the wharves; they would be really rapt with this measure! I do not believe that they should be denied that opportunity. Nowadays, in the Public Service, if you want to go for a smoko, it is not for five or 10 minutes but you have to go down to the street level and around the block. It takes up to 45 minutes. One of the Minister's own staff from his department came to me and complained recently that three staff go out for a smoko twice a morning for at least 45 minutes each time. The Minister loses 90 minutes production. It is not on flexitime, but it is a total loss of production in that department. In the afternoon, they have a couple more smokos, so the productivity in that department with those people jogging around the block is not very good.

As to the legal age for purchasing tobacco, the tobacco industry has no complaint about increasing the age from 16 to 18 although one would have to query why a person must be 18 to purchase a cigarette but at 16 they can make a decision about any health or surgical treatments. However, that is accepted, and we are not so worried about that. As to the point of sale advertising, this seems to be a trend world wide, and stricter controls are put on that.

As I said, why go ahead with all this unnecessary legislation when there is to be a further meeting in June this year of the Ministerial Council on Drug Strategy, and there could be a whole lot of alterations? I would say to the Minister: hold your horses and defer the legislation; you will not lose any face, but let us get something that is at least of a national standard. Remember, the most important asset of the tobacco companies are the cigarette logos. If that principle of their trading rights is destroyed, what you will do to other manufacturing companies is horrendous. I do not think the Minister has really thought through the impact of this legislation.

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

The Hon. JENNIFER CASHMORE (Coles): It is with particular pleasure and enthusiasm that I support this Bill. Shortly before I heard my colleague the member for Hanson address the Bill, I referred to *Hansard* of 13 September 1978 and my own second reading explanation on a private member's Bill which I had introduced to achieve much the same purpose, although in a more modified form than this Bill seeks to achieve. My private member's Statutes Amendment Bill of that date was designed to increase the fine from $20 to $200 for selling tobacco to children; to make it a requirement to display prominently signs advising the public that it is an offence to sell tobacco to children under 16 years; to amend the labelling by adding a warning about the prohibition of supply to children to the existing warnings then printed on cigarette packets about smoking being a health hazard; and to require health warnings and warnings against the supply to children on tobacco vending machines.

In the 15 years that has elapsed since then, I have not ceased to support any move whatsoever to restrict the sale of what in plain terms is a carcinogenic substance. I would go further, and I believe that health authorities will go further than this Bill in time to come, and identify tobacco as a carcinogenic substance. I would place it on the schedule of the Controlled Substances Act and make it subject to sale by prescription. That is how I feel about a substance that kills people. I commend to my colleagues, particularly the member for Adelaide who I expect will be the next Minister of Health, that goal by the year 2000, and that would be a very positive public health measure.

I have heard some interesting and amazing speeches in this Chamber in my time. However, I do not think I have ever heard anyone make a claim as unusual as that of the member for Hanson in the form of a criticism of his medical practitioner for asking a question which would help him establish the diagnosis of his condition and regarding that question as an act of discrimination, and not only that but an infringement of his personal rights. That is a very interesting perspective that one can place on the relationship between doctor and patient. I can imagine the doctor must have felt somewhat taken aback.

I will deal very briefly with the contribution of the member for Hanson, because I feel that, as long as advocates for the tobacco industry express their advocacy, those who are opposed to the promotion of addictive drugs are obliged to meet those arguments. The suggestion that there should be no prohibition on access to vending machines by children, and that vending machines should be freely available in workplaces, ignores completely the recent judgment of Mr Justice Morling which confirmed the liability of employers for the effects of passive smoking on their employees. I suspect that we will see cigarette vending machines outlawed in workplaces, not by law but by the administrative acts of employers who fear the workers compensation costs involved, with claims by workers who suffer respiratory diseases as a result of passive smoking, and who do not wish to be liable on the one hand nor on the other to provide a workplace that is not safe. The progress in that area is considerable.

The provisions in this Bill for raising the age of children from 16 to 18 with respect to purchasing tobacco are universally supported. They bring tobacco in line with alcohol, and therefore bring a consistency to the law, which is admirable. The increase in the penalty will, I believe, be an effective means, but we have to see all these provisions as steps which have been gathering pace since the early 1980s. When I was Minister of Health and attempting without success to persuade my Cabinet colleagues of the need for these measures, I had anticipated that we would wait until the year 2000 before we saw them. I have to commend the work of the Hon. John Cornwall as Minister of Health in the controls on tobacco advertising and in successive measures to ensure basically that we preserve people's health and that we prevent children from taking up a habit that will cause them much suffering.

Essentially, as the member for Adelaide said, this is a public health measure. Those people who refer to civil rights and claim that their civil rights are being infringed with every prohibition that is placed on the availability or promotion of tobacco would do well to look at the great health reforms of the late nineteenth century and consider how those reforms at the time were seen to be infringements upon the rights of some. The member for Adelaide mentioned spitting, which was an uncontrolled activity in public. Even in private, spittoons were provided in homes and workplaces until the dangers to health from spitting were scientifically recognised and action was taken.

Similarly, would anyone today consider it an infringement of our civil liberties that we are not permitted to throw the contents of chamber pots from the balcony into the gutter, yet that is precisely what was regarded as the norm in the late nineteenth century before the introduction of sanitation and hygiene reforms which have had a more profound influence on public health than any of the surgical or technological advances in medicine in this century.

In order to support the arguments, if any further support is needed for this Bill, I seek leave to insert in *Hansard* a table identifying the economic costs of smoking, taken from page 53 of the report of the Department of Community Services and Health, entitled,' Tobacco in Australia'. It is a summary of related statistics.

The SPEAKER: Do I have the usual assurance that the table is purely statistical?

The Hon. JENNIFER CASHMORE: Yes.

Leave granted.

Table 1: Economic Costs of smoking in Australia and its States and Territories, 1984

State	Direct Health Care Costs	Adult Indirect Mortality Costs	Indirect Morbidity Costs	Total Costs	Perinatal Indirect Mortality Costs (PIMC)	Total Costs Including PIMC
			$ MILLION			
NSW	301	430	182	914	27	941
VIC	238	311	137	687	21	708
QLD	133	186	80	399	12	411
WA	81	89	43	213	8	221
SA	79	104	46	229	7	236
TAS	24	40	16	79	3	82
ACT	11	11	6	28	1	29
NT	9	13	6	27	1	28
TOTAL AUS	877	1 185	517	2 579	81	2 660

(Minor discrepancies in row and column totals are due to rounding)
Source: Health Department of Western Australia.

The Hon. JENNIFER CASHMORE: With that, and with my warmest support and encouragement to the Minister in his efforts to ensure that health warnings are printed on the fliptop, which occupies 25 per cent of the front of the pack, and that detailed explanations for consumers of each health warning, together with the national Quit line telephone number, taking up the whole of the back of the pack, are given, I again express my support for the Bill. Because tobacco is addictive, it is no use condemning people or shutting them off from the supply. One has to assist them, and the Quit line is the most positive and practical way of helping people do what many choose to do but find difficult to do on their own. This Bill makes provision for regulations to be printed on one entire side of the pack to ensure that information is available to help consumers more readily understand the tar, nicotine and carbon monoxide content of that brand. All in all, it is a very useful step in the right direction and one that I support.

Mr INGERSON (Bragg): I rise to support the Bill, but I should like to make a few comments about the hypocrisy of the Government and its position with respect to smoking. There is plenty of evidence from a health point of view to suggest that, if we are serious about smoking, we should ban the product, but Governments are never quite game to do that because they have a very significant financial reason for not doing so. It seems to me that there is a fair amount of hypocrisy in this whole exercise.

It fascinates me that we use money from the sale of cigarettes to encourage young people to play sport. The promotion of sport through Foundation SA is achieved through the sale of cigarettes, which is an anti-health product. It would be better if the Government put a certain amount of general revenue into encouraging young people to play sport. That is the way to go, rather than adopting this hypocritical standard of taking cigarette money and putting it into Foundation SA.

Mr Ferguson: You have a very short memory.

Mr INGERSON: I made the same comments during the passage of a similar Bill on another occasion. If we as a community believe that this is a major health issue, it also seems to me to be hypocritical that, when a major sporting event such as the Grand Prix is run in this State, we do not take a strong stand. I am a health professional and I believe that, every time we can introduce a practice that will reduce smoking, we should support it. I support that argument. However, it is important that we look at the hypocrisy aspect as well.

An area of concern to me, which I have identified within my own family and one about which not enough is being done, is smoking by young women. I have two daughters and a son, yet my son has never been involved in smoking. I use the word 'never' pretty guardedly because to my knowledge he has never smoked. Yet I could almost describe my second daughter as a chimney. The unfortunate part about it is that all her friends are smokers, and I hope that the Minister will look at targeting that matter in future health policy to learn why young women, in particular, are taking up smoking to a much larger degree than young men. It is a serious issue that needs to be examined.

I was fascinated when I looked at the research into labelling and how that affects usage. As a pharmacist, I know from experience that very few people read labels. Any person who argues that research into the labelling of a product will in fact affect its usage ought to check what happens in the real world where people are taking medication. It is a tragedy, but it is a fact of life, that very few people read the label even when they have it explained to them by the medico and pharmacist. This

conscience statement which is made in the legislation and which suggests that we will have a significant change in the usage of cigarettes by improving labelling in my view is absolute arrant nonsense.

Mr Ferguson interjecting:

Mr INGERSON: Yes, I agree with the member for Henley Beach, whose background I know is in printing, that it will help the printing industry. It will also create a major problem in the control of products in a national sense unless this legislation is adopted by all the States. As a pharmacist, I can talk with a fair amount of experience in this area. If you want something to happen nationally you have to try to get national standards and similarity in labelling. It is a tragedy that we are not introducing this right around the nation and at the one time.

The Hon. M.J. Evans interjecting:

Mr INGERSON: I apologise. If that is the case, that is an important issue. I come back to the point that very few people who take genuine medicine read the label; and I suggest that very few people will be affected by any tar content and, if they are, they will not notice it or will ignore it. A lot of nonsense is put about in this area of labelling and the effect that it has in terms of the health message. I hope that this legislation can eventually be endorsed by all the States so that we do have commonality as to how the distribution of cigarettes takes place.

If we are to be serious about controlling the use of cigarettes by young people we have to make sure that their access to those products is made as difficult as possible. It is fascinating that we should license cigarette purchases in respect of licensed premises, and that there will still be such accessibility to cigarettes for young people, even though it is more restrictive than it is at present in the general community.

Any member who is connected with a football club—and I know the Minister is—or any other club will know that the accessibility to vending machines in licensed premises in the future will be exactly the same as it is now. Limiting cigarettes to licensed premises will not reduce access to those who are able to go into those licensed premises at any time. A lot of young children under 18 years of age have access to football clubs in particular, in which I am very much involved, and will still have access to vending machines. I think that is an important issue.

There is no doubt that the issue of workplace health and safety is important, and it is just as important not to allow these vending machines in workplaces. I support that proposal. There is no doubt that workplace safety in relation to cigarette smoking is an issue that has been developing over time. As the Opposition spokesperson for WorkCover, there is no doubt that if cigarette smoking in the workplace is not banned there will be massive claims in future years. I think that anything that can be done to prevent those claims, purely from an economic sense, needs to be done.

I have been asked to put a couple of other matters before the Minister, and one is the employment of young people in supermarkets and delicatessens. Whilst this Bill clearly increases the age at which cigarettes can be purchased, one concern that has been put to me by several business owners is that they are employing young people under the age of 18 years and, I assume—even though this is not clear in the Bill—they will still be able to sell that product to people over the age of 18 years.

That brings up the next issue as to how you will identify age. I have a young daughter 18 years of age, but I guess very few members would be able to tell whether she was 18 or 24 years of age. I think that that again is a big weakness in this Bill. I accept the principle, but it is a very big weakness because who will police this provision and how will it be policed? The penalties are very significant. I do not question the penalties but I do question this whole area of how it will be policed. The principle is right, but I question the practicality.

The other issue that I am concerned about is the cost to the businesses that have to make the change. One of the chains whose representatives have contacted me has suggested that the cost of change will be significant. They are not arguing that it should not happen but they are saying that for some small businesses the cost could be anything from $1 000 up to $10 000 to reorganise the framework of their businesses. That is a genuine comment from some small businesses widely involved in the sale of a legal product: that they will be expected to put up with some very significant costs in reshaping their businesses. If the Government wishes to proceed with that proposal it must recognise that fact.

It has also been put to me that we ought to be looking at a pub card extension or some system that enables identification of young people if such draconian penalties are to be placed upon the owner, particularly if a 16 year old person is expected to be able to identify someone who is 18 years old for the purposes of the sale of this product. I hope that the Minister in reply will explain, for the benefit of all the retailers who are concerned about this matter, how this legislation will be policed. I support the Bill.

Mr SUCH (Fisher): I rise to support this Bill, which the Opposition also supports. I believe it is very important that we do all we can to deter or dissuade young people from taking up smoking in the first place. If this legislation saves the life of one person it will be worthwhile. I do not know how many members have seen people who are suffering or have suffered from lung cancer or emphysema, but they are horrible diseases and it is a terrible way to die. It has not happened to anyone in my family, but I am aware of people who have suffered from such diseases. If we can keep people from that fate the measure will be worth while.

We often hear people say that it is not the right time: it is always the crusty, old oppositional approach that some people will trot out, that it is never the right time, that we cannot afford it—and on that basis you never do anything. The time to change the law was a long time ago, and I am pleased that something is at last happening and that we are at least seeking to discourage young people from smoking and also making it more difficult for those under the age of 18 years to access tobacco products. I see this Bill as being for those who do not yet vote and for those who are very young. It is important that we should focus not only on the electors who put us here but also on the young people who as yet

do not have a vote. I believe that this public health measure is in the interests of those young people.

One area of concern is the number of young women in particular who take up smoking. You do not have to be a scholar or researcher to realise that a high percentage of young women in particular take up smoking. I believe it has a lot to do with their need for a sense of independence. I am not blaming the women's movement because what they have been on about has been long overdue. However, I think partly as an offshoot of that movement there has been an emphasis on women needing to demonstrate independence. I also believe many of them take it up as a way of controlling their weight.

I would suggest that not only should we focus in terms of warnings about the effects on the lungs and other internal organs of the body but the advertising should be directed at the effect on a person's skin, premature ageing and so on. I believe that sort of strategy might have more success amongst young females than the current approach. I am not suggesting that we not focus on the health aspects—the effect on internal organs—but I believe in a society which is very conscious of looks and exterior appearance that that is something that should be considered.

This measure, and I do not intend to canvass all aspects because time is limited, relates to the control of vending machines. I do have a concern in respect of licensed premises because I believe unless the vending machines are positioned within licensed premises so they can be supervised, or are reasonably close to the point where liquor is dispensed, there is a temptation for young people to access those machines. In fact, to keep their children amused while they—the parents—drink a bit of the brown liquid, parents often ask their children to use those vending machines. I draw to the Minister's attention a possible problem in respect of licensed premises. I support the intention of the Bill, but recognise that in large buildings there could be a temptation to site the vending machines in a position where they would be vulnerable or accessible to young people.

In summary, I strongly support this measure. I put on the record that I occasionally indulge in a celebratory cigar but certainly not on a regular basis and I certainly do not encourage or promote the smoking of tobacco products. In terms of the real issue of young people taking up smoking, I believe this is a worthwhile step in the right direction. It will not solve all the problems but it deserves the support of every member of this House.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I would like to thank members of the Opposition and particularly those who spoke in support of the measure for their wide support of the proposals which are contained in this legislation. I think, as the members for Adelaide and Coles said, this is a significant step forward in the fight to ensure public health for Australians and in particular young Australians. I think we can be certain that many of the provisions of this legislation are overdue but, of course, one has to await the appropriate time to gradually ensure that more and more appropriate measures are brought into place.

I think it is necessary to address a few of the comments that have been made, particularly by the member for Hanson and, of course, the member for Bragg who, while strongly supporting the legislation, raised a number of questions. It is always interesting to hear the member for Hanson extol the virtues of tobacco. While not necessarily indicating that it is good for you, he certainly indicated that he does not believe there is any harm in it. I am afraid that the statistics and the evidence on that are quite overwhelming. There is no doubt that not only the Parliament but the courts, and I believe some 70 per cent or more of the population, support the view that tobacco is quite hazardous to your health. The honourable member's view on this, while sensible on many other matters, is somewhat out of step.

With regard to the area of consultation about these kinds of health warnings, I can assure the honourable member that the tobacco industry was invited to consult with the ministerial council on this matter. Industry representatives attended the meeting initially but then subsequently walked out prior to any consultation being able to take place. So the opportunity was certainly there but was simply not taken up in a responsible way. The ministerial council reached a unanimous decision on this matter. It crosses Party lines, it crosses State lines, and indeed the ministerial council decision, which we are proposing to implement, stands as of this day and I am sure will be implemented by other States as well.

The honourable member drew attention to the fact that the first Minister to introduce this new health warning system in Australia was the Western Australian Minister and that that Government subsequently lost office. While I certainly concede that that Government did indeed lose office, I would draw his attention to the fact that the new Liberal Minister in Western Australia, Mr Peter Foss, in his first public statement as Health Minister, announced his support for the ministerial council decision and indeed his support for the decision taken by his immediate predecessor to gazette the regulations. He indicated that he would be hard on anyone who sold cigarettes to children and young teenagers while being careful not to create a black market. He said he was a strong anti-smoker who had banned smoking in his home and office when this was not socially acceptable, and he indicated that he strongly supported the ministerial council on drugs strategy meeting.

So while it is true there was a change of Government in Western Australia, I think that to suggest it was because of the tobacco regulations draws too far a point. A number of the points raised by the member for Bragg require attention, but I do not accept his point that the change in the age will create the sort of difficulties which he contemplates. Indeed, the pub card concept and the one issued by the Bureau of Transport, through the Motor Registration Office, will make available to people aged over 18 the appropriate identification for them to use when purchasing tobacco products if they do not look the appropriate age. The reality is that the present legislation specifies an age of 16; that age has to be policed. It will be easier to police an age of 18 because, of course, 18 year old people are much more likely to have appropriate identification. The number of 16 year olds with a driver's licence is relatively small, while the number of 18 year olds with a driver's licence is much

higher. Indeed, I would suggest that it is easier to police an 18 year old age limit than a 16 year old age limit.

A number of other issues are to be addressed by amendments that have been circulated. I have met with the retail industry, as I am sure the member for Bragg has, and many of the issues which they raised with me were quite realistic. I have tried to incorporate as many of those in the amendments as I could, and I think others will be adopted as we progress along this path. I am sure that we have their full cooperation in seeking to make this legislation work. I would commend the Bill to the House as have almost all other members, and I invite the Committee to proceed with the tabled amendments.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 1, after line 20—Insert paragraphs as follows:

(ab) by inserting after 'regulation' in the definition of 'health warning' '(or by direction of the Minister under the regulations)';

(ac) by inserting after the definition of 'health warning' the following definition:

'label' includes information that is enclosed in or attached to or is provided with a package containing tobacco products but which does not comprise part of the package and 'labelling' and 'labelled' have a corresponding meaning;.

By way of explanation, it is the case that, where in respect of a particular form of packaging of tobacco products the regulations do not prescribe labelling requirements, the regulations may empower the Minister to give directions as to labelling. The purpose of this amendment is to recognise in the definition of 'health warning' that health warnings may be prescribed by regulation or by the Minister acting under powers pursuant to those regulations.

The regulations that are proposed after this amending Bill comes into force will include a provision making it an offence to sell a package containing tobacco products with, or that includes, anything that contradicts or explains the information displayed on the package in accordance with the regulations. Such information may not be regarded as a label in the strict sense. This amendment inserts into the principal Act a definition of 'label' which embraces this meaning and thereby expands the power to make regulations as to labelling. This is a technical area and it is appropriate that my amendment should be adopted in order to ensure that there is no loophole in the provision and that the definition is as wide as needs be.

Dr ARMITAGE: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

New clause 5a—'Tobacco products in relation to which no health warning has been prescribed.'

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

Page 2, after line 16—Insert new clause as follows:

5a. Section 6 of the principal Act is amended by inserting after 'is prescribed' (first occurring) 'by regulation (or by direction of the Minister under the regulations)'.

This new clause ensures that a direction is possible in relation to the regulations. Proposed section 6 recognises that a health warning may be the subject of a direction. It is the case that there are some tobacco products that are not in a standard packaging facility and, therefore, special directions may be required to ensure that those packages—perhaps imported products or other low usage packages—may be the subject of a direction by the Minister rather than the ordinary regulation that may not be appropriate in a particular case.

Dr ARMITAGE: The Opposition supports the new clause.

New clause inserted.

Clause 6 passed.

Clause 7—'Sale of tobacco products by vending machine.'

Dr ARMITAGE: I move:

Page 2, after line 32—Insert subsection as follows:

(2) The Frustrated Contracts Act 1988 applies to a contract between the owner or occupier of premises and the owner of a vending machine that is frustrated by the operation of subsection (1) whether the contract was made before or after the commencement of that Act.

After the passage and proclamation of this legislation vending machines owned by the proprietors of delicatessens and so on will be illegal. It is the Opposition's view that they should not be subjected to any liability because of this law. My amendment seeks to bring into the Bill the scope of the Frustrated Contracts Act 1988, which allows for those persons to be protected from any ongoing liability.

The Hon. M.J. EVANS: I certainly support the amendment.

Amendment carried; clause as amended passed.

Clause 8—'Sale of tobacco products to children.'

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

Page 3, lines 7 to 17—Leave out subsections (5) and (6) and insert the following subsections:

(5) Where a court convicts a person who is not a member of a group of tobacco merchants within the meaning of the Tobacco Products (Licensing) Act 1986 of an offence against subsection (1) or (2) and the person has previously been convicted of an offence against either of those subsections within the immediately preceding three years—

(a) the court may disqualify the person from applying for or holding a tobacco merchant's licence under the Tobacco Products (Licensing) Act 1986 during such period as the court orders;

or

(b) if the person supplies tobacco products (including by vending machine) at two or more premises the court may, instead of disqualifying the person, order that for the purposes of the Tobacco Products (Licensing) Act 1986 the person will be taken to be an unlicensed tobacco merchant in respect of the supply of tobacco products from premises specified by the court during such period as the court orders.

(6) Where a court convicts a person who is a member of a group of tobacco merchants within the meaning of the Tobacco Products (Licensing) Act 1986 of an offence against subsection (1) or (2) and the person has previously been convicted of an offence against either of those subsections within the immediately preceding three years—

(a) the court may disqualify the person from applying for or holding a tobacco merchant's licence under the Tobacco Products (Licensing) Act 1986 during such period as the court orders and, in that event, the licence held on behalf of the group is cancelled and a person cannot hold a licence on behalf of a group that includes the convicted person during the period of his or her disqualification;

or

(b) the court may order that for the purposes of the Tobacco Products (Licensing) Act 1986 the person will be taken to be an unlicensed tobacco merchant in respect of the supply of tobacco products from premises specified by the court during such period as the court orders.

(7) The Tobacco Products (Licensing) Act 1986 will apply to a person who is the subject of an order of a court under subsection (5) (b) or (6) (b) in accordance with the court's order.

The amendment will ensure that the disqualification proposal is limited to offences that occurred during the past three years rather than over an unlimited period, as is the case in the Bill at present. The amendment ensures that, where someone holds a licence which covers more than one premise, the court has a discretion in relation to that particular premise where the offence has occurred being the one which is subject to disqualification. These restrictions are very reasonable in the circumstances. The existing power is perhaps a little too broad and the amendment will narrow it down in a more reasonable way.

Dr ARMITAGE: I move:

Page 3—

Line 3, subsection (5) (a)—After 'period' insert '(not exceeding six months)'.

Line 7, subsection (5) (b)—After 'period' insert '(not exceeding six months)'.

Line 3, subsection (6) (a)—After 'period' insert '(not exceeding six months)'.

Line 5, subsection (6) (b)—After 'period' insert '(not exceeding six months)'.

Whilst the Opposition agrees completely with the thrust of the Minister's amendment, it is our view that Parliament should be more specific than the amendment provides and we ought to give the courts guidance about exactly where we believe penalties ought to lie. The Opposition believes it would be more appropriate to have, rather than the broad thrust of the amendment moved by the Minister, specification of the period of disqualification from holding a tobacco merchant's licence, which should be a period not exceeding six months.

The Hon. M.J. EVANS: I believe that the limitation of six months is not unreasonable and that it will ensure that Parliament issues the correct guidelines to the courts in what would otherwise have been a difficult area.

Amendments to amendment carried; amendment as amended carried; clause as amended passed.

Clause 9 passed.

Clause 10—'Regulations.'

Mr BECKER: The Minister said that the industry was consulted and that the industry walked out. The most damaging action to any industry is the principle being established in this clause. One of the most valuable assets of any tobacco company is its trademark. The Committee should remember that it is legal to manufacture and sell this product. If one interferes with a trademark or design of a trademark, one interferes with the assets of a company. The report prepared for the Tobacco Institute of Australia is entitled 'Comments on recommendations to the Ministerial Council on Drug Strategy on Health Warnings and Contents Labelling on Tobacco Products' and dated October 1992. A special section of that report headed 'Has Government denied the tobacco industry proper consultation in the process of framing regulations?' states:

The evidence from minutes of Government meetings.

In our view the tobacco industry has been denied proper consultation in relation to the proposed changes to its packs. The documentary material which emerged from freedom of information applications which is set out below shows in some detail how Governments have denied the tobacco industry proper consultation on the proposed regulations which could have a profound impact on its business and on those people who depend on it for their livelihood. The case affecting tobacco has serious implications for other businesses and indeed other sectors of the Australian community. It is a case where rights implicit in a consultative system of Government have been pushed aside.

It is most important to record in *Hansard* exactly what went on in this whole process. As an elected representative of the people I am not willing to allow the Government, a committee or any organisation to steamroll any section of industry or the community. We need to get on the record what really happened. A synopsis of the extract states:

Minister Staples—

the Federal Minister at the time—

wants to hear the industry's view (paragraph 3), however the tobacco task force appears to be opposed to consultation. A meeting is to be arranged, but 'this invitation was not to be seen as consulting with the industry but as providing the industry with an opportunity to put its views.' (paragraph 4.1).

3. The non-smokers' movement in making a representation to the tobacco task force is clear on the point of consultation—there must be no representation from the industry (paragraph 6).

4. Even in relation to implementation the tobacco task force appears to be opposed to consultation and indicates that it is only a chance to allow time wasting by the industry (paragraph 7.5).

5. The industry has not had the opportunity to examine recommendations of the tobacco task force which were put to the Ministerial Council on Drug Strategy in April 1992. The tobacco task force considers that it is more important to avoid criticism from anti-smoking groups than to involve itself in further meetings with the industry.

[Sitting suspended from 6 to 7.30 p.m.]

Mr BECKER: The Tobacco Institute was surprised that it was not given the opportunity to have an in-depth study and consultation with the Ministerial Council on Drug Strategy and the tobacco task force. It was hurt, because it was not given the opportunity to advise the committee of the ramifications of the recommendations and, as I said when I read the synopsis, it felt that the non-smokers movement made clear that there was no point in having consultation. This is a denial of justice and a denial of opportunity. Federal Minister Staples in a letter to Senator Tate stated:

The tobacco task force believes it would be useful to ascertain the views of the tobacco industry in conjunction with its broader deliberations on the issue.

So, concern was expressed by senior Ministers and members of the Federal Labor Government. When we meddle with brands of tobacco, we are meddling with the most important aspect of a manufacturer's product—that is, its trademark—and the impact can be horrendous. Irrespective of my personal views on the issue from a health point of view, I still believe strongly that we cannot just ignore the request of the manufacturer in this respect, because it is still legal to manufacture and sell tobacco, albeit under all sorts of restrictions. I think we are setting a precedent which is dangerous and which could have extremely wide ramifications. I would like to know, if the task force and the drug strategy committee did not have discussions with the industry, whether the Minister has had any discussions or consultation or received any information at all from the industry and, if so, what is his attitude to those representations?

The Hon. D .J. HOPGOOD: I am sure that the Minister would only be too happy to speak for himself in relation to the question that was directed to him personally about consultation, but I think I should take the opportunity as the former Minister of Health to put one or two facts on the record about the early consultation in relation to this matter. I do not pretend to have the best memory in this place: in fact, I have had a little bit of prompting by being able to obtain what is almost an agenda for a ministerial council meeting of 19 June 1992. However, I was certainly present at that meeting and I remember vividly what happened. The meeting was held in Melbourne. Those present representing the ministerial council were the Hon. Ken Hayward from Queensland; the Chair, Maureen Lyster, the then Victorian Minister; Peter Staples, the Commonwealth Minister; and me, representing South Australia. The Hon. John Hannaford from New South Wales did not show up although he had been expected.

The agenda of that meeting indicates that at 1.30 p.m. a tobacco industry group would meet with the Ministers to discuss certain matters. In fact, there had been a meeting with officers either the day before or at some time prior to get together with the Ministers, but this was an opportunity not only for the tobacco industry to put its case at the time but also to set in train a species of consultation that could continue either with Ministers or with such people as we as Ministers would want to appoint. My recollection is that, of the four names listed, Mr Henry Goldberg of Philip Morris Australia Ltd was certainly present; Mr Ray Weekes of Rothmans Holdings Ltd was certainly present; and there were four or five other people present, one of whom may well have been Tony Johnston of W.D. & H.O. Wills Australia Ltd and another may have been Gary Browne of Stuart Alexander and Co. Pty Ltd. My recollection is that they had legal representation with them.

A statement was read out by one of the members of that group indicating their total opposition and asking that we withdraw completely from any further action in relation to these matters. Our Chair, Maureen Lyster, indicated that we were not prepared to do that. However, we were prepared to give them full consideration in relation to the mechanism for carrying into effect that which we had in mind. After one or two further questions along those lines which indicated that that was the position of all of us, they got up and walked out. The cynics amongst us wondered whether that was always intended by that group. Not being cynical, I was not quite as close to that position as perhaps I might have been, but it was extraordinary that they pulled up stumps and went home. So, let no-one suggest that it is the result of either this Government or of Governments in the eastern States if the tobacco industry says that it has not been involved in consultation. The tobacco industry was given every opportunity to consult, and it pulled up stumps and went home.

The Hon. M.J. EVANS: I appreciate the contribution of the member for Baudin who was present at those discussions and who has been able to contribute a first-hand account. I have also spoken with industry representatives since I became Minister. They have put their case fully to me and I have taken note of it, but I remain committed—as do, as far as I am aware, other Governments in this country with the possible exception of Victoria—to the decision of the ministerial council.

Clause passed.

Clause 11—'Insertion of schedule 3.'

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

Page 4, line 17—Leave out 'one month' and insert 'three months'.

This amendment changes 'one month' to 'three months' and increases the transition period in schedule 3 of the Bill, which ensures that retail traders have an additional period in which to dispose of existing stocks. I think that is a fairer period of time to allow the retail industry, and I commend the amendment to the Committee.

Dr ARMITAGE: The Opposition signals its support for this amendment. In so doing, I indicate that it is also my view that the tobacco vendors are eagerly following the passage or otherwise of this Bill and they will know only too well if and when this Bill passes. I believe they will have plenty of time to dispose of stock; indeed, they may well be running that stock down at this stage. However, the last thing the Opposition would want to do would be to be seen to be standing in the way of an orderly process whereby vendors may slowly decrease their stock and allow the new stock with these excellent health warnings to be purchased.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

HERITAGE BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 2791).

The Hon. D.C. WOTTON (Heysen): The Opposition supports this legislation, and at the appropriate time we will move amendments which we believe will improve it significantly. State heritage and the responsibility that Governments have at a State level has always been a very sensitive subject. It is a subject that has brought with it a considerable amount of debate over a long period of time. The sensitivity on the part of those people who own heritage buildings, of those who believe

that certain buildings and certain areas should be retained because of their heritage significance and of those who just have a general interest in the legislation has meant that a considerable amount of debate has occurred over a period of time regarding this subject.

Of course, the heritage review has been an important part of the planning review, which has existed for well over two years. While indicating that there has been a considerable amount of debate, I should say that some of those whom I have consulted on this legislation have indicated that they are somewhat disappointed at the amount of consultation that has been available on the Bill itself, but I do not think we should dwell on that. The fact is that it has been a subject that has brought with it a lot of debate over a period of time, and we now have a new Bill before us.

This Bill should be part of a package—a package which includes the Bill that we are now debating, the Development Bill and the Environment Protection Bill. It disappoints me considerably that we are in a situation where the Development Bill, which deals particularly with local heritage, is about to be passed in another place—the Legislative Council. It would have been appropriate for both these Bills to be dealt with concurrently, because they rely on each other, and it would have been appropriate for members on both sides of the House to be able to be involved in debate on both these Bills.

As far as the Environment Protection Bill is concerned, nobody seems to know where that is at present. I understand that is in the process of being rewritten. I am told that it is intended that this piece of legislation will be introduced in the next session, but we have seen draft Bills and we have seen green and white papers relating to this legislation over a long period of time. It is with some anticipation that we will await the introduction of that legislation. Even in the Minister's second reading explanation, he refers to these three Bills as being part of an important package.

I have found that there has been quite a considerable amount of confusion with regard to the draft Bills that have been prepared relating to State heritage. Indeed, many of the submissions that have been forwarded to me since the Bill that we are now debating has been tabled refer to a previous draft Bill that was brought down last year. There has been confusion because, when we try to match up with various clauses, and so on, it is extremely difficult to follow that through.

Because of the sensitivity and importance of this legislation, it is essential that there be an ongoing review, and that suggestion has been made by those who were involved in the heritage review. I would suggest that it is appropriate to look at this legislation to see whether it is working effectively probably every three or four years. In fact, that should be a requirement regarding most legislation that is introduced into this House. There has also been a suggestion by some people that there should be a review of the State Heritage Register every now and again to determine whether the items and the places on that register should still be included. I do not share that view: I believe that, once an item, or a place or an area, as it is known under this legislation, is placed on the register, it should stay there. Certainly, I can indicate that a future Liberal Government will continue to review the success or otherwise of the legislation that we are debating tonight.

At the outset, I also say that I have considerable concern about the State's heritage being dealt with in two separate pieces of legislation. I know that this has been a matter of debate over a period of time. Some people who have made representation to me still feel strongly that it would have been more appropriate for State and local heritage to be dealt with in one piece of legislation. At the appropriate time, the Minister may be able to indicate why it was felt that the two areas should be split. I recognise the different requirement for criteria, I recognise that under the Development Bill a different procedure is used through a supplementary development plan, but I would be interested to know why it was found necessary to split State and local heritage, as we see it now in two different pieces of legislation. I would have thought that it would be possible to consider that area in one Bill, and it would have been easier as a result.

It is not appropriate that it should be debated now, because the opportunity has been provided for members in this House to participate in the debate on the Development Bill, but those who have made representations to me have expressed some concern with regard to the way that local heritage is recognised in the process of going through the supplementary development plan process, and so on. There are those who feel very strongly that, as far as local heritage is concerned, having been through that process and having been determined as of local heritage significance, those items or places should in fact then go onto the State register. I understand that that is the case in the Northern Territory, but obviously it was determined that that should not be the case in South Australia, and at the appropriate time I will question the Minister about that matter.

I am very disappointed that the Government has not taken this first-class opportunity to introduce appropriate concessions, incentives, innovations or whatever we might like to call them, because I believe there is a need for far greater emphasis and attention to be placed on positive aspects of heritage conservation through education and incentives rather than relying heavily on regulation and bureaucracy to achieve the aims that we all want in this State. That is a very strong feeling that flows through a number of the submissions that I have received regarding this legislation.

I believe it is disappointing that the Government has lost this considerable opportunity to get its act together in this area in regard to incentives, etc., because for well over a decade at least we have been talking, having seminars and attending public meetings on the need for appropriate incentives to be provided. With a brand new Bill, and in part a new direction, it would have been appropriate to consider those matters at this stage.

The other area to which I will refer briefly relates to the resources that need to be provided by Government to enable the authority to do its job and carry out its very worthwhile responsibility. Like everything else, legislation, as well as a direction, is quite useless unless the Government resources are there to ensure that it can be effective. So, the Opposition will be interested to see in time that resources are provided, particularly in the way of staffing, to ensure that a significant backlog does not build up in registering those items.

As I said earlier, there is much confusion as to how the system might work. There are those who feel fairly strongly that this legislation is a bit of a cop out on the part of Government. It is only a matter of time before people who are interested in a particular item or building, for example, and who believe that that item should be placed on the State register, will be making representation to the State Minister. I believe that many people will not differentiate between the local system and the State system of registering heritage items. If the Minister or the Government feels that this legislation and this new system will remove much of the pressure that has been on the appropriate Minister in the past, I doubt that that will be the case, but it will be interesting to see. It is only a matter of time before we see how the new system is working.

I would like to refer to a number of other issues, and when the Minister has the opportunity to respond to the second reading debate I would be most interested to know exactly what is happening about the sensitive issue of heritage trees. Over a period much has been said about how we might preserve trees. I remember attending a launch in 1990 of what was to be tree save legislation. I do not know what has happened to that. Initially a white paper was prepared, and then a glossy report was prepared and released for people to comment on. I can only presume that those comments have disappeared or have been put on a shelf somewhere or other not to be seen since. There is a very real need for the Government to come out and very clearly say what is happening about tree heritage in this State. It is a very sensitive issue, it will continue to be, and there is much confusion about what people can do. We have seen examples of that just recently. There is confusion about action that people can take to place particular heritage trees on a register or whatever it is called.

Further, with a piece of legislation such as this, it is a great pity that we are unable to see draft regulations with the legislation. I feel that more and more concern is building up in the community about the need for adequate attention and providing adequate opportunity for people to have consultation with regard to regulations attached to certain legislation. In a piece of legislation such as this, much will depend on the regulations, and it would be appropriate to have those, even in draft form. However, that is not the case and I am not sure when it will be possible for us to see draft copies of the regulations.

Of interest to many people is the subject of appropriate penalties being provided in legislation to ensure that people do not damage or destroy items or places on the State register. The Opposition and I feel that the penalties in the legislation we are debating this evening are not adequate, and we will be making a move to change that situation at the appropriate time. At this stage it is felt that the penalties are not appropriate and need to be increased.

As I said earlier, the heritage system really should focus more attention on the positive aspects of heritage conservation through education and incentives rather than relying heavily on regulation and bureaucracy to achieve its aims. We all realise that regulation is necessary, but really should serve only as the backbone of the heritage package. As I said earlier, particularly with an important piece of legislation such as this, it is totally appropriate that opportunity be provided for discussions and comment on the measure and the regulations and that sufficient information be given for people to be able to make informed comment on it.

I want to come back to the matter of incentives, because the Heritage and Development Bills impose various restrictions on property owners as a result of a general community concern for the protection of heritage. It is appropriate to expect private owners to carry out a responsibility they have if their building or an item is registered, but it is not appropriate to expect them to bear full responsibility for protecting the State heritage on behalf of the broader community. That is an attitude that is shared by a large number of organisations, from the National Trust right through to BOMA and other organisations in this State. If heritage is to be seen in a positive way, there is a need to strike a better balance between imposing conditions on people and encouraging people to act of their own accord and not by force.

That is why it is essential that an appropriate range of incentives be considered by both State and local government. Some of these can include tax incentives, financial assistance through grants and loans, regulatory relief from building code and parking requirements, zoning incentives in regard to the transfer of development rights, flexible zoning, technical assistance, design assistance, the waiving of development fees, and so I could go on. There are many areas where incentives can be provided.

I was interested to read in the *Advertiser* this morning that Mrs Sharon Sullivan, Executive Director of the Australian Heritage Commission, has indicated that tax breaks for owners of heritage buildings will be introduced in the next financial year, and that heritage controls are being made uniform nationally. The article states:

> Mrs Sullivan said the commission would hand details of tax deductions, to be made available to private owners of heritage listed buildings, to Cabinet by June for the next financial year...The Government's agreement to the deductions was 'an enormous development' and recognition that 'heritage is a public good'...Mrs Sullivan said that the commission was working 'very closely' with the State to reach agreement on national guidelines that could be used in assessing heritage.

I wonder whether at the appropriate time the Minister could indicate just what negotiations are taking place to ensure national guidelines are implemented that would be used in assessing heritage. The article continues:

> She said that in South Australia there were Commonwealth, State and local heritage listings, which did not make 'living with heritage' easy for property owners or planners.

At the same seminar, Mr John Hodgson, the Adelaide City Council planner, revealed that the council had made an in-principle commitment of $1 million per year for conservation incentives for owners of at least 1 000 buildings that are to be added to the City of Adelaide's heritage register. He went on to criticise the State and Federal Government, saying that neither had addressed the incentive area of community concern in sufficiently meaningful ways. He said that money from the State heritage fund was extremely scarce and that an approach to heritage conservation based solely on development

control as opposed to positive incentives was doomed to failure. I would concur in that: I believe that that is the case. Certainly, for a long time the National Trust in this State has been advocating the need for appropriate incentives. I know that the South Australian division of the National Environmental Law Association has made representations to the Minister, seeking what it refers to as innovation. It has told the Minister:

> The general public and the individual landowner both bear a responsibility to preserve our heritage. If we are to achieve the objectives of the legislation we need to be more innovative and look at providing incentives and concessions to people who own places and areas of heritage significance. With the exception of the ongoing Heritage Fund and heritage agreements there is nothing within the Heritage Bill to provide incentives, rating relief, land tax relief, sales tax relief, transferable floor area and more liberal use rights.

All these issues, according to the association, need to be addressed directly in this Bill. It is not enough to leave any incentive to be dealt with in heritage agreements to be negotiated in selected instances if we are to look seriously at protecting our heritage. The association makes specific reference to sections of the Bill where it is noted that a listing can effectively mean that any development rights over the land are totally denied to the landowner. The association does not object to the power being included in the Bill and used in appropriate circumstances. However, the impact on the landowner is so severe that a scheme must be put in place to give him or her some form of compensation.

The Urban Development Institute of Australia takes the same line. It talks about the need for appropriate compensation. It makes the point that some balance must be afforded in relation to heritage controls by means of providing to the owners of heritage registered places compensation or at the very least generous grants to enable heritage work to be undertaken on the property. It, too, makes the point that it is appropriate that the community should pay, and not just the owner of that property. As I said earlier, that message comes through time and time again. The institute, too, has referred to the need for a system of transferable floor areas, increased funding from the State's heritage fund, rates and land tax relief, etc.

There is considerable concern about the differences between the systems used to determine State and local heritage. Certainly, it was the National Trust's preferred outcome for all heritage to be protected under the Heritage Act with different requirements, dependent on their significance. It has made the point that, when the Government chose to split the heritage of the State between the Heritage Act and the Development Act, it was suggested that places should be listed under only one or other of the Acts, dependent on their significance. But the legislation we are debating now allows for places to be on both heritage lists, and I believe that that will create its own problems.

It is very important to ensure that a place of significance to the whole State is included on the State heritage register and not just the local list and the supplementary development plan. If that is the case, it will be very tempting for the State Government to avoid its responsibilities and use supplementary development plans instead. Local communities will still call on the State to protect places of local significance, if that option continues to exist. I think that probably that is a good thing, as many communities do not believe local government will take the necessary action to protect local heritage, but they must be given the opportunity to do so. That certainly is the case under the two pieces of legislation that I referred to earlier.

There are those who have indicated that the two Bills are full of inconsistencies. The National Environment Law Association has suggested that that is the case in the manner in which they address heritage, the most obvious being that the Crown is said to be bound by the Heritage Bill. However, all the development control provisions are found within the Development Bill, and we all know that the Crown is not proposed to be bound by the same rules as those involving the general public when undertaking development. Furthermore, not only is the Crown not bound but, in the case of the development of a building within a historical conservation zone or of an item of local heritage, the local council is exempted. What difference in impact is there between a member of the general public undertaking the development and the Crown or a local council undertaking the development? Clearly, the answer is 'None'. Therefore, why do different controls apply to the general public, the Crown and, in some cases, local councils?

Another point it has raised relates to the fact that criteria have been prescribed for identifying a place of State heritage, and that is commendable—nobody is arguing about that—but no criteria are prescribed for identifying places of local heritage significance where conservation zones or State heritage areas are appropriate. Local issues are often the most contentious—and we all know that from our own electorate. In fact, one only needs to look at the current Adelaide City Council debate regarding townscape to see that. No criteria are prescribed and, as a result, some 119 councils will each set their own criteria for identifying places of local heritage significance. There is a general feeling that criteria must be set for identifying places of State heritage, local heritage, State heritage areas and historic or conservation zones.

The National Environmental Law Association has also strongly recommended that there be one list only for places or areas of heritage significance within the State. As I said earlier, that is a pattern that has come through from a large number of organisations. The association suggested that that list should be compiled and maintained by the authority pursuant to the Heritage Bill and should be divided into separate classifications for places or areas of local or State heritage significance. The development control restrictions should be more liberal with respect to local heritage places than with respect to State heritage places. For example, internal alterations should not be controlled with respect to local heritage places. It went on to say in a submission to the Minister:

> The Heritage Bill should provide criteria for the assessment of places of State and local heritage significance and appeal rights should exist with respect to being included on the register, either as a place of State or local heritage significance. The association supports the ongoing provision of an historic or conservation zone, but once again there should be criteria prescribed for the establishment of such zones. In the association's opinion, if they

were to achieve a more streamlined system for the identification and protection of places in areas of heritage significance, these recommendations should have been adopted. The process that has been proposed is fragmented, inconsistent and inequitable.

The Urban Development Institute of Australia has also questioned the need for the two Acts, and has indicated that in its opinion it is highly unsatisfactory to have two Acts concerned with the same subject matter, that being heritage listing. The UDI submitted that there should be one Act only for heritage listing which, amongst other things, establishes one set of procedures for heritage listing modelled on the procedure that is proposed in clause 18 of the Heritage Bill, that it should establish clear criteria for heritage listing, provide a right of appeal and create one authority only that deals with all heritage listing decisions. It goes on to say:

Heritage listing with all its attendant constraints on land use should be reserved for places of State significance.

It made a very detailed submission to the Minister. The Building Owners and Managers Association, which has been part of the review process, indicated that, in essence, it is reasonably happy with the Bill. It expressed some concern, particularly with regard to appeals—and I will refer to that during the Committee stage. With regard to appeals, it suggested that a worthwhile inclusion in the Bill could be to give an automatic five year exclusion to any item which either is rejected by the authority for inclusion or is an item which is removed as a consequence of an appeal. This issue is very pertinent, as any person may apply to have an item registered.

Accordingly, if an item is not registered or is provisionally registered as a consequence of an application to do so, any person may continue to request its registration for any reason. This obviously places an owner under constant threat. I have been impressed with the thoroughness of the submissions that have been prepared by a number of organisations, not only the larger organisations but those which represent local communities. One of those is the Walkerville Preservation Group, with its motto of 'Protecting Walkerville's heritage by choice'. It made the point in its submission that it represents homeowners in the Walkerville, Gilberton and Medindie area whose homes are nominated as being of interest to the Heritage Branch and are not yet listed on the register. It opposes any legislation which attempts to treat private homes in a similar fashion to other property and has strong feelings about privacy within their homes. It made detailed submissions about that.

I have received representations from the Local Government Association, which, because of individual council involvement in registration through the Development Bill and the tie between the Development Bill and the Heritage Bill, believes very strongly that it needs to have representation on the new heritage authority. It made strong representation in that regard. This is a subject that one could spend a very long time debating. I realise the hour of the day, and I know that the Minister will wish to respond and that others may wish to participate in this debate as well.

A significant number of questions need to be answered. I reiterate a couple of those questions. I would be interested—and I believe the community would be interested—to learn from the Minister why the Government felt that it was necessary to have two separate pieces of legislation rather than one. That is an important matter. I would like the Minister to indicate what he and the Government have in mind regarding the provision of appropriate incentives to owners of these properties or places.

While what I am about to say is not related specifically to this Bill, it is of concern to a number of people who are interested in the heritage of this State. I would be interested to know exactly what are the current procedures in regard to the preservation of trees and whether the Government has any intention of introducing specific legislation in the near future to cater for that matter. The Opposition supports the Bill and will raise a number of questions during the Committee stage.

Mr VENNING (Custance): I will be as brief as possible, but I wanted this opportunity to address the Bill because, alongside farming, heritage is probably my chief interest. I want to speak briefly to the Bill, largely in support of it. For years I have been personally interested in heritage and I have been very active in the National Trust—in fact, I was the foundation chairman of the Crystal Brook National Trust some 14 years ago. I live in a heritage home and I love and own heritage motor cars. My family is the fourth generation to live in that home, which belonged to the original landholder. Some people could say that I am heritage, in a rather humorous way.

I am fully supportive of the ideal of saving and preserving our heritage, as young as it is and as scarce as it is. This interest extends to the natural and the man—made heritage of this State, because as you would know, Sir, when you return home after a trip overseas you realise how young South Australia is. In fact, we did not get going until 1836. You go over to England, the mother country—God save the queen—and you see buildings dating back to 1000 and 1100 and you realise how young we are.

Heritage is heritage, no matter how young it is, as long as it is appreciated in the eye of the beholder. We have to protect our beginnings, even though it was only 100 years ago. I think the vast majority of Australians, in the past 20 years, have come to appreciate and value our heritage. We have destroyed much of our heritage already, especially our man-made heritage. I refer to the South Australia Hotel that used to stand opposite this building. It is a shame to see what is there now. The old South was a marvellous hotel and it is a shame that it was demolished. If I had been in this place when they were trying to demolish it, I would have done all I could to preserve it. I have campaigned to save many a building in my time. One that particularly comes to mind is the National Trust building at Crystal Brook which was up for demolition. It would be a car park now, but a single person can be active, take deliberate action and things can be achieved.

The existing heritage measures do not adequately reflect community interest in conserving local heritage and fail to provide incentives and concessions to people who own places and areas of heritage significance. The Government also has to live up to its responsibilities in this area. It is all very well to pass a Bill like this, but the Government owns some of the best heritage in the

State. I briefly refer to the South Australian rail system; we know what is happening to that. Thank goodness for the St Kilda Tram Museum and my friend John Radcliffe. I know the Government has supported that venture, and I hope it continues to do so.

I also refer to our country railway stations. Some members may have visited the Riverton railway station, which until recently was derelict. It has just been sold and I give the new owner full credit—within a short time he has confounded all his critics and has the thing up and going and being used by the public again. It is a real gem. I suggest all members make a visit to the Riverton railway station because it is a sight to behold. Likewise, the Kapunda railway station, which I was involved with, has been sold to private enterprise and I hope the same will happen to that. Hamley Bridge railway station is in the same category. It is heritage and it must be preserved, but it belongs to the Government. It is all very well to make rules for private people but the Government must abide by the same rules. I am confident that in the future the Government will do so.

This building has to be discussed in respect of this Bill because it is the best and the worst of our State heritage in one. Mr Speaker, on many occasions I have told you privately how disgusted I am at some parts of this building. The area we are in now, as you look about this marvellous auditorium, has to rank as one of the best pieces of heritage in Australia. You would go a long way in the world to see a building more consistent and better preserved than this building. But when you see the conditions of the upper floors of this building, the quality of the furniture used, the floor coverings, it is an absolute disgrace. It is disgusting. We just turn a blind eye. Because the public do not often go there, it does not mean that those parts of the building should not be consistent with its heritage. It is South Australia's number one building, but the conditions on the second floor are a disgrace.

I get very emotional about that. I hope that in the time that I am here we can convince the electorate that they should spend some money here, not only to bring the place up to heritage standard but to provide reasonable office accommodation for the members that they elect. At least every member of Parliament should have their own office. To see three members in one office is just a joke, yet people wonder why they are getting bad Government. It is a total disgrace. As I say, I get very emotional about this and no doubt I will bring it up many times in the future. As soon as the economy gets on its feet again it should be a high priority.

Our farming heritage and our transport heritage are also very important in this State, and in fact they are now being linked to tourism. They are being excellently promoted within the State, both private and Government assisted, to assist tourism. Our heritage is quite unique. Some of our heritage is only galvanised iron, but it is uniquely Australian, such as our barge roll verandahs. You would have to go a long way anywhere else in the word to find heritage like ours, even though it is reasonably new. We must appreciate what we have and then together maintain and preserve it.

The National Trust has been very active and, as my colleague the member for Heysen said, it is to be commended on much of the work it did to save these things before the rank and file members of the populace of Australia realised that they were valuable. I do appreciate the natural heritage of our trees and the great places of interest in this State. We certainly have to protect them, often against predators. I know that in Crystal Brook there is a lovely riverscape, hence the name Crystal Brook, but we must control the predators, the native corellas, that ruin the heritage trees in that area. To see some of the dead trees there now is a disgrace. We have to do some very unpopular things to keep our priorities right and to save those things that have been there for hundreds of years and will continue if we look after them.

I support the concept of the new State heritage authority. I think it is a sound ideal. Also, I support the use of the State heritage fund, which is basically funded by Government but it also can be funded, as the Bill provides, by private enterprise, by wills, and so on. The State register has been maintained and will continue to be maintained by the authority. Thank goodness that register has been there because it has saved many a building in Adelaide and throughout the State. The certificate of exclusion in this Bill is a good addition. It gives landowners the right to seek a certificate from the authority guaranteeing that an area of land will not be entered on the register for a period of five years. That gives people confidence in making decisions, which could be financially ruinous if things went wrong. In the past people could buy property and then suddenly find that it had been placed on the register, perhaps ruining their plans and their whole financial situation.

I also appreciate that part of the Bill which provides that provisional entry be allowed to lapse after 12 months. I had an interesting debate about this with some of my colleagues. I support the Government's idea. If a building is before the authority and nothing is done to it within 12 months, I think it is basically sound that it should lapse. That places the onus on the Government, vis-a-vis the authority, to honour its role whereby if nothing is done the onus is on the Government and not the landowner. If the Government dilly dallies I do not think a private person should have to pay for that inconvenience.

I believe that the maximum fine ought to be amended, but it is only a minor amendment. I think the Government will be quite happy with that. The biggest hassle I have on the negative side of this discussion and rhetoric about heritage is the question of compensation. I have seen many occasions where a person buys a business, a property or a building and suddenly the heritage branch puts the building, land or tree and so on on the register and that person can no longer continue on with his or her intended use of the property or the building. When that happens there are usually faults on both sides. I think there should be some way for the Government or whoever to compensate those people who have a building listed in that way. Time and again we have seen this sort of thing happen. A building is listed but nothing happens for many years. There are two such lovely buildings at North Adelaide which are falling into ruin.

Also, the people who own such buildings and who deliberately do not undertake upkeep and let them run down so that local government eventually puts a

demolition order on them should be held responsible for that. Again, we would have to be careful. Turning to farming properties, the right to farm has to be included in such a measure. Certainly, we have to assist owners to maintain important heritage items. We have magnificent buildings around often owned by the most humble people. When we eventually return to normal times, I believe that the Government must act on its responsibility, as does the Government in the United Kingdom, for example, in Cornwall, of which I have personal knowledge. People living in heritage homes in Cornwall get a huge amount of Government assistance to maintain the original condition of those dwellings. That assists tourism—

The Hon. J.P. Trainer: What about preserving the Parliament?

Mr VENNING: And preserving Parliament. As the honourable member says, I would be happy to spend a lot of money on this building when we get back to better times. This is a high priority. In the Economic Statement the Government said that the $4 million that was to be spent here would be cancelled. I was not aware that that sum was to be spent on the building: it was rumoured and talked about, but I was not aware that that sum was earmarked to be spent on Parliament House. I do not know how low a building can go before it becomes a high priority. Certainly, I support the Bill and the foreshadowed minor amendments.

The Hon. M.K. MAYES (Minister of Environment and Land Management): I thank the members for Heysen and Custance for their comments. The member for Heysen raised a number of issues in the second reading stage and has foreshadowed a number of amendments. There is a minor problem because, although I am happy to accommodate some of the amendments, I would like to slightly amend others, but in much the same spirit as the honourable member noted. I am having difficulty getting the amendments before the House and I may have to indicate some other way to deal with that matter.

This is one of a package of Bills and it has to be seen as part of a package. A number of times the member for Heysen alluded to the reasoning behind the introduction of this Heritage Bill and in separating local heritage into another aspect, under the Development Bill, which is now being debated in another place. The whole matter needs to be looked in terms of our State heritage function and local development, control and management through local government. There is no question that we have severed that clearly so that there is local control. I have been involved in local government and, because of my involvement going back into the 1970s, I am aware of the issues we were pursuing then in local government to achieve greater management over development. The member for Hanson referred to noise pollution and garbage collection late at night, and he commented about poor planning, which goes back to the grass roots issue of local government planning and how industrial zones abut residential zones.

Those matters have to be addressed and they have to be addressed at a local government level. We have to see that in the context of the Development Bill. Local heritage will be dealt with in the same context—with the same ethos that local government has established, and it must deal with those issues. I have been involved with such issues many times, too many even to recall, but it is clear from my observations that local government has to be given this responsibility. It has been crying out for it for about 20 years and it is appropriate that this package of Bills now going through provides it.

Unfortunately in a physical sense the Bills are not contemporaneous, but they are to be contemporaneous in this session and they will be seen by the community as such. The Bills have to go together because they are so closely related. This package meets the community's needs for local heritage expressed both in the heritage review and the planning review. That was the foundation of the submissions and arguments that came to us.

From the foreshadowed amendments about which the member for Heysen has given notice, I know that there is a flavour of what local government has been arguing over a number of years, and that is what we have picked up in the two Bills. That is the reasoning behind it. This is a complex and contentious area—it always has been and always will be—and anyone who thinks it is otherwise is kidding themselves, because it will always be that way. There is always someone who believes the situation is not perfect, and I accept that.

We have to work on the basis that we try to do the best we can to meet the majority of needs and to meet the needs for both development, on the one hand, and heritage and conservation, on the other hand. That is a fine balancing act that has to be performed. Certainly, there is a need for the two Bills, and that is the other point I want to make. It is a mistake to see heritage as simply development controls, because it is not that alone. There are many issues that flow from it and there are many issues that we need to consider as part of heritage. It has to be looked at in terms of care and advice, and the member for Custance referred to advice in terms of what is provided for the community.

In many ways we have to look at such issues as not being development matters but being conservation and preservation of physical, cultural and historic assets relating to the built environment in the true sense. We have had extensive consultation. The member for Heysen commented about that concerning the draft Bills. I picked up this matter part way through, coming in in October and my colleagues, particularly the Minister of Education, Employment and Training, have made that quite clear—and I know from the correspondence in the dockets, which supports this aspect clearly.

The member for Heysen raised the question of trees and how we deal with that. It will be accommodated within the Development Bill very adequately; it will be accommodated by local government, I hope, by local government doing the sorts of things that other local government authorities around Australia have done. They have looked at trees and flora—not just trees, because there is the undergrowth, undercover and related fauna associated with it, such as native birds which live within that environment and which also need consideration. We have to look at the environment in a more comprehensive manner, and that is being looked at.

We have an active program under way in my department (DELM) to find better ways of conserving trees in the total context of the issue—not just in terms of

isolation of singular tree issues, individual trees, but in respect of the full ecosystem so that we actually preserve what is in this city. On a couple of occasions people have returned to this city after having been away for 20 or 30 years, and they have commented on the amazing number of trees in the city and the way in which they offer a leafy canopy across the city.

One only has to visit other cities, as both the member for Heysen and Custance have done, to see what is lacking in other cities. One can see what we have here, which is so significant and which has to be preserved. I assure members that that will be addressed. I am aware of what the member for Heysen said in his second reading contribution about the launch of the document. It was good for me to discover that it existed.

The Hon. D.C. Wotton: What happened to it?

The Hon. M.K. MAYES: It is being acted on. I hope it will be picked up by local government. I have had discussions with the President and General Secretary of the Local Government Association. I have raised the matter with my colleague the Minister of Housing, Urban Development and Local Government Relations and, as a department, we are now working on that. I have proposed that there be an officer working with the Local Government Association and OPED to develop an overall policy, which will then allow local government to address the matter as the Ku-ring-gai council in Sydney has done for many years in developing a comprehensive tree conservation program. On the Sydney North Shore one can see the benefit of that program and the obvious value it adds to the north shore suburbs and how people enjoy the amenity of that area. There are a number of other questions which can be addressed in more detail in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. D.C. WOTTON: As I mentioned earlier, there is some concern in the community about the fact that State heritage areas are not included on the State heritage register. There is a feeling abroad that they should be. I realise that that would require amendment of both this Bill and the Development Bill, but it has been put to me that that should happen to ensure that all the same incentives, heritage agreements and land valuation provisions, etc. are players for State heritage places. It is felt that they are of equal significance and therefore need equal protection with relevant support schemes. Can the Minister say why these areas are not included on the State heritage register?

The Hon. M.K. MAYES: In my opinion, there is not much of a problem with putting them on the State heritage register. It is proposed that a development plan covered by the Development Act will provide protection and preservation for State heritage areas. I see no good reason not to include State heritage areas on the register in some form if we can find a mechanism to do so.

The Hon. D.C. WOTTON: Is the Minister saying that if it were possible to make provision—and I understand that that would require amendment to both pieces of legislation—the opportunity would be provided for these areas to be placed on the register? I assume that the Minister is saying that he has no objection to that happening.

The Hon. M.K. MAYES: The answer is 'Yes.'

Clause passed.

Clause 4—'Authority.'

The Hon. D.C. WOTTON: I move:

Page 3, line 6—Leave out 'seven' and insert 'eight'.

It is intended by this amendment to provide for a representative from the Local Government Association to be a member of the authority.

The Hon. M.K. MAYES: I agree with the amendment.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Page 3, after line 6—Insert the following:

(2a) One of the members must be a person selected from a panel of three persons nominated by the Local Government Association.

As I mentioned earlier, the association has approached me, because it sees as crucial that the local government perspective be reflected in the authority's decision making process. I do not know whether the Minister objects to having a panel of three persons nominated by the Local Government Association, but the Opposition feels that this is a fairer way of going about it.

The Hon. M.K. MAYES: I have difficulty with this amendment. I would have liked to propose an amendment but, because of the timing of receipt of the amendments—and I make no criticism of that—we have not been able to involve Parliamentary Counsel. That poses a minor problem. Unfortunately, I am not able to move an amendment, and I am in the position of having to oppose the honourable member's amendment. I have no objection to a local government representative being a member of the authority—I am happy to accept that proposal—but I would propose that one of the members from local government be appointed by the Minister.

I would be taking somewhat of a risk if I accepted this amendment, because I think other interest groups, once they see this amendment and hear that I have indicated acceptance in general terms, would strongly advocate holding a position as well, and that would pose some problems. I accept what the member for Heysen advocates—that there is a special reason for local government to be represented on the authority. I think there are far greater grounds for supporting that position than, for example, supporting the position of some other interest group which might have a direct interest in conservation or heritage but which would not have the same authority or linkage that exists between the State Government and the State heritage list and local government with its responsibility as a local planning, development and conservation authority, as the Development Bill would signify. So, I oppose this amendment. I would have liked to be able to put forward an amendment which might have been accepted and which would have given local government representation.

The Hon. D.C. WOTTON: I share the Minister's concern. I think it is most unfortunate that Parliamentary Counsel is not in the Chamber this evening. It makes it difficult for both sides of the Committee, because there is a need to consult. As the Minister has agreed with what we are trying to achieve, is he prepared to have an

amendment put forward in another place to achieve this goal?

The Hon. M.K. MAYES: Yes, that is my intention, and that is why I wanted to have this matter resolved.

Amendment negatived.

The Hon. D.C. WOTTON: I move:

Page 3, line 7—Leave out 'The members' and insert 'The other members'.

This amendment is consequential on my first amendment to clause 4.

The Hon. M.K. MAYES: I accept the amendment.

Amendment carried.

The Hon. D.C. WOTTON: It has been put to me that provisions relating to membership should ensure that a range of areas of expertise are represented. The Conservation Council has suggested that it would like to see an amendment spelling out very clearly the responsibilities of each person; for example, one having knowledge or expertise in heritage conservation and one having knowledge or expertise in the natural science relating to native plant or animal wildlife. I have determined that I will not proceed with that amendment, but I would like an assurance from the Minister that he recognises the need to ensure that a complete range of areas of expertise is represented on the new authority. It is essential that that should be the case. It is not spelt out, as I have indicated, that each person should have a particular interest in a particular area. One would hope that, under the Bill in its present form, the Minister would recognise the responsibility he has to ensure that that range of areas of expertise is represented.

Clause as amended passed.

Clause 5—'Function of the authority.'

The Hon. D.C. WOTTON: I move:

Page 3, line 20—Leave out 'at his or her request'.

The Heritage Act requires the Minister to seek the advice of the State Heritage Committee, whereas this Bill leaves it to the Minister's discretion. I believe that the new heritage authority is being established for a purpose, and the Minister should be required to seek its advice. This issue arises again in a further clause in relation to supplementary development plans for State heritage areas. However, this is an area about which I am particularly concerned. I can see no point in having the authority established if it is up to the Minister to determine whether he wants to seek the advice of that body. I believe that this amendment is essential.

The Hon. M.K. MAYES: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Proceedings of authority.'

The Hon. D.C. WOTTON: I move:

Page 4, after line 26—Insert:

(5) A meeting of the authority must be open to the public (but the authority may exclude members of the public from the meeting while a particular matter is under consideration if in the opinion of the authority that exclusion is necessary to protect a place that is or may be of heritage value).

(6) The authority must give reasonable notice of its intention to hold a meeting by advertisement published in a newspaper circulating throughout the State unless urgent circumstances prevent it from doing so.

(7) The minutes of meetings of the authority must be available during office hours for public inspection without charge.

I believe it is essential that the proceedings be open to public scrutiny whilst preserving confidentiality where open knowledge is likely to lead to damage to potential heritage items or places. I know that people unable to attend during normal working hours have considerable difficulties but at least the opportunity should be provided for the general public to be able to attend those meetings.

The Hon. M.K. MAYES: I have some difficulty with this amendment, and if I had the opportunity to get advice from Parliamentary Counsel I would.

The Hon. D.C. Wotton: Why can't you do that?

The Hon. M.K. MAYES: It does not matter now, because I cannot accept the way it has been drafted, anyway. It is far too open, and it would be difficult for the management of the authority. I do accept that there are times when it should be open to the public but there are many times when it would be highly inappropriate and improper. I reject the amendment, but I would be prepared to have an amendment moved in another place that would to some extent address the member for Heysen's argument.

The Hon. D.C. WOTTON: When the Minister says that the amendment is too open and would cause concern to the management, can he be more specific about that? I would recognise the problems with meetings being open to the public if that meant some danger with regard to the proposed registration or if it meant that because of public knowledge some action was taken to destroy or damage an item, but I cannot see how that could happen, given what is proposed. All I am suggesting is that, when the matter is not confidential, the community should not be unable to attend.

The Hon. M.K. MAYES: In part, paragraph (5) of the amendment provides:

... if in the opinion of the authority that exclusion is necessary to protect a place that is or may be of heritage value.

That is far too prescriptive, and I would prefer a more flexible measure that would enable the authority to determine what would ordinarily happen, for example, with local government or public companies where not only the matter of heritage value but other issues need to be discussed *in camera.* That is the reason for my opposing this amendment. As I indicated, I would be happy to have an amendment moved in the other place that would go some way towards accommodating the member for Heysen's wishes.

Amendment negatived; clause passed.

New clause 7A—'Staff of authority.'

The Hon. D.C. WOTTON: I move:

After clause 7, page 4—Insert:

7A. The staff of the authority will be comprised of:

(a) persons employed in the Public Service and assigned to assist in the administration of the Act;

(b) persons appointed by the Minister to assist in the administration of the Act; and

(c) persons appointed by the authority with the approval of the Minister on terms and conditions from time to time approved by the Commissioner for Public Employment.

This relates to the staffing of the authority. This is a bit technical, but as the Bill currently stands, there is no suggestion in the Bill that appropriate staff would be provided to ensure that the authority was able to carry out its responsibility. A provision similar to the one I am suggesting should be in the Bill is contained in similar other measures. The purpose of the amendment is to ensure that the opportunity is provided for the new heritage authority to be able to provide the appropriate staff.

The Hon. M.K. MAYES: We are dealing with creating another bureaucracy, and I am opposed to that. We have a GME Act which accommodates staff. The staff will be quite adequately accommodated within the current structure of the department. I do not think we need any additional bureaucracy in order to deal with the administration under the authority.

The Hon. D.C. WOTTON: I can assure the Minister and the Committee that the intention of this proposed amendment is not to set up another bureaucracy. All it is intended to do is ensure that the provision is there for the authority to have the appropriate staff that it will need, and I am sure will be given, to enable it to carry out its responsibility. I want to make it perfectly clear that by this amendment I am not suggesting it would mean the establishment of an extended bureaucracy: that is not what it is about at all. It would merely clarify the situation that occurs in other pieces of legislation, and ensure that the authority would have the staff it needs to carry out its responsibility.

The Hon. M.K. MAYES: I have expressed my views about that. I am opposed to this being inserted.

New clause negatived.

Clause 8—'Delegation.'

The Hon. D.C. WOTTON: I move:

Page 4, line 28—Leave out 'The' and insert 'Subject to this section, the'.

This amendment relates to delegation, and the Bill provides that the authority may delegate powers and functions under this Act to a committee established by the authority, a member of the authority or any other person. The Opposition feels that this is totally inappropriate. I would not have thought that a matter of removing an item from the register would be one of urgency, and I do not think there is any requirement to delegate. It is very dangerous to delegate. Under the Westminster system, I believe it is appropriate that the Minister should be given the responsibility for making this decision through the authority. I do not believe it is appropriate that the authority should just pass that down to a member or any other person. The same thing applies to confirming registration, that it should be the authority that does that.

As a result of an amendment to which the Minister has agreed, we have already determined that the Minister will consult the authority and *vice versa,* so I would have thought it was totally appropriate that the authority should make these decisions and not be given the responsibility to delegate to people suggested in the Bill.

The Hon. M.K. MAYES: I am quite happy to accept this amendment.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Page 4, after line 33—Insert:

(3) The authority may not delegate the following powers or functions:

(a) to provisionally enter a place in the register;

(b) to confirm a provisional entry in the register;

(c) to decide not to confirm a provisional entry in the register;

(d) to remove an entry from the register;

(e) to alter an entry in the register by excluding part of the place to which the entry applies.

I have already spoken to this amendment, which turns the situation around so as to make it very clear that the authority may not delegate certain powers or functions. As I have said already, I believe it is inappropriate for the authority to be able to delegate in these matters. I seek the support of the Committee.

The Hon. M.K. MAYES: I have no problem with the majority of this amendment. However, I do have a problem with paragraph (a), because we will need power delegated in a provisional sense to enter items on the register. If we did not have that power of delegation, we would find a certain hindrance in the application of the powers by the authority in the way in which it is proposed that it would operate. If the honourable member were prepared to remove paragraph (a) from his amendment, I would have no problems in accepting the rest of the amendment, but that is a matter for him to decide. Otherwise, I would oppose the whole amendment.

The Hon. D.C. WOTTON: I have some difficulties with this. I would be prepared to accept an amendment from the Minister for the remainder to be retained and to remove paragraph (a). I just question why the need is there to be able to provisionally enter a place in the register. Will the Minister be more specific about the reason for that?

The Hon. M.K. MAYES: Very briefly, it is a provisional measure; there are emergency situations that would warrant that sort of act. As a consequence of such a provisional act, action would need to be taken to put in place paragraphs (b) to (e) in the sense of how they would be applied in the administration of the authority. It is an emergency situation. There are times when it is warranted and it is put in the context of being provisional which would warrant further action on the part of the authority. That is the reason I would be prepared to move a further amendment if the honourable member were prepared to accept it.

The Hon. D.C. WOTTON: The Opposition will support the proposed amendment on the basis that we will further consider the matter and take other action if necessary in another place.

The Hon. M.K. MAYES: I move to amend the amendment as follows:

Delete paragraph (a).

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

Clause 9 passed.

Clause 10—'State heritage fund.'

The Hon. D.C. WOTTON: Can the Minister indicate to the Committee how much is currently in the State heritage fund?

The Hon. M.K. MAYES: We can only make a guess. We will have to take that on notice, which I am happy to do.

Clause passed.

Clauses 11 and 12 passed.

Clause 13—'State heritage register.'

The Hon. D.C. WOTTON: As I indicated earlier, there is some concern that clause 24 of the Development Bill does not provide clear instructions for the referral of supplementary development plans for State heritage areas to the relevant Minister, in this case, the Minister of Environment and Land Management. That concern has been expressed to me; will the Minister reply to that concern?

The Hon. M.K. MAYES: I understand the complexity in having to read the two Bills in order to determine the clear process from both, but I am assured that a clear definition and process is set out within the Development Bill that will accommodate the member's concerns. I can further check that and will do so between the Bill's leaving this place and going to another place, to reassure not only the honourable member but also me that there is a clear enough definition to deal with that issue.

The Hon. D.C. WOTTON: How many items are currently on the State register, and has the matter of the backlog of items to be considered been overcome? There has been concern for quite some time about the number of items that are awaiting appropriate consideration. What is the current situation, and will the Minister provide information to the Committee relating to the number of staff in the heritage branch, which has the responsibility for the State heritage register?

The Hon. M.K. MAYES: There are 1 700 on the State register. Quite a number—probably nearly 200—were on the backlog, and we are now down to a couple of dozen, so the majority of the outstanding items have been dealt with. There are 17 in the State Heritage Branch.

Clause passed.

Clauses 14 to 16 passed.

Clause 17—'Proposal to make entry in register.'

The Hon. D.C. WOTTON: I move:

Page 8, lines 10 to 13—Leave out paragraph (b) and insert:

(b) give notice by advertisement published in a newspaper circulating throughout the State—

(i) that the authority has provisionally entered the place in the register; and

(ii) if the authority has designated the place as a place of geological or palaeontological significance or archaeological significance—that the place has been so designated; and

(iii) explaining that any person has a right to make written submissions, within three months of the date of the notice, on whether the registration should be confirmed;

The Minister has indicated that he supports the amendment. I believe that it is essential that people who have an interest in the registration be notified, and if the Minister is prepared to accept the amendment it would be appreciated.

Amendment carried.

The Hon. D.C. WOTTON: Since nominations in the past have been allowed to lie for long periods without any action being taken, it is felt that the mere act of nomination should trigger provisional registration, thereby ensuring protection until some action is taken to assess the nomination. There is concern that section 30 does not pick up this matter, and it was put to me that there is a need for a further amendment in this area. I have not proceeded with it, but I would like a comment from the Minister. It was suggested that the authority's receipt of a nomination from any person results in automatic provisional registration until the nomination has been considered, unless the item or place nominated has been considered and rejected in the past five years and the authority has no reason to believe its decision would be different. I know we are a long way from clause 30 at this stage, but does the Minister feel that this concern is picked up in other provisions of the Bill?

The Hon. M.K. MAYES: I am advised that the certificate of exclusion was designed specifically to deal with that issue, and I think that, given my understanding of this Bill and the Development Bill, I am quite comfortable about answering the honourable member's concerns, particularly in relation to what is available in the following clauses.

The Hon. D.C. WOTTON: It is also felt that the notice of provisional registration by advertisement should specify the public right to make written and subsequent oral submissions. Again, I am not sure whether that matter will be dealt with under regulation. Could the Minister comment on that as well?

The Hon. M.K. MAYES: I think that is an acceptable way to deal with it, and I will make arrangements to accommodate that.

Clause as amended passed.

Clause 18—'Submissions and confirmation or removal of entries.'

The Hon. D.C. WOTTON: I move:

Page 8, line 30—Insert ', after consultation with the authority,' after 'may'.

The Opposition believes that the Minister should not have unfettered power to require the removal of provisional entry from the register. The Opposition believes that such power would only throw open the door to opportunistic or corrupt actions. The Minister has indicated that he will support this amendment, and I thank him for that.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Page 9, lines 8 to 10—Leave out subclause (9) and insert:

(3) The authority must make a decision about whether a provisional entry should or should not be confirmed within 12 months after the date on which the entry was made or such longer period as is allowed by the Minister in a particular case.

It is the feeling of the Opposition that provisional entry should not be allowed simply to lapse after 12 months; the authority should be required to make a decision one way or the other within that period, and therefore this amendment would require the authority either to confirm or to reject such a nomination.

The Hon. M.K. MAYES: I oppose this amendment because I think it waters down the need for the authority to make a decision. I refer the honourable member to subclause (9). 1 think that the amendment lessens the

pressure on the authority to guillotine the situation, and I would stay with the subclause.

The Hon. D.C. WOTTON: I am sorry to hear that the Minister cannot accept this amendment. The concern is that it is possible for a longer period to be nominated. I do not believe that it is too difficult to have the authority make a decision one way or the other. As the Minister has said that he is not prepared to accept the amendment at this stage, I indicate that the Opposition will take it up in another place.

Amendment negatived; clause as amended passed.

Clause 19 passed.

Clause 20—'Appeals.'

The Hon. D.C. WOTTON: It has been suggested that a worthwhile inclusion in the Bill could be to give an automatic five year exclusion to any item which is either rejected by the authority for inclusion or removed as a consequence of an appeal. As I said earlier, this issue is pertinent as any person may apply to have an item registered. If an item is not registered or is provisionally registered as a consequence of an application to do so, any person may continue to request its registration for any reason. That places the owner under constant threat, and I have some concerns about that. As this representation was made to me only recently, I did not have the opportunity to consider an amendment to this clause. Perhaps the Minister can indicate whether or not he shares that concern.

The Hon. M.K. MAYES: The organisations making the submissions or raising the concerns with the honourable member perhaps referred to an earlier draft of the Bill. I am not aware of an earlier draft: it was before my time. However, I have been informed by the responsible officer that there was a draft which had an exclusion clause. Concern was expressed by other community organisations—and I share those views, having had the matter raised with me—that that would exclude situations where new evidence could be brought forward with respect to a particular item. That is the reason for the way in which the Bill is currently drafted.

Clause passed.

Clause 21 passed.

Clause 22—'Certificate of exclusion.'

The Hon. D.C. WOTTON: I move:

Page 10, lines 7 to 11—Leave out subclause (3) and insert:

(3) The authority must give notice of the application by advertisement published in a newspaper circulating throughout the State inviting representations on the question within three months of the date of the notice.

I believe that the amendment is self-explanatory. We have suggested that the period should be extended. This amendment is similar to an earlier amendment that was considered, and I seek the Committee's support.

The Hon. M.K. MAYES: I think that this amendment will take away from the authority the opportunity to apply a commonsense approach to the situation. Many items brought before the authority would not be contentious and, as a consequence, the authority would deal with them in an expeditious and clear manner. If this amendment were to be passed, I think it would add an unnecessary burden to the administration. I am sure that, where those items are of a contentious nature or where there is some public debate surrounding them, the authority would act in due process and administer the provisions of the legislation very much along the lines set out in subclause (3), which I am sure would satisfy the concerns of the honourable member and also those community groups which are involved.

The Hon. D.C. WOTTON: The Opposition and I do not agree with that. All applications for a certificate of exclusion should be advertised, and anyone making such representations should be advised of the decision. We believe that the time in the amendment before us is adequate and do not agree with the clause. If the Minister is not able to accept that, it is something that we will consider in another place.

Amendment negatived; clause passed.

Clause 23—'Removal from register if registration not justified.'

The Hon. D.C. WOTTON: I move:

Page 10, lines 7 to 11—Insert:

and

(c) if the registered place is within the area of a council—by notice in writing to the council.

This matter was brought to our attention by the Local Government Association. Prior to removal, the authority should take reasonable steps to specifically notify persons who originally nominate a place for inclusion on the register. It makes sense that that should be the case. The Minister has indicated that he will support the amendment.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Page 10, line 27—Leave out 'one month' and insert 'three months'.

We do not believe that one month is adequate; we believe that three months should be provided.

Amendment carried; clause as amended passed.

Clauses 24 to 29 passed.

Clause 30—'Stop orders.'

The Hon. D.C. WOTTON: It has been suggested that a new clause should be added so that the authority may delegate to the local council of the area the emergency protection powers that are referred to in clause 30 (1), and that that power of delegation should not apply to places that are owned by the council. I have some sympathy with that representation which again I received only late this afternoon and, as such, I have not been able to consider an amendment. Does the Minister believe that that is necessary?

The Hon. M.K. MAYES: This has caught me completely by surprise. I really need some time to look at that. My knee jerk reaction is that I do not like the idea of it; I have grave concerns about it but, if the honourable member sees fit, it can be dealt with in due course.

Clause passed.

Clause 31 passed.

Clause 32—'Heritage agreements.'

The Hon. D.C. WOTTON: I have always had a real interest in the heritage agreements system. Can the Minister indicate how many heritage agreements there are in South Australia, and can the Minister advise the Committee regarding funding? There is always a concern that there is not enough money for this purpose in the way of providing for fencing and for other assistance that could be given to people who have been prepared to take out a heritage agreement.

I would like the Minister to indicate to the Committee just how many heritage agreements we currently have in this State? He might not have the information on hand, but I would also like to know the hectares that are covered under heritage agreements. The Minister might take that question on notice. I am particularly keen to know more about the funding of heritage agreements and whether the Minister believes that the current funding is adequate for the requirement in satisfying the people who have taken out heritage agreements.

The Hon. M.K. MAYES: There are six in relation to buildings and hundreds in relation to native vegetation or vegetation agreements. I cannot give the exact figure, but I am more than happy to supply it.

Clause passed.

Clauses 33 to 37 passed.

New clause 37a—'No development orders.'

The Hon. D.C. WOTTON: I move:

Page 15—Insert:

37A. (1) If the owner of a place is convicted of an offence against section 31 or 36 the court may, in addition to imposing a penalty for the offence, order that no development of the place may be undertaken during a period (not exceeding 10 years) fixed by the court except for the purpose of making good any damage caused through the commission of the offence or restoring or maintaining the heritage value of the place.

(2) A person must not undertake development contrary to this section.

Penalty: Division 1 fine.

(3) In this section—

'development' has the same meaning as in the Development Act 1993.

The Opposition has given considerable thought to this matter and to the amendment that will be moved to a new clause after clause 40. We believe that the current penalties are not stringent enough. Intentional damage of a registered place or item can incur a maximum fine under the Bill as it is at the present time that we believe is not a deterrent to the owner of the property. We have seen, both in this State and outside the State, that some developers, for example corporations, have been prepared to demolish buildings, knowing that they will receive a certain fine, and in some cases they have almost been prepared to accept that that will happen and that that is part of the price of future development.

This new clause and that proposed after clause 40 are similar to the provisions in the New South Wales legislation. They have been in that legislation for some time. It has been a significant deterrent in that State. We believe that it is appropriate that those provisions be included in this legislation. We feel very strongly about this, and I would seek the support of the Committee in regard to this amendment.

The Hon. M.K. MAYES: Given the time in which I have had to look at this, I have some concerns about it, but I appreciate the arguments that the honourable member has put forward. On that basis, I am prepared to accept the amendment, although I might have some further thoughts before the Bill is debated in the other place and might make some recommendations to my colleague in that regard. *Prima facie* I am prepared to accept what the honourable member has proposed in new clause 37A and accommodate, in doing so, the arguments that the member for Heysen has put forward.

New clause inserted.

Clauses 38 to 40 passed.

New clause 40a—'General provisions relating to criminal liability.'

The Hon. D.C. WOTTON: I move:

Page 16—Insert:

40a. (1) For the purposes of proceedings for an offence against this Act—

(a) the conduct or state of mind of a director, employee or agent of a body corporate acting within the scope of his or her actual, usual or ostensible authority will be imputed to the body corporate;

(b) the conduct or state of mind of an employee or agent of a natural person acting within the scope of his or her actual, usual or ostensible authority will be imputed to that person.

(2) Where a body corporate is guilty of an offence against this Act, the directors and the chief executive officer of the body corporate are each guilty of an offence and, subject to subsection (4), liable to the same penalty as may be imposed for the principal offence when committed by a natural person unless it is proved that the principal offence did not result from any failure on his or her part to take all reasonable and practicable measures to prevent the commission of the offence or offences of the same or a similar nature.

(3) In proceedings for an offence against this Act (except an offence against subsection (2)), it will be a defence if it is proved that the alleged offence did not result from any failure on the defendant's part to take all reasonable and practicable measures to prevent the commission of the offence or offences of the same or a similar nature.

(4) Where—

(a) a natural person is convicted of an offence against this Act; and

(b) the person would not have been convicted of the offence but for the operation of subsection (1) or (2),

the person is not liable to be punished by imprisonment for the offence.

This amendment has the same purpose as that which the Committee has just dealt with. I believe that it is essential and I believe that it will strengthen the Heritage Bill considerably. It will provide the type of deterrent that has been required in this legislation for some time. I seek the support of the Committee.

New clause inserted.

Clauses 41 and 42 passed.

Clause 43—'Regulations.'

The Hon. D.C. WOTTON: When is it likely we will see at least draft regulations relating to this Bill? As I mentioned in my second reading contribution, particularly with a piece of legislation like this, where so much depends on regulation, it is essential that the community be given the opportunity to see those regulations as soon as possible.

The Hon. M.K. MAYES: My advice—and I am sure the honourable member appreciates this—is that there is no reason why the preparation should take too long at all. I cannot give an absolute time frame but I hope, given the progress of the other Bill, of which this is a partner, that there would be a short time frame.

The Hon. D.C. WOTTON: There has been some confusion about the importance of the regulations, and I

would like to be able to inform the community whether their concerns are justified when they say that so much is going to depend on the regulations. There is a school of thought that that is not the case. There are those who say that it will be significant. Will the Minister comment?

The Hon. M.K. MAYES: The application of this area of administration of legislation has never depended on regulations in the past, and fairly trivial administration matters will be covered in the regulations. I am happy to join the honourable member in assuring the community about that aspect of the regulations. What is in front of us is what we get. The regulations will be purely the administrative nuts and bolts to tie it together.

Clause passed.

Schedules 1 and 2 passed.

Clause 4—'Authority'—reconsidered.

The Hon. M.K. MAYES: I move:

Page 3, line 7—Leave out 'other'.

Amendment carried; clause as further amended passed.

Title passed.

Bill read a third time and passed.

EQUAL OPPORTUNITY (COMPULSORY RETIREMENT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

PUBLIC CORPORATIONS BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

MUTUAL RECOGNITION (SOUTH AUSTRALIA) BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. LYNN ARNOLD: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

There is no value in our recanvassing the arguments that we canvassed last night and previously. I leave it at that.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs L.M.F. Arnold and S.J. Baker, Ms Cashmore and Messrs De Laine and Holloway.

RACING (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 8, lines 2 and 3 (clause 23)—Leave out all the words in these lines after 'is amended' in line 2 and insert the following:

'—

(a) by striking out from paragraph (j) '$200' and substituting 'a division 6 fine';

(b) by inserting after its present contents as amended by this section (now designated as subsection (1)) in the following subsection:

(2) Rules made under subsection (1) may confer powers or impose duties on the board, the board secretary or any other person.

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

The Hon. M.K. MAYES (Minister of Environment and Land Management): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

EVIDENCE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading—

(Continued from 25 March. Page 2664.)

The SPEAKER: As there was some confusion about this Bill previously, I want to make a statement before we begin the debate. I make clear to the House that we are dealing with the Evidence (Miscellaneous) Amendment Bill which was not the Bill we dealt with last Friday when the Evidence (Vulnerable Witnesses) Amendment Bill was called on quite correctly in accordance with the legislative program for the week, the daily program and the Notice Paper. If the Chair and the table are not made aware of changes in arrangements and if members do not pay attention to what is called on, the consequence is the rescinding of proceedings, exactly as the House was forced to do last Tuesday. I call on the member for Hayward regarding the Evidence (Miscellaneous) Amendment Bill.

Mr BRINDAL (Hayward): Thank you, Sir, I have a sense of *deja vu* in presenting this polished and rehearsed speech, and my only regret is that Standing Orders preclude the inclusion of my second reading speech in *Hansard.* For the benefit of the record, I will do it again. This Bill comes from another place, and the Opposition has had ample opportunity to examine it and to test the matters relating to it in that Chamber. As the Bill comes to us here today, the Opposition is satisfied with it and intends to support it. I note that in the Upper House the thrust of the Bill received a measure of such support by the Opposition and that we sought to move no amendment to it. I think that you will acknowledge, Sir, that that is a comparatively rare circumstance.

I intend to address some of the issues raised in the Bill, and will do so briefly. The Bill does make it clear that, where the evidence of a child has been given on oath or assimilated in evidence given on oath, there is no rule of law or practice advising a judge in a criminal trial to warn the jury that it is unsafe to convict on the uncorroborated evidence of a child. Presently, the principal Act provides that in proceedings relating to

sexual offences the judge is not required by any rule of law or practice to warn the jury that it is unsafe to convict the accused on the uncorroborated evidence of the alleged victim.

The SPEAKER: I hope that the honourable member is not reading this speech.

Mr BRINDAL: I have copious notes, Sir. According to the second reading explanation of the Attorney-General, the Supreme Court did indicate in 1988 that this does not relate to the uncorroborated evidence of a child. In another place, my colleague the shadow Attorney-General (Hon. K.T. Griffin) said:

> One always has to be cautious about the way in which evidence is regarded but, equally, I think it can be said that the community and those who practise in the criminal jurisdiction do now take the view that blanket rules about corroboration are not necessarily appropriate and that each case ought to be dealt with on its merits. So, it would seem appropriate that, in relation to the evidence of a child, each case is taken on its merits and that there not be a mandatory rule of practice or that warnings be given about a lack of corroboration. On the other hand, while it is certainly promoted that children do not lie, I must confess not to agree 100 per cent with that proposition, because I think children, and particularly older children, do have the capacity to lie about their experience. I think the more appropriate aspect is that in the course of a child who is a witness in a criminal trial being questioned and statements being taken there is the potential for the evidence of the child to be moulded on each occasion that the child might be examined for the purpose of taking a statement.
>
> One has to be very cautious about the process and it is one of the reasons why, in the course of debate on the vulnerable witnesses legislation that we dealt with last night, I suggested that there ought to be a diligent approach to the audio taping—

An honourable member interjecting:

Mr BRINDAL: We have not had the debate, because it has been rescinded—

> or, more appropriately, videotaping of the statements of children so that what actually occurs, what is said and the circumstances in which questions are asked and in which the responses are given can be readily available to the court on each occasion that the child has been questioned.

I believe that encapsulates the principal question that the Opposition raised in another place. I reiterate that the Opposition is satisfied with the Bill and that as it comes into this Chamber it intends to support it.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its support of this measure. As the honourable member has indicated, this matter has been the subject of thorough scrutiny in another place. I do not wish to traverse that ground, as the honourable member has paraphrased the thrust of the arguments in another place. This measure is designed to facilitate the efficacy of the criminal justice system in this State and is the result of considerable research and advice that has been made available to the Government as it moves into this new area of law. Obviously, it will be monitored carefully. I commend the measure to all members.

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

EVIDENCE (VULNERABLE WITNESSES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 2615.)

Mr S.J. BAKER (Deputy Leader of the Opposition): This is the real Evidence (Vulnerable Witnesses) Amendment Bill; not the one that was debated last week.

Mr Brindal: It was well debated.

Mr S.J. BAKER: It was so well debated that it was a completely different debate. It was an unfortunate situation. The clerks had had no warning of the fact that the Evidence (Vulnerable Witnesses) Amendment Bill had been pulled out because we were awaiting a further amendment. When the Bill was called, the Minister was none the wiser and neither was the Opposition. It was a humorous situation. I was thinking about legislation by exhaustion when this Bill appeared—there are some funny moments in the Parliament.

The issue raised by this Bill is very important. It is a matter that has received considerable attention over a long period. We are all aware that witnesses are traumatised by court proceedings, particularly when they may have been subject to a sexual assault or a very personal offence, and when it concerns a very young person the trauma of the occasion can be multiplied. The Government published a white paper on the courtroom environment and vulnerable witnesses in December 1992 which related to the means by which vulnerable witnesses can achieve some measure of protection from disadvantage and emotional trauma when giving evidence in a court. A vulnerable witness can be defined by age, and it may include a person who suffers from an intellectual handicap, the alleged victim of a sexual offence to which the proceedings refer or a witness who, in the opinion of the court, is at some special disadvantage because of the circumstances of the case or the circumstances of the witness.

The description 'vulnerable witness' does not apply only to an alleged victim but also to any other person who falls within that category who is a witness in proceedings. The Bill provides that in criminal proceedings where evidence is to be given by a vulnerable witness the court should determine whether an order should be made under the new section before evidence is taken from the witness. Where the court determines that a person is a vulnerable witness the court may make orders for special arrangements in respect of the taking of the evidence of that witness. These orders may include an order that the evidence be taken outside the courtroom and transmitted to the courtroom by means of closed circuit television or an order that a screen, partition or one-way glass be placed so as to obscure the witness's view of the party to whom the evidence relates or some other person; or an order that a witness be accompanied by a relative or a friend for the purpose of providing emotional support.

This is a vexed question. The Chief Justice was opposed to the proposal for an audio-visual link and to the alternative proposal for the use of a screen or a one-way mirror. His opposition was based on the fact that it is a fundamental principle of justice that a person

accused of a crime is entitled to be faced with his accuser because it is easier to tell lies about a person in the absence of that person. He also held the view that a visual link or screen would convey to the jury and to the accused that the accused was already considered to be at least presumptively guilty when the presumption should be a presumption of innocence. That view is not universally supported, and I know that a number of judges support the use of screens or audio-visual links.

I refer members to the tremendous amount of evidence that has been given on matters such as vulnerable witnesses and, in particular, to the report of the Legislative Council's Select Committee on Child Protection Policies, Practices and Procedures in South Australia. There was some considerable concern about the rights of children and the way in which they are impinged when children are placed in situations where particular events are recreated and they create further difficulties for the child. Situations may arise where facing the person who is alleged to have committed an offence increases the emotional stress experienced by the child victim.

In that process, it is believed that many witnesses are incapable of performing appropriately or of giving evidence because they are fearful of a possible outcome should the offender be allowed to go free. They are fearful that the offence may be revisited, and I believe they lose their sense of perspective. That is particularly the case when we are dealing with young people. We expect an adult who does not suffer any particular disability to have the capacity to stand up and present as a witness and to be subject to the full cross-examination that would be expected in any trial, and that the jury or the judge would review the evidence given by that person under cross-examination to determine whether that evidence was sufficient to convict the person concerned.

That does not mean to say that there is not a great incidence involving a travesty of justice. We are aware on many occasions that witnesses will not come before the court; where persons have been arrested and the accused said, 'I do not wish to proceed with the accusation, because it will cause me greater difficulty than if I just forget the event.' In sexual offence cases that practice has been very prevalent, because the victim must again go through that experience which so indelibly affected his or her life. There is no doubt that there is an impediment to getting the best evidence available from a child if that child is under extreme stress. A court is not the most appropriate atmosphere in which to have questions answered. It has long been recognised that there are children who have suffered sexual offences who are incapable in those circumstances of delivering the necessary evidence to convict the person concerned.

Over the years we have seen a number offenders who have committed multiple offences involving very young children go free because the evidence cannot be given in a way that satisfies the judge or the jury of the circumstances involved. The vexed question that must be asked in such a situation is, 'Where does justice begin?' If you were an accused person who is innocent, you would wish to have the full facilities of the court at your disposal; you would wish to have that witness cross-examined to the fullest extent. If you were innocent and that person was telling untruths about you, you would wish that the cross-examination was able to tear apart the evidence. Of course, guilty people would probably want the same result. That is what lawyers are paid for, namely, to defend a party, whether the person concerned be guilty or innocent. It is in the best interests of the person accused to cast doubts on the quality of evidence of the accuser or the witness involved and to reflect on the character of the person concerned, as we have seen through the trials that have been conducted in this State over a long period.

The Chief Justice has a very strong point in that he perhaps believes that, by using such devices as screens and audio/visual links, first, the accuser is somehow distant from the person against whom the offence is alleged. The Chief Justice may also submit that the accused does not have the right to have that person fully cross-examined in the premises of the court where that person's evidence can be tested fully. So, there are no clear answers in these circumstances, and a great deal of wisdom and effort have been put into looking at some means by which we can get the best of both worlds, where we can have the best evidence available which is not affected by the trauma of the situation or of the original offence but at the same time allow justice to prevail and ensure that the witness is cross-examined to the satisfaction of the court.

The Opposition believes that the original Bill in its construct did not provide for that balance, and a number of amendments, which were successfully moved in another place, allowed for greater scrutiny of evidence on behalf of an accused person. So, some balance has been injected into the Bill. We have not put an age discrimination at the top end by specifying a person over the age of 75 years; that has been removed now. So, unless that person is somehow disabled or disadvantaged, he or she will be able to give evidence in the normal fashion, and that is the way it should be.

One or two other references in the Bill could be misconstrued by the courts and could be available to almost anyone in terms of applying for special disadvantage, thereby providing for a situation where that evidence is given away from the person accused. The Opposition supports the Bill that has come from another place. It has been cleaned up in a number of respects. We have an amendment before this House which was the subject of some considerable negotiation, and that will be dealt with in the Committee stage, but that further enhances the quality of the Bill and the safeguards that must be placed in such legislation.

The legislation as such is not particularly trend setting, because I note that in certain jurisdictions we have the capacity to provide for other means of scrutinising witnesses. In the ACT a court may make an order that a child give a part or all of his or her evidence via a closed-circuit television system if the court is satisfied that the child could suffer mental or emotional harm by giving evidence in the conventional fashion. In Queensland, a person may be designated as a special witness being a child under 12 years of age, or it may involve witnesses who would be likely to be disadvantaged due to intellectual impairment, cultural differences or intimidation, or be likely to suffer severe emotional trauma. Closed-circuit television or some other means of obscuring the accused from the view of the

witness is permitted. In New South Wales closed-circuit television facilities may be used for a person giving evidence where the child is under 16 years of age, the accused is alleged to have committed a prescribed sexual offence on the child or the child would suffer mental or emotional trauma if the child gave evidence in the conventional manner.

In Victoria similar provisions apply where a witness is under 18 years of age or has impaired mental function and the offence is of a sexual nature or involves the use or threats of violence. The discretion of the court exists where the witness in sexual matters is considered likely to suffer severe emotional trauma. We share the view that the provision of an audio/visual screening is acceptable and should be able to be used by a presiding judge in a criminal trial.

We believe that the legislation is appropriate. It has been a long time coming. We hope that injustices are not done, and we trust that there will be a full scrutiny of witnesses, even though this additional protection is being provided during their period in the witness box. If we had studied criminal history over the years, we would no doubt have seen that many offenders have escaped justice simply because the children or the witnesses concerned have been incapable of giving evidence—evidence which is quite clear in the mind of the child and the relatives of the person affected but is unacceptable to the court because that witness is unable to give evidence to the full extent of his or her ability due to the court situation. I think it is a great move. It is wonderful that we can provide this facility. It has been a long time coming. It will be one of the great assets of the court system and it will provide for justice where in the past justice has not prevailed.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its support of this measure aimed at improving the way in which witnesses can give evidence in criminal trials. The debate in another place has clarified a number of aspects of this measure and, as a result of that debate, the Attorney-General undertook to review certain amendments proposed by the Opposition. I have put on file two amendments which fulfil that undertaking given by the Attorney. These amendments have been the subject of discussion with members of the Opposition and have received their approval. They have been discussed with various officers involved in the administration of criminal justice, in particular the Director of Public Prosecutions.

As the member for Mitcham has just indicated, this measure has a long history of review and consideration by various committees here and in other places. It comes as a result of a green paper/white paper process recommending its introduction. It is true that the Government has been concerned for some time about the sexual abuse of children and the necessity of obtaining relevant evidence from children in the courtroom in relation to such offences. It is frustrating to see justice not able to prevail because of the inability of some people to give evidence within the confines of the present laws of evidence.

In 1984 the South Australian Task Force on Child Sexual Abuse was established to identify problems associated with the existing law on child sexual abuse and to examine aspects of service to sexually abused children and their families. Following the presentation of the report of the task force in 1986, a number of legislative and administrative reforms were implemented with the aim of facilitating evidence from child witnesses. In 1989 a select committee of the Legislative Council was established to consider a number of issues relating to children. Amongst many others the committee recommended that screens and video and audio equipment be made use of in courtrooms, a matter which has since been examined by the Attorney-General's Department and the Child Protection Council.

Clearly there are strong arguments for and against the use of screens and audio visual links. The honourable member canvassed some of those arguments in his second reading contribution this evening. Society eventually has to balance the right of the accused to be tried in a traditional manner against the interests of society in ensuring that relevant evidence is presented in court. It is very clear that it has been most difficult until this time to make any proper assessment of the effect of the use of screens and audio visual links.

Some other States and jurisdictions have enacted legislative change to allow for the taking of evidence of children and other vulnerable witnesses via audio visual link or using screens or one-way mirrors. As many of these reforms are still in their embryonic form, assessment has been quite difficult. However, the Australian Law Reform Commission and the ACT Magistrates Court have been conducting an evaluation project which has been of value to the Government in considering this measure. Further, there has been some experience from the United Kingdom which has also been of assistance.

It has been decided that on balance there is now sufficient available experience to justify us in South Australia bringing down this measure and taking advantage of the new technologies available through such things as audio visual links in order to advance the efficacy of our criminal justice system. We must always have an open mind on these matters and look very carefully to allow us to take advantage of those new technologies. That is what is intended here.

In some cases, as the honourable member said, there has been some change to the definition of 'vulnerable witness' to now cover various classes of people who can be accepted generally to fall into that category, whether they are children, people who suffer from intellectual disability, people alleged to be the victims of sexual offences to which the proceedings relate, and witnesses who, in the opinion of the court, are at some special disadvantage because of the circumstances of the case or the circumstances of the witness. So, we have that acceptable category of persons who may be described as vulnerable witnesses, and the various safeguards that have been brought about as a result of considerations prior to the introduction of the Bill and the debate in the other place. It is for all those reasons that I commend this measure to all members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Protection of witnesses.'

The Hon. G.J. CRAFTER: I move:

Page 2—

Lines 1 to 3—Leave out paragraph (c) and insert—

(c) to prevent the judge, or (in the case of a trial by jury) the jury, from seeing and hearing the witness while giving evidence.

After line 3—Insert subsection as follows:

(3A) If the effect of an order under subsection (1) would be to prevent the defendant in criminal proceedings from seeing and hearing a witness while giving evidence, the order may only be made if there is no other practicable way to protect the witness.

As I indicated earlier, these amendments result from an undertaking given by the Attorney-General in another place and have been the subject of some discussion with the Opposition in the meantime and with other interested officers. It is generally agreed that they improve this Bill. I commend the amendments to the Committee.

Mr S.J. BAKER: Obviously the Opposition supports the amendments. They have been the subject of some discussion. As the Bill came before us, it was specified that the defendant had to be able to see and hear the witness. This amendment modifies that approach to provide a fall-back situation. If a witness needs additional protection, it provides that the defendant can be prevented from seeing the witness. If it is important that the defendant does not see the witness, there is the capacity for the judge to apply the special provisions of the Bill. We are saying that, as far as practicable, defendants should be able to see the witness. That does not necessarily mean that the witness has to look at the accused, and that is part of the protection provided in the Bill. In part it answers the concern raised by the Chief Justice who relied on the rule of law that an accuser should always face the accused. The Opposition is comfortable with the compromise that has been reached.

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 10.22 p.m. the House adjourned until Friday 30 April at 10.30 a.m.