HOUSE OF ASSEMBLY

Wednesday 29 November 1995

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

INTELLECTUAL DISABILITY

A petition signed by 4 315 residents of South Australia requesting that the House urge the Government to fund and provide appropriate accommodation, care and support services for people with an intellectual disability was presented by Ms Stevens.

Petition received.

SCHOOL SERVICES OFFICERS

A petition signed by 46 residents of South Australia requesting that the House urge the Government to restore school services officers' hours to the level that existed when the Government assumed office was presented by Ms Stevens.

Petition received.

NORTHERN SUBURBS RESOURCES

A petition signed by 359 residents of South Australia requesting that the House urge the Government to allocate more resources to the northern suburbs, in particular financial counselling, emergency relief, quality housing, special education teachers, paediatric speech therapists and family support services, was presented by Ms Stevens.

Petition received.

QUESTION

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard*.

GARIBALDI SMALLGOODS

In reply to **Ms STEVENS (Elizabeth)** 14 November.

The Hon. W.A. MATTHEW: Mr Rofe, Director of Public Prosecutions, advised that due to the complexities of the matter and other commitments, he hopes to have a considered response within four weeks.

SENATE VACANCY

The SPEAKER laid on the table the minutes of the joint sitting of the two Houses for the choosing of a senator to fill the position rendered vacant by the resignation of Senator John Richard Coulter.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

Industrial Affairs, Department for—Report, 1994-95
Rules of Court—Industrial & Employee Relations Court—Industrial Proceedings Rules—Amendments

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

HomeStart Finance Ltd—Report, 1994-95

By the Minister for Primary Industries (Hon. D.S. Baker)—

Agriculture, Advisory Board of—Report, 1994-95

By the Minister for Emergency Services (Hon. W.A. Matthew)—

Country Fire Service—Report, 1994-95
South Australian Metropolitan Fire Service—Report, 1994-95.

KENNAN, MR R.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: I would like to inform the House that the Chairman of the MFP Development Corporation Board, Sir Llew Edwards, announced today that the Chief Executive of MFP Australia, Mr Ross Kennan, had resigned his position. The resignation is effective from 22 December 1995; however, Mr Kennan is on leave from today. The board, through the Chair, indicated it had lost confidence in the performance of the CEO in not being able to meet its obligations and aspirations over the next 12 months. After discussion with the Chairman on this matter, Mr Kennan tendered his resignation.

The Chief Executive took up his position in June 1993 on a five year contract. Under this contract, signed by the former Administration, Mr Kennan was entitled to two years salary if he resigned or was terminated before May 1995. In case of resignation or termination after May 1995, under his contract, he was entitled to 12 months pay. With his resignation, Mr Kennan has accepted less than six months pay, amounting to $150 000. No performance bonus has been paid for 1994-95. The board of MFP has begun an international search to replace Mr Kennan and, for the interim, the Executive General Manager, Urban Development, Mr Bill Steele, has been appointed Acting Chief Executive Officer.

The South Australian Government remains committed to the MFP and to the projects which are now well on the way to delivery. The Barker inlet wetlands, part of the largest constructed urban wetlands system in the world, is now virtually compete. The Bolivar to Virginia pipeline has in-principle approval from the Government to go ahead and construction is expected to start next year. Remediation of Garden Island has also begun. The Australia Asia Business Consortium is now set to progress to the next stage, with the creation of courses and hiring of faculty staff expected to start early next year. A process to select an IT&T partner for the Stage One Urban Development has been completed. A memorandum of understanding has been signed with the Silicon Valley consortium and other information technology achievements, such as the establishment of an Electronic Services Business in collaboration with and direction of the Office of Information Technology, are well advanced. These are all very significant achievements, which indicate that the MFP is on the way to becoming a reality.

JOINT COMMITTEE ON LIVING RESOURCES

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I bring up the second interim report together with minutes of proceedings and evidence of the committee and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the fourteenth report of the committee and move:

That the report be received.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE

Mr LEGGETT (Hanson): I bring up the eighth report of the committee on rural poverty and move:

That the report be received.

Motion carried.

QUESTION TIME

STATE ECONOMY

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier publicly release a mid-term report to the Premier and to the South Australian Development Council from Professor Cliff Walsh, of the South Australian Centre for Economic Studies, about the State's economic growth achievements, prospects and strategy? According to sources within the EDA, a recent report commissioned by the Government indicates that, in the past financial year in South Australia, South Australia's export growth has actually fallen, the growth in GSP is well below the national growth rate, employment growth trails the nation and South Australia's economic prospects are also questioned. Sources within the EDA have told the Opposition that the report will not be released publicly because it shows that budget targets on the State's economy will not be met. Will you release the report to show that the EDA is wrong?

The Hon. DEAN BROWN: I am delighted that the Leader of the Opposition should highlight what has occurred in South Australia over the past 12 months, because one only needs to look at the performance in South Australia over the past year to realise that on a whole range of indicators we are leading or second in Australia, and certainly well ahead of the other States of Australia. In retail sales we lead Australia. Even if we take out the effect of poker machines, we will find that South Australia is the leading State in Australia in terms of percentage growth in retail sales. The *Advertiser* this morning reported a 9 per cent increase in real estate sales in South Australia—the leader of any State of Australia.

If we look at areas such as investment by industry, we see a 39 per cent increase on the latest figures—the equal highest with Tasmania for the whole of Australia and well ahead of Victoria. It was interesting to note the investment by private industry in new equipment in South Australia, because I happened to see an article in the Melbourne *Age* which highlighted the fact that South Australia was doing far better than Victoria, and it was asking why. It is also interesting to look at the latest figures for tourism: we have had a 20 per cent increase compared with the number of tourists coming in from overseas for the previous year.

The Hon. J.W. Olsen interjecting:

The Hon. DEAN BROWN: A 51 per cent increase from Asia. Further good news is coming, which I will mention shortly. When one looks at a broad range of economic indicators, the clear indication is that South Australia has made a dramatic turn around. I have details of these figures which I will give in a speech I am making on Friday, and perhaps the Leader of the Opposition would like to come along to the luncheon. He will have to pay, but I invite him to come along, because I am giving an overview of what we have achieved as a Government over the past two years. Clearly we have dramatically turned around the South Australian economy. One only has to look at the areas of debt, reducing the deficit, the fact that we have generated so much new economic activity and the creation of additional jobs.

I will highlight that against what occurred leading up to the last State election, when the Leader of the Opposition was one of the key Ministers, particularly involving tourism, regional development and employment. Here was the Minister responsible for employment in South Australia for two years running up to the election and we lost 33 000 jobs in that period. We racked up a debt under the former Labor Government of $8.6 million.

The Hon. M.D. Rann: Release the report.

The SPEAKER: Order! The Leader of the Opposition will come to order.

The Hon. DEAN BROWN: Come along on Friday and I will outline the key features of the report. What we have achieved in a whole range of areas is a very promising future for South Australia compared with the black, dark years under Labor that we had to put up with.

MALAYSIA AIRLINES

Mr BRINDAL (Unley): My question is directed to the Premier. In view of the negativity—

Members interjecting:

The SPEAKER: Order! The member for Unley.

Mr BRINDAL: In view of the negativity implicit in the last question, will the Premier explain to the House the economic impact of the announcement today of newly commissioned international services between South Australia and Malaysia?

The Hon. DEAN BROWN: The very good news is that Malaysia Airlines has announced that two new services will be operating out of Adelaide on a weekly basis next year. The first is a freighter service that will operate from early January—

Members interjecting:

The Hon. DEAN BROWN: I think we should ask the Leader of the Opposition to listen to this, because he needs to understand the dramatic improvement that is occurring in a range of areas, including tourism and exports. A freighter service is to operate from early January next year on a weekly basis from Adelaide to Kuala Lumpur via Melbourne, and that service will take out about $200 000 worth of product each flight, including up to 80 tonnes of material from South Australia. It will take commodities such as fruit, vegetables, tuna and other seafood out of this State first to Kuala Lumpur and then there will be a direct freighter service from Kuala Lumpur to Japan. It will open up considerably the opportunity for major new exports of perishable goods from South Australia into the Asian area. It is not just to Malaysia or Japan because there are also connecting flights into Singapore, Taiwan, Hong Kong, China, Korea, India and the

Middle East. The type of aircraft is an MD11, which is a large, wide body aircraft with a huge capacity.

The second service will commence in early April, and it will be an A330 passenger service operating from Adelaide to Darwin to Kuala Lumpur. Given the very important issue that we were talking about a moment ago, that of tourism, I point out that this passenger service will open up considerably the opportunities for Malaysians and Singaporeans to fly into Adelaide, and why—because we have attracted a commitment for a $200 million development down at Wirrina, and they are already well into the second stage, involving a total commitment of $40 million to $50 million. I invite members to look at the size and scope of the huge development taking place at Wirrina. But it will not be just Wirrina: it will be Kangaroo Island, the Barossa Valley and locations in Adelaide.

As I said a moment, ago we have attracted a 50 per cent increase in the number of Asians coming into South Australia. This service will take that even further, so it is very good news in terms of opening up Adelaide to the world, through both passenger services and freight services. More than ever, this justifies the fact that this Government, after years of neglect by a Labor Government in Canberra and in South Australia, has been able to secure a commitment to extend the runway—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat.

The Hon. DEAN BROWN: Is the Leader of the Opposition—

The SPEAKER: Order! I suggest to members that, if they do not want the Chair to call on Orders of the Day, they cease interjecting and hand waving, which is not only unnecessary—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition. The Leader has been warned for the second time. I call the Premier.

The Hon. DEAN BROWN: I am delighted that the Leader of the Opposition made that interjection. Is he saying that he is prepared to back the Federal Minister, Laurie Brereton, and renege on a commitment already given publicly here in South Australia? For the sake of playing politics in Brereton's seat in Sydney at the coming Federal election, is he prepared to allow the Federal Government to back down on a commitment it has given? Now, Brereton's having sent an agreement to the South Australian Government and that agreement having been signed by the South Australian Government, is he prepared to allow the Federal Labor Government to back out of that agreement?

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

The Hon. DEAN BROWN: It would appear that the Leader of the Opposition is willing to do so. I challenge the Leader of the Opposition to get to his feet and say whom he is backing here. Is he backing Laurie Brereton to win in his seat in Sydney, or is he prepared to back South Australia to make sure that we get an extension of our runway?

Mr Lewis interjecting:

The SPEAKER: Order! I would suggest that the member for Ridley has gone far enough. The Leader of the Opposition.

STATE ECONOMY

The Hon. M.D. RANN (Leader of the Opposition): Has the Minister for Infrastructure read the mid-term report on the State economy by Mr Cliff Walsh? Does he agree with its findings? Will the Minister release publicly a second Government commissioned report which details the effect of replacing all industry subsidies with a cut in payroll tax? The Opposition has been informed by sources within the EDA that this second report, again by the South Australian Centre for Economic Studies, makes an assessment of the relevant value of economic development of a major cut in payroll tax, compared with Government assistance programs designed to support and attract industry. What do the reports show and will the Minister release them?

The Hon. J.W. OLSEN: No, no and no.

TELECOMMUNICATIONS

Mr EVANS (Davenport): Can the Treasurer please inform the House of the progress being made by the Government in improving its telecommunications?

The Hon. S.J. BAKER: I am happy to report that the telecommunications contract is going well. I have had a report from the Office of Information Technology. The Premier announced on 5 November that there was to be some bidding for our telecommunications outsourcing, and it is important to know that the short-list has responded positively to the bid. Members would well recall that one of the key issues here is the price that the South Australian Government and industry pay for phone calls within and outside this State. Three peripheral issues need to be sorted out in the process of telecommunications, and I would like to address the three of them. One is the integrity of the system, the second is quality assurance and the third is the cost of phone calls.

I will give some examples of where there are problems in the system. The Leader of the Opposition has continued to claim that he is getting certain phone calls at home. I find that difficult to understand. In the middle of the petrol dispute, when I wanted to brief the Leader of the Opposition, he refused to give me his telephone number, yet it seems that the whole of the back bench of the Liberal Party has his very precious telephone number and that he is receiving information from the back bench. I do not know how they are getting through, because I cannot. They might have a different call sign.

The Hon. Dean Brown: And his staff refused to give it to me.

The Hon. S.J. BAKER: I understand that his staff have refused to give the Leader's telephone number to the Premier. So, that is the Premier as well as the Deputy Premier. It must be one of the most select secrets in South Australia. The Leader has made a number of claims about these calls that keep coming through to his home phone. I would ask the Leader of the Opposition to live up to what he is talking about in terms of freedom of information and accountability and reveal the source. In fact, we know what the source is, do we not? It is his own imagination.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The second issue is quality assurance, and I will again use some examples. Whilst we suggest that it is a figment of the Leader's imagination, perhaps there is something wrong with the system. Perhaps his phone should be checked for all these phone calls. I

understand that he has not revealed his telephone number to anyone because he is afraid of crank calls, and I can understand that. It is a serious issue—

The Hon. Dean Brown interjecting:

The Hon. S.J. BAKER: The Premier is listed, but the Leader is obviously a little scared as to what the public reaction might be. The third issue I would like to address is the cost of telephone calls. We know that the number of outgoing telephone calls from the Leader of the Opposition has reached dramatic heights. I know that the cost of telephone calls to the Government is very important, and I hope this telecommunications contract will in fact reduce those costs. We know that the telephone has been over-used by the Leader of the Opposition, either to massage the people whose nose is out of joint, including the press as a result of some of the actions of his colleagues, or to start new rumours around Adelaide. The issue of the cost of telephone calls is very important to the Government, and I trust that the new contract will address that issue. It is clear that the lights are on and the Leader is at home, but perhaps the phone is just not ringing. I challenge the Leader of the Opposition to come clean on his phoney phone fetish.

WATER, OUTSOURCING

Mr FOLEY (Hart): Will the Minister for Infrastructure assure the House that CGE and Thames Water, the United Water partners, can work together in getting South Australian exports into Asia given their bitter dispute over contracts in Thailand? Last week the Minister told the House that United Water partner Thames Water had secured a major deal to build a water treatment plant in Bangkok. The Minister described the deal as a major coup that would position South Australia for market opportunities in Asia. However, the Minister did not inform the House that the other United Water partner, CGE, was part of a group that has alleged the bidding processes were unfair, has launched lawsuits and filed complaints with the Thai Commission to counter corruption against the Thames Water deal.

The Hon. J.W. OLSEN: I have absolutely no doubt, and every confidence, that CGE and Thames will work cooperatively together to deliver the commitment they have put forward in winning the preferred bidder status to take exports of $628 million out of South Australia. We have only to consider some of the industry briefings in South Australia where 170 South Australian companies turned up for Thames Water. They flew people in from Melbourne, and these are the people who will close their Melbourne operation and shift here permanently, and shift their Asian headquarters to Adelaide. I ask the member for Hart to go out and do some accurate research, to just make a few phone calls to the South Australian water firms—

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader of the Opposition.

The Hon. J.W. OLSEN: —that can and will benefit from this contract. This water contract deal is very significant for South Australia. It has great future potential and benefits for South Australia and, despite what the member for Hart does and what the Opposition seeks to do, they will not derail this contract. It will be put in place in the fullness of time, and it will deliver benefits for South Australia and South Australians. These two companies have demonstrated clearly and consistently, not only to me and to the negotiating team but also to the wider industry in South Australia, that they are intent on delivering something unique for South Australia ahead of the other States.

In my discussions interstate only this week, officials from senior departments in the Eastern States said, 'We will be attempting to do what you have done with SA Water, the outsourcing contract and building Asian opportunities.' What we have done is being monitored interstate to be put in place within those States. We have done it first—ahead of the other States—to position industry in this State and, whether or not the member for Hart likes it, the bottom line is that it is a damn good deal for South Australia and it will generate real, long-term jobs for South Australians.

Mr Clarke interjecting:

The SPEAKER: Order, the Deputy Leader of the Opposition!

CITIZENSHIP CEREMONIES

Mr WADE (Elder): Will the Treasurer inform the House of the Federal Government's response to a letter that the Treasurer wrote as Acting Premier seeking information on the decision to revoke the authority of Mr Peter Davis, Mayor of Port Lincoln, to conduct Australian citizenship ceremonies?

The Hon. S.J. BAKER: I believe it is worthwhile to raise this issue because, in September this year, an issue arose about the right of a Mayor in this State to conduct citizenship ceremonies. As a result of statements made by the Minister for Immigration and Ethnic Affairs, the press asked what action I was taking in this matter. I said, 'I am asking Senator Bolkus for clarification.' It is an important issue, because we want all citizens to be treated fairly, and we would ask that, whether it be State or Federal Government, the rights of natural justice apply. This issue was raised in a letter to the Federal Minister on 12 September 1995.

I asked the Minister, as I was not aware of the full set of circumstances surrounding his decision, whether he could please provide the reasons for his decision because it was a matter that had been raised with me. Despite the fact that we have heard some extraordinary statements coming from Western Australia, I am yet to be advised exactly what the Minister's reasons were and why he took that action. If we look at what has happened—and no-one here condones some of the statements made by some of our important citizens—it seems that certain rules operate out of Canberra, and that is to look after their mates. I expect fairness to prevail across the board.

WATER, OUTSOURCING

Mr FOLEY (Hart): Why did the Minister for Infrastructure say last Friday that he had only just learnt of United Water's two-company structure when he had told the House two days before that this was part of the bid lodged by the company on 7 August? On 22 November, the Minister told the House:

> United Water Services was the consortium bidding company, CGE and Thames. Once their bid came in on 7 August, followed by the evaluation and clarification, a company was nominated. We have gone forward with the preferred bidder, United Water International, which was to be the company that would establish 60 per cent Australian equity.

The Hon. J.W. OLSEN: The member for Hart really has major difficulties with this contract. He seems to misunderstand—

An honourable member interjecting:

The Hon. J.W. OLSEN: No, I don't. There will be absolutely no difficulty with this contract. It will be a 15-year contract, and the irrelevancy and total trivia of the Opposition in trying to split hairs will be seen for what it is in due course. We have negotiating teams in a goldfish bowl, if you like, trying to sign off a $1.5 billion contract with this sort of irrelevant trivia floating backwards and forwards. Business people in the marketplace are aghast that anyone should have to persevere in signing a $1.5 billion contract with all this nonsense swirling around on the outside rather than giving full encouragement, as the member for Hart did with the EDS deal. Mr Speaker, do you remember the honourable member saying that he had some doubts about it but that he would stay back until the deal was done so as not to put at risk the deal for South Australia? The member for Hart has had a change of mind again to the extent that he does not care what he says or what he generates publicly: if it has a capacity to derail it, that is the only objective. That is what they are on about.

Let me just say to them that there is single-minded, focused determination on the part of the Government to get this good deal in place for South Australia. It does not matter what they say; it will not change the end result. We will deliver for this State, unlike when they tried and tried during the 1980s, and they did not deliver at the end of the day for South Australia.

Members interjecting:

The SPEAKER: Order! The member for Mitchell.

The Hon. J.W. OLSEN: What the member for Hart fails to understand is that 7 August was the preferred bidder coming in—evaluation, clarification, best and final offer, then negotiating and to where we are today. There are about five phases in this—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart.

The Hon. J.W. OLSEN: —and those phases are continuing as you sit around a table and negotiate down to the final deal. I used the analogy last week. I know that you, Mr Speaker, have drawn the attention of the House to repetitive questions from the Opposition, and I know that therefore my answers are somewhat repetitive, but I think it is important to try to get at least some semblance of substance behind the basis of the comments from the member for Hart. I make the analogy of buying a house or a car: you select your preferred model; you negotiate with the company as to the colour, the accessories you want on it and the price; and you negotiate backwards and forwards until you strike a deal. That is the position we are in. We have a preferred bidder and we are negotiating positions. At the negotiating table—and without apology—we are being absolutely intent on moving forward to get a better deal for South Australians. That is the basis of the discussion and the negotiation at the table. I can assure the member for Hart that all those sitting at the negotiating table want exactly that outcome—a good deal for South Australia. A good deal will be there for South Australia.

PUBLIC SECTOR OUTSOURCING

Mrs HALL (Coles): Will the Premier advise the House what further submission the South Australian Government has put to the Federal Industry Commission of Inquiry into contracting out in the public sector?

The Hon. DEAN BROWN: The Industry Commission has undertaken a major inquiry across the whole of Australia—initiated by a Federal Labor Government—to look at the enormous benefits to the Australian community that can come out of contracting out. The Federal Labor Government in Canberra is supporting exactly what we in South Australia are doing. We have contracted out across a whole range of areas, because we can see enormous benefit for this State. First, it is saving us an enormous amount of money—tens of millions of dollars. In the water contract, we are saving about 20 per cent of the operating cost for water and sewerage in the metropolitan area. In data processing we have saved tens of millions of dollars.

There has been a whole range of other areas. We have contracted out the management of our first prison. Last year, in South Australia, we reduced the operating costs of our prisons right across the board by 25 per cent—in one year. One of the reasons was that we had contracted out the management of one of those prisons. In a range of other areas—such as public transport, where we are able to save literally millions of dollars and, as a result of that, put on additional public transport services to the northern suburbs—in workers' compensation claims management and in hospital management with the Modbury Hospital (and that is a classic example)—

The Hon. M.H. Armitage: A saving of $120 million.

The Hon. DEAN BROWN: A saving of $120 million at the Modbury Hospital through contracting out. We heard from the Minister earlier that more services are going through that hospital than were going through previously.

The Hon. M.H. Armitage: Four hundred per year.

The Hon. DEAN BROWN: Four hundred more services through the Modbury Hospital, and we are saving $120 million over the life of the contract. These are the benefits that we presented to the Industry Commission when it had its public hearing in South Australia this week. The interesting question, after all we hear in this Parliament about contracting out, is whether the Labor Party in South Australia put in a submission. Was it prepared to stand up and be counted? Was it prepared to go to a Federal Government inquiry and to put its point of view, which would embarrass the Federal Labor Government? Of course not.

Where was the Leader of the Opposition? Where was the member for Hart, who stands up day after day trying to tear down these contracting deals? Yet they know, as do all South Australians, that, when it comes to specialist services, there is scope to contract out in exactly the same way as I would do if I wanted my house painted: I would contract it out. A lot of people in Adelaide, if they want their lawn cut, contract it out because it is cheaper. That is exactly the same thing as the Government would do regarding data processing, the management of a specialist area such as a hospital, or water and sewerage: we would contract it out because we would save money.

There is one other major benefit, that is, in our contracting out we are attracting to South Australia major new industry, as we have done with data processing and as we are doing with the water contract. We are building up in Adelaide industry that we have not had previously. EDS will be establishing in Adelaide its data management centre for the whole of Asia—an enormous coup for this State—but does the Labor Government of this State stand up and praise that? Of course not: all it does is stand up and try to tear it down. We are establishing a water industry to focus on the rapidly developing water industry of Asia, but does it stand up and compliment that? No, it tries to tear it down. Members opposite knock, tear it down and try to destruct. Fortunately,

they are unsuccessful. We will continue to succeed in signing these contracts. We will bring the benefits to this State.

WATER, OUTSOURCING

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Minister for Infrastructure. Given the Premier's admission on television yesterday and the letter to me from the Minister's own Chief Executive Officer, Ted Phipps, will the Minister now tell the House who paid for the polling and market research on public views in South Australia about the United Water contract; what did it reveal; and what did it cost? Yesterday, the Premier told the House that Cabinet had seen the polling conducted by a firm acting for SA Water. A press report of 16 October in the *Advertiser* quotes a spokesman for the Infrastructure Minister as denying there had been any taxpayer-funded polls on the issue which, of course, it has now been revealed, was put before Cabinet. If it is such a good deal and you have nothing to hide, release the poll.

The SPEAKER: Order! The honourable member is commenting; he is out of order.

The Hon. J.W. OLSEN: It seems to me that the Opposition does not have many good questions for Question Time today, because they asked this question of the Premier yesterday. The Premier answered the question yesterday, and was consistent with my answer to this House—I think it was 18 October this year. So you have struck out yet again.

ELECTRICITY GRID

Mr BROKENSHIRE (Mawson): Will the Minister for Infrastructure inform the House of the outcome of his meeting on Monday with his Federal and State counterparts to discuss the introduction of a national electricity market?

The Hon. J.W. OLSEN: I thank the honourable member for his question. As the Deputy Premier indicated to the House yesterday, this is a major policy matter for the Parliament of South Australia. Let there be no misunderstanding as to the importance of this matter over the next couple of years in positioning South Australia to be a participant in the national electricity market. Our non-participation in the national electricity market will clearly indicate that businesses in South Australia will not have the opportunity to purchase power at the lowest cost purchase option in Australia.

To participate in that will require some structural change. This is the test of the Opposition which was posed by the Deputy Premier yesterday: will it support the Government in putting in place structural changes in ETSA so that we can be a participant in the national electricity market from 1 September 1996 and, if it does not, Senator Collins clearly indicated to that ministerial meeting that we would have breached—and he would ensure that the Prime Minister, Mr Keating, was a participant in this—national competition council guidelines under the COAG agreement, and that we would put at risk $100 million a year, from 1996-97 over the subsequent 10 years. We are talking about $1 billion revenue to the State of South Australia over a decade. That is what is at risk. Let us not underestimate the importance of this policy issue. I understand that Opposition members have said they will not support structural change in ETSA.

The Hon. M.D. Rann: We won't support privatisation.

The Hon. J.W. OLSEN: I am very glad about that interjection from the Leader of the Opposition. We are not talking about privatisation: what we are talking about is disaggregation, as has happened in New South Wales and Queensland—where they happen to have Labor Governments. What is wrong with the Queensland and New South Wales model being used here?

Members interjecting:

The Hon. J.W. OLSEN: I take it that the Leader of the Opposition, from his comments, just agreed—

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —to legislative change in South Australia; is that right?

The Hon. M.D. Rann: No, I'm not.

The Hon. J.W. OLSEN: I see: so, it is 'No.' Well, the Leader of the Opposition has to make up his mind on a policy issue one day, and this is a key one, so he had better start determining what he will do, because Prime Minister Keating (via Bob Collins) has indicated without equivocation, 'If you don't disaggregate generation from your wires, then you won't get competition payments, because you have breached the COAG agreement.' It is clear and specific, and I have no doubt that, in the public arena over the next few weeks or months, that will become absolutely crystal clear.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: So the Opposition had better work out whether it is going to act in the interests of South Australia in the future. Is it going to act as the Queensland Labor Government has acted—

The SPEAKER: I warn the Deputy Leader of the Opposition.

The Hon. J.W. OLSEN: —as the New South Wales Labor Government has acted and as the Federal Labor Government wants it to act, or is it just going to play base politics as it has with EDS and with the water deal? Is it going to put at risk the future revenues of South Australia? For once, stand up for South Australia: make a policy decision that is in the interests of this State and the revenues of this State over the next 10 years. It is in your hands as to whether we get the billion dollars.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: No, you are not the Government, but you know you have the balance of power in the Upper House. You could frustrate the structural change.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Let me remind the House of what happened when we wanted to put the existing structure in place by regulation. The Democrats moved disallowance and it was supported by the Opposition. It was not until I spoke to the member for Hart on several occasions, pleading to have the current structure put in place by regulation, that we got through, with a clear indication that there would be no more: this is it—no more! We have gone to the national electricity market, the National Grid Management Council and the ministerial meeting, and I have said to them, 'I cannot deliver the structural change because the Opposition and Democrats in South Australia won't let us do it.' They said to me, 'That's bad luck, because if you don't put in the structure you're not a participant in the national electricity market.' That was said without equivocation, without any variance in that view. So, the message is simply—

The Hon. M.D. Rann: Where's the legislation?

The SPEAKER: Order!

The Hon. J.W. OLSEN: The matter is now in the hands of the members of the Opposition. They say that they want

to be a responsible Opposition: here is the acid test. Support legislation for structural change as in Queensland, as in New South Wales and as the Federal Labor Government wants, so that we do not put at risk $1 billion over the next 10 years. Let us see how members opposite react to that.

Members interjecting:

The SPEAKER: Order! There is too much interjection across the Chamber. I suggest that the Deputy Leader be aware that he gets four days if he is named again. The honourable member for Hart.

WATER, OUTSOURCING

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. Further to my earlier question regarding CGE and Thames Water in Thailand, will it be a condition of the contract that CGE and Thames Water cannot individually pursue the estimated $300 billion worth of Asian water contracts available in the next decade and that any bid these companies make must be made through United Water International? On 18 October the Premier told this House:

> As far as these two major international global companies are concerned, any bid into Asia must be through United Water based here in Adelaide.

This is now complicated by the bitter legal dispute between CGE and Thames in Thailand.

The Hon. J.W. OLSEN: We really are in desperate straits now. I have consistently said (and the Premier has advised this House) that the United Water bid vehicle has clearly put down that the sole bid vehicle for CGE and Thames into the nominated countries throughout Asia will be the basis of its bidding in the $300 billion worth of infrastructure opportunities in Asia. Nothing has changed, and for the member for Hart to ask that question—given that we have answered it again and again—really indicates that he is trying to keep an issue alive. He is not quite sure how he is going to drum up a new angle. All I can say is that he is getting pretty desperate with this sort of angle, because he has asked it before. He can ask it another dozen times: he will get the same answer next time as he got last time.

STATE BUDGET

Mr BECKER (Peake): Will the Treasurer inform the House what plans the Government has for the timing of the State budget next year? I understand that the Federal Government has indicated it will be moving its budget from May until later in 1996 to take account of the upcoming Federal election.

The Hon. S.J. BAKER: I informed those members who were close by at the time that they should put their diaries on hold in terms of the program for next year. The issue is whether we can deliver a budget at the end of May or beginning of June as we did last year and as we had committed ourselves to doing prior to the last election (we have actually delivered on that undertaking). The matter is of concern. We have a Federal Government that has run out of ideas: it simply cannot operate, simply cannot plan, simply cannot inform the States how they can manage the processes so that each of the States can deliver a responsible budget. So, the budget process is in jeopardy. We have had discussions with our interstate colleagues. Members would realise that a number of jurisdictions now are on early budgets, and they are working particularly well, and I note New South Wales, Queensland, Western Australia, ACT and the Northern Territory.

Our discussions have been revolving around the same issue: how much certainty can we have earlier in the year without a Federal budget? Provided that those undertakings are met with some of the rolling programs and agreements in place, such as the Medicare Agreement and the tax sharing arrangements, we believe that we can actually get 90 per cent of the budget pretty well right. So, unless those circumstances change dramatically, the program as previously announced will occur, and we will proceed with the budget as we did last year. There will need to be some adjustments as to what scrutiny can be made of the budget and what scrutiny will follow that process in September when the Auditor-General's Report comes down and the final information is coming through for the year 1995-96.

At this stage we have to cope with the inadequacy of the Federal Government: it has mucked up the economy; it mucked up the budget; and it keeps mucking things up. But somehow we will manage as well as we have in the last two budgets, and I can assure members that it will be managed very well.

WATER, OUTSOURCING

Mr FOLEY (Hart): My question is again directed to the Minister for Infrastructure.

Mr Ashenden interjecting:

The SPEAKER: The member for Wright is out of order. The member for Hart.

Mr FOLEY: Thank you, Sir.

Members interjecting:

The SPEAKER: The member for Hart. If the member for Hart does not ask his question, I will call the next one.

Mr FOLEY: Before recommending United Water—

Members interjecting:

The SPEAKER: The Minister is out of order. The honourable member for Playford.

Mr QUIRKE: On a point of order, it is impossible to hear anything in this Chamber with the Government members constantly interjecting.

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right.

Members interjecting:

The SPEAKER: Order! The level of conversation in the Chamber is unacceptably high. It would appear that the Chair should take the appropriate action by naming some people without warning if they continue. I therefore uphold the point of order. The honourable member for Hart.

Mr FOLEY: Before recommending United Water International to Cabinet as the preferred tenderer for the Government's $1.5 billion water contract, why did the Minister for Infrastructure fail to be properly briefed by the negotiating team and SA Water executives of critical issues such as company structure, foreign ownership and exports?

The Hon. J.W. OLSEN: Because we had selected a company to sit around a negotiating table with a negotiating team to work out a deal upon which the final submission would be presented to Cabinet for determination.

BUILDING UNIONS

Mr ASHENDEN (Wright): Is the Minister for Industrial Affairs aware of claims by the South Australian Master

Builders Association of moves in recent months by some building unions to return to the days of 'no ticket, no start' on some building sites? I understand that a recent dispute relating to this matter occurred on the Bunnings Parafield Airport project site when picket lines were in place for several days and that letters have been sent to the homes of members who have decided to resign from the Construction, Forestry, Mining and Energy Union.

The Hon. G.A. INGERSON: Unfortunately, it appears that the old BLF days are starting to return. Not only is what happened a disgrace, but I find it absolutely amazing that in this day and age we still have a union prepared to go onto a brand new greenfields site at Salisbury and tell workers that they cannot go onto that site because they are not a member of a particular union. Not only did it do that, but it then sat down and wrote to all the people who decided to resign from the union, because they were not prepared to accept the position of not being a unionist any longer, and made the following statement:

> In reference to your letter of resignation—

this is in relation to the person who had decided to resign—

> it is regretted that you have been led to believe that it is in your best interests to cease employment in the building industry, for that is in effect the result of your decision to resign.

It is absolutely unbelievable that we still have—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —the old BLF stuff, dressed up as a new face under the CFMEU, going on at building sites. It goes further and suggests that they should put in a letter of resignation which states:

> It is not my intention to ask trade unionists to work with me in the future and in particular accept that members of the CFMEU have the freedom of choice to refuse to work on the same building site as myself and will have no objections to a building site on which I am engaged coming to a halt until I have ceased such engagement.

This is absolutely incredible. The very unions that the Opposition support are still out there and now starting to intimidate workers. They seem to forget that under the State Act there is a freedom of association clause and, irrespective of whether it is a State or Federal award, it is illegal in South Australia to prevent an individual from choosing whether they should belong to a union. We do not seem to be able to get the message through to the unions in this State that it is in their interests that people join their organisations and in their interests that they then use that special privilege they have been given in the industry negotiations to be able to represent those members.

I note that Opposition members are quiet. I suspect that they are fairly concerned about this very issue. I notice the Deputy Leader, who is usually very vocal about union action, in this instance—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: He is not game to say anything about this disgraceful matter. I intend to see the union, unlike the previous Government, which was not prepared to front up to this, to see if we can clean up this nonsense. It was a brand new greenfields site onto which a major company in this State was coming, prepared to build and create opportunities for employment. Yet we still have the thugs in the building industry attempting to take away job opportunities in this State. We intend to implement our law.

WATER, OUTSOURCING

Mr FOLEY (Hart): Given that the Treasurer is a member of the Cabinet subcommittee overseeing the water contract, has he received any advice on financial and taxation implications of the United Water two-company structure from independent consultants engaged to advise Treasury on the contract, and when was that advice received? On 27 June Mr Phipps, the Chief Executive Officer of SA Water, told the Estimates Committee that merchant bankers Fay Richwhite would report to Treasury and SA Water as independent financial reviewers.

The Hon. S.J. BAKER: Again, the honourable member should know a little about the process, which is quite simple. The particular subcommittee about which we are talking gets a report from the steering committee on the progress being made and on which bid is regarded as the most likely to succeed. As the Minister for Infrastructure explained, it goes into a contractual negotiation phase. In terms of involvement through the process, we have Treasury officials who assist.

SOLAR POWER

Mr BUCKBY (Light): Will the Minister for the Environment and Natural Resources provide details on the latest initiatives to utilise solar power in South Australia? South Australia has the potential to be a world leader in solar power due to our climatic conditions. In particular, South Australia has on average seven hours of sunlight per day that can be utilised as an energy source.

The Hon. D.C. WOTTON: I share the enthusiasm of the member for Light with regard to the potential we have in South Australia for solar power. I note with interest how solar power is being utilised in many areas of South Australia, whether for lighting in city parks, telephones in the outback or as an alternative source of heating and power in many homes and industries throughout South Australia. I will particularly mention a project, being carried out at the secondary school level in this State, that rivals development and innovation on the world stage. I am referring to the Prince Alfred College Sun Boat 2. The member for Light and I were privileged to be able to attend the launch of this solar craft last week.

This project, which is the second solar craft to be developed by the college, is set to go into the record books as the largest solar boat, with accommodation for six people, and it will be making an attempt to travel over 3 000km from Albury to Goolwa and back to Morgan, starting on 1 December this year (next Saturday). What is outstanding about this initiative is that this solar craft was designed and built by staff and students at the college and they are to be commended for their significant achievement, because it is a world-class initiative and one that certainly would be supported.

It is equally outstanding that over 65 companies—many of them South Australian—are backing this project, which demonstrates the interest in solar energy and in helping localised research and development into environmental projects. It shows that these projects are alive and well. I hope that all members of this place wish PAC well for the world record attempt and for producing a form of transport that has no pollution, makes minimum noise and incurs minimal running costs. I am sure that the college will go down in the world records for attempting such a feat, and it should do so with the support of this Parliament.

GAMING REVENUE

Mr QUIRKE (Playford): Is the Treasurer in possession of a Treasury report on options to compensate charitable organisations for loss of gaming revenue caused by competition from poker machines? Has he requested amendment to the analysis or recommendations of the Treasury report, and will he release the report to Parliament and the public?

The Hon. S.J. BAKER: I am not sure what the honourable member is talking about. The Premier announced that there was to be a review by Treasury into the operations of poker machines and that it would cover a whole range of issues. One of the issues to be looked at was the impact on charities, and that was one of the items that was looked at carefully, and we requested information from the charities. We received about 130 responses from sporting bodies, charities, hotels and other hospitality providers. So, we have had significant input into that process. The report is currently before Cabinet.

I am not aware that I have touched any recommendations, and I am not sure what the honourable member is talking about. The report is sitting on my desk and it is being analysed in terms of the initiatives that should be taken by the Government. The report does not draw conclusions in respect of what should be done; it just gives a description of what the officers believe has happened since the introduction of poker machines and their impact on various sectors. That is the report as it stands, and that is the report that will be addressed by Cabinet, so I do not understand the honourable member's point.

Mr Quirke: Will the report be released?

The Hon. S.J. BAKER: I do not have any trouble with the report being released when it has been dealt with accordingly.

HEALTH SERVICES

Ms GREIG (Reynell): Will the Minister for Health inform the House what initiatives are being taken to ensure that South Australian health services have access to the world's best practice and the application of new technologies for health service delivery?

The Hon. M.H. ARMITAGE: I thank the member for Reynell for her question about a particularly important area of health service provision, and that is the seizing of the advantages offered by new technologies. The more I am able to speak with people from around Australia and from around the world, either on the telephone or in person, the more I am taken by the fact that those meetings do not involve our learning from them but, routinely, within half an hour or so of discussion, they are clearly learning how we in South Australia are providing our health care. They are interested in our administration mechanisms, in our outsourcing of management, and in the technologies that we are using. That is one of the major advances that we are making, because we are pioneering new advances in telemedicine, which could make this State a global hub for telemedicine in the next century.

Telemedicine involves the use of video and teleconferencing equipment, the digital transmission of medical images and the use of electronic communications to deliver health care services over long distances. We have stolen a march in this area, primarily because of the long distances in Australia, because of the need to offer these services from a metropolitan base, and because of a lack of regional services in the large regional centres of the State. A number of telemedicine projects have already been identified. The Royal Adelaide Hospital cancer service is linked with the Royal Darwin Hospital, and I am told that it is shortly to be linked to hospitals in Jakarta, in Alice Springs and in regional centres around the State. The Mental Health Service provides videotele psychiatry services to Mount Gambier, Berri, Whyalla, Ceduna and Port Lincoln, and the Queen Elizabeth Hospital provides a telerenal service to three dialysis centres around this State.

We are so good at this that we are holding a telemedicine conference on 4 and 5 December, which will be hosted by the South Australian Health Commission. The Premier will open the conference, which will be attended by national and international speakers, and international guests will contact the conference using the telecommunication links. There will be a number of focuses, particularly in relation to the new medical technologies and new markets and opportunities for South Australia to capitalise on our expertise. It is very much an emerging export market and it will add significantly to the value of our local economy and to the better provision of health care in South Australia.

WORKCOVER

Mr CLARKE (Deputy Leader of the Opposition): Why is not the Minister for Industrial Affairs aware of section 4(4) of the WorkCover Corporation Act 1994, an Act that he introduced into Parliament? It provides:

> The corporation is subject to the general control and direction of the Minister.

Yesterday, when answering a question from me on the issue of the Government ruling out any service fee increase to private insurers for handling WorkCover claims beyond that detailed by the Minister to the Economic and Finance Committee earlier this month, the Minister said:

> As for the issue whether more money will be paid, the Deputy Leader would know, and I will explain the Act to him again, that the Government and the Minister have no influence whatsoever on the direction that the board might take.

The Hon. G.A. INGERSON: I am aware of the section.

MALAYSIA AIRLINES

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I table a ministerial statement made by the Minister for Transport in another place in relation to Malaysia Airlines passenger and freighter flights.

DOUBLE ROAD TRAINS

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I table a further ministerial statement made by the Minister for Transport in another place in relation to a double road train trial, Port Augusta to Lochiel.

SUNDAY MAIL ARTICLE

Mrs HALL (Coles): I seek leave to make a personal explanation.

Leave granted.

Mrs HALL: I refer to the political coverage in the *Sunday Mail* of 26 November 1995 and the article, column and editorial relating to the political events of last week. I deny

absolutely that I was involved in a so-called plot to further my own political ambitions or that I had any contact with the Leader of the Opposition. The disgraceful thing about this type of journalism is that no-one is directly named and the slurs of impropriety are left to be spread by innuendo and public discussion. I am sure that my female colleagues will speak for themselves. I refute the implication that I have been involved in moves to destabilise the Premier or Minister Olsen. Any such statement is false.

The charge of backstabbing is one of the most serious allegations that can be levelled, particularly in a political context, yet this cowardly political coverage refused to name its target. It magnified this assertion with the claim that a female Liberal backbencher leaked information to the Leader of the Opposition. I did not. I had no communication in any way with him or members of his Party on this or any other related subject whatsoever, and I will take legal action against any person who makes such an outrageous claim. Further to that point, the Leader of the Opposition's statement about this matter yesterday was made without any communication to him from me. Accordingly, the *Sunday Mail* could not have been referring to me. Nevertheless, some members of the public have assumed that it did refer to me.

I shall be requiring the *Sunday Mail* to withdraw any imputation against me and to apologise for the mischief and damage it has caused. Any suggestions made that the *Sunday Mail's* assertions are true would be scandalous and outrageous, and it is appropriate to conclude by adding that I am taking legal advice on this matter.

GRIEVANCE DEBATE

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

Members interjecting:

The SPEAKER: Order! If the House is not interested in grievances, I will call on the business of the day.

Mrs ROSENBERG (Kaurna): Today I had great pleasure in hosting a lunch for 16 very special South Australian students of our primary schools in the southern area. The lunch was held because these students won an essay competition that was instigated by Constable Gordon Little from the Aldinga Police Station. He was aided by Grant Prior from McLaren Vale Police Station, Martin Beasley from Willunga Police Station, Constable Graham Maddern from Aldinga Police Station, and the officer in charge of the Christies Beach division, Trevor Oldman.

About 400 students took part in the essay competition. They represented eight southern primary schools within our area. The schools that took part were the Aldinga Primary School, the Southern Vales Community Christian School, McLaren Vale Primary School, McLaren Flat Primary School, Willunga Primary School, Mount Compass Primary School, Myponga Primary School and Yankalilla Area School.

The title of the essay was 'Living in a safe community is important; how can we make this happen?' The essay was designed to focus students on decision making and assertiveness skills in relation to drugs and anti-social behaviour. The teachers in each of those schools facilitated the discussion of the topic and allowed time for the students to draft the essays within school hours. I was told by the constables today that the standard of the essays made them an absolute delight to read. They say that the 16 winners and runners-up who were the students hosted at lunch today have shown exceptional quality in the essays that were produced. The essays were marked by the Aldinga Bay Neighbourhood Watch and Willunga Rural Watch groups, which further promoted a joint community approach to this whole initiative. Prizes were given to the winners and runners-up and also to all participants. They were donated by local business outlets. The greatest majority of the prizes that were given were sporting goods, to help promote healthy living.

The objective was to encourage young students to think in a positive fashion about how they as students could take part in a better community and encourage those around them to take notice of their positive peer pressure. It is important to record in *Hansard* the names of the students who were winners and runners-up. I will state them for each school in that order, as follows: for Myponga Primary School, Lisa Mignanelli and Leah Devitt; for Aldinga Primary School, Chris Player and Joanne Burns; for Willunga Primary School, Adam Bishop and Rebecca Brown; for Mount Compass Area School, Hayley Brittain and Stephen Galliford; for Mclaren Flat Primary School, John McGarvey and Tara Lawrence; for Southern Vales Christian Community School, Nathan Adams and Rebekah Jellings; for Yankalilla Area School, Laura Barlow and Ryan Tham; and, for McLaren Vale Primary School, Rebecca Wade and Kimberley Johansen.

At the winners' day today, the itinerary was varied and the students had a great time. As part of the itinerary they gathered at the Aldinga Police Station, where they were met by the police helicopter. They went by helicopter to various places around the area. Some of them came to Adelaide Airport. They then met here and looked over the whole of Parliament House. We then had lunch here at Parliament House with the Commissioner of Police. A short speech was given by the Premier late during the lunch, and the students were thrilled that the Premier could find time to come in.

The students then left Parliament House to ride on the police launch and then to visit the Police Academy. It is extremely important to congratulate Gordon Little for this initiative on behalf of the Aldinga Police Station and the Southern Police Group, as part of the community policing project of the State Government. They obviously took a lot of time and effort to negotiate through the schools and with the local community. On behalf of the member for Mawson and the Premier, I congratulate all the students from the southern area.

Ms STEVENS (Elizabeth): Today in Question Time the Premier made a quite extraordinary statement when he tried to compare the outsourcing of a householder's lawn mowing contract with the outsourcing of contracts for Modbury Hospital, EDS and water. That is an extraordinary statement for him to make, and it really shows his naivety and his complete misunderstanding of the complexities of the situations with which we are dealing. I will focus on Modbury Hospital and the contract that has been let to Healthscope because, as members probably know, this contract was in the news this morning, when people commented on information gained from Healthscope's annual report on salaries paid and the huge increases in the salaries paid to executives.

I will highlight a few other aspects of Healthscope's annual report. First, the report stated that the overall performance of Healthscope at Modbury Hospital was, in its words, unsatisfactory. It was disappointing (it said) that its net profit was only $6 million after tax, having earlier forecast a profit of $10.8 million. It pointed out that it had incurred losses at Modbury Hospital after five months and that these were due to start-up expenses and to higher than budget estimated operating expenses. The annual report went on to state that there has been an intensive expenditure review process in progress at Modbury since 30 June. It also says that it should become profitable in the next year, that is, this year, 1995-96. My question is: how does it intend to become profitable this year?

Mr Bass interjecting:

Ms STEVENS: I do. I know and we all know—and if the member for Florey would listen he might understand, too—that for hospitals the biggest expenditure is in staffing. If you are going to make major expenditure cuts—and do not forget that they are looking at having to make up millions of dollars—that is where it will have to happen. If staff numbers are cut, we know that there will be an effect on patient services. This is what will happen at Modbury Hospital this year. We know, because the Minister told us in Estimates this year, that Modbury has been doing fewer operations and undertaking less activity than it was being paid for, and that Modbury had to increase its separations by 1 500 this year. I wonder how it will be able to do that and make the profit it requires to keep its shareholders happy.

Let us talk about the savings which this Government has touted all the time and which are supposed to flow from this contract: $6 million a year savings were to be made by the Government. We know that last year the Government gave Healthscope $7.9 million more. Not only did we not get a saving of $6 million but we paid the company $7.9 million more. We know that this year we have budgeted for a further payment of $70 000 in excess of its budget. I would not be surprised if Healthscope had been seeking help from our Government to get more money on its contract. That is the information that is coming to us: that Healthscope is not travelling well and is not able to operate under the contract it signed and that in the end we, the taxpayers, will be needed to bail it out.

Mr MEIER (Goyder): I find the performance of the member for Elizabeth incredible. Does the member not realise that the Government is the custodian of the money that the taxpayers of South Australia pay through their taxes? Surely we must spend that money in the most efficient and profitable manner, in the best way possible. If we look at Modbury Hospital we see that we are now putting 400 more patients through there. We have cut waiting times across the State by 13 per cent; that is, patients spend 13 per cent less time waiting. We have also cut long-term waiting times. We are using taxpayers' money in the most efficient way possible, but all the member for Elizabeth wants to do is to criticise and knock us. I find it absolutely incredible, just as I cannot stand any more the questions of the member for Hart—

Mr Bass interjecting:

The SPEAKER: Order! The member for Florey.

Mr MEIER: —given the way he has always knocked, knocked, knocked on everything this Government seeks to do to create greater efficiencies so that we can spend more money on health and education in the longer term. But no, they do not like it. Well, that is not what I am here to talk about.

Today I want to offer my congratulations to southern Yorke Peninsula. I had the privilege this morning of opening the new Southern Yorke Peninsula Business Centre. It is part and parcel of the Yorke Regional Development Board, which has been established for approximately 18 months. It was a real privilege and pleasure for me to be at Warooka this morning, because it is a joint venture between the Warooka council and the Yorke Regional Development Board to establish the Southern Yorke Peninsula business office on southern Yorke Peninsula. It is a fact that the Yorke Regional Development Board has perhaps done as much as any board in this State, and I am very proud of the way it is carrying out its functions in association with the Economic Development Authority and the State Government as a whole. Here is an instance where local government has also come in, because the Warooka council has contracted out the servicing of its development committee, thereby enabling that money to go towards helping run the office.

The person who is overseeing this venture is Mr Warwick Welsh, who is there for three days per week. He comes very well qualified, having experience in the hospitality, insurance and fishing industries, and is currently completing a Master of Business Administration at the University of Adelaide. He is also assisted by Ms Joanne Murdoch, the office manager. The office will provide confidential and free small business advice; provide access to information on adjacent programs; provide assistance in all facets of business and employment development; and provide a serviced office facility with full word processing, photocopying, fax and e-mail facilities.

The office will be a focal point for the Yorke Regional Development Board Main Street project, taking in the towns of Edithburgh, Warooka, Minlaton and Yorketown. As well, a mariculture site identification study will commence in February 1996. Many members will appreciate that southern Yorke Peninsula is ideally suited to potential mariculture and aquiculture, and I hope that the study will produce some positive signs in that area. In fact, the business centre will be a focal point for assistance to a range of clients in the areas of agriculture, horticulture, tourism and the fishing industry. It is a great boost for southern Yorke Peninsula and one I was proud to be associated with.

The Yorke Regional Development Board has had some real pluses. The biggest plus has been the establishment of Australian Food and Flora, under which 50 to 60 farmers are growing flowers, which are taken to a central area in Kadina to be processed. They are being exported interstate and overseas. About 2 400 bunches of Geraldton wax are processed at the Kadina centre every week, together with a range of other flowers. Many other projects are being considered. It is just what the rural areas need. It is an indication of what this State Government is doing in regional development, and we are making sure that we as a State Government, through our regional development boards, are giving every assistance possible to business in the rural areas so that we can grow from strength to strength in this State and help overcome the problems that have beset us for so many years.

Mr EVANS (Davenport): I wish to place on record some comments about Blackwood Forest. The House will recall that recently the Government announced a decision on Blackwood Forest, a 20 hectare site in the Hawthorndene area of my electorate. After 18 months of consultation, on which

more than $100 000 was spent, I believe that a balanced decision was brought down, involving 1.5 hectares for the St Peters Lutheran community at Blackwood to erect a 230 pupil primary school and church, with the other 18.5 hectares being offered to Mitcham council, essentially for $2 million, to be used as it wishes.

The Government has announced that, if the Mitcham council does not purchase the site, the northern face of the land will be developed for 44 housing allotments; 11 hectares, or about 28 to 30 acres, will remain as open space, and that involves 55 per cent of the site; the Lutheran community will still get the site for the school; and a site for 25 residential aged care units will also be developed. Both those options will raise $2 million for the Government. Rather than go to debt repayment, we have allocated that for the Coromandel Valley Primary School; it will be added to the $650 000 already granted to the school to give that school a $2.65 million upgrade. I believe, and certainly the majority of the community believes, that that is a reasonably balanced outcome.

It is therefore surprising that in this week's Messenger Press two aldermen from Mitcham council have come out criticising the Government: Alderman Judy Smith has suggested that the Government has ignored the impact of development on the site, and Alderman Yvonne Caddy has said that she would like the land to remain as open space. The surprising thing about those press releases is that on 28 March 1994, at a meeting of the Blackwood Forest working party committee of Mitcham council, a motion was moved by Alderman Caddy and seconded by Alderman Smith: they recommended to the council that the council not purchase the Blackwood Forest land for open space. They suggested that the council should purchase the property and take an active part in the development of the land. These are the same two aldermen who this week are claiming that the Government should not be developing the land but that it should remain as open space. However, in confidence, behind closed doors, these two aldermen negotiated, moved and seconded a motion that the land not be purchased by the council for open space but be developed for residential purposes.

The Mitcham plan, as I understand it, was to develop 75 homes on the site. The Government is proposing to develop only 44, yet the Mitcham council chooses to criticise the Government for not taking into consideration the problems that might be associated with development. However, it is quite happy to negotiate to put 75 houses on the site. The council, in actual fact, has been approaching Governments for years to buy the site. It approached the previous Government before it approached this Government to buy the site. The council also proposes to put a larger school on the land. Our proposal is for a 230 pupil school: the council's proposal involved a Catholic school that was two-thirds the size again of the proposal put forward by this Government. It is clear, therefore, that the council was actually negotiating for a greater development.

The council also wanted smaller allotments on the site than the Government is currently proposing. The Government's allotment sizes are 800 to 1 200 square metres, whilst the council's allotment size is 800 to 1 000 square metres. We have even seen cash flows that indicate that the Mitcham council was involved with a joint development project: its cash flows showed that it could have paid $2.233 million in June 1991 for the land and still have made a handsome profit of $2 million, yet the Government is proposing to sell the land for only $2 million—in actual fact, a lower cost than its own cash flows show it could have paid some four years ago.

I also understand that a developer in Adelaide has a signed heads of agreement with the Mitcham council to develop the site, and that that was signed some two or three years ago. And the developer's legal advice is that the heads of agreement still stands. If Mitcham council buys the land, he will be trying to enforce that heads of agreement to develop the land. It is hypocritical of the aldermen to criticise the Government for proposing a lesser development on the site when we all now know that, behind the scenes, in secret meetings, the Mitcham council's Blackwood Forest working party, led by Alderman Caddy and Alderman Smith, in actual fact has been proposing to development the land all along. I would call on the Mitcham council to come clean with the community and its fellow councillors, who, I understand, have yet to be briefed on this matter.

The ACTING SPEAKER (Mr Bass): Order! The honourable member's time has expired. The member for Torrens.

Mrs GERAGHTY (Torrens): On the last occasion I wanted to raise a particular issue but, because of comments across the Chamber, I did not get an opportunity to do so at length: I will pursue that matter today. However, before I do that, I want to say that, having listened to the comments made today by the Minister for Industrial Affairs, I am very glad that he will meet with the union to discuss the issues. The Minister might be surprised, because I believe he will find another side to this matter: there are definitely two sides to this issue. As I said, I am glad that the Minister will be talking to the union because it is time that discussions took place. The Minister for Infrastructure refused to hold discussions with unions during the delicate water negotiations. During that dispute the Minister refused to speak with the unions and said that he wanted communications to take place by fax.

We hear the furphies thrown around in this Chamber about unions, and today's effort was merely one to take the heat off the Government over its incredibly slack handling of the water contract. It is a contract that the community clearly does not want and the Government knows it, but it is just too afraid to talk to the community to find out what it really wants.

Last week I attempted to raise an issue that greatly concerns me and many others in the community, particularly workers in the industry. As I said, there are two sides to every issue and the issue I now raise needs serious consideration. I refer to mental health issues, with which the community deals on a daily basis, but the community does not have the skills or the resources to do so. I have read the comments of the Minister for Health. I believe he has put the blinkers on and is not seeing the real issues.

Following the closure of Hillcrest Hospital, there was a move towards community-based care for those with a mental illness. Since that time there has been a reduction of 200 in-patient staff. The Minister has embarked on a course of deinstitutionalisation, yet the Government has not transferred those staff positions into community-based services. In fact, rather than transferring those staff positions, the Government has increased the community-based services by only 30 positions and, for many reasons, this is quite alarming to me and many others. With the move towards deinstitutionalisation and community-based mental health care, we are

making a fundamental error in not providing the resources and the training for our mental health workers.

To make my argument a little clearer, I point out that Cleland House, Mental Health Services, which is run by Eastern Services, was running at 115 per cent to 120 per cent capacity. It now has a 20 per cent vacancy factor. Eastern Services is a prime example of a well-run service, but this is not the case across the metropolitan area. Other services are not resourced to cope with the demand in the community and, in other regions, services do not see new patients as their emergency services are not up and running. Rather than dealing with those patients, they are sending them to Glenside.

It is evident that there is a genuine need for Glenside within the community. In the first seven days of November, Glenside recorded 280 contacts. What will happen when the Glenside casualty department closes in June 1996? I understand that date might be brought forward to as early as March 1996. It is quite clear that emergency community services in this State are not ready for what is about to take place and the outcome will be chaos.

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

Mr ROSSI (Lee): I refer to what has transpired between the residents of Tennyson, the Hindmarsh and Woodville council and me, as well as the conduct of the member for Hart, who has protested about the removal of sand from the Semaphore and Largs Bay beaches. Since I entered politics, residents in the Semaphore Park area have requested that I approach the Minister about the construction of a rock wall and the issue of sand replenishment. Tennyson residents oppose the construction of a rock wall but still want sand replenishment. Sand erosion along the foreshore of the electorate of Lee, formerly called Albert Park, has been occurring steadily since 1985.

Over the past couple of years, I have noticed that some of the houses in those areas are in danger of falling into the sea, or being reclaimed by the sea, in the case of a severe storm. My predecessor, a Labor Government member, did very little to save the beaches from sand erosion or to protect the sand dunes and the natural environment. The member for Hart has been quoted in the local papers, the Messenger Press and the *Portside*, protesting with some of the residents of Semaphore and Largs Bay, as well as Port Adelaide council members, about the way in which the Minister for the Environment and Natural Resources and the Coastal Protection Board have been trying to remove sand which originates in the Tennyson and Semaphore Park areas.

I say 'originates' because the sea has pushed the sand northwards into the areas of Semaphore and Largs Bay. Very little sand is left out to sea, or even in the general area, to enable sand to be replenished along the Tennyson foreshore. The Hindmarsh and Woodville council and the Coastal Protection Board have endeavoured on many occasions to obtain sand from Semaphore. Local residents want to know whether the member for Hart supports the protection of homes along the foreshore at Tennyson and Semaphore Park; and they want to know whether he believes in maintaining the beach environment as much as possible and, if so, what he intends to do about it in allowing the Hindmarsh and Woodville council to take sand from Semaphore.

I believe the Semaphore jetty could become a walkway over sand dunes if the sand is allowed to build up continually in that area. If the member for Hart does not reply to those questions tomorrow or in the next sitting of Parliament, the local residents believe that the honourable member's lack of response is an indication of the Labor Party's attitude towards the residents and voters of the electorate of Lee. I urge the member for Hart to respond to the residents and voters with respect to the environment of the electorate of Lee and, in particular, the coastline of Tennyson and Semaphore Park.

RACIAL VILIFICATION BILL

The Hon. DEAN BROWN (Premier) obtained leave and introduced a Bill for an Act to prohibit certain conduct involving vilification of people on the ground of race; to amend the Wrongs Act 1936 to provide redress for the victims of racial vilification. Read a first time.

The Hon. DEAN BROWN: I move:

That this Bill be now read a second time.

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

Leave granted.

The South Australian community has on a number of occasions registered its disgust and abhorrence of minority groups that, because of their extreme views, engage in racial vilification, incitement to racial hatred and racial violence. It is a strongly held view in the South Australian community, that there is no place in our multicultural society for racially motivated abuse, threat or attack.

There is at present no legislation in South Australia that specifically deals with racial vilification. In reinforcing our on-going commitment to the fostering of community values, the protection of safety of citizens and our respect for ethnic and racial groups within South Australian society, my Government is now introducing the Racial Vilification Bill into the South Australian Parliament.

By introducing this legislation, this Government is sending a clear and unequivocal message that the practice of racial vilification is abhorrent and that it is clearly unacceptable in South Australian society.

The Government is not saying, however, that South Australians are not to some extent already provided with protection from behaviour which is offensive, abusive or threatening.

Certain manifestations of racial vilification are caught as general offences under the Criminal Law Consolidation Act and the Summary Offences Act. Offensive conduct, assault, damaging property, offensive, threatening or insulting behaviour at a public meeting are specifically dealt with in these Acts. It is also a common law offence to incite another person to commit an offence.

Nonetheless, while the Equal Opportunity Act prohibits discrimination on the grounds of race in specific areas, it does not address racial vilification nor does it address racial harassment.

Consideration of the issue of racial vilification, around the country, indicates that the broader Australian community shares the South Australian community view that individuals or groups should not be entitled to incite racial hatred or to incite contempt for others on the grounds of their race or nationality. There have been numerous calls for the passing of legislation to outlaw racial vilification.

Whilst the need for legislation, however, is generally recognised, not everyone sees the need for the creation of criminal offences, preferring to address breaches through conciliation and education.

That is not the view of the Government. When an individual has taken the step to threaten seriously another person or that person's property on the basis of their race or nationality, then clearly in the context of modern society, these people have crossed the line which common decency has drawn. They do not deserve the status that conciliation confers and it would be difficult to contemplate that they would respond merely to programs of education.

The issue of racial vilification has of course been given specific consideration in the past in South Australia.

- In 1991, the report of the Community Relations Advisory Committee recommended that the Equal Opportunity Act be amended to outlaw racial vilification.

- In recent annual reports, the Commissioner for Equal Opportunity has recommended that the Equal Opportunity Act be amended to include a general provision prohibiting racial vilification. She has noted that a number of complaints in this regard are made to the Commission each year.
- In a report prepared for the Government by Mr Brian Martin QC, it was recommended that the Government await the outcome of the then proposed Federal legislation before moving in this area.

The Federal Racial Hatred Act has now been enacted and commenced in October 1995. This Act prohibits offensive behaviour based on racial hatred. It does not create any criminal offences. It allows complaints to be made to the Human Rights and Equal Opportunity Commission.

The South Australian Racial Vilification Bill creates the criminal offence of racial vilification provided that act of vilification includes a serious threat of violence to a person or property in public.

The offence is modelled on the New South *Wales Anti-Discrimination (Racial Vilification) Amendment Act 1989* and a draft Bill circulated by the Federal coalition.

The South Australian Bill refers to vilification as inciting 'hatred towards, serious contempt or severe ridicule'. This is the language used in all other legislation on the topic. It is a modification of the standard which applies in ordinary defamation actions, i.e. an ordinary defamation is a publication which brings a person into 'hatred, ridicule or contempt'.

The Bill provides that the consent of the Director of Public Prosecutions is required to bring a criminal prosecution to prevent trivial or vexatious disputes clogging the Courts.

Only 'public acts' are covered. A private racist threat will be dealt with by the ordinary criminal law. The Bill is novel in that it empowers the Criminal Court which convicts a person to pay damages up to $40 000 (including punitive damages). Maximum penalties of $25 000 against a corporate body or $5 000, or imprisonment for 3 years, or both, against an individual will be available to the Criminal Court under the Act.

The Bill also creates a new civil remedy which will enable a person who suffers detriment in consequence of racial victimisation to sue in ordinary Courts for damages. This is achieved by amending the Wrongs Act to create a new tort of racial victimisation.

A Bill introduced by the Leader of the Opposition gives the State Equal Opportunity Tribunal civil jurisdiction in this area. The Government takes the view that the ordinary courts of law should have jurisdiction in this important area both in relation to the criminal offence and civil redress.

It is appreciated that it is impossible to legislate to make it an offence to hold racist beliefs or to entertain hatreds based on racist feelings. The Bill therefore requires, in the adjudgement of an offence,

- that physical harm to a person or property is threatened, and
- that such threats occur in public.

Criminal sanctions are provided for in the legislation on the basis that clearly individuals or groups that promote racial violence or threats of violence are beyond the reach of effective conciliation and education. It is the function of the State to clearly prescribe the limits beyond which people may not go. The existing law does not contain any specific redress for racially based violence and the proposed offence is a mark of the community's unambiguous position in its abhorrence of racial violence.

There are no ramifications for freedom of speech, in relation to the proposed provisions for criminal sanctions. No person can claim that threatening violence to person or property, or inciting others to do so, is a fair exercise of freedom of expression.

My Government is mindful, however, that the need to impose legal sanctions against public acts of racial vilification should not impede fair and accurate reporting of these acts. To protect the obligation of the media to report matters of public interest, this Bill specifically excludes fair reporting from its provisions.

I commend the Bill to the House.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 & 2 are formal.

Clause 3: Interpretation

Clause 3 contains definitions for the purposes of the new Act.

Clause 4: Racial Vilification

Clause 4 makes it an offence for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of their race by threatening physical harm, or inciting others to threaten physical harm, to a member or members of the relevant racial group or to property of a members or members of the relevant racial group.

Clause 5: DPP's consent required for prosecution

Clause 5 provides that a prosecution for an offence under the new Act cannot be commenced without the consent of the DPP.

Clause 6: Damages

Clause 6 empowers the court by which a person is convicted of an offence against the new Act to award damages (including punitive damages) against the convicted person. There is however a limit of $40 000 on the amount of the damages that may be awarded under this clause.

Clause 7: Amendment of the Wrongs Act 1936

Clause 7 amends the *Wrongs Act 1936* to create a new statutory tort of racial victimisation. Under the proposed new section 37, a person may recover damages in tort for detriment (which includes distress in the nature of intimidation, harassment or humiliation) as a result of a public act inciting hatred, serious contempt or severe ridicule of a person or group of persons on the ground of their race.

Mr CLARKE secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (SGIC) AMENDMENT BILL

The Hon. S.J. BAKER (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill makes a number of amendments to the transitional provisions of the *Workers Rehabilitation and Compensation Act 1986* following the corporatisation of SGIC in July 1995. On corporatisation, the life insurance and general insurance businesses of SGIC and its health insurance subsidiary were transferred to the SGIC Holdings Limited Group of companies. The compulsory third party insurance business was left behind with the former SGIC, which, from 1 July 1995, became known as the Motor Accident Commission.

Under the *Workers Compensation Act 1971* there was set up a fund in Treasury known as the *Statutory Reserve Fund*. The fund was made up of stamp duty charged on workers compensation insurance policies, a levy on exempt employers, an annual contribution by the Treasurer in respect of persons employed by the Crown, advances made by the Treasurer from General Revenue and various other moneys referred to in the Act.

The purpose of the fund was to enable compensation to be paid in circumstances where the workers compensation insurer was insolvent or where the employer was uninsured and insolvent.

Section 118d of the *Workers Compensation Act 1971* dealt with the subject of claims. The mechanism put in place was that a claim against the fund was to be put in writing and lodged with the former SGIC. SGIC was required to determine whether a claim under the section should be allowed or disallowed.

Where a claim was allowed, the Treasurer had an obligation to pay the claim out of the Statutory Reserve Fund. Where such a payment was made, the Treasurer had a right of subrogation, ie. a right to use the name of the claimant, to recover the amount of the claim from the insurer or employer concerned. The Treasurer also had a right of subrogation in respect of the insurer to recover under a contract of reinsurance.

As at 30 June 1995, there remained to be finalised 113 known claims made against the fund in respect of insolvent insurers or uninsured insolvent employers.

The Statutory Reserve Fund served one other purpose. Under section 118f of the *Workers Compensation Act* an Insurance Assistance Committee was established to assist any employer who was unable to obtain insurance under the Act or, alternatively, was not able to obtain insurance at rates commensurate with the risk involved. The Insurance Assistance Committee was required to find an insurer and, if unsuccessful, SGIC was required to offer insurance at a premium recommended by the Insurance Assistance Committee.

Any losses incurred by SGIC in respect of policies issued under the section were to be recouped from the Statutory Reserve Fund.

As at 30 June 1995, there remained to be finalised 17 known claims against policies issued by SGIC under section 118g.

The *Workers Compensation Act 1971* was repealed by the *Workers Rehabilitation and Compensation Act 1986*.

Under Schedule 1 of the latter Act, the Statutory Reserve Fund maintained under the *Workers Compensation Act* was required to be paid into the Compensation Fund maintained under Part 5, Division 3 of the *Workers Rehabilitation and Compensation Act.* The Compensation Fund is maintained by WorkCover Corporation of South Australia.

Clause 5(2) of the first schedule to the *Workers Rehabilitation and Compensation Act* provides that a claim in respect of workers compensation liabilities under the *Workers Compensation Act* may be made as if Part XA of that Act had not been repealed and any amount required to satisfy a proper claim is payable from the Compensation Fund. This means that claims were to continue to be lodged with SGIC and dealt with by that entity.

On 1 July 1995, SGIC changed its name to Motor Accident Commission.

As the *Workers Rehabilitation and Compensation Act* currently stands, it appears that Motor Accident Commission is responsible for determining claims made against the Compensation Fund where an insurer or uninsured employer is insolvent and, secondly, Motor Accident Commission has an obligation to continue to meet claims under policies issued by SGIC under section 118g of the *Workers Compensation Act* prior to the repeal of that Act.

Although paid into the Compensation Fund, WorkCover has designated the Statutory Reserve Fund as a sub-fund of the Compensation Fund and has ensured that the Statutory Reserve Fund moneys are separately identified as such.

In connection with the insurance policies issued by it under section 118g of the *Workers Compensation Act*, SGIC established a fund in its books entitled the *Insurance Assistance Fund* into which were paid premiums paid in respect of the policies concerned, interest etc. on investments and in respect of which were deducted claims paid and administrative costs. The Insurance Assistance Fund was not a statutory fund but was set up as a matter of administrative convenience. In 1991, the balance of this fund was handed over to WorkCover which paid it into the Compensation Fund and established the Insurance Assistance Fund as a sub-fund within the Compensation Fund. Again, the moneys constituting this fund remain separately identified.

The present arrangements in relation to Part XA of the *Workers Compensation Act* are not satisfactory. The claims concerned relate to workers compensation and, as a rule, they have nothing to do with the Compulsory Third Party Fund.

It would be preferable if claims under Part XA of the *Workers Compensation Act* were managed by WorkCover or by an organisation to whom WorkCover might delegate all or some of its functions and powers, but in accordance with the requirements of the WorkCover Corporation Act 1994. At the present time, the legislation requires them to be managed by Motor Accident Commission, although that body does have power to delegate its functions in that respect.

Apart from the need to substitute WorkCover for SGIC in Part XA of the *Workers Compensation Act*, there do appear to be a number of anomalies in the transitional provisions contained in clause 5 of Schedule 1 to the *Workers Rehabilitation and Compensation Act* which need attention.

It is the Government's view that the Statutory Reserve Fund and the Insurance Assistance Fund should be separately identified so that those funds can be preserved for their original purposes. It is also proposed as a matter of administrative convenience that the moneys concerned will be invested collectively as a common fund along with moneys standing to the credit of the Compensation Fund.

From time to time, proceedings are taken by workers against employers in circumstances where there is a reasonable likelihood that the matter will result in a claim against the Statutory Reserve Fund. Where that is likely, the employer or insurer concerned is frequently indifferent to the fate of the proceedings. Where there is a prospect of a claim against the Statutory Reserve Fund, WorkCover seeks a right to intervene and be heard in the proceedings before a court.

Essentially, this Bill tidies up a number of incidental matters arising out of the corporatisation of SGIC. It does not involve any issue which would be regarded as one of principle or policy.

I commend the Bill to Honourable Members.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Substitution of clause 5 of Schedule 1

This clause provides for new provisions relating to the Statutory Reserve Fund and the Insurance Assistance Fund. As to the Statutory Reserve Fund, it is to be re-established as a separate fund. The relevant provisions of the *Workers Compensation Act 1971* will then continue to apply with respect of the Fund, subject to various modifications set out in this measure. In particular, references to the Commission are to be taken to be references to the WorkCover Corporation. The Corporation will also take over responsibility for existing claims and proceedings, and any rights of subrogation that exist in favour of the Treasurer under the statutory scheme are transferred to the Corporation. The Insurance Assistance Fund is also to be constituted as a separate account. The Governor will then be able to transfer by proclamation various rights and liabilities associated with this account to the Corporation. The Corporation will be empowered to delegate its responsibility for managing claims under this scheme.

Both funds will be capable of being invested in common with the Compensation Fund. Amounts surplus to requirements will be able to be transferred to the Compensation Fund.

Mr CLARKE secured the adjournment of the debate.

SECURITY AND INVESTIGATION AGENTS BILL

Returned from the Legislative Council with the following amendment:

Page 11, lines 28 to 31 (clause 20)—Leave out subclause (3) and insert new subclause as follows:

(3) A natural person who is—

(a) a licensed security agent authorised to perform the function of controlling crowds;

or

(b) an agent of a class specified by the regulations,

must comply with the requirements of the regulations about the wearing of identification or a uniform (or both).

Maximum penalty: $1 250.

Expiation fee: $160.

Consideration in Committee.

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment be agreed to.

The amendment is consequential on the discussions that have taken place in both Houses. The issue debated in this House—albeit not very rigorously—was whether uniforms should form part of the legislation. The suggestion was that uniforms should be mandatory for crowd controllers. A compromise has been reached on that issue in another place, and the Government is satisfied that the general understanding of the need in certain circumstances for uniforms is met by this amendment. It is also understood that it will involve a regulatory process, and it will not be written into the Bill as such. It is understood, further, that it still allows for certain circumstances where the people concerned should not be required to have uniforms should that be the best practice exercised. The Government supports the amendment from another place.

Mr CLARKE: The assurance is given by the Deputy Premier about an agreement in another place. In any event, given that this legislation has been passed by the Legislative Council, the Opposition accedes.

Motion carried.

STATUTES AMENDMENT (SUNDAY AUCTIONS AND INDEMNITY FUND) BILL

Adjourned debate on the second reading.
(Continued from 22 November. Page 675.)

Mr CLARKE (Deputy Leader of the Opposition): As we have indicated in another place, the Opposition is prepared to support the second reading of the Bill. We understand that the issue of Sunday auctions is a delicate matter for some members of our community who believe in the sanctity of the Christian Sabbath. However, we are the only State that does not permit the auctioning of real estate on Sundays. It would seem that, as you can have public inspections, that is, you can seek to try to purchase a new property on a Sunday, there is no logical reason why an auction could not be held on a Sunday as well.

However—and no doubt this may have also been said in another place—if members of the real estate industry become silly about auctions on Sundays and insist on having auctions in the early hours of a Sunday morning or within close proximity to places of worship, they will not then be able to complain if a member of Parliament brings in an amendment to the legislation to prohibit auctions on Sundays or, indeed, to put other forms of prescriptions around the holding of auctions on a Sunday. So, members of the real estate industry have it on their own head to ensure that they do things in a proper and sensible fashion in connection with any auctions on a Sunday. They should take into account that, whilst they might not be practising Christians or whatever, a significant number of people in our community are, and they would feel somewhat aggrieved if their morning worship was unduly disrupted by an auction taking place.

Mr Brokenshire: Or your sleeping.

Mr CLARKE: I am usually at the Aquatic Centre doing 15 laps of the pool by about 6 o'clock in the morning.

Members interjecting:

The SPEAKER: Order! The members for Mitchell and Mawson are out of order.

Mr CLARKE: Whilst we appreciate the problems that have been identified with respect to the indemnity fund, we will not take issue with the payment from the indemnity fund for the cost of auditing land agents' accounts or conveyance trust accounts. The same applies in relation to the cost of conducting disciplinary action against agents or conveyancers. With those comments, we commend the Bill to the House.

Mrs KOTZ (Newland): I rise to support this Bill, which contains two specific amendments. The Bill provides that the Agents Indemnity Fund can be used to recover certain costs, for example, conducting disciplinary action against agents and conveyancers, and for the purposes of auditing trust accounts. The Bill also provides that prohibition on Sunday auctions, as contained in section 37 of the Land and Business Sale Conveyancing Act 1994, be lifted. The Attorney-General has undertaken to review and reform consumer protection and other business-related legislation as part of his responsibilities, and I commend the Attorney for his attention to detail. This Bill deals with relatively minor alterations, but to exact proper accountability and provide legislative authority covering actions undertaken over a number of years, enabling moneys from the Agents Indemnity Fund to be utilised lawfully, these amendments are necessary and, therefore, important in their own right.

The amending legislation also validates the authority of the Commissioner to make such payments for the same lawful purposes under the repealed Land Agents, Brokers and Valuers Act 1973. Under section 37 of the Land and Business Act 1995, auctions for the sale of land and business cannot be held on a Sunday. In this prohibition, South Australia is, as the Deputy Leader of the Opposition has just stated, out of step with all other States and Territories as the only State which does not permit auctions on a Sunday. In most other areas of service provision to clients, real estate practitioners provide a range of services other than holding auctions on Sundays.

However, if a concern is to be raised due to this amendment, it could be that the peace and quiet of one's neighbourhood may be broken by the arrival of strangers and their motor vehicles, particularly at an hour of the morning that may be objectionable to certain residents. The industry should be capable of complying with good neighbour principles, and it should regulate its activities accordingly. Real estate agencies which conduct noisy public gatherings that disturb the peace and harmony of residential suburbs would surely be castigated quickly by the surrounding populace. One of the methods we often see—and it is used quite effectively today—is letters to the Editor.

In their local newspapers I am quite sure that would identify the offending company. People in business today who abrogate a responsibility to the neighbourhood in which they hope to conduct their business would receive negative responses which I am sure any reputable company concerned about its good name would not wish to receive. However, I would request that the Attorney perhaps review this portion of the Act at a later date, after proclamation, to determine whether further refinement may be necessary. I wholeheartedly support this Bill.

Mr BROKENSHIRE (Mawson): I also rise briefly this afternoon to support this Bill. Part of this Bill is frankly 'nuts and bolts', including the fact that there had to be some amendments to permit the moneys from the Agents Indemnity Fund to be used for the purpose of auditing trust accounts as well as to recover the costs of conducting disciplinary action against agents and conveyancers, which in previous years they have been able to do. Whilst it is a 'nuts and bolts' part of the Bill, it is still a very important part. We must protect consumers. Whilst I am sure that the majority of real estate agents and conveyancers are very honourable people, history has shown that, no matter what happens when people are using and dealing with other people's money, from time to time things go awry and it is very important from our point of view as a Government (in order to look after the best interests of the consumer and the public in general) that this amendment should go through.

The other part of this amendment that I was interested to talk about was the fact of Sunday auctions. I agree with the comments of both the member for Newland and the member for Ross Smith: I would like it on record that I would be disappointed if any real estate agents start abusing this privilege, because Sunday is a very important day for many of us who believe in Christianity. Frankly, if I had my way, many things would not be happening on a Sunday.

Mr Clarke interjecting:

Mr BROKENSHIRE: Notwithstanding that, unfortunately, many things, such as Sunday trading in the city after church and a walk around the parks and the museum, are very

good therapy for family and community development and tie in well with the general direction of the family unit.

Mr Clarke interjecting:

The ACTING SPEAKER (Mr Bass): Order! The Deputy Leader is out of order.

Mr BROKENSHIRE: Many things happen on Sundays, such as wild discos and trading hours in hotels, etc., that I could question. However, we have to keep up with the times. A fact of life is that, whilst it is not all good, we are now going into another millennium and things are changing. If on a Sunday people can buy a water bed, purchase hardware and buy properties through private sale or at an open inspection, I see no reason why they should not be able also to buy those properties by auction. As has already been said in this debate, South Australia is the only State out of kilter with this and, clearly, we should come into line.

Agents operating here, I might add, generate much money and economic activity for the State. I trust that, when we get a change of Government federally, get a business plan for Australia, start to address the deficit and sustainability comes in, those agents will start to make some very good money, because we need that money to help the economy and for stamp duty revenue, to help our Treasurer, who has a very difficult job in trying to balance the books. And we all know the reasons why. Nevertheless—

Mr Clarke interjecting:

The ACTING SPEAKER: The Deputy Leader of the Opposition is out of order.

Mr BROKENSHIRE: The Deputy Leader of the Opposition would like to know the reasons for that, and I am delighted to tell him. In summary, in 1982 South Australia had a deficit to fund of around $2.5 billion; very easy to handle. By 1993, I remind the member for Ross Smith, that deficit was close to $8.5 billion, and the recurrent budget deficit by the year 2000 would have been around $1 billion per annum and still ballooning out. That is the reason why we have to address the issues that we discuss in this Chamber every day, and I am pleased to remind the member for Ross Smith of this whenever he requests a reminder.

But to get back to the point in question, the important thing is that real estate sales have been down. We should be supporting real estate opportunities that may enhance the overall direction of that industry. I do not believe that people will be bringing in a fanfare of bands and other activities—it will be a normal auction system—and if people conduct an auction at a reasonable hour (I hope that the agents will be responsible about this) I do not think it will really impinge on neighbours any more than someone having an eighteenth birthday party or a barbecue in the backyard. I leave it at that, but I do ask the agents in my area to be responsible about this opportunity they have been given.

Adelaide may be known as the city of churches: my electorate of Mawson is one electorate that has many churches in it, and I mean that quite seriously. There is a lot of new housing growth there and a lot of large churches with congregations of around 200 or 300, and I would not want to see noise levels interfering with their services on Sundays.

The Hon. S.J. BAKER (Deputy Premier): I thank all members for their contributions. There is a fundamental issue here. As far as the Agents Indemnity Fund is concerned, we have seen the abuses of the past and we need better mechanisms for ensuring that the capacity to do wrong is reduced. It will not stop it, but it certainly provides a check and balance, and the fund will be financing the audit of those books. In relation to Sunday, there is an important point. As we all know, the natural working week is no longer; there is no longer a nine to five day for the majority of employees. Saturday now is regarded as a day of business and a day of trade. Although we do have Sunday trading in the mall and we have sporting events, Sunday is generally still, for the vast majority of people (although not all), a family day.

It is imperative if we are selling real estate that both parties, or three or four parties, whoever have an interest in a particular property, have the opportunity to be there, to go through the open inspections, which are always on weekends, and also to be able to actually buy the house on a weekend. To date that has been prevented because it has not been a provision under our Act. As far as the time is concerned, many people who do not have commitments on Sundays are prone to sleep off the rest of the week and rise at nine or 10 o'clock in the morning, so I do not believe that any real estate person worth his or her salt will be engaging in auctions much before 11 o'clock in the morning, and perhaps later.

The natural market itself should dictate and, if the best price is to be achieved by a competitive market, they want as many buyers there as possible, and putting it on early in the morning may not achieve that end. It is a sensible move. We did not put in any time restrictions here. If some strange habits are developing that cause people distress, obviously, the Attorney can look at the measure again and bring back an amendment, if that is necessary. I do not believe it will be necessary, but let us keep that in the back pocket and indicate that anyone who abuses the right of people for a reasonable amount of peace and quiet early on Sunday mornings may lose the privilege. It is another step forward; another area of reform. I congratulate the Attorney on his initiative in both those areas, and I thank the three members who have spoken on the Bill.

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

CONSUMER TRANSACTIONS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 676.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition supports the Bill, the provisions of which, I understand, are consequential upon the abolition of the Commercial Tribunal. Certain parts of the Consumer Transactions Act are to be replaced by the Consumer Credit (South Australia) Code, and there will be further changes to clause 4. The coverage of the Bill is substantially extended from contracts not exceeding $20 000 consideration to contracts not exceeding $40 000 consideration.

It is my understanding from our shadow Attorney-General that many of the Bills with which we have been dealing in this area all relate to the winding down of the Commercial Tribunal, which was dealt with in another place in principle some time ago. With those few words, I commend the Bill to the House. I indicate that the Opposition is happy to proceed straight to the third reading, if that suits other members of the House.

The Hon. S.J. BAKER (Deputy Premier): I congratulate the Deputy Leader on being a fast learner. If he learnt as fast with his interjections in the House as he does on legislation in proving his worth, we would have a very cooperative

Parliament. That is not the issue at hand but rather the consequential amendments in respect of the jurisdiction of consumer transactions. As the Deputy Leader pointed out, this is consequential on the previous legislation and I thank him for his support.

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

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 354.)

Mr CLARKE (Deputy Leader of the Opposition): I am indebted to the member for Spence, our shadow Attorney-General, for the notes that he has provided on this matter. A note from the member for Spence at the top of the first page states:

> If this speech is too over the top for you to give on my behalf (even with a disclaimer), call me up.

I did just that. I thought about a disclaimer, but I do not think that even that would do. I have judiciously excised large slabs of the prepared notes that the member for Spence kindly provided for me. I regret in one sense having to embark on that exercise, but only he could have given true feeling to the words he wanted to use with respect to this Bill, and I know that I could not have given his earnest views on some of these points the same feeling as he could.

The Bill provides for South Australia to adopt a uniform national scheme for classifying publications, films, videos and computer games. Theatre continues to be assessed under separate State legislation. The current voluntary scheme for publications will be replaced by a partially compulsory scheme. Computer games will be classified compulsorily. The Commonwealth Classification Board may now classify material on computer bulletin boards. The State Attorney-General may decide to classify a publication, film or computer game himself on the advice of the South Australian Classification Council, and his classification would override the Commonwealth classification. The classification criteria are uniform, but there may be differences in the way they are applied by the Commonwealth and by the State Minister on the advice of the State Classification Council and by the State Minister acting alone. A film may be exempted from the Act if it is to be screened only at a film festival.

The key provision is clause 19, which provides that the State Council or Minister should take the following into account when classifying:

> (a) standards of morality, decency and propriety generally accepted by reasonable adults;

That will be very hard for the Attorney-General given the actions of his Party this past week with its leadership speculation, in terms of defining standards of morality, accusations of back stabbing—*et tu* Brutus—and self-identification and the like by various members of the parliamentary Liberal Party. The Attorney-General will have enormous difficulties in terms of studying any advertisements or video clips surrounding the Liberal Party of South Australia when it comes to standards of morality and decency.

Talking of morality and decency and the very obverse, I note that the member for Unley has just walked into the Chamber. Clause 19 also provides:

> (b) the literary, artistic or educational merit. . .
> (c) the general character. . .
> (e) the persons or class of persons to or amongst whom it is. . . likely to be published.

The classification for films are: G for general, suitable for all ages; PG, parental guidance recommended for persons under 15 years; and, M for mature, suitable for mature audiences 15 years and over. At any of the Government's Caucus meetings, it would be extremely difficult to show an M-rated video. The other categories are: MA for mature accompanied, that is, restrictions apply to persons under the age of 15 years; R for restricted, restricted to adults 18 years and over; X to indicate that a film contains sexually explicit material but no depiction of sexual violence or sexual coercion; and RC for refused classification. The X classification is a category for videos only.

The classification of publications are: unrestricted; restricted category 1, that is, sale restricted to persons 18 years and over and to be displayed in a sealed wrapper; and restricted category 2, sale restricted to persons 18 years and over, only to be displayed in premises restricted to persons over 18 years. Helpful pamphlets published by the Commonwealth Office of Film and Literature Classification explain the guidelines for classification.

I do not doubt that pornography can have a palliating effect on the sexual desires of some people. Nor do I doubt that the great majority of people can tell the difference between the representation and the deed. The trouble, a significant minority cannot or, for them, pornography is a step towards the fulfilment of their fantasy on a real victim. Alas, there is more to pornography than harmless illusion. It is interesting to note that over the past generation the pornography trade, which once went under the counter, has boomed into a trade worth $8 billion in the United States alone—bigger than the record and film industries combined. I am reliably informed by the member for Spence that the political power of the pornography lobby dwarfs that of its opponents, Christian or other. I refer members to an article by Mr David Barnett on the political lobbying of Australia's Eros Foundation, published on 28 October this year in the Melbourne *Age's Good Weekend*.

Mrs Kotz: I can understand the member for Spence being interested, but not you.

Mr CLARKE: I thank the member for Newland for her interjection. I thought that I had to get in a couple of paragraphs written by the member for Spence, out of four pages, but I had to excise the rest of his speech with respect to this matter. It is unfortunate that he is not here to speak for himself on this matter, because I am sure that he would do it far greater justice than I. I am probably one of the so-called left liberals that he refers to in his speech on this matter.

I note that the views of the member for Spence on this matter are shared by a considerable number of members of our community, and I do not gainsay those views. Being a parent myself, as a good number of members of this House are, I am concerned with all aspects of what our children watch, see and hear, and the harmful influence that that can have not only on them personally but on persons who watch certain types of videos and then carry out various deeds or who may be motivated to carry out those deeds simply because of what they have seen or heard.

I am not a person who favours no censorship in so far as what adults can see, read or hear. I understand the civil libertarian arguments behind that viewpoint, but I do not support it. I believe that there is a need for restrictions or for

the power for restrictions to be applied, provided they are used in an open-minded, mature way, with the basic understanding that adults should ordinarily be able to read and see what they like. However, child pornography and the like cannot be countenanced under any guise. No matter how hard they might try to bell the cat with respect to civil liberties, we must place the interests of society as a whole above all else. In conclusion, I thank the member for Spence for his assistance in this matter, and I look forward to hearing from members opposite on standards of decency and morality.

Mr Brindal: Hear, hear!

Mr CLARKE: I note that the member for Unley calls out 'Hear, hear!' I would be very interested to hear his views, particularly given the ructions within the Liberal Party over the past few days. I am interested to learn how the actions of Government members in trying to knife their Premier or their Minister for Infrastructure measure up against the supposedly high standards that they hold for themselves.

Mrs KOTZ (Newland): I support the Bill, which has been drafted in accordance with the proposed national uniform scheme for the classification of publications, films and computer games as set out in the Classification (Publications, Films and Computer Games) Act 1994 with a continuing review process to keep up with changing community standards. In my time in Parliament, several occasions have arisen when legislation coming into this place has dealt with standards of public decency. On those occasions, the public has been offended by certain material and a public outcry has ensued. On those occasions this Parliament addressed those issues in a most responsible manner and amended legislation to support and clarify public opinion consensus.

Members will recall that, some two years ago, amendments were moved dealing with printed material which was demeaning to women and which included the public display of posters advertising those offending magazines. If I recall correctly, members voted overwhelmingly to support the amendments on that occasion, recognising that standards of public decency had been severely breached. I also recall the debate on the film *Salo* which depicted child sexual abuse, child pornography and bestiality, and presented it as an art form. It was classified for restricted public viewing by the Commonwealth Censor, even though it had been banned in most countries for over 17 years. State action by the Attorney-General relegated that film offering of pornographic depravity back into its can and out of our State, hopefully never to be revived again. We also dealt with interstate entrepreneurs who were hell-bent on altering the image of the Festival State by offering us a sado-masochistic entertainment venue to be known as the Hellfire Club. The only blows dealt out to anyone in that instance were received by the enterprising entrepreneurs as they retreated back across the border whence they came.

I have mentioned those cases because, on each occasion, Parliament dealt with issues of public concern. We amended legislation to deal with the circumstance, or there were already sufficient legislative powers to take the necessary action determined by Parliament, or there were sufficient legislative powers to enable the Attorney-General to act independently of the Parliament. Therefore, I had considerable concern that, by the implementation of the Bill before us, the Act would be repealed, raising the question as to whether the proposed legislation and guidelines would enable this State Parliament to deal with any circumstances similar to the ones that I have just outlined, should that need arise.

Having discussed this concern with the Attorney, the honourable member drew my attention to the national classification code, wherein the category 1 restricted classification provides:

> Publications (except RC classifications and category 2 restricted publications) that:
> (a) explicitly depict nudity or describe or impliedly depict sexual or sexually related activity between consenting adults in a way that is likely to cause offence to a reasonable adult. . .

I was advised that, in the context of demeaning images, the offending type poster would be caught by that code description. Further protection against such offensive material can be found under the guidelines which deal with poster and magazine covers, as follow:

> An adult should be able to frequent public places without unsolicited and unwarranted exposure to offensive material. Parents also should be able to assume that their children will not be exposed to unsuitable material. Consequently, covers and posters classified as unrestricted or restricted category 1:
> (i) will be suitable for display in a public place; and
> (ii) should not be unsuitable for perusal by persons up to 18 years of age.

Therefore, the description of offensive material covers the issue of demeaning images, and I have no further problem with that. I raise the recollection of the film *Salo* to question the powers being retained by the State in accepting national uniform legislation. *Salo* was classified in the past by the Commonwealth Censor, which meant that the film could be publicly shown, albeit with restriction, in our State. The public outcry against the showing of the film was quelled by the Attorney-General's invoking State powers. The question was, 'Have we retained those powers?' Again, I am pleased to note that the South Australian Classification Council will operate as a board of review in the same manner as the previous board operated. Clause 17 provides:

> The council or the Minister may classify a publication, film or computer game despite the fact that it is classified under the Commonwealth Act.

The State will have the right to review the classification if considered necessary, the Minister has the right to review the classification of a film, and the board may review the classification of a film, video or a publication.

Having spoken on the numerous areas that call for restrictions that of necessity come under the category of classification, I would also point out that, in any democracy, adults expect the freedom to do as they wish, see what they wish, and create and act as they wish without intervention—particularly State intervention. I believe that most members in this House would agree and support that expectation. However, in exercising these expectations, commonly known as rights, certain responsibilities are also assumed. Our rights to do as we please must not infringe upon the rights of others, particularly children and young people, who must be protected from material which can cause them harm. The community has the right to reject material considered likely to endanger public health or safety. It also has the right to reject material that will offend accepted standards of public decency, and in that context I am pleased to see that the guidelines state:

> Films depicting child sexual abuse or bestiality, for example, or offering guidance or instruction in matters of crime or violence or drug abuse will be refused classification.

This Bill attracts many issues, but I raise only one other matter in this debate, and that is violence in films and videos. Great concern has been expressed to me over a period of time by a range of people, from parents and grandparents to social

workers, doctors, police and, more recently, principals in our schools. The excessive violence published and promoted throughout all entertainment media, especially sexual violence, has caused immense concern. In our communities it is strongly believed that the depiction of violence encourages antisocial values and behaviour, and I trust that these matters will be addressed by way of this Bill.

The Minister has indicated that there will be a sequential review of the film, videotape, publications and computer games classification guidelines, commencing with a review of the film and videotape guidelines this year. I believe that advertisements were placed in national newspapers last month calling for comment about the new guidelines. I would seek a commitment from the Minister that the period of public consultation be extended to take into account that this House is only now completing the debate on this Bill. The Bill, in conjunction with the guidelines, has my support.

Mrs ROSENBERG (Kaurna): This Bill provides for South Australia to adopt uniform national guidelines. Obviously, there are some advantages and, in my opinion, disadvantages to that uniform acceptance. If I had to refer to just one advantage, that would have to relate to the ludicrous situation that exists at the moment where an X-rated movie can be bought in one State and transferred across the border to another where it would be outlawed. The disadvantage I see on a personal basis is that we are asked to accept a Commonwealth standard on right and wrong, and it is for that reason that I am particularly supportive of the provision whereby the State council, as it will be set up, can make decisions outside the Commonwealth decisions, albeit that we have to take into account the code and guidelines of the Commonwealth system.

As is usual with all Bills, there has been wide consultation and, as is also usual with Bills of this type, that has generated a lot of feedback, particularly in my electorate. There has been a strong feeling in my electorate that tough measures must be taken in regard to censorship. I have some positive and negative comments to make about censorship, but I do not necessarily believe that this is the appropriate forum in which to do that. Indeed, I could take up the 19 minutes left to me talking just about the censorship issue, so I will try to avoid that as much as possible.

Films, videos and publications are currently governed by a range of Federal, State and Territory laws, and one could say that that is not such a good thing. Previous members have said in debate that the Commonwealth Film Censorship Board has made decisions that have stood outside decisions made by this State, and the film *Salo* was referred to. I will not repeat all that argument other than to say that I agree wholeheartedly with the comments made by the member for Newland. That indicates the importance of the States' retaining some ability to remain outside the Commonwealth standards.

There is a range of valid arguments for uniform laws—I have no doubt about that—but equally validly I have to say that there is a need for a State Government to be able to represent particular views within its State if it needs to make a judgment outside the Commonwealth standard. The changes made to the legislation prior to this were based on the recommendations of the Australian Law Reform Commission report called 'Censorship procedure', which was tabled in the Federal Parliament in September 1991. I cite two recommendations from that report which I consider to be most relevant to this debate, one being the upgrading of the Commonwealth's existing voluntary system for the classification of literature to a partially compulsory scheme which focused primarily on adult material; and the other being the implementation of a compulsory classification scheme for computer games. On 24 January 1994, the Attorneys-General agreed to a draft Commonwealth Bill for public consultation. This was passed by the Federal Parliament on 7 March 1995 and therefore requires complementary State Commonwealth legislation.

The States have accepted this classification decision made under the Commonwealth Act, and that is why we are today debating the State legislation, which will complement the Commonwealth legislation. To some extent, the States' position has been that the Classification Review Board provides classification decisions in accordance with national classification codes. These codes have now been agreed to by the States and Territories, and any amendments made to those codes must be agreed by the States. One could argue that this could effectively reduce some of the States' individual rights, but I understand from reading the Bill fairly carefully that we have quite a few checks and balances within our State Bill that will overcome that problem. States could easily be outvoted by other States in terms of making an overall decision by all States in Australia to accept the lowest common denominator, and I will be watching very carefully to see that South Australia is not outvoted. Amendments must be tabled in Parliament for Parliament to make informed decisions, and I seek from the Minister today a clarification of whether Parliament can disallow amendments that are presented to it.

I support the compulsory classification of films and videos and note that an exception is made for business, accounting, professional, scientific and educational purposes, unless it contains a visual image which will cause it to be classified under MA, R, X, or RC. I seek further clarification from the Minister on how these might be picked up in the first place, if not by the compulsory need to seek classification.

I also flag my concern here regarding some evidence from a recent debate on a video which was released in the Eastern States and which showed different methods of execution. This video was classed as a documentary by those States. In fact, I am led to understand by talking to the person who released the video in the Eastern States that it depicted various forms of execution. It was argued by that person that it was a documentary to try to convince people that capital punishment was not a successful way of dealing with crime. In fact, in my opinion, the types of executions that were shown on that video were the very sorts of crime that capital punishment should be introduced to overcome, so I have some concern about the exclusion of some of those classifications, particularly educational.

I support the replacement of the voluntary scheme of classification for publications with what is described as a partially compulsory scheme, albeit that more strengthening would have been preferable. This means that the publication falling into the lowest end of category 1 restricted and into the upper end of the non-restricted will have to be submitted for classification. They can be called in by the chief censor. I further seek clarification that the States can refer such publications to the chief censor and not wait for his or her initiative alone.

I refer to a previous grievance debate to which I contributed in this House, with respect to a magazine called *Picture* which, in my opinion, is wrongly classified and is currently an unrestricted magazine. I believe that it ought to be

reclassified, particularly into category 1 restricted. I support the compulsory classification of computer games and note that similar exceptions apply as before for business accounting and so on, unless they contain images classified as MA, 15 plus or RC. My previous question with regard to the exceptions applies again as to how they will be picked up. Material on bulletin boards can be classified. I have particular concern with a decision to allow self-regulation of the computer industry, but I accept that this provision is in place to be changed should that be necessary in the future.

I note that the Bill provides for establishment of the South Australian Classification Council, which will examine material in an advisory capacity to the Minister. I further note that the board's classifications are adopted by South Australia but may be received by the State Council and to the exclusion of the Commonwealth classification. That is, the South Australian Council is based on the codes and guidelines of the Commonwealth, but differences in standard can be reflected. That is most important. Also, the provision for calling in of adverts and videos by the council is available. They have the ability to refuse or approve to the exclusion of the Commonwealth.

The issue of parents' rights to expose their children to what is classified unsuitable for children is a very important matter and it challenges the very notion of rights and responsibilities. For example, recently we read about the case of a 'lady' interstate who showed sexually explicit films to children to entice them into sexual activities with her. It is a very difficult situation and cannot be resolved easily, but I do believe that, as legislators, we have a very serious role to play in deciding what is and is not to be left to parents' responsibility. It is very difficult for us as legislators to make judgments about parents' ability to decide what harm is being done by their children viewing this material. It is also very difficult for us to make judgments about whether parents are even bothering to supervise the viewing activities. Ultimately, this is a decision that has to be made by the parent, but I have serious reservations. It is my intention to watch this area very closely. The work of psychologists indicates that children are particularly vulnerable in this area.

Provision remains for the Minister to prohibit viewing in areas where that viewing may be seen by others who are not the targeted audience, such as in a drive-in theatre. The council is to include one person who has expertise in psychological development of young children and adolescents, and one from an education area. Both of these are very important inclusions, I believe. A recent article by Peter Sheehan of the University of Queensland on 'Censorship and violence from a psychologist's point of view' stated:

> Watching violence influences aggression, and aggressive predispositions in turn influence preference for watching filmed violence. The weight of evidence supports the likelihood that viewing aggression contributes to aggressive behaviour for many young people, with children in the age range nine to 12 probably the most at risk. Of importance is the extent to which the viewer can distinguish between fantasy and reality. Consequently, the policies of Government should maximise the probability that the community itself will act responsibly.

This is a very sobering reminder for those who legislate in a society to protect the innocent against the predator. I commend the intent of this legislation. I reserve my judgment on some of the issues until there is time to examine its effectiveness.

Mr ANDREW (Chaffey): I support this Bill, and I want to commend the Attorney-General for his contribution to the Standing Committee of Attorneys-General and for the consultative process he has overseen on behalf of this State. I support the Bill, because I believe it is necessary for the South Australian Parliament to pass such legislation that indeed complements the Commonwealth Act which was passed in March this year and which established a scheme of nationally consistent classifications regarding publications, films and computer games.

However, this Bill will ensure that this State has the ability to fine tune the nationally uniform scheme according to community attitudes in South Australia. A significant point for this Bill is the national classification code and guidelines. I acknowledge there has been agreement in this regard between the Commonwealth and the States and Territories. While it is the Commonwealth Classification Board which will be responsible nationally for classifying materials, I do note that, under these amendments, the South Australian Classification Council will be established to examine material and provide advice to the Minister. It is by this mechanism that material will be submitted to the Commonwealth Classification Board.

Further, the South Australian Classification Council can review and reclassify material. It can deal with advertisements that cause concern in the community, and it will have the power to override the Commonwealth legislation. This is an important mechanism, I believe. The criteria under which the council operates will be the same as those applying to the Commonwealth Classification Board. So, what is allowed for is a difference in values between the States, a difference in what is considered acceptable by the public here in South Australia. Provision for offences and penalties is intended to promote further uniformity across Australia, following the model Bill as was agreed to by the Attorneys-General.

These reforms streamline the legislation that applies to the classification of publications, films and computer games. In South Australia this one Bill will replace three existing Acts and there will be a reduction from eight in the relevant Commonwealth legislation, which is consistent with our broad Government policy of streamlining the efficiency process of administering legislation. I understand that the Attorney-General has other associated matters under review. This is important to me, because I believe these include such issues relating to children's TV, bulletin boards and other on-line services.

I note that the Attorney-General, in his second reading explanation, made only a brief reference to the problems associated with bulletin boards and other on-line services, which are an ever increasing source of concern to the wider community. I refer particularly to the Internet, which is arguably at the moment a rampant, unedited, uncensored platform for illicit material of every flavour, available to anyone with access to it, including children, and that does concern me greatly. This must be a major concern and one that needs addressing, not only at a State or Federal level but I believe globally.

I am pleased that the Attorneys-General across Australia have been able to achieve a consensus on the issue of classification of publications, films and computer games. The degree of cooperation and uniformity that has been achieved will, I hope, provide an opportunity sometime in the future for increased and further, more appropriate limitations on other material which, I would have to say, the community and I strongly believe are certainly not in the public interest. I commend this Bill to the House.

The Hon. S.J. BAKER (Deputy Premier): I thank all members for their contribution to the debate. It has been a particularly good debate on some of the issues facing censorship in this country and how we will meet them under the provisions of this Bill. We probably never get it right for a large number of people. To me, the issue, which has been canvassed, is the extent to which adult material can find its way into the hands of children. Life was fairly simple before videos became widespread throughout the community. However, with the introduction of on-line computer services and access to the Internet, thus making accessible a vast number of other libraries of information through the home computer, life is not easy any more.

It is a huge task for anyone trying to control this area because, on the one hand, people would not wish to have their rights of viewing restricted but, on the other hand, they would not wish their children to view the same material as themselves. There is always this issue of double standards. If we, as mature adults, can look at and get pleasure or entertainment from material but know that that same material could cause harm to younger individuals, then we are probably the majority of the population. Unfortunately, whilst we may be the majority of the population who believe that, in the exercise of our responsibility to ensure that some of this material does not get into the hands of children, we are not particularly adept.

This is another step along the way. It cuts out duplication; it provides for a classification at the Federal level; and, of course, the States have a right of override should they be unhappy with the results. Guidelines will be discussed and reviewed before being implemented some time next year. A three-month consultation will take place on the guidelines relating to each of the various categories. Some of the serious concerns will be canvassed, and I suppose that compromise will be reached on all these matters. Federal guidelines are in place, but it is now a matter of the States and Territories working their way through them because this will be uniform legislation. Despite our best efforts in controlling, for example, pornographic material and areas of excessive violence—

Mr Clarke interjecting:

The Hon. S.J. BAKER: I thought the contribution of the Deputy Leader of the Opposition on morality and decency was remarkable, and I would suggest he go home and wash his mouth out with sand soap; that might be the most useful and moral thing he can do for the day.

Mr Ashenden: I feel sorry for sand soap.

The Hon. S.J. BAKER: It is an important issue, and I would not wish the debate to be in any way hijacked into irrelevant areas. People with strong Christian beliefs and high moral values certainly will not watch the material in question and will prevent their children from looking at it, For those who have a more *laissez faire* view of life, then not only will they view the material but they will also allow their children to do so. I would hope that sanity and decency will prevail between those two stances. The Territories, having seen the uniform classification, will still possibly believe that the X-rated material they now distribute across Australia can continue.

I understand that, as long as the mail order system continues, we will see material which was not meant for distribution being made available through the mail order system. Again, it is unfortunate that we cannot agree on a common set of standards and that we have this leakage through the two Territories. That is unfortunate for those people who would wish to have the whole system acting cooperatively and uniformly, remembering, however, that other examples will enter the country from overseas, and that copying and various other devices will be used for the benefit of those who would wish to view material of a higher rating. The issue is a complex one.

I congratulate the Attorney-General on his efforts in this regard. He has taken a great interest in the issue and has put forward his views. He believes that uniformity has a lot of merit and that, besides the issue of duplication, there should be Australian standards. As a State we do not have to rely on the outcome of the Commonwealth deliberations: we can still make our own decisions. Again, State rights are preserved in the process.

I thank all members for their contributions. As has been mentioned, it will be a wait and see situation. The biggest area of concern relates to computer links, and much more thought and effort will be applied to that area over a period. As members would recognise, Internet is in vogue and will continue to expand. It will probably implode at some stage. I doubt whether it will be able to perform in the same way it does now in, say, five years time if the demands placed on it for information continue to expand. It will be interesting to see how the situation involving Internet develops, but a number of other networks will be set up for the enjoyment and education of people who would wish to access information from other sources.

Although we will never get it right for everyone, the Bill has a general level of support which is constructive. I trust that when the issue of guidelines is further considered, we will have a set of rules which will have the majority support of the population and which will address some of these issues relating to minors' access to information which is detrimental to their physical and mental well-being. I congratulate the Attorney, and I thank members for their contributions.

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

STATUTES AMENDMENT (DRINK DRIVING) BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 674.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition supports the second reading. The Minister, in another place, in her second reading explanation, amplified the reasons behind this Bill in addressing the anomalies, ensuring that the provisions relating to the taking of blood alcohol samples are strengthened, and taking into account that there should be uniformity between the Road Traffic Act and the Harbors and Navigation Act. In other words, whether a person is the driver of a motor vehicle or a motor boat, the provisions should apply equally to the driver's maximum blood alcohol content. I note that the Minister representing the Minister for Transport says, 'Hear, hear!' I understand the Minister has a boat and a car and that, like the shadow Minister, he does not mind double jeopardy. I do not know how many more double jeopardies the Minister really needs at this juncture, but we will leave that for another day.

The Hon. J.W. Olsen: I wouldn't worry about that, if I were you.

Mr CLARKE: I am not worried at all about it.

The ACTING SPEAKER: I am concerned about the relevance of the Deputy Leader's remarks to the debate.

Mr CLARKE: Mr Acting Speaker, that is very harsh, indeed, given what has happened on other Bills. This Bill also provides that where a driver is instructing a learner driver the learner driver cannot have a blood alcohol content over .05, but the instructing person can be as full as a boot, to put it in colloquial terms. That is an anomaly about which I was not aware and with which there were no problems under the existing legislation. This amendment ensures that the person who is doing the instructing is under the same obligation as the licensed driver for the most obvious reasons.

A number of other matters were raised in the Bill, one involving certain difficulties cited by the Supreme Court in the operation of the existing Act, and another which involves allowing a defence for intermediate drinking, which is explained in the second reading explanation. A few problems have also been highlighted by the Hon. Ron Roberts in another place with respect to the blood alcohol testing kits that need to be supplied under the regulations to the Act. That has resulted in a number of cases where prosecutions have failed because the blood testing kit did not meet the specifications under the regulations and persons who undoubtedly were driving in excess of .05—well in excess in many instances—got off because of an error made by the Minister for Transport in another place with respect to the regulations drawn up by her at that time involving the kit that needed to be provided to the individuals concerned once they had been apprehended. The Opposition has facilitated the passage of the legislation through another place, and we do so again here.

Mrs HALL (Coles): I very enthusiastically support this Bill. The complexity of modern living has produced some problems but has also resulted in certain benefits; one of these is a greater social awareness in our community. The continuing emphasis on the environment and the future of our planet is arguably the most visible example of this concern. On a smaller scale, generally there has been a change for the better in people's demeanour towards each other in terms of privacy and a broad acceptance—to paraphrase a learned man of the law—that 'one's own rights finish at the point of another's nose'. Such evidence as the anti-smoking push, coupled with the great debate over passive smoke, well illustrates the change in our collective mindset.

There can be no doubt that attitudes towards drink driving have also changed. There was a time when it was considered an appropriate custom and in some instances even the macho thing to do—a victory to be celebrated and bragged about down at the local, while filling up before another intoxicated drive home. For a number of reasons, including the real risk of detection and prosecution, thankfully it seems to be a custom that has disappeared.

Whether it has been a sense of altruism or merely a fear of loss of licence or heavy fines, the public has, to a significant degree, responded to the long campaign waged against drink driving. I congratulate all those who have been involved in the drink driving awareness media campaigns of recent years. Still, the problem is far from solved. In about one-third of fatal road crashes, alcohol is found in the bloodstream of drivers. Despite the massive amounts of money spent on educating the public and increasing peer pressure for sobriety behind the wheel, the message is still ignored by many. Unfortunately, those who do not heed the message do so more than at their own peril: they also continue to endanger and to too often take lives with their selfish disregard for others.

Road traffic accidents inflict a very heavy toll on the community, both in economic terms and, sadly, in the pain and suffering of victims and their families. Each of us, when learning to drive a motor vehicle, was probably warned that cars were not toys but potential lethal weapons. Accidents will inevitably happen when motor vehicles travel at different speeds and in different directions. That is why he have speed limits, traffic lights, speed bumps, stop signs and the like—both to remind us of the dangers and to impede our progress toward those dangers.

The emphasis on road safety has progressively reduced the road toll. In 1980, there were 3 372 road deaths in Australia. In 1994, the toll had dropped to 1 940. In South Australia, we have fared better, bringing down the number from 269 to 163 over the same time span. Sadly, this year has seen a slight increase. We know that we will never eradicate accidents completely, but it is our responsibility to reduce their causes, whether they be dangerous roads, vehicles or drivers. Governments cannot stand by and allow the few to flout the law, nor can Governments permit the guilty to escape suitable penalties through technicalities. The passage of this Bill will close some of the loopholes that exist in laws governing alcohol and the use of motor vehicles.

So many of our driving habits are developed during the instructive phase. It is vital that those learning to drive a motor vehicle are taught by responsible people. That responsibility certainly includes remaining sober. It does not include using an L-plater as a designated skipper on the way home from the office Christmas party. This Bill will now subject those passengers teaching others to drive according to the same blood alcohol regulations as though they were behind the wheel themselves.

I am happy to see that this Bill also updates the Harbors and Navigation Act, recognising again that boating and booze can be a dangerous cocktail. While this has been known for some time, amendments governing the operators of boats have not kept pace with those governing drivers on the road. This Bill fixes that anomaly. It should also eliminate the alibi for those offenders who take to drinking immediately after an accident in order to avoid a breath test.

The provision for the issuing of a blood alcohol certificate as proof in reckless driving offences is most welcome. It will save both the prosecutor's time and public money in proving blood alcohol readings. Two constituents of mine, Mr and Mrs Batchelor, are extremely pleased to see this amendment to section 47i of the Road Traffic Act which sets down streamlined procedures for collection of blood samples. The anguish and grief experienced by members of a family touched by an unnecessary and usually preventable death on the road by drink driving often goes by in private and unnoticed. However, who could have failed but to have been shocked and deeply touched by a letter to the *Advertiser*, published on 1 February last year, during the ongoing debate on the value of greater deterrents and penalties for drink drivers? I quote just two paragraphs from that letter, written by the father, Mr Frank Batchelor, involved in two such tragedies, as follows:

> Obviously the writer has not had any personal loss because of drink driving. As a person who has lost both of my children to separate drink driving related accidents—one killer getting a punishment of six months licence suspension and a $500 fine—I feel I am in a position to respond to his letter.

It has been a long fight for justice for the Batchelors who, sadly, know only too well the dangers and the suffering caused by drink driving. Their son was killed in a drink

driving accident. In March 1992 Mr and Mrs Batchelor's daughter Karen, their only other child, was killed in yet another drink driving car accident.

The driver responsible was apparently under the influence of alcohol, and a blood sample was taken. As the law demands, the blood sample was divided equally into two containers, one for the police and one for the person from whom the sample was drawn. The problem arose when the container for the driver was conveniently misplaced, allegedly by a close relative of the driver. Because of this technicality, the punishment handed down to the offending driver in no way matched the crime. Since that time Mr Batchelor, in particular, has shown doggedness in his attempts to close that loophole. One of his first contacts was with my predecessor Jennifer Cashmore, the then member for Coles, who took up his case with the zeal for which she was renowned. When Ms Cashmore retired and I was elected as the member for Coles, Mr Batchelor was among the very first of my constituents to visit me in my office.

Countless phone calls, personal contacts, pages of correspondence, high expectations, sometimes frustrations and feelings of utter helplessness followed. However, all this has now culminated in the introduction of this Bill. It has been a long road: longer than any of us would have preferred. But there will be no more blood samples lost by relatives. Samples now will be transported by police and held for pick-up at a place designated in a notice issued at the time the blood is drawn. This amendment, widely referred to as the Batchelor amendment, is now finally to become law. We applaud the Batchelors for their perseverance. That their efforts have come to fruition today is proof that the action of individuals can make a difference in a larger world. I know that they will receive some small comfort from the knowledge that their actions will streamline the prosecution process and facilitate the penalty and deterrence of the law.

The provisions of this Bill can in no way be viewed as infringements on our civil liberties. Whilst we are in charge of a motor vehicle on land or on water, the responsibility for the safety of others transcends our own individual rights. It is a message that we should all heed, especially with the onset of the holiday season and the long itinerary of Christmas celebrations. In the future there will be other challenges in regard to safety on the roads, including the use of licit and illicit drugs. An advertisement in recent editions of the Melbourne *Sun Herald* and *Age* newspapers was headed, 'These medications can have the same effect as .05 alcohol in your blood.' Underneath were listed 30 everyday prescription drugs, including some very well known brands, that can seriously impair driving capacity. In respect of these, it may be that a well directed advertising campaign could save some lives here in South Australia.

As I noted earlier, the public has responded well to the drink-drive messages. There will be little argument over the initiatives contained in this Bill: perhaps only habitual offenders could object to its provisions. I heartily commend the Bill to the House.

Mr ANDREW (Chaffey): I want to make a very brief contribution to the debate. I commend the Bill to the House. The legislation recognises that drinking together with driving continues to seriously impact on our community. Undoubtedly, community attitudes and behaviour have changed and, thankfully, are continuing to change in relation to this matter. To a large extent, this has been achieved through the comprehensive application of random breath testing, of breath testing procedures and of the blood alcohol assays process. The community is (quite rightly) unhappy when prosecutions fail through technical hitches in some specific cases. The process of taking blood samples and the assay of blood alcohol levels are often crucial in determining the guilt or otherwise of a driver accused of being over the legal limit.

Therefore, I support the fact that amendments to the Road Traffic Act will now require that both the blood alcohol samples taken from a driver are to be sent to the Forensic Science Centre. This will remove the possibility of patients not being given their own sample, a situation that can deprive them of access to independent analysis—which, of course, is their legal right.

There have been problems in ensuring that justice is done in situations where a person drinks after an accident and before a blood sample is taken. The Bill, through changes to section 47G of the Road Traffic Act, more clearly indicates how the validity of evidence is affected under those circumstances. I believe this will provide a valuable mechanism to ensure that anomalies do not continue in this area.

On another aspect of the Bill, I am well aware of actual and potential accidents on the Murray River associated with the drinking of alcohol. The Murray River, as members would be aware, is not only the lifeblood of my electorate but very much the recreational playground of the Riverland. I am well aware of local incidents, and the stories are alarming in terms of potential accidents and near misses. Therefore, I support the inclusion of the provisions in the Harbors and Navigation Act in respect of driving under the influence of alcohol, which will apply in like manner to those under the Road Traffic Act. Whether a person is in control of a motor vehicle on the road or of a motor-driven pleasure or river craft, I believe that it is appropriate and will help to assist those people to more fully appreciate their responsibility when they are in control of those vehicles or river craft.

It is also relevant and important that the legislation clarify the rights and responsibilities that apply in certain situations outside the metropolitan area. I note also that, where blood samples are obtained, transportation is provided by an authorised person. This is important in continuing to provide equality for country people. The Bill also enables a registered nurse to take a blood sample, rather than a medical practitioner, which again makes the application of this legislation more efficient and more appropriate.

In conclusion, I note that the amendments to the Motor Vehicle Act will strengthen legislation governing the role of qualified drivers supervising learner drivers. Undoubtedly, licensed drivers who exceed the legal blood alcohol limit are not in a position to fulfil their responsibilities in the manner expected by the community. Errors in judgment can cause extensive harm and this amendment, which enforces the notion that being beside a learner driver is a serious responsibility, warrants and deserves our support and is a commendable addition to the legislation. I commend the Bill to the House.

Mr SCALZI (Hartley): I also rise to put on record my support for this Bill and commend the Minister for introducing these amendments that will make it easier to reduce road fatalities that occur specifically due to the influence of alcohol. The Bill strengthens the law so that licensed drivers supervising a learner driver must have a blood alcohol concentration below .05 per cent. The few critics of this amendment who would refer to the traditions of the past, where they could go home with a learner driver, are not really

valid. Drink-driving and drink-driving supervision is a serious matter.

The reality is that a person supervising a learner driver should be ready to take over if something happens. If that person is under the influence of alcohol, they cannot be ready to take over in a responsible way. I welcome this amendment, which makes quite clear that supervising a learner driver is an important matter, not only in that a vehicle must be controlled but also in setting an example to a young or inexperienced driver. The tightening of procedures for the handling of blood samples from persons involved in a motor vehicle accident is also welcome.

The Bill also changes the law in respect of persons who consume alcohol in the time between an accident occurring and when a breath analysis test is administered. All these matters have been dealt with by members who have already spoken, so I will not go into the specifics. I welcome the legislation. One death is too many. A reduction in the number of deaths and injuries as a result of drink driving is welcome, no matter how small the reduction. This type of legislation will see a significant improvement in that area. I support the Bill.

Mr VENNING (Custance): I support the Bill. As I represent the Barossa Valley, I am often aware of this situation. One has to be careful, particularly in my job. I have been known to dabble in a little red, but the rules are there for everybody to abide by and I am the first to congratulate the Government for tightening up the loopholes in the legislation. Any method to ensure responsibility in relation to drink driving must be supported. Other areas in this legislation have been tightened up, and plenty more are to be tightened up.

One instance I heard about in relation to this problem was that of a person involved in an accident being given a strong drink after the accident to ease his nerves. The fact that he had consumed alcohol after the accident was used as the excuse when he was found to be over the limit. I hope that area is tightened up, because it is open to abuse and I have heard it mentioned several times. I have sympathy for the Batchelor family referred to by the member for Coles this afternoon. What a tragedy for a family to be hit twice in that way. When we are driving on the roads, we all hope that the driver coming toward us has full control of his or her motor car. We take that for granted, but sometimes we see a person obviously intoxicated and not in control of their car. Should we meet such a driver on a bad section of road, we have the chance of becoming another fatality. I have much affinity with this Bill and commend the Minister for it.

Mr BUCKBY (Light): I also support the Bill. It is important that we have legislation which applies equally to road users and those who operate motorised craft on the water. It is just as important that people in control of boats and waterskiers are under the legal blood alcohol limit as it is for drivers on the road. Another important area of the Bill, as the member for Ross Smith pointed out, is that the licensed driver accompanying a learner driver must be under the .05 limit. I was not aware of that, and it is an important addition to the legislation. I have always been of the opinion that one should not be able to refuse a blood test at the site of an accident or when pulled over by the police if they suspect that you are under the influence of alcohol. If you decide to drink and drive, you take that risk and often it ends up in very critical and sad circumstances if somebody is over the limit. With those few words I fully support the Bill and commend the Minister for her work in this area.

Mr LEWIS (Ridley): I support the legislation. Notwithstanding the concerns expressed this afternoon, and which I am sure we all share, there are some circumstances in which the law still remains inadequate in the way in which firmness fails to be tempered with compassion in the administration of justice. However, before addressing that issue I point out to the Chamber that it was me who introduced legislation in the first instance to make it unlawful for somebody to be in control of a boat while under the influence. That legislation had a rocky passage; in fact, it took more than one go to get it through. Since then, firmer amendments, which were sensible and appropriate have been made to the Road Traffic Act, but the Marine and Harbors Act was overlooked.

My concern about drunken boaties arose following some experiences that were related to me about irresponsible types who misused the river and from other incidents at Goolwa, not on the river but out in the open sea. It is important for us to ensure that anyone in control of a vehicle, whether on the road or on the water, should not be permitted to cause a hazard to others. It is just as important to prevent those who are stoned, or otherwise affected by a drug, from being in control of a vehicle, and the legislative approval of simple techniques for simple and effective testing is inadequate.

It is too easy for people who are stoned or otherwise affected by some of the designer drugs around at present, to get into a car and imagine that they are immortal and invincible and can drive like no other human ever has, whether Fangio, Ayrton Senna, or any other cult hero who may be in their mind at the time. They are a danger to themselves and to us, and that aspect of the law needs to be addressed quickly. Often they have a zero blood alcohol concentration but are high on something else and they still cause injuries and death.

The next matter I wish to address is that to which I drew attention at the outset. It is appropriate that we signal to the community that it is not acceptable for a driver to be under the influence of any drug, alcohol or otherwise. We must have sanctions which provide stiff penalties for those who expose others to risk as a result of their irresponsible behaviour while under the influence of a drug or alcohol.

However, if the removal of a licence to drive from a person upon whom upon other family members depend causes great hardship, it should be in the province of the court—the magistrate hearing the charge—to allow conditional driving to be undertaken for the benefit of those people who are otherwise affected through their dependence on the disqualified driver.

I have a case in point in Coonalpyn where one man, upon whom four other people depend (he is an old-aged pensioner), was involved in a collision, was found to have a blood alcohol level above the limit and lost his licence automatically, even though in effect, if we look at road traffic laws in every other respect, the accident was not his fault. Notwithstanding that, the four other people who depend upon him, two of whom are his parents, are unable to get to the Meningie Hospital to see their doctor or to get medication because they live on a farm some distance out of Coonalpyn.

Neighbours and members of the Lions Club provided them with some of the kind of assistance they needed, but that of itself was not really satisfactory because, when circumstances of dire emergency arise, they cannot wait for someone from the neighbouring farm or from the Lions Club to be contacted

to take the afflicted party to the hospital or to wherever else they need to go for treatment. That has occurred in other circumstances that have been drawn to my attention, as well.

A young woman in Murray Bridge who has a well grown but severely retarded son, for whom she has cared all his life, and whose husband walked out on her because she continued to look after that child and the other children of the marriage, just recently found herself in the very difficult circumstances of not being able to take the child to school and bring him home again. Having had no respite for a very long time, she was given some time out, she had some drinks and found herself picked up by a random breath test unit in Murray Bridge and lost her licence. Now her son is at risk, and he is violent. There have already been three instances when people who have volunteered to help by picking up the son after school and taking the son to school of a morning have had him simply break free and do crazy things. However, the law simply did not allow the magistrate to provide a conditional licence to the mother to enable her to do the shopping or to look after that son and the other children whom she supports and cares for, and thereby it has exposed her and those children to greater hardship, particularly the children, and that particular son to greater risk, and those who are trying to help her and that son to greater risk in consequence.

The other set of circumstances that I use to illustrate my point involves those in a rural setting who have had more than the limit as far as breath analysis goes, and who, having no other means of going anywhere, drive themselves home, are simply caught and breath tested, and lose their licence totally. They know the severity of that, and it is far more severe on someone living in those circumstances than it is for someone living in an urban area where there is a community bus service or, in the case of the metropolitan area, TransAdelaide and other private providers of public bus services. If you live in the metropolitan area or in the major provincial towns, you can get around. If you live outside those towns, you cannot get around unless you ride a push bike or a horse.

In this instance, a young man who is a farmer has lost his licence and is now unable to move his equipment from one farm to another to do his harvesting. Sure, it is all very well to say that he should have thought of that before he drove whilst he suspected that he was over the limit, but I am pointing out to this Chamber that the consequences for that young man and his family are far more severe when subjected to the same penalty than they would be if he worked in the metropolitan area in some other career or if he worked in a provincial town and made his living by some other means. Again, in my judgment, exceptional circumstances should be included in the legislation to make it possible for the magistrate hearing the matter to exercise discretion on the application of the person who has lost his licence in consequence of offending the law in the way in which we who are the law makers have determined.

With those remarks, I ask the House and the Minister to bear in mind that further amendment to the legislation is required to make it just in the way it impacts on everybody. On this occasion I seek to make no amendment. However, I trust that my plea, through these remarks, results in some further change in the very near future, so that there is an equality of impact and, therefore, greater measure of justice to everyone arising from this legislation. Given that it is the Christmas period, when we confront those who would make merry, make fools of themselves and make corpses of some of the rest of us, and certainly injure and maim us, I wish the measure swift passage and trust that it will get appropriate publicity to further draw to peoples' attention that they cannot drink and drive.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I thank the Opposition for its support of the measure before the House. I thank all those members who have made a contribution to the debate and I note the points that have been raised and will ensure that those points are drawn to the attention of the Minister. In addressing matters of the past, this is an issue of some concern to me because, being a river user in a speedboat, I have experienced and seen drunken behaviour on the river, putting other people's lives at risk. Any deterrent that can be provided or any requirement for people to act responsibly in recreational activities such as water skiing and the like is to be endorsed.

The Deputy Leader raised an issue that I should like to respond to but briefly. The Minister made no error in the matter that is dealt with in this Bill. The issue was simply that the prosecution could not prove beyond reasonable doubt that the actual kit supplied conformed with the Minister's approval, even if it did conform, and it almost certainly did conform. The point is that no police officer could testify that all the things that were supposed to be in the kit were there because the kit was sealed, and you cannot see all the contents of it. These were truly undeserved technicalities, but not because of an error of the Minister. As I am sure the Deputy Leader would be aware, this was simply a case of lawyers stretching new legislation as far as it can go. The Government waits with interest to see whether these amendments can be stretched out of hope, and I do not think they will be, because that is the objective of the Government, to give greater clarity to it.

With this amending legislation, what we see is the capacity to correct injustices of the past. The member for Coles made reference to section 47I and, in particular, the Batchelor case. People who have pursued a course to correct an injustice now see that injustice corrected in an amendment before the Parliament and, with the support of the Opposition, in due course it will become law. Therefore, at least it will be a partial component of satisfaction to some people to see that pursuing a just cause in the fullness of time process can correct legislation in the interests of all South Australians. I commend the Bill before the House and thank all who have contributed to the debate and offered support for the measure.

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

The Hon. S.J. BAKER (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

[Sitting suspended from 5.37 to 10.45 p.m.]

REFERENDUM (WATER SUPPLY AND SEWERAGE SYSTEMS) BILL

Received from the Legislative Council and read a first time.

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

The Hon. S.J. BAKER: I move:

That the House of Assembly insist on its amendments.

As the right of appeal against an acquittal by a judge sitting alone has been fully canvassed, I do not think we need to debate that issue further. The Government insists upon its amendments.

Mr CLARKE: The Opposition disagrees with the Government's position for reasons which we—

Members interjecting:

Mr CLARKE: I know that Government members are disappointed that their powers of persuasion did not get through to us. The Opposition and the member for Florey are totally as one on this fundamental issue that if an accused person is acquitted by a judge sitting alone he or she should be treated no differently than if they had been acquitted by a jury. Those reasons have already been canvassed quite extensively by the Opposition and the member for Florey when this matter last came before this Chamber. The Opposition strongly supports the Legislative Council's disagreement to this House's amendments.

The Committee divided on the motion:

AYES (28)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J. (teller)	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.

NOES (9)

Bass, R. P.	Clarke, R. D. (teller)
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Quirke, J. A.	Stevens, L.
White, P. L.	

PAIRS

Brown, D. C.	Atkinson, M. J.
Wotton, D. C.	Rann, M. D.

Majority of 19 for the Ayes.

Motion thus carried.

SUMMARY OFFENCES (OVERCROWDING AT PUBLIC VENUES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

RACING (AMALGAMATION OF POOLS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

DOG FENCE (SPECIAL RATE, ETC.) AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 4 (clause 10)—After line 27 insert new word and paragraph as follows:
'or
(c) in pursuance of a proposal recommended by the Minister under Division X.'

No. 2. Page 5, line 2 (clause 10)—Leave out '12 months' and insert 'five years'.

No. 3. Page 5, line 17—After 'GOVERNMENT' insert 'BOUNDARY'.

No. 4. Page 5, lines 20 to 35 (clause 10)—Leave out section 15 and insert new section as follows:
'Interpretation
15. (1) In this Division—
'structural reform proposal' means a proposal to—
(a) constitute a council; or
(b) amalgamate two or more councils; or
(c) abolish a council and incorporate its area into the areas of two or more councils; or
(d) alter the boundaries of a council area; or
(e) establish a co-operative scheme for the integration or sharing of staff and resources within a federation of councils.
(2) If a proclamation under this Part providing for the constitution, amalgamation or abolition of a council or councils, or providing for the alteration of the boundaries of a council area or areas, has been made, a proposal that relates to any related matter that may be the subject of a separate proclamation under this Part will not be taken to be (or to form part of) a structural reform proposal for the purposes of this Division.'

No. 5. Page 6 (clause 10)—After line 7 insert new subsection as follows:
'(4) The Board cannot be brought under the operation of the Public Corporations Act 1993.'

No. 6. Page 6, line 11 (clause 10)—Leave out 'four' and insert 'three'.

No. 7. Page 6, line 12 (clause 10)—Leave out 'two being persons selected from a panel of eight' and insert 'two being persons selected from a panel of six'.

No. 8. Page 6 (clause 10)—After line 13 insert new subparagraph as follows:
'(iii) one being a person selected from a panel of two persons nominated by the United Trades and Labor Council; and'.

No. 9. Page 6, line 23 (clause 10)—After 'member of the Board' insert 'appointed under subsection (1)(a) '.

No. 10. Page 6, line 28 (clause 10)—Leave out 'eight' and insert 'six'.

No. 11. Page 6 (clause 10)—After line 29 insert new subsection as follows:
'(8) The deputy to the person appointed under subsection (1)(a)(iii) must be a person selected from the panel of two nominated by the United Trades and Labor Council under that subsection.'

No. 12. Page 7, line 27 (clause 10)—After 'South Australia' insert 'or the United Trades and Labor Council'.

No. 13. Page 7, line 28 (clause 10)—Leave out 'three' and insert 'two'.

No. 14. Page 7, line 28 (clause 10)—Leave out 'that' and insert 'the relevant'.

No. 15. Page 8 (clause 10)—After line 25 insert new subclause as follows:

'(3a) A meeting of the Board should be open to the public unless the Board is considering a matter that, in the opinion of the Board, should be dealt with on a confidential basis.'

No. 16. Page 8 (clause 10)—After line 26 insert new subsections as follow:

'(4a) A person is entitled, on request, to receive a copy of any Board minutes that have been adopted by the Board.

(4b) However, the Board may, before it releases a copy of any minutes under subsection (4a), exclude from the minutes information about any matter considered on a confidential basis by the Board.'

No. 17. Page 9, line 20 (clause 10)—Leave out 'establish and publish criteria' and insert 'recommend criteria, to be prescribed by regulation,'.

No. 18. Page 9, line 22 (clause 10)—After 'against those' insert 'prescribed'.

No. 19. Page 9, line 27 (clause 10)—Leave out 'its' and insert 'the prescribed'.

No. 20. Page 9, line 35 (clause 10)—Leave out the word 'and' first occurring.

No. 21. Page 10, lines 1 to 3 (clause 10)—Leave out subparagraph (i).

No. 22. Page 10 (clause 10)—After line 10 insert new subsection as follows:

'(3) The Governor may, by regulation, prescribe criteria for the purposes of subsection (1)(c).'

No. 23. Page 10, lines 14 to 18 (clause 10)—Leave out all words in these lines after 'local government' in line 14 and insert the following:

'to meet the objects of local government under this Act—

(a) the establishment of the most appropriate number of councils under this Act; and

(b) the provision of local government services in a cost effective and rational manner.'

No. 24. Page 11, line 9 (clause 10)—Leave out 'and'.

No. 25. Page 11 (clause 10)—After line 9 insert new subparagraph as follows:

'(x) in certain circumstances a scheme that provides for the integration or sharing of staff and resources by two or more councils may offer a community or communities a viable and appropriate alternative to boundary reform options.'

No. 26. Page 11, line 10 (clause 10)—Leave out paragraph (b).

No. 27. Page 11, line 14 (clause 10)—Leave out 'public and private'.

No. 28. Page 11 (clause 10)—After line 18 insert new subclause as follows:

'(1a) A hearing or inquiry should be open to the public unless the Board is hearing, considering or determining a representation or matter that, in the opinion of the Board, should be dealt with on a confidential basis.'

No. 29. Page 11, line 21 (clause 10)—Leave out 'signed by a member of the Board' and insert 'issued by the Board'.

No. 30. Page 12 (clause 10)—After line 17 insert new subsections as follow:

'(2A) At least one member of each committee established under subsection (2) must be a person nominated by the Local Government Association of South Australia.

(2B) At least one member of each committee established under subsection (2) must be a woman and at least one member must be a man.'

No. 31. Page 12 (clause 10)—After line 18 insert new subclause as follows:

'(3a) The Board must consult with the Local Government Association of South Australia—

(a) before it establishes a committee under this section (other than under subsection (2)); and

(b) before it appoints a person who is not a member, or a deputy member, of the Board to a committee established under this section.'

No. 32. Page 12 (clause 10)—After line 20 insert new subclause as follows:

'(4a) However, a meeting of a committee should be open to the public unless the committee is considering a matter that, in the opinion of the committee, should be dealt with on a confidential basis.'

No. 33. Page 14 (clause 10)—After line 11 insert new subclause as follows:

'(3a) The Board must, in formulating or considering a proposal under this section, take into account any relevant proposal submitted to the Board under Subdivision 6.'

No. 34. Page 14, lines 20 and 21 (clause 10)—Leave out all words in these lines after 'proposal' in line 20.

No. 35. Page 15, line 31 (clause 10)—After 'will' insert ', after consultation with the relevant councils,'.

No. 36. Page 16, lines 6 and 7 (clause 10)—Leave out subparagraph (ii) and insert new sub-paragraph as follows:

'(ii) the Board must not release the summary until the Electoral Commissioner has certified that he or she is satisfied that the Board has taken reasonable steps to ensure that the summary presents the arguments for and against the implementation of the proposal in a fair and comprehensive manner;'

No. 37. Page 16, line 19 (clause 10)—Leave out '50' and insert '40'.

No. 38. Page 17 (clause 10)—After line 16 insert new word and paragraph as follows:

'or

(c) if the report relates to a proposal under Subdivision 6 and the Board has not recommended that the proposal proceed—at the request of one or more councils—consult with the relevant councils about the matter.'

No. 39. Page 17, lines 17 to 26 (clause 10)—Leave out subsections (2) to (5) and insert new subsections as follow:

'(2) If a request is made under subsection (1)(b)—

(a) the request must contain a statement of the reasons for the request; and

(b) the Board may, after considering the request and taking such steps as may be requested or as it thinks fit, amend or confirm its report, including any proposal recommended in the report, subject to the qualification that it cannot amend or substitute a structural reform proposal without the consent of all councils affected by the proposal, and must then send the report back to the Minister.

(3) If the Minister consults with councils under subsection (1)(c), the Minister must also consult with the Board about the matter (and obtain any report from the Board that the Minister thinks fit).

(4) The Minister may then—

(a) on the basis of the report of the Board (but subject to the result of a binding poll under Subdivision 7), forward to the Governor a proposal recommended by the Board for the making of a proclamation under this Part; or

(b) if—

(i) the Minister has undertaken consultation with various councils under subsection (1)(c); and

(ii) on the basis of that consultation, and after taking into account a relevant three-year financial management plan prepared under this Division, any report or comments prepared or provided by the Board in relation to the matter, and any other matter that the Minister thinks fit, the Minister decides that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case; and

(iii) all councils affected by the proposal agree with the Minister's recommendation,

forward to the Governor a proposal recommended by the Minister for the making of a proclamation under this Part; or

(c) determine that a particular proposal should not further proceed under this Part.

(5) If a proclamation providing for the constitution, amalgamation or abolition of a council or councils, or providing for the alteration of the boundaries of a council area or areas is made under subsection (4)(b), the Governor may, by subsequent proclamation made on the recommendation of the Minister, make provision for any related matter that may be the subject of a separate proclamation under this Part.

(6) A proclamation under subsection (4)(b) or (5) may be based on a proposal or recommendation that has not been submitted, formulated or considered under Subdivision 6 or 7.'

No. 40. Page 17, line 28 (clause 10)—Leave out the word 'and'.

No. 41. Page 17, line 32 (clause 10)—Leave out the word 'and'.

No. 42. Page 18, lines 6 and 7 (clause 10)—Leave out paragraph (b) and insert new paragraph as follows:

'(b) must state the impact that the implementation of the proposal is expected to have on the quality and extent of services delivered or provided within the relevant area.'

No. 43. Page 18 (clause 10)—After line 9 insert new sections as follow:

'Draft proposals

22AB. (1) Councils may submit to the Board a draft or outline of a proposal for the making of a proclamation under this Part.

(2) If a proposal is submitted under subsection (1), the Board must undertake a preliminary assessment of the proposal and then provide advice to the relevant councils about the extent to which the proposal is consistent with the criteria and principles that apply under this Part, about action that could (in the opinion of the Board) be taken to improve the proposal (if appropriate), and about other matters determined by the Board to be relevant.

Report if council proposal rejected

22AC. If a proposal submitted by councils under Subdivision 6 (or an alternative proposal agreed to by the relevant councils in consultation with the Minister) does not proceed to a proclamation under this Part after completion of all relevant procedures under this Part, the Minister must prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament.

Report if Board proposal submitted to poll

22AD. If a proposal formulated by the Board under Subdivision 7 is submitted to a poll under that subdivision, the Minister must, after the completion of the poll and after receiving advice from the Board, prepare a report on—

(a) the outcome of the poll; and

(b) the action that the Board has taken, or proposes to take, on account of the outcome of the poll,

and cause copies of the report to be laid before both Houses of Parliament.'

No. 44. Page 18, lines 22 to 26 (clause 10)—Leave out all words in these lines after 'section 18(3)' in line 22.

No. 45. Page 18 (clause 10)—After line 26 insert new section as follows:

'Provision of reports to councils

22BA. (1) The Board must, at the time that it provides a report to the Minister under Subdivision 6 or 7, send a copy of the report to each council affected by a proposal to which the report relates.

(2) If the Board, at the request of the Minister, amends a report, the Board must immediately send a copy of the amended report to each council that received a copy of the original report under subsection (1).'

No. 46. Page 19, line 21 (clause 17)—After 'relating to' insert the following:

'—

(a) '.

No. 47. Page 19 (clause 17)—After line 22 insert the following:—

'and

(b) any changes to the quality or extent of services delivered or provided within the relevant area on account of the constitution or formation of the council.'

No. 48. Page 19, lines 23 to 38 and page 20, lines 1 to 14 (clause 18)—Leave out the clause.

No. 49. Page 21, line 7 (clause 21)—Leave out '25 October' and insert '30 November'.

Consideration in Committee.

The Hon. J.K.G. OSWALD: I move:

That the Legislative Council's amendments be disagreed to.

Some 49 amendments were addressed in the other place. The Government is of the view that many of those amendments contain matters of principle in respect of our local government reform agenda and that they still should be addressed. I also intimate to the Committee that we believe that certain amendments in the schedule are worthy of further discussion and, when the opportunity presents itself, I am sure we will come to some resolution.

Ms HURLEY: We believe that all the amendments agreed to in the other place are worthy of inclusion in the Bill and we will support them.

Motion carried.

SUNDAY MAIL ARTICLE

Mrs KOTZ (Newland): I seek leave to make a personal explanation.

Leave granted.

Mrs KOTZ: I refer to the scurrilous allegations printed in the *Sunday Mail* of 26 November under the heading 'Backstabber'. The article claimed that a prominent female Liberal backbencher was facing disciplinary action for attempting to set up a leadership battle and for leaking material to the Opposition Leader Mike Rann. Both these allegations are highly offensive. As the senior Liberal woman parliamentarian in this House, I state that both these allegations are rejected totally by me and by all other Liberal women parliamentarians, with their permission, from both Houses of Parliament.

WORKERS REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

Received from the Legislative Council and read a first time.

SUMMARY OFFENCES (OVERCROWDING AT PUBLIC VENUES) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to increase the powers of police to control overcrowding in a place of public entertainment where the overcrowding is such that there is a serious risk of injury or damage arising as a result of the overcrowding.

This matter arose with the repeal of the *Places of Public Entertainment Act 1913* which made it an offence if the number of persons present exceeded the number permitted by the terms of the licence applicable in that place.

The Commissioner of Police (the Commissioner) has indicated his concern that certain powers of crowd control, particularly with regard to overcrowding, might be lost with the repeal of the *Places of Public Entertainment Act*. Even though there have been no prosecutions initiated pursuant to this provision for many years, the Commissioner is of the view that potential does exist for problems to occur in public premises due to overcrowding and requests that similar powers to those contained in the *Metropolitan Fire Service Act 1936*, (the Act) in relation to overcrowding, be granted to the police.

Overcrowding of public entertainment areas has become a matter for concern of late. A joint task force, comprising authorised officers under the *Liquor Licensing Act*, members of the Police 'Operation Control', members of the E.P.A., representatives of the Adelaide City Council and members of the Metropolitan Fire Service (MFS), have regularly conducted evening inspections of licensed premises, with particular emphasis on entertainment venues. This joint task force has proved highly successful and a number of licensees have been cautioned or reported for breaches of the *Liquor Licensing Act*. The main concerns of the task force are overcrowding, locked exits, breaches of 'meal' provisions and failure to meet satisfactory standards of repair and maintenance. The provisions of the Act have been utilised to deal with the problem of overcrowding.

The Commissioner states that similar powers to control overcrowding as are currently contained in the Act would be useful to the duties of the police in their general role of maintaining law and order and would be particularly pertinent in rural areas where the MFS is not based. The Commissioner notes that this recommendation is not intended to be a derogation of any authority currently exercised by the MFS.

The definition of 'public venue' in the Bill is deliberately wide to ensure that a number of public entertainment venues are included from a disco or club in a public hotel to warehouse parties and open air events.

The Bill provides that a member of the police force may enter and inspect a public venue to determine whether there is a serious risk of injury or damage due to overcrowding but that a senior police officer may exercise the power to order persons to leave the premises, order the occupier to remove persons or take any other specified action to remedy the situation, or if satisfied that the safety of persons cannot be ensured by other means, to close the place immediately (for a period not exceeding 12 hours) to alleviate the danger. The Bill makes it an offence to refuse or fail to obey the order.

The Bill provides that a senior officer may authorise another member of the police force to exercise all or any of the above powers if satisfied that urgent action is required.

I commend this Bill to Honourable Members.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The amendments are to be brought into operation by proclamation.

Clause 3: Amendment of s. 4—Interpretation

This clause removes the current definition of 'place of public entertainment' and replaces it with a wider definition not limited only to places where live entertainments are staged or films, videos, etc., are screened. The new definition of 'public venue' will extend to any place where members of the public are gathered for an entertainment or an event or activity of any kind, whether admission is open, procured by the payment of money or restricted to members of a club or a class of persons with some other qualification or characteristic. The definition does, however, exclude churches and places of public worship.

Clause 4: Amendment of s. 73—Power of police to remove disorderly persons from public venues

Section 73 currently empowers police to remove disorderly persons from places of public entertainment. The clause amends the section so that it relates instead to public venues.

Clause 5: Insertion of s. 83BA

Under the proposed new section a member of the police force is empowered to enter and inspect a public venue to determine whether there is overcrowding such that there is serious risk of injury or damage.

If a senior police officer (an officer of or above the rank of inspector) forms the opinion that there is serious risk of injury or damage due to overcrowding at a public venue, the officer is empowered—

- to order persons to leave the place immediately;
- to order the occupier of the place immediately to remove persons from the place;
- to order the occupier of the place to take other specified action to rectify the situation immediately or within a specified period;
- to take action to carry out any such order that is not obeyed;
- if satisfied that the safety of persons cannot reasonably be ensured by other means, to order the occupier of the place to close the place immediately and for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger;
- if such a closure order cannot for any reason be given to the occupier, or if a closure order, having been given to the occupier, is not immediately obeyed, to take action to close the place for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger.

An order may be given orally or by notice in writing served on the occupier of the place. However, if a closure order is given orally, the officer must as soon as practicable cause a written notice containing the order to be served on the occupier.

It will be an offence punishable by a maximum penalty of a division 7 fine or division 7 imprisonment if a person refuses or fails to obey such an order.

When a senior police officer is satisfied that the danger has been alleviated, he or she may rescind the order.

The proposed new section allows a senior police officer to authorise another member of the police force to exercise all or any of the powers referred to above if satisfied (whether on the basis or his or her own observations or the report of another member of the police force) that urgent action is required. A record of such authorisations issued during a year is to be included in the annual report of the Commissioner of Police.

Finally, members of the police force are authorised to use such force to enter a place, or to take other action under the provision, as is reasonably necessary for the purpose.

Mr CLARKE secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the second floor conference room at 12.30 p.m. tomorrow, at which it would be represented by Messrs S.J. Baker and Clarke, Mrs Kotz, Ms Stevens and Mr Wade.

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. J.K.G. OSWALD: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Mr CLARKE: The Opposition totally supports the amendments put forward by the other place with respect to this issue. It is basically about common decency, courtesy, morality and justice in civic life—all the attributes about which this Government would know nothing. We certainly support the amendments of the other place with respect to this matter, which shows that there is some reason for its existence.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs S.J. Baker and Clarke, Ms Hurley, the Hon. J.K.G. Oswald and Mrs Rosenberg.

Mr BECKER: I rise on a point of order, Mr Speaker. In the past when there has been a conference of the two Houses, the principle has been that the managers of this Chamber support the resolution of this Chamber. Can I have an assurance that that will be the case on this occasion? I believe that in the past this has not happened; that convention was broken recently.

The SPEAKER: Order! It is up to the managers to represent the House as they see fit. The tradition of this House is that when managers of this House attend a conference they support the will of this Chamber. I would expect that that would be the course of action.

The Hon. S.J. BAKER (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

The House divided on the motion:

AYES (28)

Allison, H.	Andrew, K. A.
Ashenden, E. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Hall, J. L.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.

AYES (cont.)

Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.

NOES (9)

Blevins, F. T.	Clarke, R. D. (teller)
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Quirke, J. A.	Stevens, L.
White, P. L.	

PAIRS

Wotton, D. C.	Rann, M. D.

Majority of 19 for the Ayes.

Motion thus carried.

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the interview room on the ground floor of the Legislative Council at 12 midnight.

ADJOURNMENT

At 12.10 a.m. the House adjourned until Thursday 30 November at 10.30 a.m.