HOUSE OF ASSEMBLY

Tuesday 6 February 1996

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

MILNE, HON. K.L., DEATH

The Hon. DEAN BROWN (Premier): I move:

That this House expresses its deep regret at the death of the Hon. K.L. Milne, former member of the Legislative Council, and places on record its appreciation of his meritorious service, and as a mark of respect to his memory that the sitting of the House be suspended until the ringing of the bells.

Lance Milne was a great South Australian. He was a member of the Legislative Council from 1979 to 1985. He was elected as President of the Australian Democrats in 1977, and he became a key figure in the Legislative Council over many years in terms of the role played by the Australian Democrats. However, Lance's contribution to life in South Australia was much wider than just that. He was Agent-General in London from 1966 to 1971. During that period, he developed a reputation for aggressively selling South Australia. He was also the Mayor of Walkerville from 1961 to 1963, and he was involved in public life for 20 years after that.

After leaving the Legislative Council, it was not good enough for Lance to sit back and accept retirement. Until his death, he was still very active in the South Australian community and, in particular, through Partnership South Australia. One of the key areas that Lance pursued vigorously was to make sure that there was general consensus through the broad South Australian community as to where the State should head. Lance was one of those who, after seeing a number of models in Europe in terms of how that was to be achieved, worked very hard to try to achieve that in South Australia.

Through Partnership South Australia, Lance Milne saw the opportunity to bring together a whole range of views in the community from the trade union movement to employers, to the Employers' Chamber, to small business people and others and have them working on a common objective to help, in particular, the plight of small business people. Just before Christmas I had the opportunity to meet with representatives of Partnership South Australia at the specific request of Lance Milne. Unfortunately, because of his illness Lance could not attend, but on behalf of Lance the others put their case.

Lance was a person who made an enormous commitment to public life. I knew Lance Milne for many years on a personal basis. I recall Sunday afternoons sitting in his home at Stirling/Aldgate and talking to him about a whole range of initiatives. Lance loved people, and he loved his family. He came from a family who had a great deal of respect for the history and the heritage of South Australia, and he wanted to make sure that that understanding of our past continued into the future.

No doubt I join many other members of this House, and particularly members of the Legislative Council, in saying how much I appreciated Lance Milne's enormous contribution to South Australia. Our thoughts are with Joan and the family. We appreciate the difficult period that Joan in particular has been through, as well as the difficult period experienced by his sons Michael and Robin and his daughter Carol, and the grandchildren whom he loved greatly. On behalf of the members of this House, I express our deep sorrow at the passing of Lance Milne, but equally I pay respect to the enormous contribution he made to the State of South Australia.

The Hon. M.D. RANN (Leader of the Opposition): It is with great pleasure that I second the Premier's motion. I knew Lance Milne from when I first came to South Australia in the 1970s to work for Don Dunstan. Lance was a person who, in so many walks of life, exemplified the traditions of service in the community—service to others and putting others ahead of himself. The Premier has already outlined Lance Milne's career, including service as a spitfire pilot during the Second World War. In the 1930s, as a young man in his twenties, he also wrote a book in which he warned against the dangers posed by a re-arming Germany and why it was important for the free world to be ready; I think that book was called *Ostrich Heads*. Of course, later, after he came back from the war, he started a partnership as a chartered accountant and worked with people like Sir Bruce Macklin.

A few weeks ago, I attended Lance Milne's memorial service with the Minister for the Environment and Natural Resources and the member for Price, and we were all struck by the number of people from different walks of life who gave speeches about how Lance Milne had touched and changed their life. People talked about his delightful eccentricities, as well as his great charm. Although I thought I knew Lance fairly well, I did not realise that he was a world expert on a particular form of seashells (I think they are called chitons). Several years ago, he gave his collection to the South Australian Museum and, in recognition of his work in identifying new species, a number of species internationally have been named after Lance Milne.

Lance was President of the Adelaide Rowing Club and of the South Australian Branch of the Royal Life Saving Society; and he was Chairman of SGIC at its foundation, after returning from London, where he was Agent-General. While in London Lance was made a Commander of the Order of the British Empire, and in 1970 he was also elected as a freeman of the City of London. Sir Bruce Macklin told some wonderful stories of Lance Milne's antics while Agent-General. It was a job he was passionate about in terms of work and play. We were also told about his commitment to family and to charities and good causes. He never sought recognition but, as I said earlier, he always had a thought for others. That is why it was fitting that his final role in Partnership South Australia involved creating opportunities and jobs for young people.

Lance sought to gather around him a group of active South Australians from business, politics and the trade union movement, and he tried to find ways in which they could unite behind a good cause rather than trying to find the petty differences that sometimes divide us. He was struck by the Austrian model of social partnership, which he used, with adaptations in respect of our local politics and culture, as the basis for Partnership South Australia. One thing that emerged at the memorial service was the genuine commitment by people to make sure that Lance's legacy in Partnership South Australia continues. On behalf of the Opposition, I have great pleasure in seconding the Premier's motion and in saying *vale* to a very distinguished and decent South Australian.

The Hon. S.J. BAKER (Deputy Premier): I will be brief, because both the Premier and the Leader of the Opposition have done justice to the life of Lance Milne as we

remember him in the Parliament and, indeed, the life that he had outside the Parliament before he joined our ranks.

I can remember a number of instances when, as a new member of Parliament, I was interested in some of the debates. I went to another place to listen to those debates. Whenever there were matters of legislation, Lance was always most accommodating in terms of discussing the principles, grasping the principles and making decisions accordingly. I remember Lance as a person of great humour and delightful eccentricities, as has been pointed out, and one who had a real warmth and sincerity about whatever he did.

I want to relate one story to the House. Early last November, we had the annual general meeting of the Royal Life Saving Society, of which Lance was President. At that stage Lance was extraordinarily ill, but he was there. He came down with Joan for that night to say hello to the people he had worked with and supported, having harassed and harangued the Government to gain better results for one of his favourite organisations. Lance was so ill that he should not have been out of bed, but he attended that meeting. That story epitomises Lance Milne, the man, who had tremendous inner strength and who had enormous regard for his fellow human beings. I will remember Lance with a great deal of joy and affection for the things that I know he did in just the short time I have been involved in the parliamentary sphere. I join with the Premier and the Leader of the Opposition in passing on sincere condolences to Joan and the family.

The Hon. FRANK BLEVINS (Giles): I would like to join with other speakers in saying to Joan and the family how sorry we were to hear of the death of Lance. Lance had a very full life and it has to come to an end for all of us, of course. I worked with Lance from 1979 to 1985 in the Upper House and it was indeed quite an experience. I worked with him both as Whip, trying to get some order into the place, and as Minister, trying to get some legislation through. It was not always easy. Lance's eccentricities have been mentioned, but I would not quite call them eccentricities. At times he was certainly a little bit difficult to follow because he would say such things as, 'Well, I'm not sure,' and on other occasions, 'I don't know.' He saw that as a fault, but it is certainly not a fault that any of his successors in the Democrats in the Parliament have suffered from, as of course they know everything. Perhaps that it is why Lance came to a parting of the ways with them some time ago.

Members interjecting:

The Hon. FRANK BLEVINS: Indeed. He had an enormous sense of fun. I can remember being on a committee with him—I cannot even remember what committee it was—but we finished up in the courts watching a court case. There were six or eight of us from the Council and Lance whispered down the benches to us while were watching the case for whatever reason, 'They are all lying: the accused is lying, the prosecution is lying and the police are lying.' He suggested we run a sweep on the outcome. So, we sat in court and ran a sweep. Lance won the sweep that he proposed. However, the rest of us by a majority vote of seven to one decided that on the proceeds of the sweep he ought to take us all out to lunch, and indeed he took us all out to a nice lunch in the Botanic Gardens. Lance had a tremendous sense of fun.

On a more serious note, on another occasion I had to have strong words with Lance. I am sure it will come as a surprise to members, but I was misbehaving when I was young in the Parliament and the President named me, and he was absolutely correct. I was on the way out and, as a Minister, this was not too good at all. However, I rose to my feet and told the President that he had been terribly harsh. The President said, 'That was all very entertaining, Frank; but I have got you cold and out you go.' So we divided and, of course, Lance voted with me, which meant that I stayed in and the President went out. As we, for obvious numbers reasons, did not want to supply a President, the Premier, the Cabinet and the rest of the Caucus were not very happy with me at all. This constitutional crisis was resolved only by my going into the Parliament and making a craven apology to the President. I asked Lance, 'Why on earth did you vote with me?' He said, 'I actually thought you were correct.' I said, 'No, that was not the case.' So, he never ever believed me again, and I thought that that was a great pity.

Lance was a very interesting chap, indeed. He was very nice as well as being well liked and respected. We say these things about people where our memory of them has dimmed in some areas, but Lance was not just respected: he was liked by everyone in the Parliament. We all actually liked the person. He was wonderful even though he frustrated us at times.

Lance had a tremendous sense of public service, something which today, of course, is unfashionable. No-one apparently wants to give public service unless you pay them $4 000 a week, or something extraordinary like that, but Lance had a real sense of public duty in that to serve the public was a wonderful thing to do. He did this not just in Parliament but in a whole range of areas, and he did it unstintingly. Lance lived a very long, a very full and, I know, a very happy life. He gave a great deal to the community in which he lived. I do not know whether any of us could ask for more than that. To Joan, whom I came to know somewhat over the years, I express my great regret. But Lance did have a wonderful life.

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I am pleased to support the remarks of the previous speakers regarding the life and the commitment of the Hon. Lance Milne. Lance and Joan Milne have been constituents of mine for some time. I have known Lance for a very long period of time, and I recall quite vividly the interaction that I had with him as a Minister between 1979 and 1982. I agree with some of the points that the member for Giles made in that it was not always easy determining where Lance would go in the final vote on a particular issue.

The Premier, the Leader of the Opposition and other speakers have referred to the commitment that Lance made to his country, to this State, to the Parliament, to local government and to the community. As the Leader of the Opposition indicated, I recently had the great honour of attending the memorial service in the Adelaide Town Hall for Lance Milne. It was a very moving experience to hear the compliments and comments made about the life of Lance Milne, the contribution that he had made and the people he had touched during his life.

I refer particularly to his contribution in the local community, because in the local community Lance Milne was respected and loved. I do not think that Lance Milne had an enemy of any description in his local community. He was always willing to help. He was always prepared to give advice, and I for one appreciated immensely the kindly advice that was provided on many occasions. I appreciated very much the opportunity on many occasions to sit down in my electorate office and talk about all sorts of issues with Lance Milne. Lance always had a very balanced attitude to the

issues that he raised with me. I particularly agree with the member for Giles with respect to the sense of fun that was very evident in the life of Lance Milne. It was something that we can all envy. Lance enjoyed life immensely. He enjoyed his garden; he enjoyed his community; and he particularly enjoyed the thousands of friends he made during his life. My wife and I very much enjoyed the opportunity on many occasions to join Lance and Joan privately as well as publicly. Representing Lance's community, I want to pass on our condolences to Joan and the family for the loss of somebody whom we respected enormously.

The Hon. G.A. INGERSON (Minister for Tourism): I join other members in expressing my respects to Lance Milne. There are three areas in which I met Lance and which made him very special to me. The first area related to the Royal Life Saving Society. I shall remember every year—and it is something that I shall miss now—the telephone call telling me that the annual general meeting of the Royal Life Saving Society was on. If I found an excuse for not attending, Lance would say, 'Graham, that's an excuse. You ought to be there representing the community at a very worthwhile public institution.'

The second area in which I was involved with Lance was in Partnership South Australia. On several occasions he invited me as shadow Minister to talk about the possible future policy on industrial relations in this State and spent a lot of time stressing to me that the most important thing in industrial relations was fairness. He pointed out that one could have all sorts of ideological views, but that at the end of the day fairness in industrial relations in the way that the employer and employee conducted themselves was the most important issue, and that if he could convince me of that it was important that I should take it up.

Finally, and probably the most important thing for me, Lance Milne often took the time and made the effort to telephone and say, 'Graham, you are right' or 'You are wrong,' and then explain why the stance that one had taken should be either changed or proceeded with. I valued that very much as a young member of this Parliament, because it is not often that older members of Parliament will take the time and make the effort to telephone and say that you have done a good job or, more importantly, give you advice when they think you are wrong. Of course, there are plenty of members on both sides of the House who will give advice, particularly when you are wrong. The special character of Lance Milne was that he was prepared to say that you were right and should continue in that way.

On another issue, he used to say, 'Graham, you looked awful on television last night. You need to improve that image, or perhaps there is some pressure on you. You ought to get out,' as the member for Giles has indicated in his remarks, 'and enjoy yourself more and not take the role of Minister (shadow Minister, or whatever) so seriously.'

I join everybody in expressing our condolences to Joan and the family, and I hope that they will live the rest of their lives in the way that Lance would have wished.

Motion carried by members standing in their places in silence.

The SPEAKER: I thank honourable members for their contributions and will ensure that their comments are passed on to the family.

[Sitting suspended from 2.24 to 2.35 p.m.]

PORT ELLIOT SCHOOL CROSSING

A petition signed by 301 residents of South Australia requesting that the House urge the Government to install a school crossing on North Terrace at Port Elliot was presented by the Hon. Dean Brown.

Petition received.

WATER SUPPLY

Petitions signed by 53 residents of South Australia requesting that the House urge the Government to retain public ownership, control and operation of the water supply and the collection and treatment of sewerage were presented by the Hon. Dean Brown and Ms Stevens.

Petitions received.

STATE SPORTS PARK

A petition signed by 427 residents of South Australia requesting that the House urge the Government not to rezone part of the State Sports Park site to allow industrial development was presented by the Hon. S.J. Baker.

Petition received.

SCHOOL SERVICES OFFICERS

A petition signed by 128 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 the Hon. M.D. Rann.

Petition received.

TAPLEYS HILL ROAD

A petition signed by 28 residents of South Australia requesting that the House urge the Government to support the construction of a tunnel underpass for Tapleys Hill Road at the Adelaide Airport runway extension was presented by Mr Leggett.

Petition received.

PORT AUGUSTA RURAL STAFF

A petition signed by 24 residents of South Australia requesting that the House urge the Government to reinstate the position of Regional Service Manager for Primary Industries at Port Augusta and appoint a livestock inspector for the pastoral region was presented by Mr Meier.

Petition received.

POLICE PAY DISPUTE

A petition signed by 28 residents of South Australia requesting that the House urge the Government to meet the claim of the Police Association for adequate and reasonable wages for police officers was presented by Ms Stevens.

Petition received.

HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

The SPEAKER: I lay on the table the report of the Hindmarsh Island Bridge Royal Commission, which has been published and distributed pursuant to the resolution of this House of 30 November 1995.

Members interjecting:

The SPEAKER: Order! I remind the House that it is most discourteous for members to interrupt the Chair.

COMMITTEE REPORTS

The SPEAKER: I lay on the table the following reports of committees which have been received and published pursuant to section 17(7) of the Parliamentary Committees Act:

The eighteenth report of the Public Works Committee on the Southern Expressway, Stage 1;

The nineteenth report of the Public Works Committee on the Torrens Building Refurbishment;

The report of the Legislative Review Committee on regulations under the Fisheries Act 1982.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions on the Notice Paper, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 9, 20, 23, 25 and 26, 29 to 33, 35, 38, 40, 42 to 45 and 47 to 50; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

EDS CONTRACT

In reply to **Mr FOLEY (Hart)** 30 November.

The Hon. DEAN BROWN: The honourable member will recall that in a detailed ministerial statement I gave on 21 November 1995 about the EDS contract, I informed the House that the Government had Crown Law advice that the contract provisions 'provide the State with a significant measure of protection if a dispute arises.'

I advised the House that the contract included extensive provisions for the State to seek remedies in the event of a breach of contract by EDS.

The member for Hart, in asking his question on 30 November, referred to a specific quantum of damages which he claimed EDS may be able to seek against the State.

To provide the information sought by the member for Hart risks a materially detrimental effect on the State's negotiating position in future contract negotiations. I am sure the member for Hart would not intend this outcome.

I can say that the contract signed with EDS includes provisions that deal with breaches of contract by both parties. The remedies available for each party differ, as would be expected, having regard to the differing legal and commercial positions occupied by a supplier and a customer under an outsourcing transaction. EDS's remedies include the ability to sue the State for damages for breach of contract, and ultimately (in limited circumstances) to terminate the contract for material breach.

My advice from Crown Law is that the range of remedies available to EDS in the face of a breach by the State is less extensive than that which is available to the State in the face of a breach by EDS. Furthermore, I advise that in the judgment of Crown Law officers, EDS's remedies are within the range of commercial and legal norms for the type and size of contract involved.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. Dean Brown)—

- Public Sector Management Act 1995—Ministerial Staff Salaries and Allowances
- Public Sector Management Act 1995—Ministerial Staff Salaries and Allowances—Amendment

By the Deputy Premier (Hon. S.J. Baker)—

- South Australian Commissioner of Police—
  - Report, 1994-95
  - Statistical Review, 1994-95
- Regulations under the following Acts—
  - Legal Practitioners—Fees
  - Liquor Licensing—Dry Areas—
    - Alcohol Based Food Essence
    - Glenelg
    - Moana Foreshore
    - New Year Various
  - Residential Tenancies—Security Bond—Third Party Payment and Guarantees
  - Summary Offences—Expiable Offences—Small Wheeled Vehicles
- Rules of Court—
  - Supreme Court—Supreme Court Act—Notice of Discontinuance

By the Treasurer (Hon. S.J. Baker)—

- Regulations under the following Acts—
  - Friendly Societies—Various
  - Lottery and Gaming—Bingo Rules
  - Southern State Superannuation—Future Service Benefit
  - Superannuation—Prescribed Authorities
  - Superannuation (Benefit Scheme)—Definition
  - Tobacco Products (Licensing)—Various
- Statutory Authorities Review Committee—Electricity Trust of South Australia (Accounting Issues), Review of the—Interim Report—Response by the Treasurer
- Statutory Authorities Review Committee—Electricity Trust of South Australia (Accounting Issues), Review of the—Second Report—Response by the Treasurer

By the Minister for Mines and Energy (Hon. S.J. Baker)—

- Petroleum—Regulations—Revocation

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

- Industrial Relations Advisory Committee—Report, 1994-95
- Mining and Quarrying Occupational Health and Safety Committee—Report, 1994-95
- Occupational Health, Safety and Welfare Advisory Committee—Report, 1994-95
- Regulations under the following Acts—
  - Employment Agents Registration—Principal
  - Explosives—Carriage and Sale
  - Workers Rehabilitation and Compensation—
    - Rehabilitation Standards and Requirements
    - Scale of Charges—
      - Medical Practitioners
      - Public Hospitals
    - United Water

By the Minister for Recreation, Sport and Racing (Hon. G.A. Ingerson)—

- Bookmakers Licensing Board—Report, 1994-95
- Office of Recreation, Sport and Racing—Report, 1994-95
- Racing Act—Regulations—Percentage Reduction for Totaliser Money
- Rules of Racing—
  - Racing Act—
    - Entry and Acceptance
    - Racing Tactics
    - Suspension or Disqualification

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

- Regulations under the following Acts—
  - Harbors and Navigation—
    - Facilities Levy—Recreational Vessel
    - Restricted Areas
    - Structural and Equipment Requirements
  - Passenger Transport—Taxi Cab Fares
  - Road Traffic—
    - Motor Vehicle Noise
    - Small Wheeled Vehicles
  - South Australian Country Arts Trust—Membership of Country Arts Boards
- Social Development Committee—Rural Poverty in South Australia—Eighth Report—Response by Minister for Transport

By the Minister for Health (Hon. M.H. Armitage)—

Regulations under the following Acts—
Controlled Substances—
Poisons
Volatile Solvents
Drugs—Various
Optometrists—Registration Fees
Public and Environmental Health—Swimming Pools Exemptions
South Australian Health Commission—Hospital and Health Centre Fees
Repatriation General Hospital—By-laws—Traffic

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

Environmental Protection Council—Report, 1993-94
Murray-Darling Basin Commission—Report, 1994-95
Native Vegetation Council—Report, 1994-95
Wilderness Protection Act—Reports, 1993-94 and 1994-95

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

Department for Correctional Services—Report, 1994-95

By the Minister for Primary Industries (Hon. R.G. Kerin)—

South Australian Research and Development Institute (SARDI)—Report, 1994-95
Regulations under the following Acts—
Fisheries—
Abalone Fisheries—Catch Quotas
General—Fishing Restrictions—Expiable Offences
Meat Hygiene—Adoption of Codes
The Dried Fruits Board of South Australia—Report, 1994-95

By the Minister for Housing, Urban Development and Local Government Relations (Hon. E.S. Ashenden)—

South Australian Local Government Grants Commission—Report, 1994-95
Development Assessment Commission—TransAdelaide Paradise O'Bahn interchange
Social Development Committee—Family Leave Provisions for the Emergency Care of Dependents—Fifth Report—Joint Response by the Minister for Industrial Affairs and the Minister for Family and Community Services
Regulations under the following Acts—
Development—Fire Safety Requirements—Caravan Parks
Local Government—
Electoral Signs
Superannuation Board—Various
South Australian Housing Trust—
Abandoned Goods
Administrative Arrangements
Corporation By-laws—
Marion—
No. 2—Moveable Signs
No. 3—Council Land
No. 5—Creatures
No. 7—Waste Management
Mount Gambier—No. 2—Moveable Signs
Noarlunga—No. 14—Bird Scarers
Port Adelaide—No. 3—Council Land
Salisbury—
No. 2—Moveable Signs
No. 4—Council Land
Warooka—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Garbage Removal
No. 4—Council Land
No. 5—Caravans and Camping
No. 6—Fire Prevention
No. 7—Creatures
Port Lincoln—
No. 1—Permits and Penalties
No. 2—Nuisances
No. 3—Keeping of Bees
No. 4—Flammable Undergrowth
No. 5—Waste Disposal Depot
No. 6—North Shields Garden Cemetery
No. 7—Keeping of Dogs
No. 8—Garbage Collection
No. 9—Council Land
No. 10—Taxis
District Council—
Beachport—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Council Land
No. 4—Garbage Removal
No. 5—Animals and Birds
No. 6—Bees
No. 7—Dogs
No. 8—Caravans and Camping
Clare—No. 2—Moveable Signs
East Torrens—
No. 1—Permits and Penalties
No. 2—Streets and Public Places
No. 3—Street Traders
No. 4—Moveable Signs
No. 5—Garbage Removal
No. 6—Height of Fences Near Intersections
No. 7—Parklands
No. 8—Caravans, Tents and Camping
No. 9—Animals, Birds and Poultry
No. 10—Bees
No. 11—Nuisances
No. 12—Dogs
Kapunda—No. 6—Creatures
Kingscote—
No. 1—Permits and Penalties
No. 2—Streets and Public Places
No. 3—Street Traders
No. 4—Moveable Signs
No. 5—Garbage Removal
No. 6—Height of Fences Near Intersections
No. 7—Parklands
No. 8—Camping Reserves
No. 9—Bees
No. 10—Inflammable Undergrowth
No. 11—Foreshore
Le Hunte—No. 1—Moveable Signs
Minlaton—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Garbage Disposal
No. 4—Council Land
No. 5—Caravans and Camping
No. 6—Fire Prevention
No. 7—Creatures
Port MacDonnell—
No. 1—Permits and Penalties
No. 2—Council Land
No. 5—Creatures
Robe—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Garbage Removal
No. 4—Council Land
No. 5—Fire Prevention
No. 6—Creatures
Yorketown—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Garbage Disposal
No. 4—Council Land
No. 5—Caravans and Camping
No. 6—Fire Prevention
No. 7—Creatures.

GOVERNMENT ACCOUNTABILITY

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: Last September I made a ministerial statement to the House as the Government's initial response to a number of important policy issues raised by the Auditor-General in his 1995 annual report to the Parliament. In my statement I advised the House that the Government had appointed a group of senior officers to consider the report of the Auditor-General to assist in developing a further Government response to those policy issues. I now provide that response. As my statement last September recognised, the policy issues relating to Government accountability raised by the Auditor-General reflect the fact that the role, size and structure of the public sector and its relationship with the private sector are undergoing fundamental change.

This is happening at all levels of Government, under political Parties of all persuasions, throughout Australia and elsewhere. For example, the Federal Government recently released a policy paper on information technology which essentially adopted the South Australian Government's IT2000 vision I announced in 1994, incorporating—

Mr Foley: You did not.

The Hon. DEAN BROWN: I certainly did, and I suggest that the honourable member reads it. In fact, it virtually copied our structural diagram.

Mr Foley: It did not.

The SPEAKER: Order! The member for Hart will not interject again during Question Time.

The Hon. DEAN BROWN: Of course, it was a real embarrassment to members opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The Federal Government's policy paper incorporated a whole-of-Government approach and the contracting out of some Government services. South Australia cannot stand aside from moves to seek new, better and more economical ways to provide some of our public services if we wish to maintain and enhance our economic and social well-being. In responding to the challenges of this new era of public administration, what we must aim for in South Australia is to do it as well as, if not better than, anywhere else, while ensuring that there is public confidence in our systems of checks and balances, the expertise of the public sector and our management structures.

It is equally important for the Government to remain fully accountable to the people, through this Parliament, for what is being done to deliver the services they require. Effective parliamentary accountability ensures public service of integrity and high performance. Members will appreciate that the Government was given a mandate on its election to move quickly and decisively in a number of key areas to restore the State's financial position. This has been a dynamic process, requiring Government officers to take on new challenges not previously encompassed within the traditional public sector role model. However, at no time has the Government been prepared to expose the taxpayers to unnecessary or undue risk.

All processes have been undertaken rigorously and responsibly, and we now have the cumulative experience of two years of this new era of public administration by which we can consider whether processes need to be refined for the future. In this context, I deal with the following issues which arise from the last report of the Auditor-General:

1. The role of Executive Government;
2. Establishing a prudential culture and program in the public sector;
3. Reporting and accountability to Parliament;
4. Role of the Auditor-General.

With respect to Executive Government, the ultimate responsibility for policy decisions and for the monitoring of management effectiveness is vested in Ministers individually and the Cabinet collectively. A decision to enter into a contract or commercial arrangement must remain a matter of determination by Executive Government subject only to established constitutional arrangements and to any expressed statutory limitations. In considering an extension of parliamentary scrutiny of the decisions and actions of Executive Government, this primary role of the Executive must be recognised. Such scrutiny also should be timed and structured so as not to prejudice a Government negotiation or tendering process that is properly in progress.

Any proposal to give Government a veto of contractual terms and conditions or of a decision as to who is the successful party would clearly and completely abrogate the widely and long-accepted role of Executive Government. The prospect of a parliamentary repudiation of any such decisions, once taken, obviously would operate to the commercial disadvantage of the State. It is the Government's view that the proper accountability of these decisions can be provided without compromising the role of Executive Government.

With respect to prudential management, it is clear that the Auditor-General considers that certain areas of the public sector require greater expertise to take on some of the new directions and processes that are being undertaken. The Government agrees. Further development of the framework for the private sector provision of public sector infrastructure and guidelines for contracting out and other related principles and processes will continue. This will provide criteria against which performance and conduct can be scrutinised and judged. However, rather than create a designated unit or rely only on external consultants, it is proposed that agencies, when considering any 'new' type of transaction, should consult at the start of the process with key central agencies which will share accountability for prudential management. In particular, Crown Law, Treasury and Finance and the Department of the Premier and Cabinet can provide assistance and guidance on the integrity of the process to be employed. In this way, Crown Law will be accountable for the legal integrity of processes; Treasury and Finance for financial integrity and accounting policy guidelines; and Premier and Cabinet for policy consistency and management and skills development.

The CEOs of these agencies will be required to refer to the budget committee of Cabinet a report on the integrity of a process before any decision is taken to proceed with a proposed transaction. They will report on a regular basis to Cabinet on the integrity of major negotiations which are ongoing. Another vital requirement of this prudential management role will be the training or recruitment of staff to provide the public sector with the commercial skills and prudential culture needed for the future. The House should also be aware that the national competition policy agreements raise another set of prudential management issues for the State's commercial activities. It is therefore the Government's intention that the shared responsibilities of the Crown Solicitor and the Chief Executives of Treasury and Finance

and Premier and Cabinet will extend to oversight of compliance of Government commercial activities with competition policy.

Mr Speaker, I now turn to the matter of reporting and accountability to Parliament in which I am sure you are interested. Members will appreciate that there are contracts into which Executive Government enters which contain commercially sensitive information. This can include intellectual property, know-how, pricing or other information which could be exploited to the detriment of the State or a competitor to the party with which the Government has contracted in any particular case. The challenge is to ensure proper executive accountability, on the one hand, and proper protection of the State's interests and contractors, on the other. The process by which any major contract is negotiated has a very significant bearing on the ultimate outcome and the protection of the public interest.

Accordingly, the Government proposes to provide a consultation role for Parliament in respect of the proposed processes for major contracts. Before Cabinet contracts out a major Government activity, the process will be referred to the Industries Development Committee of the Parliament for its comment on the process. This would be done on a confidential basis, given the need to protect the State's commercial position in subsequent negotiations. It will be necessary to amend the Industries Development Act to establish this role for the committee.

In relation to other parliamentary committees which seek to inquire into Government contracts, the Government has developed a protocol for dealing with commercially confidential information which it will discuss with the Opposition and the Australian Democrats. This protocol will propose to deal with the disclosure of information which would harm the interests of the State and/or the party with which the Government has contracted. To ensure appropriate disclosure to Parliament after a major transaction is completed, annual reporting requirements of all Government agencies will be extended to include a summary of all contractual arrangements entered into above a certain amount and extending beyond a single year. The summary will contain details of the private sector participant, the duration of the arrangements, details of assets transferred, the benefits of the contract and contingent or other liabilities. This summary would be verified for its accuracy by the Auditor-General and ensure proper accountability without prejudice to the interests of the State.

In these arrangements, there is nothing which attempts to limit the powers, privileges and responsibilities of the Parliament or any of its committees. Rather, the intent is to establish arrangements for the protection of the public interest in the context of ensuring that the public benefit is at all times the paramount consideration and that any issues which may be prejudicial to the public interest are identified at an early stage. The House should be aware that these arrangements are being adopted as acceptable accountability processes by Parliaments in other countries. With their adoption here, we will be giving a lead in Australia in facilitating parliamentary scrutiny of contracts between the public and private sectors.

Finally, I turn to the role of the Auditor-General. Currently, the focus is for the Auditor-General to provide advice to Parliament through his annual report after the event. At the same time, it should be noted that the Auditor-General has access to all contracts entered into by the Government and full information about contractual processes. Section 36(1) of the Public Finance and Audit Act describes the role of the Auditor-General as follows:

> The Auditor-General must prepare an annual report that sets out any matter that should, in the opinion of the Auditor-General, be brought to the attention of Parliament and the Government.

Provision by the Auditor-General of independent, expert advice before a major contract or transaction is completed is clearly of great assistance to the Government. The Solicitor-General has provided a memorandum of advice to the Government which I summarise as follows:

> It is my opinion that it is perfectly appropriate for the Auditor-General, if he becomes aware of a proposal which in his view, if adopted, would not be in the best interests of the State, to raise his concerns with the Government. If he is willing to do so and has the resources necessary to do so, he could carry out a watching brief. The Government does not have to accept the advice or suggestions of the Auditor-General. Of course, the Auditor-General is at liberty to raise with the Parliament any matter he thinks fit.

I emphasise that nothing in such an arrangement is in any way designed to affect the independence of the Auditor-General in his relationship with this Parliament. I have had discussions with the Auditor-General about an appropriate means of communication to bring to the Government's attention any 'before the event' concerns that he or his office may have. Given the changes now occurring in the State public sector, the issue as to whether the Auditor-General has sufficient resources to be able to carry out his responsibilities now needs to be addressed. The Government will do this in the context of the 1996 budget. It is the Government's view that additional resources should be provided to the Auditor-General to ensure sufficient analytical capacity to handle the complex and new management issues which the office is and may be considering.

In summary, the decisions I have announced today will significantly extend the Government's accountability to Parliament and to the public of South Australia in dealing with a new management environment. A new culture and skills in the public sector are developing through a collaborative approach from central agencies in the establishment of a whole of government program on prudential management. The Government recognises that Parliament has a vital role in ensuring effective accountability. The Government wishes to cooperate with the Parliament to ensure that we are able to maximise the benefits to all South Australians of this new era of public administration.

FORESTS

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: Since coming to office, this Government has taken a number of initiatives to enhance the value to South Australia of our forestry industry. We have given particular attention to State-owned forests in the South-East because of their importance to that region as well as to the broader State economy. Our initiatives have included action to restructure PISA Forestry and to sell Forwood Products as a means of improving management of the timber resources owned by the Government and establishing larger and more efficient timber processing operations within our State. These initiatives are in response to national and global changes occurring in the timber industry. Our major competitors such as New Zealand and Chile have moved increasingly to commercialise their forest operations, pursuing options including outright sale of Government owned forests or sale

of harvesting rights. Some of these changes are evident in other Australian States also.

As well, the onset of the Hilmer competition regime raises further challenges in maintaining a viable timber processing industry in South Australia capable of supporting strong employment levels. To ensure the State is in the best position to respond to those changes and challenges, and to provide more employment and to maximise the value of our timber industry, the Government has initiated a three-month review of the State-owned forests in the South-East. This review will build on previous advice we have received about management issues in considering a number of wider economic issues. The Government is aware of speculation within the timber industry, particularly in the South-East, as to what may result from this review. Accordingly, I make it abundantly clear today—

An honourable member interjecting:

The Hon. DEAN BROWN: —I invite the honourable member to listen—that this review is being conducted within the following parameters to protect the long-term interests of South Australia in forest production and timber processing: first, no matter what form of contract is let for the sale of Government timber, the Government will retain ownership of the forests, including the forest land—

Mr Foley interjecting:

The SPEAKER: Order! This is the second time for the member for Hart.

The Hon. DEAN BROWN: I repeat: the Government will retain ownership of the forests, including forest land; and, secondly, the Government will retain control over the location, age and quantity of timber to be felled.

Mr Quirke interjecting:

The SPEAKER: Order! The member for Playford.

The Hon. DEAN BROWN: In short, the Government would not allow a private operator or owner to come into the industry on a short-term basis to rip out our forests without regard to the longer-term interests of the South-East and South Australia. One important task of this review will be to consider the feasibility of an increase in the current size of economically viable timber forest plantations in the South-East. This, and the Government's commitment to retain ownership and significant operational control, demonstrates our determination to maximise the value of our forests for both present and future generations.

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): I seek leave to make a brief ministerial statement on changes to the autumn sitting schedule of the forty-eighth Parliament.

Leave granted.

The Hon. S.J. BAKER: When the parliamentary calendar—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: —was formulated last year, there was a possibility that a Federal election may be called during the autumn sitting. As members would no doubt be aware, that possibility has now become a reality. Accordingly, the Government has decided to postpone the sittings of both Houses of this Parliament on 27, 28 and 29 February 1996.

Members interjecting:

The Hon. S.J. BAKER: Just listen. This decision recognised the commitment State members of Parliament have to assisting their Federal colleagues in their goal to have the public focus properly on national issues during the final week of the Federal election campaign. To accommodate this change, the autumn sitting will be extended to allow the necessary time to complete the legislative program so there is no lack of scrutiny. Members can rule out the rest of April in their diaries.

WATER FILTRATION

The Hon. J.W. OLSEN (Minister for Infrastructure): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: SA Water has moved a significant step closer to delivering filtered water to more than 100 000 South Australians in regional areas of this State. Three companies will be invited to enter into further negotiations with SA Water for the contract to build, own and operate up to 11 new water filtration plants serving the Adelaide Hills, Barossa Valley, Mid North and Murray River towns. The contract will be let around the middle of this year, and the first filtration plant, which will supply Adelaide Hills towns, is due to be commissioned by the end of 1997. This Government has brought forward the delivery of filtered water by almost a decade from the former Labor Government plan, and all plants will be commissioned by the end of 1999, that is, clearly before the turn of the century.

The program brings a number of benefits to South Australia. Many of the regions included in the $100 million program are prime tourist areas. Water filtration plants for these areas will significantly improve tourism prospects for the whole State. A further economic boost will flow from benefits to food processing and beverage companies, including South Australia's rapidly growing wine industry. Families will benefit from the improved health and safety of their water supply. Filtered water means lower levels of additives, as well as aesthetically better water with less colour and odour, and fewer impurities.

The quality of water supplies in regional areas currently falls well short of community expectations and the standard to which metropolitan customers have become accustomed. Regional South Australia has had to put up with unfiltered water for too long. This Government made a decision last year to fast-track plans to provide filtered water to these areas, and we are now entering negotiations with private sector partners to build, own and operate the new filtration plant. This is an innovative approach to providing new infrastructure for services such as water supply. Under a build, own and operate scheme, the private sector will have the opportunity to finance, design, construct and operate the new filtration plants, costing a total of about $100 million. SA Water will simply pay for the filtration services provided by the plants. The Government's plans will also provide a substantial boost to South Australia's emerging private sector water industry, because building and operating more than 10 new water filtration plants will provide a major opportunity for local industry involvement.

We are committed to the development of a new world-class water industry in South Australia, with a strong private sector base. Projects such as this are important to the development of that industry and the strengthening of the capability to compete successfully in the Asian infrastructure market. The three consortia invited to negotiate with SA Water are Anglian Water International, Murray Water Services, and North West Water (Australia). Initial proposals

from these successful companies have already undergone a rigorous assessment by SA Water.

Mr Foley interjecting:

The SPEAKER: Order! The honourable member in question.

The Hon. J.W. OLSEN: The process is a request for tender, not a request for proposal. Perhaps the honourable member should take some elementary lessons in tender versus proposal procedures—

Members interjecting:

The Hon. J.W. OLSEN: You would not answer the question.

The SPEAKER: Order!

The Hon. J.W. OLSEN: The most important factor in the decision on the preferred bidder will be the cost of the filtration program.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. The member for Hart has been warned: he knows the consequences. One more interjection and he will be named. The House has conducted itself in a reasonable manner and the Chair is pleased. I will not allow the House to get out of control. All members have been here long enough to know the rules. The honourable Minister.

The Hon. J.W. OLSEN: The most important factor in the decision on the preferred bidder will be the cost of the filtration program. However, all bidders have been asked to submit economic development proposals, and these proposals will contribute about one quarter to the total evaluation score. The three consortia will now enter into a more intensive phase of negotiations, leading to the nomination of the preferred bidder.

QUESTION TIME

FORESTS

The Hon. M.D. RANN (Leader of the Opposition): Mr Speaker—

Members interjecting:

The SPEAKER: Order! The Chair will not accept any disruptions today.

The Hon. M.D. RANN: Why has the Premier denied claims by the former Minister for Primary Industries that the Government planned to privatise the State's forests when the Treasurer, with the active and total support of the Premier, last year drew up plans to sell off the management and harvesting rights to the State's forests? I have a copy of a document dated 14 September 1995 that refers to a Cabinet submission planning to privatise the harvesting of the State's forests. The minute, prepared by Crown Law, states:

> I note that the Cabinet submission in relation to this matter seeks approval for the granting of a licence to a single person. The type of licence in question is to be based on the New Zealand model whereby the licensee harvests, plants, manages and processes the timber. The licensee is also able to use the land for any other lawful purpose.

Later, the minute refers to a Cabinet decision on forest licences. So, who is telling the truth, you or Dale Baker?

The SPEAKER: Order! The Leader of the Opposition knows that comment is not acceptable in explanation of a question. Next time it happens, I will rule the question out of order. The Deputy Premier.

The Hon. S.J. BAKER: The Leader of the Opposition is totally wrong.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: He is just totally wrong.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I think we should go back to 1990 and remember when, under Minister Klunder, the forests of South Australia were sold off with a 25 year option. We lost control. We still had control of what was actually harvested and we still had control of the land, but the overall responsibilities were hived off for 25 years because of the deal done by the former Government. After five years we stopped that deal. Do not talk to me about who is selling off what assets.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: We will get to that. First, let us get on the record where the former Government has been. It sold the forests off for 25 years at $407 million and made a lousy $6 million out of it. Talk about good business management! In the process, it stifled innovation in the forests. So, let us get it right. The Leader of the Opposition has material—I am sure he has been provided with a lot of material on this matter—but he needs to understand that none of that material has gone to Cabinet. I will explain the process, which is similar to that of the former Government.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: As Treasurer, I investigate a large number of matters. I made a commitment prior to the last election that I would ensure the efficiency of the use of our assets. That was made quite clear. Indeed, if members opposite want to go back, I also said in that financial statement that we were actually going to forward sell wood product out of the forests. I had a figure of $200 million set down at that time. When we hear about secret deals and all these funny little things that might be happening in the minds of Opposition members, let us get it right, and clearly a statement was made before the election. Indeed, the process of events is also quite clear: a Cabinet decision was taken on the forward sale of products. As everyone would recognise, we went through the full scoping of phases 1, 2, 3 and 4 to the point where either something is sold or we cut the process off at phase 1, phase 2, phase 3 or even phase 4. That has been made quite clear and members opposite have been fully briefed on that matter.

When we were going through phase 1 of the scoping process for the Forwood Products proposal it was becoming clear that the world had changed out there quite dramatically. Indeed, Governments are getting out of forests around the world: that happens to be a fact of life. As Treasurer I said, 'Let's have a look at what we have in the South-East. Do we have a product there that can be enhanced? Is there something which can give better value to the South Australian economy?' The Asset Management Task Force reviewed that position. Indeed, it concluded that there was a way of enhancing value in the forests, and it proceeded along that track.

If the Leader of the Opposition has a Cabinet submission that has never gone to Cabinet, that is fine, but he should check whether it has gone to Cabinet, because it has never gone to Cabinet. If the Leader had been given all the papers he would know that to get through the system and up to Cabinet the document had to be signed by the former Minister for Primary Industries. The Leader should know that. I am sure that he has been briefed well but perhaps he needs

another briefing. In the process, I go through the way in which we can enhance our asset base and the way in which we can actually utilise the resources we have in this State.

During those discussions it came out that there was a big difference of opinion on the value of the forests. Indeed, a whole range of other matters came to our attention. So, even if we forget about overseas changes and the recommendations of the Industry Commission—and the force of the Hilmer report, which will impact on everything we are doing in this State, is already forcing us to make changes in a whole range of areas—the fact of life is that on the basis of preliminary investigations we were not getting full value out of the forests. We were not doing justice to the South-East or to the South Australian economy. On that basis I proceeded as Treasurer, and the AMTF examined means by which we could enhance our capacity to get better value out of the forests.

That is the way this matter evolved. The Premier has made a clear statement and indicated there would be no agendas. I have said that I wish to investigate this matter as I have done over a whole range of areas right across the whole of Government in terms of utilisation of assets. Over a whole range of issues it became clear that not only was there a difference in asset valuation but that already in the forests area there are forward contracts on the supply of timber which would impede the selling of harvesting rights. Members opposite should ask the former Minister for Primary Industries about that. There are forward contracts for the sale of timber which have five plus five—10 years, you could say—duration. A very large amount of cuttable timber is under contract. A whole range of issues faced the Government. We said that utilising harvesting rights as they operate in a number of countries does not, for a whole range of reasons, happen to be the smartest thing we can do right at this moment.

The Hon. Dean Brown: There are four other contracts for the cutting.

The Hon. S.J. BAKER: Yes. The timber products are already tied up. Remembering that we have had the Industry Commission and the rest of the world saying that Governments do not organise these things properly (we also have Hilmer to consider, and the Federal Government will have a few things to say about Government ownership of forests), we said that it is about time that we actually had control over our own destinies. If anyone in this House says that I have done wrong let them say so, but let them prove that we had made a decision at Cabinet level to proceed on this level. We never have. It was a method of examination. The former Minister for Primary Industries was fully briefed every step of the way. Indeed, I wish to quote from a—

Ms Hurley interjecting:

The Hon. S.J. BAKER: It is for everyone's determination to like or dislike what is happening. My prime concern is getting the best from our assets and making sure that the economy of this State and the economy of the South-East gets best value for money. Is that wrong?

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: We have piles of correspondence on this. I do not know how much the Leader of the Opposition has been provided with, but he will see draft Cabinet submission 1, 2, 3 or whatever. He will see that material because—

An honourable member interjecting:

The Hon. S.J. BAKER: I am sure that it is probably being provided. If the Leader has a Crown Law opinion, I can inform him that it was based on a draft Cabinet submission which asked, if we wished to go down this path, what were the legal impediments.

STATE ECONOMY

Mr BECKER (Peake): Will the Premier say whether the latest indicators continue to point to strong growth in the South Australian economy and, if so, what credit, if any, is owed to the Federal Government?

The Hon. DEAN BROWN: This is interesting, because we heard some economic news a couple of weeks ago that South Australia had the fastest growing economy for the last quarter of the last year of any State in Australia. What did we hear from Opposition members? We heard hardly a word, except that they were trying to knock that as well. What did they say last year when there was some suggestion that our economy was rather slow? They were out there wanting to highlight the fact that the economy was growing slowly. What they were really highlighting was the fact that in Government they had damaged the South Australian economy. Now we can claim that we had the fastest growing State economy both for the last quarter and for the past year. Look at where we sat for the last quarter: 1.7 per cent growth rate, with the next highest State in Australia at 1.1 per cent. The average for the mainland States on the eastern seaboard was about .5 per cent. We were well and truly in front.

I ask members to look at some of the other figures as well. Job vacancy figures, which were issued yesterday, show trend job vacancies in South Australia as being the highest in January for over five years. In fact, they recorded a 2.1 per cent rise in vacancies in this State, which was higher than any other mainland State of Australia. During December 3 900 full-time jobs were created in South Australia based on the surveys. In November, 6 000 additional full-time jobs were created.

What have we done about unemployment since we have been in government? We have reduced it from 11.2 per cent to 9 per cent—an outstanding achievement. Retail sales have shown the highest increases in South Australia of any State in Australia over the past 15 months. Again, the latest figures, which came out only yesterday or late last week, show that we have achieved the highest and best figures. Retail turnover was up 10.5 per cent—the strongest of all the States. Private final consumption expenditure was up by 7.3 per cent—also the strongest rise of any State in Australia.

Motor vehicle registrations were up 8.1 per cent over the year—the strongest of any State in Australia. Private business investment was up 27.4 per cent—the second highest rise of any State in Australia. Economic indicator after economic indicator shows that we are leading Australia. Most importantly of all, on the all-embracing issue of economic growth, South Australia can boast the best economic growth of any State in Australia.

CABINET RESHUFFLE

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier, not the Deputy Premier. Why did the Premier lose confidence in the former Ministers for Primary Industries and for Housing, Urban Development and Local Government Relations, and has he now met with the members for MacKillop and for Morphett to explain his

actions given the off-the-record briefings by the Premier and his staff about the so-called real reasons for their sacking, including the misuse of Cabinet information by the Minister for Primary Industries and claims by staff of improper conduct by the former Minister?

The member for MacKillop told the media that he was sacked over the telephone and not given any reason for being stripped of his ministry. The member for Morphett was also reported in the press late last December as 'demanding a decent explanation from the Premier for his dismissal'. The member for Morphett said, 'To be truncated at the knees because of some other political agenda makes me very, very cross.' The Premier said that he would discuss it further. I will certainly be seeking a satisfactory reason if he does not supply it. Has he had the courage yet?

The SPEAKER: Order! The Chair is very tempted to rule that question out of order. If the Leader of the Opposition defies the Chair again, I will not call him again. The honourable Premier.

The Hon. DEAN BROWN: For many years it has been the prerogative of the Leader of the Liberal Party to select both the Cabinet and the shadow Cabinet. I do not state publicly why I have made that choice, except to say that I have always picked what I think is the best team to meet the demands and challenges of this State for the future.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I have looked at what I believe this Government needs to achieve over the next two years to the next election, and I have picked what I think is the best team to produce that result. I have had discussions with both members about the reasons for their dismissal. I stress the fact that I have picked the team that I think can produce the best results for South Australia, and that is what counts.

GAMING MACHINES

Mr BASS (Florey): Will the Treasurer inform the House of the proposed reforms of gaming machine rules and regulations and say how they will affect hotels and clubs in South Australia? Following the Government's announcement on the new tax structure affecting gaming machine operations late last year, I have been approached by a number of operators who are concerned about the impact that the structure will have on their businesses.

The Hon. S.J. BAKER: The results of deliberations over the past month or so have been constructive in terms of the outcome on the gaming machines issue. I wish to read a letter that was provided by the General Manager of the AHA and the President of the Licensed Clubs Association, as follows:

> The Licensed Clubs Association and the Australian Hotels Association have consulted their respective elected representatives and as a result endorse the proposal as discussed with you on Wednesday 24 January 1996. That proposal included the two-tier tax on 'net gaming revenue' at 35 per cent and 40 per cent with the threshold at $75 000 (net gaming revenue) per month. This proposal also includes the concept of the industry guarantee.

It goes on to state that the two associations will also seek concessions on the minimum closure and deals with that sort of thing. That was the issue confronting us. Prior to Christmas we made a statement on gaming machines and the Government's desire to increase its revenue from this source. There was some consternation within industry sources, and many members of Parliament would have received correspondence, telephone calls and visits from people within the industry.

An honourable member interjecting:

The Hon. S.J. BAKER: I assure the honourable member that they will cancel it just as quickly. First, there is an agreement. We have an undertaking from the Licensed Clubs Association and the Australian Hotels Association that under this new formula if the $146 million is not reached there will be a clawback in the process not only to pick up on the $146 million, but to put in a changed tax regime to produce that revenue.

The industry has said that it prefers a different form of taxation which exists in other States and is not so regressive as the taxing of turnover. There was a lot of to-ing and fro-ing in relation to a new taxation regime which has proved to be more constructive than the one we had in place. That matter is now successfully completed and we have a sign-off from both organisations on that issue.

The net gaming revenue relationship on the 80 per cent return to player, which is where we expect the industry to be at 30 June this year, and the take under this formula is 35 per cent. For those at the bottom end (there are about 60 per cent below the threshold), we would not expect any significant change in their operations. Those above will be paying the higher order take of 40 per cent.

Other matters have been discussed during the process. Eftpos will be excluded from gaming areas, and legislative amendments will be brought in on that matter. There will be difficulties in some circumstances and we will cater for those.

The proposal is for a six-hour clean break during which no gaming machines will operate in each of those hotels. There is also the issue of closure on Christmas Day, in conjunction with Good Friday which is already in place. We have a commitment to the Community Development Fund of $25 million. We are already committed to helping the charities with the extra impost placed on them by gaming machines to the tune of $1.5 million. We have freed a number of areas where charities have traditionally raised funds in order to make their life a little easier. I believe it was a successful outcome.

ASSET MANAGEMENT TASK FORCE

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Treasurer. Has the Asset Management Task Force yet received an apology from the member for MacKillop for his criticisms of the task force and Government over the sale of public assets at low prices? A *Border Watch* article of 9 January states:

> State Treasurer, Mr Stephen Baker, has defended the Asset Management Task Force against accusations by former Primary Industries Minister, Mr Dale Baker. The Treasurer said he expected the former Minister to apologise to the Asset Management Task Force.

Mrs Kotz: We are still waiting for an apology from the Opposition over the State Bank debacle.

The Hon. S.J. BAKER: I think it is indeed appropriate to say that we are still waiting for a response from members opposite on the issue of $3.1 billion and the apology that should be forthcoming. The Asset Management Task Force matter has been clearly explained. It has successfully completed all its contracts to date, to the benefit of this State. If anybody wants a briefing on any one of those assets, I am delighted for them to receive it. We exceeded all our targets

in each of those sales. The Asset Management Task Force has been an outstanding success.

TOURISM, ASIA

Ms GREIG (Reynell): Will the Minister for Tourism explain the reasons for the unprecedented and very pleasing increase in Asian tourism currently being enjoyed by South Australia?

The Hon. G.A. INGERSON: This is another excellent good news story coming out of tourism. It falls into line with the growth figures for other areas of South Australia. We now have formally the latest calendar year figures, which show a staggering 51 per cent increase in the number of tourists out of Asia. The figure has risen from 22 400 to 33 900. The breakdown of the increase is as follows: 27 per cent from Singapore; 20 per cent from Malaysia; 16 per cent from Hong Kong; and 12 per cent from Indonesia.

One of the other exciting bits of news is that we expect this trend to continue because Malaysia Airlines recently announced an extra flight a week into Adelaide direct from Kuala Lumpar, and Singapore Airlines has announced an increase in its flights from three to four. We will have the tourist numbers but, just as importantly, as the Minister for Infrastructure stated, we need more cargo coming into and going out of our State. It is important that these figures continue their upward trend because it shows clearly that the Tourism Commission's promotion campaign is starting to work in Asia. The figures are very pleasing.

MACKILLOP, MEMBER FOR

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier advise whether the former Minister for Primary Industries was dismissed because he refused to sign the Cabinet submission mentioned earlier by the Deputy Premier that would have endorsed the privatisation of the harvesting and management of the State's forests in the South-East, and is the Premier aware that his staff have briefed journalists claiming improper conduct by the former Minister?

The Hon. DEAN BROWN: I can say 'No.' The Leader is wrong once again.

UNITED WATER

Mr CUMMINS (Norwood): As it is now one month since United Water—

Members interjecting:

The SPEAKER: Order!

Mr CUMMINS: —took over the contract to manage the treatment and supply of Adelaide's water, will the Minister for Infrastructure inform the House of how successful, if at all, the first month of operation has been?

The Hon. J.W. OLSEN: I am pleased to report to the House on the operation and maintenance of Adelaide's water and sewerage system by United Water over the course of the past month. Members should understand that it was the largest contract of its type let in the world during 1995. There was no transitional period, and the company, United Water, started the whole operations and maintenance on 1 January 1996. It was not a bad feat in itself that on 1 January the company was able to pick up, without transition, the whole operation and maintenance of some one million people in the provision of water and sewerage facilities. It has been a seamless and successful transition to the United Water operation. As far as consumers are concerned, there is no difference to that which applied before. In fact, some of the performance requirements on United Water are in fact higher than that applied by SA Water. To give an example, the performance standards under the contract are such that it is expected to attend to 100 per cent of burst water mains within a hour.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: That is simply not right. You got it wrong again. The honourable member has not got many right today, and he got that wrong, too.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: I know that you do not want to hear about this performance benchmark or the guarantees in the contract.

Mr Clarke interjecting:

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

The Hon. J.W. OLSEN: You are going to hear it, whether or not you want to protest. It has been successful, and I will tell the honourable member about it. I do not care how long it takes to tell honourable members about the success of this contract. Under SA Water the benchmark for attending burst water mains was 80 per cent within one hour. United Water is meeting its requirement of 100 per cent within one hour. In addition, United Water must also attend to 100 per cent of internal sewer floodings within an hour. SA Water had a benchmark of two hours. Once again, the performance requirements are being met by this company within one month of operation.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Let us look at the community reaction about which the Opposition talks. We all remember the Leader of the Opposition producing a UK licence for a sprinkler and saying, 'Here's the threat—they will introduce sprinkler licences.' Here we are a month down the track and we have seen no sprinkler licences and nothing on the agenda to introduce sprinkler licences in South Australia.

As a result of that sort of misinformation that was trundled around by the Opposition, including the terms 'privatisation' and 'sale' *ad nauseam*, when the Opposition knew that that was not the case, we installed an information hotline. The hotline number went out on most accounts and we advertised it in the media so that people could ring up and get this misinformation corrected. During the month of December a number of calls were received on the hotline.

In the week beginning 26 November there were nine calls on average; in the week of 3 December it dropped down to three calls; and for the week of 10 December there were three calls. Interestingly, since 17 December there have been no calls to the hotline. For any week since 17 December, there has been not one phone call to the hotline expressing concern by constituents and consumers of water in South Australia. United Water is generally meeting the higher performance standards locked into this contract to the benefit of consumers within South Australia. The effluent quality at Bolivar has met all requirements; and the effluent quality at Port Adelaide, Glenelg and Christies Beach is meeting performance requirements.

Members interjecting:

The Hon. J.W. OLSEN: Members find this interesting. They are contractual requirements, Environment Protection Authority requirements which apply higher standards than applied to SA Water in the past. We are not only getting

better customer service and a seamless transition to United Water under this contract but, importantly, we are saving South Australians every month we pay the fee for the service provided by United Water. It is $164 million worth of savings for South Australians over the life of this contract. It is $164 million worth of savings with service provision equal to and better than applied in the past.

FORESTS

The Hon. M.D. RANN (Leader of the Opposition): Is the Minister for Primary Industries aware of, and has he read, a consultant's report commissioned by his predecessor valuing the State's forestry assets at $1 billion—a substantially higher figure than the valuation of $350 million by the Asset Management Task Force?

The Hon. R.G. KERIN: I have read all forms of things on the forests, and one thing that has come out is that we do not have an accurate valuation of the forest.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: That is one thing we need to address because proper management of any asset requires us to know what it is worth. We are taking that line, and there will be a review. That will be part of the review and the rest of the review will be, as the Treasurer stated beforehand, to find out how we can deliver the best benefits to the South-East of South Australia. That will not be done by not going down the line of valuing the asset properly. We will look at what form of management we need in the future and what we can do about regional development in the South-East.

LAKE EYRE BASIN

Mr CAUDELL (Mitchell): My question is directed to the Minister for the Environment and Natural Resources. What progress is being made by the South Australian Government on work to protect the natural values of the Lake Eyre Basin? As uncertainty continues over the future status of the Lake Eyre Basin and whether the area will be world heritage listed, groups interested in practical protection of this important region are asking whether this uncertainty has had any impact on work being undertaken in this region by the State Government.

The Hon. D.C. WOTTON: Unfortunately, the uncertainty regarding the future status of the Lake Eyre Basin to which the honourable member has referred continues to exist. I am pleased to inform the House—and I will say more about that uncertainty a little later—that the State Government is continuing to make significant progress regarding the environmental work that needs to be done to protect that very significant area of South Australia. Agreements have now been reached with a major pastoral company, Kidmans, for the long-term protection of the Coongie Wetlands and the Cooper frontage at Innamincka. This is a particularly important area, and I am delighted that we have been able to reach that agreement with Kidmans.

This agreement means that construction is under way on cattle exclusion fences and the establishment of alternative water points for cattle in that area. A development plan for visitor facilities is currently being produced for the Cooper Creek and Coongie Lakes area. This work is part of the $1 million being spent by the State in this region and already, as members would be aware, significant work has been completed, including the creation of a new national park. It is interesting to note that, prior to the last Federal election in March 1993, the Prime Minister announced that the environmental values of the Lake Eyre region would be assessed for world heritage listing.

Reports to hand suggest very strongly that it is impossible to assess the world heritage values of South Australia's mound springs without a simultaneous assessment of the Queensland mound springs, which the Federal Government has indicated it is not prepared to do, yet it is South Australia that is closely negotiating with Queensland to develop overall catchment policies. I would have thought that it was the overall catchment management of the Lake Eyre Basin that was particularly important in the preservation of that significant area. If the Federal Government is serious about looking after this region, it should call an immediate stop to the uncertainty and anxiety and put its desktop study money into projects that will complete and complement the work undertaken by South Australia so far.

It is time for the Prime Minister and the Federal Environment Minister to stop the nonsense and acknowledge the work that is well and truly under way. The way to better protect the environment and the area must be to work through the people currently on site. The Federal Government must encourage the efforts of those people rather than work against them. We all recognise the significance of the area, and I hope that a future Federal Government will work with the people to ensure that the area is protected.

GAMING MACHINES

Mr QUIRKE (Playford): How does the Treasurer justify giving only $1 million from poker machine revenue to charitable and community organisations, as well as denying any assistance to some charities that have lost income since the introduction of poker machines? In a letter to the Multiple Sclerosis Society, dated 4 January this year, the Treasurer states:

> The Government does not consider it appropriate to provide funding for agencies other than those which provide welfare services where the demand for those services has clearly escalated since the introduction of gaming machines.

The Government's inquiry into the impact of gaming machines (November 1995) had, as one of its principal concerns:

> . . . the impact of gaming machines on. . . the capacity of charities to raise funds.

Elsewhere, the same report states:

> The committee is convinced. . . that those fundraisers who have in the past derived significant revenues from the sale of instant bingo tickets and the conduct of eyes-down bingo sessions have been adversely affected.

Members interjecting:

The SPEAKER: Order! The Premier and the member for Playford will not engage in a conversation; they can do that outside.

The Hon. S.J. BAKER: The sheer hypocrisy of this argument needs to be exposed. We have done it before and we will do it again, but I must do it briefly because Question Time is limited. First, with the introduction of the Casino there was to be an inquiry into its impact and therefore some Government action to ameliorate that impact; secondly, when poker machines were introduced the then Government said, 'Yes, we will look at it. Yes, we will provide for it.' Nothing was ever put into the budget and nothing was ever provided. Let us look—

An honourable member interjecting:

The Hon. S.J. BAKER: Nothing in the forward estimates. I have looked at the forward estimates—nothing. So, the people were misled about any intention by the former Labor Government to provide one red cent to anyone. That is the record upon which we walked into Government. Let us look at our record: we have, through the auspices of the IGC (which has had discussions with the Government), implemented a program, through the Department for Family and Community Services, to tackle problem gamblers. As the Minister will advise the House, that program is being looked at around Australia now as a model to be adopted for addressing the problems faced by those people in particular. I congratulate the Minister for Family and Community Services. I ask members to remember that, prior to Christmas, we put a very large sum of money, about $500 000—

Mr Quirke interjecting:

The Hon. S.J. BAKER: It did not come from the industry.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The member for Playford got it wrong again. The Casino incurs a .2 per cent levy, which is our entitlement and which adds up to about $500 000. That money was applied to assist those people in impoverished circumstances as a result of problems in managing their finances. The honourable member should get it right. We have also said that, with the introduction of this high level of taxation, an extra $1 million will be put aside for those people who are in financial distress. We have undertaken a review of the charities, and a number of issues have already been addressed in terms of freeing up their fundraising capacity.

The review also showed that many of the charities which got into financial difficulty did so as a result of their own management problems. We would like to assist in that process, and in that regard we have introduced a code of conduct. I believe that not only will people give more freely to charities—because they will have faith that the money is actually going to the charities rather than being hived off, as it was under the previous Government—but there will be more opportunities to raise money. We will work through that. We have been constructive and we have addressed all those issues.

HEALTH SERVICES

Mr BRINDAL (Unley): Will the Minister for Health inform the House what the Government is doing to minimise the impact on the health services budget as a result of the severe financial situation in which this Government finds itself by dint of the inheritance of the previous Government?

The Hon. M.H. ARMITAGE: As all members in this House know only too well, the Government inherited a particularly dramatic State Bank debt, with annual interest payments to the tune of hundreds of millions of dollars which, of course, was then unavailable to fund services for the people of South Australia.

Also in the health area we inherited a booking list of more than 9 000 people. So, we have forced the system to look at efficiencies, including such mechanisms as casemix funding. March 1994 was the base line that was set to measure the success of the system. As at November 1995, 8 115 people were on the booking lists of the six major metropolitan hospitals—in other words, a 16.3 per cent decline in the number of people on the waiting lists. The largest relative falls were recorded at the Flinders Medical Centre (down 29.8 per cent); the Lyell McEwin Health Service (down 27 per cent); and the Queen Elizabeth Hospital (down 25.2 per cent).

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: One of the other mechanisms used to measure waiting list times is the number of people who have been on waiting lists for 12 months or more. As at November 1995, 740 people had spent 12 months or more on a booking list. While this figure is unacceptable and we are working on bringing it down, just how successful we have been can be instanced by the fact that since the index month of March 1994 the number of people who have been waiting for 12 months or more on a waiting list has fallen by 39.6 per cent. The largest relative falls were recorded as follows: the Queen Elizabeth Hospital, down 54 per cent; the Flinders Medical Centre, down 44.6 per cent; and the Royal Adelaide Hospital, down 43.1 per cent.

So we have been able to provide a lift in services despite repaying money to overcome the State Bank debt which we inherited. Also, in the period covered by the latest Medicare review, the proportion of South Australians covered by supplementary hospital insurance fell during the period June 1989 to June 1995 from 41.3 per cent to 33.3 per cent. As everyone would recognise, 10 years ago the numbers were much higher, to the tune of 70 to 75 per cent, but during the period of the Medicare review they have fallen from 41.3 per cent to 33.3 per cent. This has obviously led to an increased reliance on the public system. What that means, if you take into account all the other variables including, if you like, amortising population growth, is that 142 800 South Australians now rely on the public system whereas previously they were privately insured.

Commonwealth funding has increased during the same period but not to the extent of compensating for what we as taxpayers have to pay for those 142 000 people. In fact, the accumulated cost to South Australia during the period only of this Medicare review of the demand transfer since 1989 is $124 million at 1994-95 prices.

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: The member for Elizabeth indicates that that is not true, but it is in fact based on the Medicare 2 per cent review to which the Commonwealth Government or, in other words, Labor Party officials, contribute. So, that is a guaranteed, given figure: the cost transfer is $124 million. During the same period, the Commonwealth has been touting how wonderful it has been in providing this huge increase in funding for the South Australian public health system. During that same period it has increased funding by $41 million, which anyone can see means that we are in debt to the Commonwealth Labor Government to the tune of $80 million.

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: We are dealing with the impact of the State Labor Government's failure to manage the debt problem, we are dealing with the Federal Labor Party and its mismanagement of private hospital insurance, we are managing a health system with fewer resources, we are repaying the debt, and at the same time we have had a 4 per cent increase in activity in hospitals and reduced hospital waiting lists by 16 per cent. It is nothing short of a joke that in a Federal election context the Federal Labor Party has the

gall to criticise this Government, which is getting on and doing things positively.

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order! The honourable member will not interject again. The Chair was waiting to see whether the Deputy Leader had finished his private conversation. I do not need the assistance of the honourable member. The member for Playford.

BROTHELS

Mr QUIRKE (Playford): My question is directed to the new Minister for Police, and I congratulate him on his promotion. Does the Minister concur with his colleague the member for Unley that policing of brothels in South Australia lacks uniformity and that victimisation of certain premises and people occurs regularly? Further, I ask the Minister what action he has taken since receiving the member for Unley's letter or reading its contents in the Adelaide *Advertiser*?

The Hon. S.J. BAKER: I am pleased with that question, and I congratulate the member for Unley, because he has shown a distinct interest in fairness, irrespective of what occupation a person might have. I think that is a quality we should all admire. Regarding the question about whether certain parts of this industry are being subjected to unfair harassment, upon receiving the member for Unley's advice I asked for and received a report. There is a committee that looks at a number of criteria associated with various activities, in this case particularly the running of brothels. We are all aware that brothels can have a number of unwanted consequences such as drug abuse, under-age prostitution, organised crime and disorderly behaviour on a continuing scale.

The way in which various brothels and escort agencies are treated has been the subject of a review by the Police Department. There is a committee that looks at such things and says which are the ones that might have difficulty in a number of areas. The report that has come back is consistent with the member for Unley's observations, but there are some very good reasons. Indeed, if some of those particular brothels clean up their act, they might not have another visit for some time.

YOUTH EMPLOYMENT

Mrs ROSENBERG (Kaurna): Will the Minister for Employment, Training and Further Education outline the most recent initiative to help provide South Australia's young people with a start to career training via the Public Service?

The Hon. R.B. SUCH: I thank the member for Kaurna for her question. She is an excellent member who represents the southern area, and as a member she is particularly committed to helping young people. The honourable member is delighted with this new initiative of the State Government to take up to 1 500 trainees into the Public Service. Let us compare that with the situation when the invisible Leader of the Opposition was in Government as a Minister. At that time, when the Leader of the Opposition was a member of the former Government, the total number of trainees was 126.

The latest intake by our State Public Service of people under the age of 21 under this traineeship scheme is 1 500, and that is on top of the hundreds that we have already taken. This is a fantastic announcement for our young people. Youth unemployment is still at an unacceptably high level (8 500 unemployed teenagers): this Government will not sit back and allow that situation to continue but will make every effort to provide jobs for those young people. The Premier and the Minister for Industry are working hard to attract new industry here with great success, and tomorrow I will provide another good news story about developments in South Australia.

This is one part of the strategy to provide a future and hope for our young people. Recently, we announced the technical trainee scheme, and we also have a scheme whereby companies that get civil construction contracts with the State Government are required to indicate their training commitment for young people in the form of apprenticeships and traineeships. We are serious about our young people, we are doing something for them, and we are not prepared to sit back and allow the situation of high youth unemployment to continue. Even though this is primarily a Federal responsibility, we are doing all we can to assist our young people. So, the announcement that has been made of $10.2 million from our resources, tight as our budget situation is, is a great step forward. It is matched by the Commonwealth, which is providing an equal amount.

That augers well for the future of our young people in that 1 500 of them—city and country, young men and women, Aborigines and people with disabilities—will be targeted and brought in to undertake an accredited training program, to be paid the proper award wage rate and to be given a future.

WASTE MANAGEMENT

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Housing, Urban Development and Local Government Relations—and I take this opportunity to congratulate the Minister on his appointment, no matter how short his tenure may be.

The SPEAKER: Order! The Deputy Leader is aware of my earlier ruling.

Mr CLARKE: Will the Minister guarantee that he will not use his powers under section 24 of the Development Act to allow the use of the former British Tubemills cite at Kilburn as a waste treatment plant by Collex Waste Management Company? The Enfield council has appealed to the Supreme Court against a decision by the Development Assessment Commission to allow a waste treatment plant to be established by Collex at Kilburn in an area bounded by residential development, a nursing home and a primary school.

The Hon. E.S. ASHENDEN: As the honourable member has pointed out, this matter is before the courts, and the Government will let that process follow its natural course.

PRIMARY INDUSTRIES DEVELOPMENT

Mr ANDREW (Chaffey): Will the Minister for Primary Industries say whether any initiatives have been announced recently that will assist the growth and development of primary industries in South Australia?

The Hon. R.G. KERIN: I thank the member for Chaffey who, along with me and all South Australian primary producers, has anxiously awaited the release of Federal policies for primary industry, as there is no doubting the enormous contribution that primary producers make to our economies, both in this State and nationally, and they are anxious to see that acknowledged at a Federal level. I commend the Federal shadow Minister for his primary industry policy, entitled Reviving the Heartland, which is aimed at taking advantage of the opportunities in agriculture,

as evidenced here this year. The key thrusts of the policy are: a commitment to labour reform, in both transport and on the waterfront; economic and tax policies to reduce the costs of inputs for farmers; and encouragement for valuating an investment. An additional $164 million over five years for land care is supplemented by a new system of land care tax credits and rebates. The Coalition has made a promise to maintain the Rural Adjustment Scheme.

Property management planning will be widely promoted, and that will be modelled on the successful South Australian model. There will be $19 million a year for the national weed strategy, which will see major spin-offs in Adelaide, where CRC for Weed Control is based. Improvements are planned to the income equalisation deposit scheme and the farm management bond scheme to increase their attractiveness to farmers. The $163 million to tackle land degradation in the Murray-Darling Basin is of great importance to South Australia. Very importantly for rural families, there is also a new $27 million rural health strategy to get more doctors into the country, and there is a relaxation of the Austudy assets test. They are two initiatives that address some very real problems in rural areas. Within 100 days of gaining office, John Anderson wants a national rural finance summit, and no doubt notice will be taken of the rural debt audits in South Australia, the second of which is now being held.

In general, we have had a good year in the farming sector in Australia, not just in South Australia. It is time now for Federal Governments to realise that rural industries are important to the national economy. I commend John Anderson for his proposed policies, and I look forward, as no doubt does the member for Chaffey, to the benefits that these initiatives can deliver to primary industries, both in South Australia and to the rest of the nation.

FEDERAL ELECTION

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Premier. Did the Government consult its Federal Liberal colleagues on its decision to cancel the parliamentary sitting week just prior to the Federal election on 2 March to avoid the raising of important issues in the only State Parliament that is in session prior to the holding of a Federal election? The Government informed the Opposition at 1.55 p.m. today of its decision. John Howard is in Adelaide today campaigning and was with the Premier earlier today.

The Hon. DEAN BROWN: I have been in this Parliament long enough to know the extent to which the Deputy Leader of the Opposition, together with some of his colleagues, is prepared to breach every reasonable standard of decency of this Parliament to throw mud in the last week of an election campaign. I am not prepared—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —to see this Parliament used as no more than a fear campaign and as a tactic in the middle of a Federal election campaign. It is interesting because, as I understand it, the Labor Government of New South Wales has cancelled all its parliamentary sittings prior to the Federal election—all of them.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: But if the honourable member wants a clear statement, it is because of the way he performs and behaves in this Parliament that we specifically made sure we would not allow him to abuse the privilege of Parliament. If he wants to say it, he should go outside and say it and stand up and be a man, instead of coming in here and being a wimp.

Members interjecting:

The SPEAKER: Order! If members do not want to ask any more questions, the Chair is quite happy to call on the business of the day. That is the tactic used in a number of other Parliaments around Australia. Instead of calling on the Deputy Premier, I will call on the business of the day. Members should be aware that is entirely at the discretion of the Chair.

BETTER CITIES PROGRAM

Mr BROKENSHIRE (Mawson): Will the Minister for Housing, Urban Development and Local Government Relations confirm—

Members interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: —that funding of the second Better Cities Program overwhelmingly favours Queensland at the expense of other States, including South Australia, and is the Minister aware of any reason for this decision?

The Hon. E.S. ASHENDEN: Well, once again, this shows that Labor gets it wrong not only in South Australia but in Canberra. I can just see the Federal Government, when it was determining how it would distribute its Better Cities money, saying, 'Let's have a look at each State, and let's see who we can buy and where it would be a waste of money.' It looked at South Australia, and it said, 'Labor there has only four out of 12 seats and, after the next election, it will have only two. So why on earth would we want to give it any money? On the other hand, let's look at Queensland, where our mate Mr Goss is having a little bit of trouble. Let's throw him a heap of money, because we might help him hold onto office.' It got it wrong, because we saw exactly what happened in Queensland on the weekend—and members opposite may think it is a joke that South Australia does not get the funding to which it is entitled.

South Australia applied for some money to assist it to undertake some projects or research into projects. We got only $550 000—less than half of what we asked for. We got absolutely no commitment for capital works spending. What did Queensland get? It got $120 million, out of a total of—

Members interjecting:

The Hon. E.S. ASHENDEN: That's dead right—for a new Liberal Government. I take the point. That was from a total of $220 million. So, when it is finally distributed, the rest of the States will get only $100 million. Therefore, South Australia gets less than half that it applied for for studies and it gets no commitment for capital spending but Queensland gets $120 million. This is on top of the same Federal Minister's cutting back our funding for housing by $6 million in real terms. To the Federal Government, all I can say is, 'You are treating South Australia and South Australians abominably.'

TENTERDEN HOUSE

Mr De LAINE (Price): Will the Minister for Health say what is happening regarding historic Tenterden House? Late last year a decision was made to demolish this stately home to provide for car parking space at the Queen Elizabeth Hospital. I understand that union bans have been in place

since that time and also that negotiations have taken place with the Hindmarsh-Woodville council in an effort to save this historic building.

The Hon. M.H. ARMITAGE: I am delighted to address this matter of Tenterden House. It fascinates me that we have so many instant experts on this matter.

Members interjecting:

The Hon. M.H. ARMITAGE: The members for Price and Spence are—

Mr Foley: Are you an expert?

The Hon. M.H. ARMITAGE: No, I am not an expert. I freely admit that I am not an expert in heritage matters. Indeed, I go to the experts and the heritage committees and ask, 'What have you said about Tenterden House?' They have said it is a nice building but of no heritage significance. I have not said that—it is the heritage experts saying that. Tenterden House simply is not on any register. Indeed, while it might be a nice building, which I accept, it is not on any register and hence should not be afforded any particular protection. The member for Spence, and I presume the member for Price, because of his interest in this matter, are depicting the situation as if we are attempting to do nothing more than bulldoze a heritage listed house (which as I have said it is not) merely in order to provide a car park. That is wrong—once again, dodgy, smoke in mirrors and clouding the facts.

The simple fact is that we are desperate to try to provide better mental health care in the electorates of Price and Spence. To do so, we want to put a 30-bed psychiatric hospital near the honourable member's district, and we need this area to do so. If the honourable member wants to keep up a building with no heritage significance and not have a proper psychiatric hospital, let me know.

COOBER PEDY BOMBING

Mrs PENFOLD (Flinders): Can the Minister for Police inform the House of progress in investigations following the bombing of two police patrol cars in Coober Pedy this morning?

The Hon. S.J. BAKER: I awoke to ABC radio this morning to learn that two of my vehicles—I call them 'mine' because the Government pays for them—were blown up at Coober Pedy, and I was distressed for two reasons: first, that the town was quiet when I left it; and, secondly, that this was a serious incident. An explosion impacted on two vehicles, but they were not blown up (there was damage to bumper bars and petrol tanks), so that is a relief. Investigations are continuing, because it is a serious matter for anyone to apply gelignite to a police vehicle, or to anything else for that matter. Two members of the Crime Unit are going to Coober Pedy to investigate the matter. At this stage there are no suspects and we are pleased that the outcome was minor, but the event itself was serious and investigations will continue.

GRIEVANCE DEBATE

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

Mr BRINDAL (Unley): Mr Speaker—

Mr Clarke interjecting:

Mr BRINDAL: Earlier, by way of a very unkind interjection, the member opposite said it costs nothing to grovel for two years. I can assure him that, if he were to grovel on his knees for two years, he would go through several pairs of trousers in the process, so it is not cheap. I wish today to raise a grievance about Stobie poles and their place in South Australia. Many people are given to knocking Stobie poles, but they are a uniquely South Australian feature of our landscape. Over the Christmas break I was listening to 5AN and I was interested to note just how little South Australians know about the Stobie pole, which was uniquely developed for South Australian conditions in 1924 by the then Principal Electrical Engineer of what was then the Adelaide Electric Supply Company, Mr Cyril Stobie, and hence the name 'Stobie pole'.

As I said, it was developed to meet uniquely South Australian requirements. As South Australia lacked the natural timber resources of Victoria, a pole was designed which, as all members know, sandwiches a cement longitudinal between two pieces of steel. It is a strong and cheap pole to construct and an easy pole to transport. It was invented in 1924, and it has often been said that the Stobies must have made a lot of money out of the pole, but that is not true because, as the engineer for the corporation, the design was part of the engineer's job. The family would have made money if the invention had gone to other supply places around Australia. Indeed, Victoria came across to look at the poles soon after 1924. Victorian representatives did a few calculations and noted that, with the plentiful supply of timber in Victoria, the poles would need to last 50 years to be economically viable.

The member for Hart probably knows, because it is closely adjacent to his electorate, that the first Stobie poles as a trial were placed in the most uninviting position that could be found in South Australia, that is, the swamps which are now West Lakes. Those swamps have been beautifully developed in the suburb of West Lakes, but the poles were originally placed there because the area was swampy and very hot in summer, there was tidal movement all the time providing saline conditions, the sort of conditions in which structural materials can be put to the test.

Those original poles not only lasted the 50 years required but are currently well over 70 years old and are still going strong. The Victorians made a mistake. While each pole that stands in South Australia might not be aesthetically beautiful, each one has saved a tree. For a tree to grow to the size of a Stobie pole, a bluegum would need a 25-year growing period, and a pine would need 35 years and would then need to be treated with creosote. So, these Stobie poles, which are recyclable, have saved the environment considerably.

Stobie poles do cause trauma when a car or bicycle hits them, but I put to the House that it is less trauma than would involve a wooden pole, which fractures and smashes, the splinters causing as much trouble as the impact. Invariably when wooden poles shatter, the live power lines are brought down on victims causing problems to those victims and also, of course, to the households the lines are serving. While the Stobie pole may have passed its time, it has been unique in South Australia's history. It has been functional and has served a good purpose, and it has served this State well.

I conclude by saying that it is unusual for any member of this House to speak on Stobie poles, but I do so because I am most proud of the fact that Cyril Stobie was my grandmother's brother and, therefore, the Stobie pole has been an

item in which I have been interested all my life, and I hope that somehow I can make a contribution in this State similar to that of a progenitor of mine, because his was a useful contribution to the State. I notice that the member for Hart is laughing, but I wonder whether, when he leaves here, he will have made any better contribution than having contributed to the losses of the State Bank.

Mr FOLEY (Hart): I always wondered about the member for Unley. Knowing that he is related to the Stobie pole answers many questions. I wish to talk about an issue that disturbs me as the Opposition spokesman on infrastructure, and I refer to the Government's announcement today of the three companies shortlisted for the very profitable, lucrative and substantial build/own/operate water treatment plant program by SA Water. These three companies are Anglian Water, Murray Water Services and North West Water. Surprise, surprise! Fancy the two companies which lost their bid, whose bids were not successful to win the $1.5 billion water contract, being rewarded by being short-listed for the more profitable and lucrative contract. I suggest to the Minister's minder that he obtain the *Hansard* report at the end of this debate to save his taking notes. I stand here today to accuse the Government of a grubby and smelly process right through this entire bidding process for the water contract.

In a later speech I will refer in detail to the absolutely disgraceful handling of the main $1.5 billion contract. I will talk about the absolute incompetence of the senior SA Water official and the absolutely disgraceful and comical (if it was not so serious) nature of the handling of that particular program. What distresses me is that two of the companies which were not successful have been short-listed for this contract. I ask the Government to prove that it has not shortlisted North West Water and Australian Water Services in an attempt to stop their making further representations to the Parliament, to the Opposition, to the Government and to the public about their absolute outrage and significant concerns with respect to the whole bidding process. I know what Lyonnaise has said to the Government; I know what North West Water has said to the Government. They were not impressed, and they were quite distressed when it was revealed that United Water had a nearly five-hour extension.

Every single issue of probity was broken and every proper due process was thrown out the door as this Laurel and Hardy performance by SA Water officials allowed United Water to lodge a bid five hours late. Lyonnaise and other companies spent upwards of $8 million on their bids, and they were outraged. We know that North West Water wanted to appear before the select committee and complain bitterly about this Government's handling of the matter. I know that Ted Phipps, Chief Executive Officer of United Water, called the Adelaide head of North West Water into his office just before midnight the day before North West Water was due to appear. That person was threatened by Ted Phipps that if they did not refuse to appear before the select committee they would not get another skerrick of business in this State. I know that as fact, and Ted Phipps will have to answer that one himself.

I want to know what proper process and evaluation was gone through. Is it not funny that Lyonnaise were due to appear before the select committee this Friday? Is it not a little curious, with all the curiosities we have had through this whole process, that all of a sudden North West Water and Lyonnaise are told that they are still in it? 'So, please do not make any noises to the select committee. Please do not make any further complaints to the Opposition, the Parliament or the media, because you are still in it!' I am prepared to say in this House that something smells.

I take the Premier up on his word today about accountability to Parliament. I challenge the Premier and the Minister to allow the Industries Development Committee of the Parliament, as he stated in this House today, to review the process before the contract is let. The Premier said that today. I want to take him to task on day 1 of that commitment. I want the Premier to allow me and the member for Playford, as members of the IDC, to review this process. If I can be proven wrong I will come back into this Chamber and say that. Until then, however, a big question mark hangs over this Government for what has been nothing but a disgraceful and embarrassing performance by the Minister.

Mrs ROSENBERG (Kaurna): I refer to a couple of issues specifically as they relate to my electorate in the area of Murray Road and Gawler Street at Port Noarlunga. It is obvious that we have had considerable problems in that area in terms of traffic volume and speed. Immediately after I was elected to this place I began asking the Department of Transport to undertake designs for those areas which would provide pedestrian safe havens and also parking protuberance areas to slow down traffic. Why those designs are needed is obvious. In Murray Road there is the Perry Park Nursing Hostel and in Gawler Street there is a large Housing Trust retirement unit complex. The speed at which some of the vehicles travel around those streets in that area is horrendous. The measures are needed because to access bus stops opposite Perry Park and the Housing Trust units older people need to walk across those areas and have to weave in and out of traffic.

The request for this work was made immediately after I came into this place, and a response came back in September last year indicating that the two areas in question would be covered by safe havens and parking protuberances in the form of a 2.5 metre wide pedestrian safe haven. The Department of Transport, through Minister Laidlaw, has agreed that work should proceed along those lines. It was necessary for the Department of Transport to liaise with the Noarlunga council, which of course happened. Noarlunga Council indicated that it was in favour of both those processes. It asked for more detailed information about the request for the parking protuberances, which the Department of Transport provided, and an agreement has been finalised. Since September last year the design plans have been prepared and work is now scheduled to begin in April.

I place on record, however, the fact that I am extremely unhappy about the time that it has taken for this process to proceed. Patience is one thing that I have very little of, and I have had to learn very quickly to find some more in this place. I deeply regret that a local resident was knocked down a week ago by a car on that roadway. The person concerned is currently in the Noarlunga Hospital and is suffering severe injuries. However, I also place on record that the Labor Party's candidate in my electorate is having a meeting with Perry Park residents and the Messenger Newspaper on Thursday this week to discuss this sudden interest. During the election campaign it came to my notice that the previous candidate, who is now the current candidate—

Mr Foley interjecting:

The ACTING SPEAKER: (Mr Bass): Order! The member for Hart was heard in silence and I suggest that he

allow the member for Kaurna also to be heard in silence. The member for Hart was warned by the Speaker earlier.

Mrs ROSENBERG: The previous candidate, who is now the current candidate, had informed the community in that region that the Department of Transport had already agreed to put in pedestrian safe havens on the roadway and that it was already budgeted for. Obviously, I was rather surprised when coming into this place and asking the appropriate questions to find that both those statements were untrue; in fact, the whole process had to be started from scratch. I am very pleased that we have responded in the way we have. I am deeply upset by the fact that a local resident had to suffer by being knocked down in that area. It was bound to happen. It is very unfortunate that it has happened. Nothing will bring forward the work any faster, and I encourage the Department of Transport to take on board the fact that we really need to get that work done. As I have said, it is scheduled to start in April, and it must start in April.

I now refer to some of the positive things about the South Australian Police Force. This morning I attended a program called 'Straight Talk', involving the Noarlunga Family and Community Services, which was sponsored by Ken Wheeler and Ian Goldsmith. It provided an opportunity for Yatala prisoners to come out and speak face to face with young offenders. The prisoners gave those young offenders the bold facts about what prison life is really like. It took away all the glamour and actually made them think about what their futures might be.

Mrs PENFOLD (Flinders): I bring to the attention of the House a very worthwhile organisation for youth. Youth, from primary school age to adulthood, face a difficult time today, with high unemployment leading to lack of motivation. Families can also be stressed financially, which makes alternative leisure pursuits impossible for some. But there is an organisation for boys and girls which can increase motivation, train its members and often lead to a career for very little cost to the participants. I refer to the Naval Reserve Cadets. I am particularly proud of the Port Lincoln Naval Reserve Cadets Unit *TS Flinders*. Cadets pay $10 per term or about $1 per night—a cost that can be afforded by any family. The current outstanding Commanding Officer in Port Lincoln, Lieutenant Gary Maclure, was himself a cadet. He was appointed CO in 1990, and in 1992 received a commendation from Rear Admiral DB Chalmers RAN, Assistant Chief of Naval Staff Personnel.

Gary Maclure took over command from Rob Chambers, who headed the unit for many years. The first CO was Mr Ashman, a police officer stationed at Port Lincoln. These men and their officers, both male and female, give their time voluntarily to support this youth training activity. Few of the public appreciate the commitment required to front up one night a week, year after year, plus the work needed in between parades to plan and organise the unit and its activities.

TS Flinders was established in 1960 but did not acquire its own premises, the former South Australian Railway Barracks in Port Lincoln, until 1990. New floor coverings were put down last year at a cost of $2 000 and space between the buildings was roofed to provide a covered area seating 85 to 100 people for a week-long advancement camp last October.

The camp was for senior cadets, who came from all over South Australia, plus four from Western Australia. Junior cadets went to *Cerberus*, the main training centre for all the defence forces in Melbourne for their camp. Cadets pay $110 each to attend camps, no matter where they come from or where the camp is held. The money is put into a central pool from which all expenses are paid. Parents and supporters raise all the money necessary to run the unit—an example which could be emulated by other groups in the community.

The cadets, immaculate in their uniforms, have assisted at parades and civic functions—notably, Anzac Day remembrance services. It is a pleasure to behold the discipline with which they carry out their duties. They certainly add to the dignity and pageant of any occasion. The quality of leadership is best judged by the awards which *TS Flinders* has won over the years. The unit has been judged best in Australia on numerous occasions. A career in the Navy is not the primary aim for the unit. However, many do join the service. Commander David Cunningham, from the Naval Support Command Headquarters in Sydney, when inspecting *TS Flinders* in September last year, said:

> Not all members of the Naval Reserve Cadets go on to join the Navy, but the training is useful for all walks of life. However, young people who join the Navy after being a cadet are often happier and stay in the service longer.

One of the outstanding honours accorded to a cadet in *TS Flinders* went to AB Kent Hage last year. He was one of six cadets from Australia selected to travel to Canada to be part of the centenary celebrations of the Navy League tour of Naval and Sea Cadets International. Kent's father, Darryl, was in the first cadet intake in Port Lincoln in 1960.

The Australian party left Sydney International Airport on 23 July, arriving at their destination in Ottawa after 30 hours of travel and, as might be imagined, they were very tired. Cadets from Belgium, Sweden, the United Kingdom, Holland, Bermuda, the United States of America, Japan and Australia made up the contingent, who were guests of the Navy League of Canada as part of the league's centenary celebrations. Participation in a regatta, tall ship sailing, training in boating and whaler familiarisation were some of the events, along with visits to Niagara Falls, the Universirt de Quebec a Trois Riviere and the Museum of Science and Technology at Ottawa. Kent said that he gained valuable experience not only in travel but also in personal development and meeting new people.

Commander Frank Doe this year at the annual inspection of South Australia said that being a naval cadet builds confidence, pride and team unity. He also said:

> The Naval Cadets prepares young people for the future and they usually respond better to challenges in life. The support provided from parents is incredible, and there are a lot of people here who do not have children involved in the cadets. If the cadets wanted quality role models, they are all around them.

I reiterate Commander Doe's comments, because youth needs role models. I again commend the adults who work so hard to make these opportunities available to our community, particularly Lieutenant Gary Maclure, the commanding officer in Port Lincoln.

The ACTING SPEAKER: Order! The honourable member's time has expired. The Leader of the Opposition.

The Hon. M.D. RANN (Leader of the Opposition): I want to speak on a number of matters, but in particular I have received a letter from solicitors, Minter Ellison Baker O'Loughlin, asking for my assistance in a case, Hall (the member for Coles) versus *Sunday Mail* and Duffy. The letter states:

> We are in the process of making investigations regarding the factual matters raised in the proceedings. As part of our investigations, we have been instructed to approach you to discuss the circumstances surrounding the telephone call which you received and the questions subsequently asked by you in Parliament.

The letter also talks about getting copies of documents from me and subpoenas. I understand that a number of Liberal MPs have received a similar letter.

I should inform the House that I have written to these solicitors saying that I shall be delighted to appear as a witness should this matter get to trial. Undeniably there is a political dimension to this case, and I have informed the solicitors that I am willing and able to give evidence on oath which would severely tarnish the Liberal Government in this State and particularly the political credibility of its leadership. However, I have informed the solicitors that, given the controversial and politically sensitive nature of the case, I am reluctant to discuss the relevant information that I have with any of the litigants in this matter prior to going to trial.

Should the matter proceed to trial, I will certainly be prepared, immediately prior to the case in the Supreme Court, to call a news conference at which I will release further information, because I think that the public is as entitled to this information as the court, although preserving my right to parliamentary privilege. Following that news conference I am prepared to speak to both litigants and outline broadly the nature of my evidence. However, I reaffirm the fact that the member for Coles did not speak to me or telephone me on that night. I have already said that in the House and I stand by what I said.

The Hon. H. ALLISON: I rise on a point of order, Mr Acting Speaker. I have a copy of the letter which was sent to another member. I have no axe to grind and I am not being called as a witness, but the letter states—

The ACTING SPEAKER: What is the point of order?

The Hon. H. ALLISON: Whether the matter is *sub judice*.

The Hon. M.D. Rann: It is not, because it has not proceeded to court and no subpoena has been issued.

The Hon. H. ALLISON: It simply says on the first line—

The ACTING SPEAKER: Order! The honourable member has made his point of order, and the Leader of the Opposition will wait until I make my decision.

The Hon. M.D. RANN: I rise on a point of order, Mr Acting Speaker. May I have an extension of time?

The ACTING SPEAKER: No. Will you please resume your seat.

The Hon. M.D. RANN: I rise on a point of order, Sir.

The ACTING SPEAKER: There is no point of order while I am dealing with a point of order. This document, which is a copy of the letter to the Liberal member, clearly states that the *Sunday Mail* is contesting an action for defamation commenced in the District Court by the Liberal member. Therefore, I believe it is *sub judice*, and I ask the Leader of the Opposition to continue without making further reference to it.

Mr ATKINSON: Sir, I dissent from your ruling. I move:

> That the Acting Speaker's ruling be disagreed to.

The ACTING SPEAKER: The honourable member must bring up his reasons in writing?

Mr ATKINSON: Yes, certainly, Sir.

The SPEAKER: The member for Spence states:

> I move dissent from the ruling of the Acting Speaker.

I point out that the Chair upholds the ruling of the Acting Speaker. The member for Spence.

Mr ATKINSON (Spence): I had hoped that you, Sir, would have an opportunity to review a ruling which is clearly wrong. I will now proceed to tell you why the ruling is clearly wrong. There is nothing in the letter from Minter Ellison Baker O'Loughlin to show that a writ has been issued. There is simply a solicitor's letter, which has passed between solicitors acting for the *Sunday Mail* and some members of the House. There is nothing to say that pleadings have been entered and that we have some formal legal document upon which we can act. The very first thing the Acting Speaker should have ascertained is the number of this court action, yet there is no number of the court action before us. The court action has no name—it is nameless, anonymous; indeed, it is merely a series of letters which may, in the course of time, lead to writs being issued, in which case there will be an argument, but not a conclusive argument, for the *sub judice* rule to exclude discussion of these matters from the House.

At this stage we have no evidence of a case; no evidence was presented to the Acting Speaker that there is a case before the courts, registered in the court registry. No evidence was led of that—merely a ruling made which prevents this matter being discussed and the Liberal Party being embarrassed by its internal difficulties. It is a bad ruling made for bad reasons.

I shall move on to the second ground for my dissent. The second ground is this: that, even if a writ is issued and pleadings entered and a case with a number in the registry, the *sub judice* rule, as I have pointed out to the House on at least one previous occasion, does not require the Speaker to come in like the tide and cover up Liberal Party difficulties. It does not require that at all. I refer to Erskine May. Mr Speaker, I know that you do not like me referring to Erskine May, but I shall.

The SPEAKER: Order! The Chair has never given that ruling. The member has moved a motion and he is treading on dangerous ground. The Chair is listening intently to his remarks. I suggest that he links them with the motion before the Chair and not become diverted.

Mr ATKINSON: At page 326 of the latest edition of Erskine May it states:

> This rule—

referring to *sub judice*—

> may be waived at the discretion of the Chair. Exceptions have, for example, been made on. . . matters which, though touching upon issues that are *sub judice*, are unlikely to affect any judgment.

That is a statement from a country which has, in some instances, jury trials for defamation actions. In South Australia, as far as I am aware, we do not have a jury for a defamation action, so who will be influenced by debate in a five minute grievance in this House? Who will be influenced in his or her deliberations on a case that might or might not be brought by the member for Coles against the *Sunday Mail*? I put it that there is no jury to be influenced, even if formal proceedings have been issued. Not to exercise your discretion in this instance, Mr Speaker, would be to reflect very gravely on the South Australian judiciary. It would say that a five minute grievance in the House of Assembly would influence a District Court or Supreme Court judge in his trial of a civil matter. No person in their right mind would believe that that is correct.

Regarding the modern *sub judice* rule, the leading case is in the English Court of Appeal from 1974, *Wallersteiner v. Moir*, and the judge is Lord Denning. Lord Denning says:

> I know it is commonly supposed that, once a writ is issued, it puts a stop to discussion.

That is the erroneous assumption on which the Acting Speaker made his decision. Lord Denning goes on:

> If anyone wishes to canvass the matter in the press or public, it cannot be permitted. It is said to be *sub judice*. I venture to suggest that it is a complete misconception. The sooner it is corrected the better. If it is a matter of public interest it can be discussed at large without fear of thereby being in contempt of court. Criticism can continue to be made and can be repeated. Fair comment does not prejudice a fair trial.

That was the decision of Lord Denning, who was referring to public discussion out there at large. He was not referring to discussion in this House, which is supposed to be protected by the Bill of Rights to allow us to raise matters without fear or favour. So, Lord Denning's comments apply even more forcefully to this House than they do to outside. Lord Denning concludes his judgment by remarking:

> Even if a writ has been issued and those affairs are the subject of litigation—

and I interpolate again to assert that these affairs are not the subject of litigation—

> the discussion of them cannot be stopped by the magic words '*sub judice*'.

Mr Speaker, I earnestly ask that you review what is clearly a wrong ruling.

The SPEAKER: I point out that, under the Standing Orders, only one member from each side can speak.

The Hon. S.J. BAKER (Deputy Premier): The opening statement of the member for Spence quite clearly says that the matter is out of court in this Parliament. The only defence that the member for Spence made was that it could be waived. It is a matter of judgment. The member for Spence clearly demonstrated his knowledge of the law by saying that under certain circumstances it can be waived. The ruling is consistent with the rules under which Parliament operates.

The Hon. M.D. RANN: I rise on a point of order, Mr Speaker. There seems to be some inconsistency by the Chair because today a court action has been registered *Rann v. Stephen Baker*. That was mentioned today by the Minister for Infrastructure, yet there was no ruling from the Chair that it was *sub judice*. It is registered and will be heard by the courts.

The SPEAKER: Order! I ask all members to calm down. There is no need for anyone to raise their voice. If any member brings to the attention of the Chair any matter which they believe is *sub judice*, the Chair will rule on it. If the Leader of the Opposition was aware today that that statement had been made, he should have raised the matter. I was not aware of it.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Chair has no desire to stop any fair and reasonable debate. The Chair has a responsibility to ensure that there is consistency. The Chair will make a judgment on this and any other matter. If the Leader of the Opposition is aware that a matter is before the courts, he should take a point of order.

The Hon. S.J. BAKER: The Leader has some information that has been presented to the Parliament today on which people can form their own judgments.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: Perhaps the Leader should understand the difference between a civil and a criminal case and when he should invoke the relevant Standing Order. It is my suggestion that the matter be examined, that the evidence has been provided and that, until such time as there is clarification on the matter, the ruling must stand. There is no other conclusion. There is no way the Parliament can determine the rights or wrongs of whether the matter is *sub judice*. Until that matter is satisfied, the Parliament can draw only one conclusion. Until that matter has been clarified, the ruling is appropriate. However, I am sure, Sir, you will be examining the record and the comments of the member for Spence. As we would all recognise, plenty of parliamentary sitting time remains to discuss the matter again, if the honourable member should so desire and if it is appropriate to do so.

Members interjecting:

The SPEAKER: Order! The letter cited by the Leader of the Opposition, a copy of which was shown to the Chair, clearly indicates that proceedings have commenced in the District Court. It is on that basis that it is more appropriate for there to be no discussion on the matter in the House until the matter is settled.

The House divided on the motion:

AYES (10)

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

NOES (31)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, S. J. (teller)	Bass, R. P.
Becker, H.	Brindal, M. K.
Brown, D. C.	Buckby, M. R.
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.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Wade, D. E.
Wotton, D. C.	

Majority of 21 for the Noes.

Motion thus negatived.

Mr MEIER (Goyder): Today we heard an incredible outburst from the member for Hart following a ministerial statement regarding filtered water for regional South Australia. In his ministerial statement, the Minister identified that three companies will be invited to enter into further negotiations with SA Water for the contract to build, own and operate up to 11 new water filtration plants serving the Adelaide Hills, the Barossa Valley, the Mid North and the Murray River towns. The companies were specifically identified as Anglian Water International, Murray Water Services and North West (Australia).

The member for Hart, in his usual manner, gave no specifics but made broad accusations. In fact, he made outrageous propositions about the tender process. This

Parliament is sick and tired of the negativeness of the member for Hart. The honourable member cannot help knocking everything suggested by this Government. His questioning of the seven-member board of SA Water is outrageous. Somehow or other he seems to try to throw it back or reflect on the Government. It is not working, the member for Hart, and you ought to apologise to the people of South Australia. I am sick and tired of the way you carry on, knocking everything. This is your latest case, and I am sure that you will be corrected once again. We on the Government side are totally sick and tired of having to correct you all the time.

The Hon. M.D. RANN: I rise on a point of order, Mr Speaker. The member for Goyder is constantly referring to the member for Hart as 'you' and making extraordinary threats, obviously to protect Joan Hall, the member for Coles, in some way. I think he ought to be asked to conduct himself in a manner that befits the status of his office.

The SPEAKER: Order! The Leader of the Opposition is correct: members should refer to another member as 'the honourable member opposite' or by their district. I therefore ask the member for Goyder to proceed along those lines.

Mr MEIER: I fully accept the point of order if inadvertently I referred to the member for Hart as 'you', but I am still sick and tired of the way in which he knocks every single thing that this Government seeks to do.

I was interested the other day to receive, from a person who lives in the electorate of Eyre, a letter from Chris Schacht, Labor Senator for South Australia. In that letter, Chris Schacht stated that he had been talking to a mother of two small children who had said that she had voted for Dean Brown at the last State election but who quickly added, 'I will never vote for the Liberals again.' I wondered where in the electorate of Grey this person lived until I read the *Advertiser* a few days later and saw that this mysterious mother of two children is everywhere. She is the woman from everywhere. She is certainly in the electorate of Grey, she is in the electorate of Hindmarsh, and she is in the area of Prospect: she is everywhere. She is the super mum of two children.

If I had not realised that this was a complete hoax by the Labor Party—and I should have guessed at the outset that it was a hoax, because in many questions asked by Labor members they say, 'A constituent said' when no-one in their right mind would suggest such a thing—here is one of the reasons now, because this mother of two surely would be praising our Government for what it has done—for the fact that we have saved the taxpayers of this State millions of dollars. We heard today from the Minister for Health that in terms of waiting lists alone there has been a massive decline: the Flinders Medical Centre waiting list is down 29 per cent; Lyell McEwin, 27 per cent; and the Queen Elizabeth Hospital, 25 per cent. If we look at the number of people who have been waiting for 12 months or more, we see that the Queen Elizabeth Hospital waiting list is down 54 per cent; the Flinders Medical Centre, 44 per cent; and the Royal Adelaide Hospital, 43 per cent—magnificent achievements in the area of health.

Regarding education, Chris Schacht's letter states that we have slashed school budgets. I want to remind him that this Government is spending $40 million more in this budget than in the previous budget. Chris Schacht ought to stick to Federal issues and forget State matters.

PUBLIC WORKS COMMITTEE

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

That Messrs Oswald and Evans be appointed to the committee in place of the Hons E.S. Ashenden and R.J. Kerin.

RACIAL VILIFICATION BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 782.)

The Hon. M.D. RANN (Leader of the Opposition): After a somewhat spirited afternoon, this is a time for statesmanship, so it is appropriate that I lead the debate. The Opposition fully supports the introduction of racial vilification legislation in South Australia. There are some things which divide the Government and the Opposition and some things which unite us, and abhorrence of all racially motivated denigration and violence unites all of us in this Chamber. The Opposition has been on record for well over a year calling for appropriate racial vilification legislation and, indeed, has taken significant steps through the introduction of private member's Bills. I have made clear repeatedly that racially motivated attacks have no place in South Australia nor in this nation of ours.

Before coming into this Chamber, I went to my post box in the House and there found a letter of the vilest racism against members of the Jewish community in this State. I am sure that other members received the same letter. If there is anything which on this day should unite us it should be that contemptuous piece of handiwork in terms of the letter that we all received today. I am pleased that, despite the fact that I have introduced my own racial vilification legislation, the Government has now sponsored a Bill which can form the basis of significant new legislation. While the Opposition supports much of the thrust and intent of the Government's Bill, we have some concerns about some of the methodology used and with the single focus of the Bill. Here is our chance in this House and in the Upper House to produce something in a bipartisan way that can really be a landmark piece of legislation in this State. I will suggest a number of amendments during the Committee stage and more when the Bill proceeds to the Legislative Council which I believe will improve the legislation significantly to make it more logical and to provide a dual focus, both punitive and conciliatory.

This House has yet to deal with Opposition sponsored legislation of a similar nature received from another place, but I am hopeful that many of the areas where I believe the Opposition's legislation is an improvement can be incorporated into this Government's legislation. So, I say to the Premier today that there are some things in his Bill which are better than the provisions of my Bill and there are some things in my Bill which I think would be more useful for the State than what is contained in his Bill. Let us put them together and come up with a damned good Bill that serves the interests of all people of goodwill in this State. The greatest difficulty that I see with the Government Bill relates to the fact that it provides no direct provision or effective fora for conciliation of matters which can be resolved without the involvement of the courts. Bringing the parties together in all but the most serious of cases is the aim of the Opposition. Indeed, I would consider the legislation to be an outstanding

success if no criminal prosecutions were undertaken in coming years.

When I was Minister of Aboriginal Affairs, I went to New South Wales to meet people involved in ethnic affairs, members of Parliament and the Anti-Race Discrimination Commissioner. I said to the Commissioner, 'Your Bill which is currently being reviewed has bipartisan support, but there have been no prosecutions.' His response and the response from everyone to whom I spoke was simply: 'Yes; that's because we have a whole series of procedures for mediation, conciliation and education, bringing parties together, explaining to people how their actions and words are hurtful or potentially hurtful to another group in society. It is about punitive action, conciliation and education.' So, if we got no prosecutions, that would be proof not only that the deterrents were effective but also that the education program which must follow the passing of legislation was highly successful.

Last year, the Commonwealth passed legislation to prohibit certain conduct involving the hatred of other people on the ground of race, colour or national or ethnic origin. Following amendments in the Senate, the legislation that finally passed was very limited in scope and contained no criminal provisions. I believe that this has made it all the more necessary for South Australia to have its own legislation. The Commonwealth legislation certainly envisages this, as it provides:

> It is not intended to exclude or limit the concurrent operation of any law of a State or Territory.

Of course, Australia is a party to international conventions which address the question of racial vilification. The convention on the elimination of all forms of racial discrimination says, in part, that parties to the convention:

> . . . shall declare an offence punishable by law all dissemination of ideas based on racial superiority of hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof. . .

Given the weaknesses in the Commonwealth legislation, I believe that to enact tough racial vilification legislation in this State is entirely within the spirit of that international convention.

The Premier, in his second reading explanation of this Bill, described why the Government has taken a slightly different course to that which I have proposed, and I accept some of what he said but reject other proposals. I agree with the criminal penalties proposed by the Premier. I agree with the methods of applying them. But, on the other hand, I have great difficulties with the following points:

1. The rejection of the importance of education and conciliation with regard to racially motivated offences which do not involve violence nor the threat of violence.
2. The decision not to involve the Equal Opportunity Commission in any way but, rather, to use the Wrongs Act therefore requiring victims to take their own action. The Equal Opportunity Commission can provide a conciliation framework which is flexible, accessible and inexpensive. The commission also has the capacity to operate effective education programs, backed by legislation.

It has done so in the past in terms of women's issues and other areas of discrimination.

3. The names applied in this to the proposed proscribed acts appear, quite frankly, to be illogical. To describe the acts which have an element of violence as racial vilification and those that do not as racial discrimination is a recipe for confusion. To instead refer to acts which contain an element of violence and therefore attract criminal penalties, as serious racial vilification, and to describe acts which do not have an element of violence and are subject to civil action as racial vilification, seems much more logical.
4. The placement of defences under the criminal provisions, that is, those acts connected with violence rather than placing the defences with the less serious civil offences alone. It is hard to imagine a defence to an act of racial violence or threat of violence and could well send the wrong message.

I understand the Premier is considering withdrawing some parts of the Bill or amending it. I understand that he has some amendments on hand to that effect.

5. The need to create a new Act rather than amend existing Acts. I believe we may be producing unnecessary red tape. I accept that this can be balanced by the view that, if we are trying to convince society that we are absolutely committed to stamping out racial violence, there is some merit in having stand-alone legislation. There is also the practical difficulty that, if the Opposition rejects the creation of a new Act, it makes the amendment of this Bill particularly difficult.

I put out a draft Bill, similar to the one I introduced into the Parliament last year, for broad public consultation, and I received many replies in full support of my proposed legislation. Indeed, the vast majority of the replies I received were enthusiastic about it, although I must say the majority of those responses and respondents did not discuss the specifics but rather talked in terms of support for the nature and scope of my proposal and for racial vilification legislation.

Other replies were quite vitriolic, such as the letter we received today—a racist letter—aimed at members of the Jewish community. The hateful letters I received should only encourage us to proceed with vigour in terms of passing this legislation. Obviously, those replies demanded a halt to immigration and an unfettered right to say whatever they liked to whomever they liked at any place, at any time.

I look forward to the Committee stage where, in a bipartisan way, we can produce the best legislation for our State. I am sure that is the Premier's intention. Let us look at how we can involve the Equal Opportunity Commission and clearly demarcate areas. We can make sure that those who are the objects of racial vilification do not have to fight their way through the courts but can achieve justice in a variety of ways. Also, in a bipartisan way, let us endorse a major education campaign in this State so that we can again lead the country in these areas.

Ms GREIG (Reynell): On many occasions, I have made very clear my feelings on racial vilification in this House and in public. Today, I am again pleased to support a Bill being introduced in this House which sends a strong message saying not only that we as a Parliament will not tolerate racial vilification but that action will be taken against those who inflict this unwarranted behaviour on others in the community. The Bill is the culmination of many months of work. This Bill was not rushed into the House just so that we could be the first to lay something on the table. We wanted to make sure that whatever our Government put before this Parliament was workable, met the needs of the community, comple-

mented Federal legislation and, most importantly, would be accepted by the community at large. Like the Leader of the Opposition, a number of members on this side of the House have studied various State and Territory Bills. We have looked closely at overseas experience, and we have attempted to reflect in our Bill the strengths of our observations.

The Bill creates the criminal offence of racial vilification, provided that act of vilification includes a threat of violence to a person or property. We have looked closely at criminal offences and concluded that the consent of the Director of Public Prosecutions should be required in bringing a criminal prosecution to prevent vexatious neighbourhood disputes clogging the courts. We are well aware of the strong messages and concerns expressed by the community regarding their right to free speech. This Bill makes clear that what we are taking to task in this section of the Act is 'public acts'. The Bill also creates a new civil remedy that will enable a person who suffers detriment in consequence of racial vilification to sue in the ordinary courts for damages.

The Bill makes very clear that, in relation to the proposed provisions for criminal sanctions, there are no ramifications for freedom of speech, as no person can claim that threatening violence to person or property is a fair exercise of freedom of expression. The purpose of this legislation is to protect members of the community against threats of physical violence against a person or property on the grounds of race, colour or ethnic origin. The Bill represents a positive impact on families and communities that might be the target of racial vilification.

In examining historical data, I came across a writing of Colin Katz and Tamsan Solomon. Their article highlighted that history itself shows that the mere condemnation of racism does not work. Racists need to be punished. The article opened with an old reconstituted piece of verse that I am sure all here will remember: sticks and stones do break bones, and words not only hurt but maim and kill. It is nonsense to argue that verbs and adjectives are of no moment and unworthy of criminal prohibition. Words have power; words influence actions; they create reality.

The world is currently witnessing an upsurge in terms both of numbers and of level of activity of racist extremism in a number of countries. Britain, the United States, Austria, Italy, Belgium, France, Russia and, most frighteningly, Germany have all suffered from racially motivated violence and hate directed at immigrants, minorities and foreigners. While Australia is probably not yet in the same category as that of any of these countries, there is no reason to believe that our own country is immune. The fact is that even in open, tolerant Australia acts of discrimination, harassment, incitement and violence against foreigners—Aborigines, Asians, Arabs, Jews and Muslims—against any number of ethnic groups—are common and not exceptional, and there is evidence to indicate that this behaviour is increasing.

This abhorrent racist behaviour is not new to South Australia: it has been festering quietly, building a false perception of strength and support, using various methods of intimidation and inflicting fear upon people—victims who have seen no protection under current law. This sort of inflicted fear and intimidation affects not only an individual but also that individual's community.

Racially motivated attacks and/or harassment extend in their effect beyond the specific individual target of the Act. The whole group with which the victim has been associated is adversely affected and pays a price in fear and insecurity in what often amounts to genuine psychological harm. Dobbing swastikas or racist slogans on a synagogue or mosque is not simply an attack on property, and the law needs to acknowledge this. Racially motivated crime and violence is based on a specific set of clearly destructive hateful beliefs. Where the promotion of such beliefs leads to criminal action, there is a definite need to take action to stop this dissemination of hatred.

Most Australians, and I can honestly say from my own experiences most South Australians, believe in tolerance. Justice and good government demand that our laws make it clear that racial hatred is un-Australian. Laws against racial vilification make us a better multicultural society and do not inhibit free speech. There can be a properly adjudicated boundary between the vital principles and values of free speech and the unacceptable extension of this into racial vilification and the promotion of racial contempt and hatred.

This Bill represents a genuine commitment to all South Australians that we as a Parliament acknowledge our multicultural background, our tolerance and in fact our appreciation of the many beliefs and cultures that complement traditional Australiana. We appreciate the diverse learning our children experience due to the many nationalities within our communities and, most of all, within our children we dispel ignorance and encourage acceptance of all people as being equal.

Finally, I would like to put on record the words of the late Israeli Prime Minister, Yitzhak Rabin, whose remarks were made at the White House ceremony where Israel and the Palestine Liberation Organisation signed a peace accord. The words and thoughts were not written with this Bill in mind but reflect what worldwide must be seen as the acceptance of all people, no matter what their race. He stated:

> We like you are people—people who want to build a home, plant a tree, to love, live side by side with you in dignity, in affinity as human beings. We wish to open a new chapter in the book of our lives together. A chapter of mutual recognition, of good neighbourliness, of mutual respect, of understanding.

In this the conclusion of the Year of Tolerance there is no better time to introduce this Bill to this House.

Mrs HALL (Coles): I begin by stating my enthusiastic support for this legislation. The threat made to anyone to harm them or their property is abhorrent. It is more so when that threat is made on the basis of race. However, before I outline my reasons for supporting the Bill I want to acknowledge the huge success of Australia's migration program. The mixing together of peoples from over 150 countries in what must be one of the most peaceful population movements the world has known is a great credit to Australia. We share great similarities in this regard with the United States of America, which has taken in so many millions and melded them into the greatest nation in the world. I was reminded of this huge influx in 1994 when I visited the museum on Ellis Island in New York that so vividly portrays the human face of the ongoing history of the United States migration programs.

Despite the success of our migration programs, racism has obviously been with us since our initial settlement in New South Wales. The story of Aboriginal dispossession with all its consequences bears testimony to this, and the experience of Chinese immigrants on the gold fields of Victoria that led to a law banning Chinese immigrants to Victoria in 1885 is yet another example. But it is the explosive dimension of our post-war immigration and a new awareness of the evils of racism that has brought Governments into the question of what is being done and what should be done about it.

First, the White Australia Policy had to be tackled, and it was officially abandoned over the years from 1965 to 1973. Published in a magazine entitled *Refugees* under the auspices of the United Nations High Commission for Refugees, an article titled 'The Australian Example' examines Australia's history in this regard, and I quote from a significant section of that article, as follows:

> Thankfully, the Indo-Chinese immigrants of the 1970s were not the subject of more violent racial discrimination than earlier waves of non-English speaking immigrants—Greeks, Italians, Yugoslavs and post-war European refugees. Credit must go, in large part, to the policy of multiculturalism championed by another former Minister for Immigration, Ian McPhee.
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> Writing in the *Melbourne Weekly* in June this year, Mr McPhee noted that the large scale (white) immigration of the 1940s and 50s was based on the expectation that people from different cultural backgrounds could assimilate with minimal help. Many were factory fodder, others were housebound and did not learn English. They were generally derided as second-class residents. They tolerated this for their children's sake. Many had nowhere else to go and little to go back to.

The quote continues:

> Shortly after the Indo-Chinese refugees started, McPhee was the Minister who introduced a multiculturalism policy for Australia. 'The object of the policy was to achieve racial or ethnic harmony,' he wrote. 'Equality comes from access to learning and personal prosperity. It is this which produces harmony. Many people were missing opportunities because of cultural differences such as language and lifestyle. In effect, an extended family was created for new arrivals. This was especially important for refugees who often arrived without supportive families. New arrivals were encouraged to retain their language of origin. . . And whether by good fortune or good luck, bilingualism will be especially important for this country in the next century.'

The Hon. Ian McPhee was a crusading Minister for Immigration during the Fraser Government years. During a visit to Zimbabwe in 1988 I was pleasantly surprised and very proud to find that many black politicians in Central Africa knew of him and held him in high regard for his dramatic fight against apartheid. However, there are always some problems where races mix. Again, I quote from the same article I referred to earlier in *Refugees,* as follows:

> But recent research by Stephen Klimithis and Harry Minus of the Victorian Transcultural Psychiatry Unit shows that one in six Vietnamese adolescents has suffered, or has been threatened with, physical violence based on racism.

Here at home in South Australia we have had our problems, too. How can any of us forget or put aside the so-called rally outside the electoral office of our colleague the member for Reynell? The white supremacist views of the National Action organisation are no better than those held by the most ardent supporters of apartheid. We cannot prevent the bullies in that group from holding their distasteful beliefs but we can penalise them and their like if they threaten people of another race. Fines and imprisonment for proven offences defined in this Bill are required as a deterrent against injury to innocent persons. This is the least in protection that we can give those people who have a different colour of skin and a different cultural background and who live among us as fellow Australians.

I refer to an interesting article in this morning's *Advertiser* on the 'Features' page entitled 'People Power'. It lists more than 38 nations under the heading 'Country of Origin' ranging from New Zealand to Papua New Guinea. While the article is based on the 1991 census, 'South Australian Edition of the Atlas of Australian People', it provides a constructive picture of the diversity of South Australia now and its people. The facts are, though, that in framing this legislation we cannot expect it to apply to any particular target group: it must stand as a protection against overt racism wherever it is found.

Right now, the most vivid and horrifying acts of racism have been committed in the former Yugoslavia. In welcoming refugees from those tragic lands we have to say that racism must be extinguished at our own borders. We want none of it here. I refer specifically to the recently released charter for declaration of principles for multicultural South Australia. If the community generally followed these principles, racism in our society would not be a problem. However, a small and unrepresentative minority still raises its head from time to time, in correspondence that was referred to earlier, in a most unacceptable way. Therefore, it is worth restating the commitment of this Government to the principles of multicultural South Australia. The document states:

> The Government. . . is committed to the principle of access and equity for all South Australians and to the prevention of discrimination on the basis of race, ethnicity, religion, language and culture.

In turn, this means that our commitment is to recognise that the diverse cultural assets of South Australia are a valuable resource for the development of a stronger community for the benefit of all South Australians. This Bill clearly sets out the position for this Government that racism is unacceptable and will not be tolerated in a modern, multicultural society. I congratulate the Premier on his initiative in respect of this issue and therefore support the Bill and the safeguards its contains against misuse.

Mr ATKINSON (Spence): I support the second reading of the Bill. This is a Government Bill. An Opposition Bill to much the same effect has been debated in the House over the past five months. Government members have been determined to delay the passage of the Opposition Bill until the Government's own Bill was introduced. If laws against racial vilification are such a good measure as Government members have claimed today that they are, I wonder why they were not good enough to be on the statute book before Christmas as they would have been had the Government used the Opposition Bill as the vehicle for the innovation, amending it in a Committee of the whole House so that it looked like this Bill. I do not know the reason for the delay. Not one vote will change hands at the next election over this Bill or the Opposition's Bill. One of Adelaide's best known and intelligent ethno-politicians argued against the passage of either of the Bills when I sat next to him at the Polish Harvest Festival, Dozynki, towards the end of last year.

I support the principle of racial vilification legislation, but only on balance. I do not like the word 'racial'. I do not believe that there is such a thing as a race. Our ancestries are always mixed up far too much for the notion of racial purity, as advocated by National Socialists, to mean anything. There is no better example than the Irish who, although monocultural today, are a wild ethnic mix created by 1000 years of continuous invasion by Gaels, Vikings, Normans, Scots and the English. The notions of race and racial purity were an essential part of the National Socialism which was one of the two great ideological scourges of this century. To employ the term 'racial' in the Bill is to accept the language of the malefactors at whom the Bill is aimed. I will explain my reasoning for supporting the Bill on balance. I apologise to the House if in what follows I repeat what I said on the Opposition Bill in October, but it is the same subject.

I represent an electorate with more and bigger ethnic minorities than any other in the State. I am the only member

whose letters to new constituents are translated into Vietnamese, Chinese, Cambodian, Spanish, Greek and Italian. This month I shall add Serbian, Portuguese and Croatian to that list. I think that Australia has been successful in accommodating so many ethnic minorities since the Second World War. Martin Krygier puts its well when he writes:

> The distance this country has come in the relatively brief span of time from then to now is extraordinary. The peaceful way in which aliens have become citizens here should be at the forefront of any account of race relations in Australia. This was a real social experiment that could have gone awfully wrong. It didn't notwithstanding the frequently simmering and often outspoken vulgar and ugly resentments.

I would add to that account only that multiculturalism has worked well in Australia because there is one huge majority—Anglo-Celts—and lots of small minorities, none of which are in a position to challenge the hegemony of the Anglo-Celts.

Multiculturalism would have been much more difficult in Australia if colonisation had resulted in one Gaelic-speaking or Chinese-speaking or French-speaking colony on the island of Australia. As it happens, I enjoy living in the most multicultural local government district in the State, the City of Hindmarsh and Woodville. The member for Unley shakes his head but, as usual, he is wrong on this matter. He mixes almost exclusively in the Anglo-Celt ghetto. Alas, there have been a few incidents—

Mr Brindal interjecting:

Mr ATKINSON: I did not say that of Unley: I said that of the member for Unley, that member of the established church.

The DEPUTY SPEAKER: It is inappropriate for the member for Unley to debate his objection. He is on the speaking list. It is equally inappropriate for the member for Spence to debate by way of response.

Mr ATKINSON: Thank you for your guidance, Mr Deputy Speaker. Alas, there have been a few incidents that have spoiled the intercommunal harmony in Adelaide. The first was a gathering of neo-Nazi youths in Rundle Mall and the rampage that followed. The second was the National Action rallies at Prospect Town Hall and Glenelg. The third was the desecration of Jewish graves at the West Terrace Cemetery. Catholic graves were also desecrated. In my own electorate there was an attack on a statue of the Serbian leader Draza Mihailovich, at Saint Sava's Orthodox Church, Woodville Park. Mihailovich, whose Chetniks fought in the Allied cause in the Second World War, was shot by the communists in 1946 after a travesty of a trial. His statue was attacked by youths taken in by the Axis account of the Second World War. The youths were in Adelaide for a soccer match, and the statue's head was cut off with an angle grinder. The statue had not been restored when I was at Saint Sava's for its patronal festival recently. The parishioners fear that if the statue is restored it will be attacked again.

Mr Rossi interjecting:

Mr ATKINSON: The member for Lee attributes the incident to another ethnic group; in fact, to the Croatians. I cannot say which specific ethnic group was responsible for the decapitation of the statue, but the member for Lee says that it was the Croatian community and that the head was sold at auction at a Croatian community function in Melbourne. We will have to take his word for that. Another such attack occurred at Saint Michael's Ukrainian Orthodox Church, Croydon. Graffiti was written on the church accusing the parishioners of war time atrocities against the Jews. These allegations have since been tested in Australia's war crimes trials and found to be unsustainable against any individual, let alone a community. These acts are not merely assaults or property damage. They have a special malicious element that ought to be specially punished. There I agree with the member for Reynell. As Ron Castan QC put it in the *Australian*:

> Greater harm is caused by many racially motivated criminal acts than by similar acts with no racial motivation. . . There is a clear difference between scratching your name in a public phone booth and writing racist slogans and messages of hate on a place of worship.

It is raised against the Bill that it unjustifiably impinges on free speech. Although free speech is important to a democratic society under the rule of law, it is not an absolute value. One cannot defame others, continually make abusive or nuisance phone calls, or reveal secrets protected by the Official Secrets Act (or whatever the equivalent is now) or by business law. One cannot shout 'fire' in a crowded cinema when there is no fire, or use offensive language in a public place. Indeed, when there is a serious risk of prejudicing a jury trial, one cannot speak publicly about the subject of those legal proceedings in a way that might affect the outcome. That is called *sub judice*, Sir, as I am sure you know, given the depth of your learning on these matters.

The DEPUTY SPEAKER: I am still learning, as a matter of fact. I am reading it right now.

Mr ATKINSON: Thank you, Sir. I am glad that I have put you to research: read, mark and inwardly digest. A Canadian legal academic, Professor Kathleen Mahoney, writes:

> All constitutions in free societies embody this concept by permitting limitations on speech activity if those limitations are justified, reasonable and prescribed by law in the democratic context.

By the way, Sir, I do not know how 'speech activity' differs from 'speech' in this quotation.

Mr Peter Duncan, a Federal MP, in the second reading debate on a similar Commonwealth Bill, argued that freedom of expression is just one of the values that the law protects in a democratic society. With respect to Mr Duncan, I think he unduly minimises freedom of expression by describing it as just one value. It is far more important than that. Freedom of speech is something that a democratic society cannot do without.

This Bill, if it becomes law, will educate people by making it clear that verbal abuse of individuals or groups, because of their ethnic origin, is indecent. A Vietnamese-Australian writer, Dr Nguyen Trieu Dan, argues that the kind of Bill before us would, if it became law, reinforce the equality, worth and dignity of each person. He writes:

> Nowhere has such legislation proved to be a threat to free speech. It is also difficult to see how it could become a tool for the thought police—as has been claimed—in a country like Australia which has a strong tradition of parliamentary democracy and an independent judiciary.

Dr Dan points out that one can sue a person for defaming one or one's club or trade union, but communities, such as ethnic minorities, just have to cop it sweet.

I turn now to consider the provisions of the Bill. Clause 4 prohibits public acts inciting hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of race by threatening physical harm to person or property or inciting others to do the same. The maximum penalty for this offence is $5 000 or imprisonment

for three years. A body corporate may be fined $25 000. In addition to the criminal penalty, the same court may award civil damages up to $40 000, including punitive damages to a person or to an organisation formed to further the interests of a particular racial group.

I am a little uneasy about a group being formed for the purpose only of being a plaintiff. It reminds me a little, if I may digress, of my university days when the Students' Association used to hand out money to clubs and societies that were newly formed. I was part of a group called Blokes on Campus and I was also part of a group called the Sinn Fein Society. We did receive our grant, and it is fair to say that we did not use that money for the purposes which our constitution prescribed. In fact, we drank it. I am not saying that will occur in respect of a plaintiff group formed purely for the purposes of litigation, but I am uneasy with the concept. I would far rather that the legislation allowed for an existing group or class of groups to join together to be a plaintiff than for a plaintiff to be created artificially. I am also uneasy about the mixing of criminal penalties and civil damages in one trial.

Under the Opposition's Bill, the maximum term of imprisonment was six months. It is unusual for new criminal offences to be created. It seems to me to be desirable that where this occurs we should start with smaller maximum penalties and increase them, if necessary, after we have some experience of how the offence works. This illiberal penalty is odd coming from a Government that styles itself 'Liberal.'

Exempted from clause 4 are publishing a fair report, publications under absolute privilege or acting reasonably in good faith for the purpose of public discussion or the like. I agree with those exemptions. A charge under this clause cannot be brought without the written consent of the Director of Public Prosecutions. I support that also.

The Bill also amends the Wrongs Act to create a tort based on the definition of the criminal offence. The matters for which civil damages could be recovered include physical injury, economic damage or loss or 'distress' or, according to new section 37(3), as amended, 'In an action for damages for racial victimisation, damages may be awarded to compensate any form of detriment.'

The Premier, in the explanation that was written for him by his bureaucrats, tried to make some comparison between this kind of tort and defamation. If he did not, certainly the member for Reynell did. It seems to me that, where there is such an open-ended definition of damages, it does not compare with defamation at all. Damages for defamation are for lost reputation; they are not for distress or for hurt feelings. For instance, if I were to approach a member outside the Chamber and say something deeply insulting and defamatory, but only the two of us could hear it, there would be no action in defamation. In my opinion, the law is there not to look after hurt feelings but to remedy some kind of damage that can be calculated objectively. Therefore, I am uneasy about this open-ended definition of damages. The Opposition handled this differently in its Bill, by giving the Equal Opportunity Commission the ability to conciliate these matters and to look at damage, if necessary.

The Hon. Dean Brown interjecting:

Mr ATKINSON: Yes, that is right. I share the problems that the Liberal Party has with the Equal Opportunity Commission in handling this matter. I listened very carefully to the retiring speech of the Chief Justice, Len King, at his farewell dinner. I thought he made some very compelling points against quasi judicial tribunals such as the Equal Opportunity Tribunal.

We only have to remember its mishandling of the Jobling case to know why Parliament might be reluctant to give the Equal Opportunity Tribunal any further jurisdiction. However, I do think the Opposition Bill, in giving the Equal Opportunity Commission jurisdiction here, was probably right, because conciliation is an important element in this new and experimental area of law on racial vilification. South Australia would have been better served by the Equal Opportunity Commission conciliating cases rather than taking the quite radical step of creating not merely a new criminal offence—and I agree with that—but a new tort, a new area of civil damages, in which there is an open-ended definition of 'damage'. So, I have some difficulties with the technicalities of the Bill.

In conclusion, I make one completely different point, namely, that it is a shame that the dictates of political correctness within the two major Parties, particularly the Government, have resulted in a very narrow and inadequate debate on this Bill. I would like to hear a member of Parliament make a speech against this Bill. As it happens, I support this Bill but many members of the Government and perhaps one or two of the Opposition would like to speak in a full-blooded way against the principle of this Bill and I believe they could make a quite compelling case, as have a number of members of the Federal Coalition, including the Deputy Leader of the Parliamentary Liberal Party, Mr Peter Costello.

It would be all to the good if that free debate could occur in this Chamber. As it is, we have something of a deformed debate in which those of us who are participating all agree with one another over a number of hours, as we are about to do into the evening. I support the Bill with reservations but I would have liked a more full-blooded debate.

Mr SCALZI (Hartley): I also support this Bill. I am honoured to be part of a Government and a Parliament that is responsible for bringing about such a Bill. I am pleased to see that there is bipartisan support for a Racial Vilification Bill. The member for Spence has outlined the differences and gone into detail as to what should have been and what should not have been, and that will no doubt be debated more closely in Committee. However, no-one can doubt that there is a need for such a Bill. In a free and democratic society, individuals, regardless of background, including all aspects of human diversity—race, religion, culture and so on—have a right to express their differences, as long as they abide by the democratic principles of this country without fear or prejudice and having that feeling of security and comfort that all of us deserve.

I am proud to be part of this society and the fact that I am here—someone who was not born in this country—and able to serve at this level tells us much about this multicultural society. There is no doubt that we are a success story, but that does not mean that we should be complacent. That does not mean that those few who do not believe in and do not support this society, who intimidate and bring about fear within groups which have genuinely made a commitment to this country, should somehow be allowed to carry on with their fear tactics and intimidation of other groups of Australians from diverse backgrounds. We have a responsibility to set out clear parameters. This Bill does that, and I commend the Premier and the member for Reynell for the work that has gone on behind this Bill.

It is pleasing to see genuine support from all sides of the need to make clear to the community that this Parliament and society will not tolerate that type of intimidation. Nobody needs to fear this type of law. People have admitted that this type of law, when proclaimed, would protect not only minorities but all groups. After all, the dominant groups in our society come under this law also and, if they were to be threatened, I am sure that the law would apply equally to them, as it should. Some critics have said that there are criminal sanctions already to deal with that type of intimidation and harm to an individual and property. That might be true, but laws have an important role to play in that they have to send a clear message to the community, even more so when it comes to dealing with these human issues, which really are the basis of our democratic society.

One cannot think that one will eradicate racism: it has always existed and no doubt will always exist in the future. Nevertheless, we can contain it and protect people publicly and that is what this Bill is about: it will send a clear message that people, regardless of background, can go on with their everyday living without fear or intimidation. This is not about controlling the faults of individuals but about making individuals in society realise that they cannot instil racial hatred to the point where they can make other individuals fear in a free and democratic society. None of us should live in fear.

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

Mr SCALZI: Before the dinner break, I said that every person has the right to be free, to feel free and to express his or her diversity in our society. True equality is equality of difference, and that is an important characteristic of Australian society, and South Australian society in particular, when one looks at our history. As I said, we are a success story, but we cannot be complacent. We must set clear and definite parameters to ensure that this success is maintained and continued in the future.

When I look at my electorate of Hartley and, in particular, the areas of Campbelltown and Payneham, I see a success story and, in a way, an example of how integration can take place. The electorate of Hartley has one of the biggest percentages of Australians of Italian background. Over the past 30 years, integration has taken place in all facets of society and professions. There has been very little conflict. It is evident that conflict does not arise out of diversity: in fact, diversity can be an enriching process, and that is very much evident in the area I represent. Our society enjoys the sharing of different cultures, foods and traditions, and we are better off because of the integration of various groups. We should be proud to be Australians and we should promote this genuine pride; we should promote civics; and we should promote genuine patriotism. I am the first to admit that and I am proud to be an Australian.

However, we should not promote patriotism at the expense of basic humanity for, if we did, all the good that is evident now would be undone. Unfortunately, not all groups within our society share that philosophy. Some groups threaten this basic humanity and they should be put on notice. I am pleased that members of the three major Parties, in their expressions in this House and the other place, have a similar philosophy and are of one accord. This Bill does that.

Voltaire said that nationalism is the last refuge of a scoundrel: racism can be the first resort of the poor and underprivileged. There are those within our society who prey on the feelings of insecurity and the dispossessed in order to promote hatred. That should be opposed wherever it is seen. It is the responsibility and duty of all people in public positions to ensure that that type of hatred is not carried in the community. The message must be clear. There is no place for carriers and promoters of such hatred in a civilised community such as South Australia. I support the Bill, and I look forward to seeing it go to the Committee stage where we as a South Australian Parliament will truly be proud to pass such legislation.

Mr CLARKE (Deputy Leader of the Opposition): I support the Bill introduced by the Government. However, obviously I also support the amendments put forward by the Leader of the Opposition. In fact, I think the Government should seriously consider adopting the amendments put forward by the Leader because that would show a spirit of harmony and unity of purpose with respect to this very important issue of racial vilification, and the message that would go out from this Parliament would be a unanimous vote by the major Parties—I suspect that it would also gain the support of the Australian Democrats in another place—that racial vilification is not to be tolerated in South Australian society.

I regret that the Government Bill has taken so long to come before the Parliament, but better late than never. Last year, the Leader of the Opposition put forward the Labor Party's Bill which was modelled on a New South Wales Act that was introduced by a New South Wales Liberal Government. It would have been an act of statespersonship on the part of members of the Government—I know that they find it difficult to act in a statespersonlike way, but they could have surprised us—if they had said, 'Yes, the Opposition has introduced a good piece of legislation, we agree with it in principle, and therefore we will adopt it as a Government Bill; however, we may wish to make slight amendments to it', so that it would have the imprimatur of a unanimous vote of Parliament.

Mr Atkinson interjecting:

Mr CLARKE: The member for Spence interjects. I was coming to that very point in a moment. With respect to the Racial Vilification Bill, it is true that in times past I have had some reservations, not so much regarding the principle involved in the sense that racial hatred and vilification should be abhorred by society as a whole, but regarding the passage of the legislation—

Mr Atkinson interjecting:

Mr CLARKE: You will tempt me too far one day.

Mr Atkinson interjecting:

Mr CLARKE: I ask the member for Spence to remember that we are not the Liberal Party and that we do not have spats in public. It would be fair to say that I have had some reservations about the legislation from the position of being somewhat of a libertarian in the sense that people should be able to express a view provided they do not cause physical harm or damage to property and individuals; that, in many respects, people who put up totally abhorrent points of view are best dealt with by being ridiculed and ignored by the overwhelming masses in our society.

However, I have reconsidered this point and, like the member for Spence who on his way to Damascus with respect to this issue has reached a position, on balance we tip in favour of legislation in this area. It does not matter what I thought originally with respect to the right of people to be able to say what they like. Even if I disagree with them most

vehemently they have the right to say it and the good sense of the South Australian public would condemn those persons to ridicule and contempt.

However, unfortunately I also have within my electorate certain constituents who cause me concern, namely, a number of people who are active in National Action and who, for example, mounted protests in 1994 at the Prospect Town Hall, which is a little way out of my electorate. I remember that a number of people wanted to protest at that rally who were opposed to National Action. When that was first raised with me my initial thought was, 'Why give these 20 or 30 misfits who will turn up at Prospect Town Hall prominence and the publicity they are seeking by having a mass counter-demonstration? They will in turn only cause mounted police to come out to separate them. It will be wonderful film footage for the camera crews and the like.' I thought that it was giving a repugnant group of people undue publicity, which is what they were seeking. However, during the course of the debates I had with the community groups who wanted to mount such a protest, I came to the view that they were right and I was wrong. Unlike some members of this House, I am prepared to admit when I am wrong.

Mr Atkinson: Are you reflecting on the Chair?

Mr CLARKE: I am not reflecting on anybody except members in general, both past and present. I am prepared to admit when I am wrong in that, if a cogent, coherent argument is put that clearly sets out the merits of a case, I am prepared to stand up and say, 'I might have held a contrary view, but I was wrong.' I do not see that that is a humiliation, a back-down or a loss of face: it is simply admitting that I am human and fallible and from time to time I make mistakes. I learnt the best thing to do in the trade union movement. There was nothing more salutary than going before a group of members. They are very forgiving, and you might recommend to them, 'I think you should do this, that and the other thing.' If you advised them incorrectly, they would take certain steps and what you believed would take place did not take place. They were extremely forgiving if you got up in front of them and said, 'I made a mistake. I was wrong to advise you that way; however, on all the facts I thought that was the best case going.'

What they did not like was when you lied to them and tried to obscure the issue by saying that it was really somebody else's fault or used the brute force of numbers, as happens in this place from time to time when, despite the merits of the argument, wrong measures are carried out or wrong resolutions are made.

Returning more particularly to the Bill, in considering this debate on racial vilification and neo-Nazi protest at the Prospect Town Hall, I was persuaded to a different view from that which I originally held. I am man enough to admit my errors. That view is that, when these people preach pure, unadulterated racial hatred against other citizens, other members of our community, for no other reason than that they are of a different religion or colour, based on different race—

Mr Atkinson interjecting:

Mr CLARKE: I never know whether the member for Spence is with me or against me. I think he is a bit like the member for Unley: he has his starting shoes on to run as an Independent.

Mr Brindal: Don't write off that possibility.

Mr CLARKE: I have never written off the possibility with respect to the member for Unley, but I know the member for Spence too well. He is close to the bosom of the heart of the ALP, unlike the member for Unley, who is within an electoral college dash of running as an Independent for the seat of Unley. With respect to this issue, when I went along to that rally outside the Prospect Town Hall in support of those who opposed the demonstration by the neo-Nazis, on the faces of those protesting against racial harmony in this country I could see pure hatred, caused largely out of ignorance.

You saw the hatred in their eyes; it was directed at people for no reason other than that they were a different race. I agreed with those people who organised the counter demonstration that the 'She'll be right attitude' in our society is inappropriate. We just cannot allow that type of festering sore or cancer to grow unchecked within our society. It is not good enough, as I originally thought, for us to sit down and ignore them for the sake of ignoring them, and pretend that they will go away. Unfortunately, they will not. They need to be publicly confronted and shown that, to the overwhelming mass of the Australian public, their attitudes are abhorrent. They need to be shown that we are a multi-racial or multicultural society, and that we regard one another not by the colour of our skin or race but by what we as men and women, by our acts and our deeds, do in our society. That is how we should all judge ourselves and one another in this area.

When fanatical groups, who will unfortunately exist in our society from time to time, rise to challenge that fundamental basis of tolerance within our society, we must meet them. We must meet them publicly, and we must publicly condemn them. We in this Parliament, through the passage of these laws, should show that such attitudes are totally unacceptable in our society. Simply ignoring the position and trying to not give prominence to the attitude of the National Action group and others, by pretending they will simply slink away into the night and not attract any public attention, abandons the field for these types of extremists. We need to set a standard in our society from the highest levels of government down through the various other important organs within our society. We need to say to our community and to our young people growing up in our schools that this type of intolerance to other human beings, simply because of their race, is unacceptable.

I was further fortified in my views on this matter when I visited South Africa in May last year—exactly one year after the election of Nelson Mandela as the President of new South Africa. I had discussions with the white and black communities in particular and with people from the African National Congress. I heard and read about the horrific experiences they suffered at the hands of the white minority rule that had been in that country for some 350 years. If anyone wants to read a wonderful book of courage, perseverance and great adversity, they should read the autobiography of Nelson Mandela. For such horrific acts against other human beings to be carried out by a Government (which was elected to office by a majority of the white population) because of their colour and race, should be an eye-opener to us all.

It is to the enormous credit of Nelson Mandela and his Government in that country that, despite 350 years of white oppression, they can still extend the hand of friendship to the white European community to try to build that country into a multi-racial country, where tolerance is extended to one another and where people are judged by what they do and how they act not by the colour of their skin. When I went to some of the so-called black townships surrounding leafy garden suburbs occupied overwhelmingly by wealthy white business people and those who control the economic levers

in that country, I saw how the mass of the black population lived and the exploitation they suffered.

I was there when some 95 to 100 miners working in a gold mine were crushed because simple safety devices were not instituted in those mines. They were crushed because human life, particularly black human life—people working in those mines—was disregarded because the people were black; it was for no reason other than that. To think that in less than 100 years of gold mining in South Africa, some 63 000 miners were killed in that country, let alone the hundreds of thousands of black miners in South Africa who were irreparably physically damaged working in those mines where safety standards were so appalling, simply because—

Mr LEWIS: I rise on a point of order, Mr Speaker. I fail to see the relevance of the conditions under which miners in South Africa work to whether or not someone is vilified in respect of the Bill before the House.

The SPEAKER: Order! If the Chair was to interpret the Standing Orders in a very narrow fashion, the member for Ridley would be correct. However, I anticipate that the Deputy Leader of the Opposition will be linking up his remarks and I ask him to do so.

Mr CLARKE: Thank you, Mr Speaker. As ever, your rulings, with few exceptions, are wise.

Mr Brindal interjecting:

Mr CLARKE: No exceptions, that's right! Mr Speaker, you are quite right, I am pulling the threads together. I am basically pointing out that, in a country such as South Africa, because they had laws which basically said the white race was superior to all other races, they could treat other races with hatred and contempt. We are fortunate in this country that, at least on the statute books, we have not recognised that. However, what we now need to do is put into legislation at the very highest levels of our Legislature that racial vilification is not to be tolerated whatsoever amongst our community.

I have come around to favour this type of legislation, whereas two years ago I had more of a civil libertarian type of view but, as I have said, I am man enough to admit that I was wrong at that time. It is also pertinent, of course, with respect to the conditions that black workers in particular had to suffer in South Africa, that that also depended very much on the legislative framework under which those workers were governed. We know that if there were to be the election of a Howard Government in four weeks, the changes to the Industrial Relations Act at a Federal level would be to bring workers in this country into servitude rather than bargaining as equal partners with their employer. We know that the member for Ridley favours the attitude of treating workers as serfs in servitude to their employers.

The SPEAKER: I trust that the honourable Deputy Leader is not imputing improper motives.

Mr CLARKE: I would never impute improper motives with respect to any member. With those few words, I commend the legislation. However, again I would ask the Government to show, at least once in its slightly more than two year period in office, an attitude of statespersonship by accepting the amendments put forward by the Leader so this legislation can go forward to the Governor for royal assent with the absolute unanimous support of all political Parties in our Parliament.

Mr BRINDAL (Unley): At the appropriate occasion I intend to recommend to the Printing Committee that the speech of the member for Ross Smith be printed in red ink, so incredible was it! The member for Ross Smith actually admitted he is both human and fallible; yet he did not stretch that credibility too far by suggesting he was also humble. But he just went far enough. He also said that he would not use the brute force of numbers. I suggest to all members that the member for Playford could suggest that he provides adequate sufficiency of the brute force of numbers in this place.

He asks why the Government does not support the Bill of the Leader of the Opposition. In a sense, he really answered his own question. Many people might like beer, but they do not necessarily like the froth and bubble on top. If I can draw this analogy: this Bill is the beer, and the Leader of the Opposition presented this House with the froth and bubble on top. It had no real substance. To address the Bill, I believe that this is a brave attempt at the cutting edge of legislation in this country.

Mr Clarke interjecting:

Mr BRINDAL: The member for Ross Smith goes from being humble, considerate and all those things to his normal arrogant, unrepentant, belligerent self in the course of this debate and in the course of less than two minutes. I believe that it is cutting edge legislation. I believe it is important legislation. That is indicated by the seriousness with which this House is debating it this afternoon and this evening. I particularly commend not only the Premier for introducing it but the member for Reynell who has been the driving force behind much of the work that has been done. The member for Reynell has worked for many months on this legislation. She has considered the matter carefully, she has put a point of view and more than any single person in this House the member for Reynell deserves the credit for this Bill.

As the member for Reynell knows, the Bill worries me because, on the one hand, many of the points raised by members may well be right—and I accept that they are right—but, on the other hand, we have the problems that this country has always held dear: freedom of speech and freedom of association. I do not need to tell members opposite the angst that the Australian community went through when we tried to argue the political correctness of not being a Communist in a democracy. We tried to ban a political train of thought because that was deemed to be politically incorrect.

Mr Clarke interjecting:

Mr BRINDAL: The member for Ross Smith asked an interesting question. It does bear on this legislation. I would have voted against banning the Communist Party because I believe that we do more harm to our essential democracy by trying to ban some things than we achieve by the correct political process. That is what worries me about this Bill. It is a very good attempt and I will support it into law. I rather believe that this process may not reach full fruition until it is tested before the High Court. I believe there are some fundamental issues, which we are debating tonight and which we are prepared to say are worth putting into legislation. The only way to test that correct balance between freedom of association, freedom of speech and what this Parliament does tonight is probably, in the end, in the High Court, which may well be where this legislation ends.

I commend what is being done, but I worry about some of the consequences. The member for Spence, in his usual little effort, became muddled up and did not quite know where he was going and could not define race. That is one of the issues that worries me with this Bill. It is a Bill about racial vilification but, if members look at most of the strife in the world, most of the strife in the world is not so much racial—and I admit it can be sometimes—it is because of ethno-

religious strife. Most members in this House and most people in western democracies would equate most easily with Judaism. To be a Jew is to be of an ethnic group. We would say it is covered by this Act. Not so. It may be covered by this Act, but to be a Jew is to be ethno-religious; it is not to be of a particular race.

I read briefly from the *Encyclopaedia Britannica*, which states:

> Judaism is the religion of the Jews, who comprise a worldwide religious and ethnic community. It is a total way of life as well as a set of basic beliefs and values, discernible in patterns of action, social order, and culture as well as in religious statements and concepts. The religion of a particular people (membership of which is constituted by conversion as well as birth).

Where the Jews have been pilloried, it has not been because of their race because, in many cases, by their race they were indiscernible. By their blood streams and by their gene pools they were indiscernible from the Poles, the Slavs and the other ethnic groups in which they thrived. They were discernible because of ethno-religious practice. Pick the Catholic from the Protestant in Ireland! It is very difficult, but what drives brother against brother is a religion and a cultural background rather than colour or race.

I am not saying that the attempt that we are making here is not a good start, but does it go far enough? Does it address the true issues, which this Bill seeks to address? I wonder. At the heart of it lies that question: what is race? Is it enough to define racial vilification in the context that we seek to do? If National Action vilified the Jews because of their religious beliefs rather than their race, would it be committing an offence under this legislation? What is the more important—the colour of their skin or the creed that they practise?

Some serious problems face our community, not least in the Eastern States, and I am sure that members have read of some of the strife that potentially exists between the Muslim communities in certain areas and what the member for Spence described as Anglo-Celtic ghettos such as Unley. If the member for Spence wants to say things like that about my electorate, he might be in trouble when he gets out of here because we might have him up for racial vilification. That potential exists, but not because an Arab looks much different from a Christian. It exists because of some fundamental religious beliefs, yet this Bill does not address that.

I also put to the House that another important matter that arises from the Bill is the limitation of damages. Under this Bill, damages in the racial vilification section can be limited to $40 000. That is a worry because, in effect, it sets a price on a synagogue or a Jewish school or a Greek Orthodox school. If someone burns it down, that person can be gaoled for three years and fined $40 000. It has a limit.

The other thing that worries me is that prosecutions under this section of the legislation are limited to the Department of Public Prosecutions, and I hope that, when he contributes to the debate, the member for Norwood will tell me if I am wrong. I understand that it is an ancient principle of our law that all are equal before the law, and, although it is not done, any of us can bring a prosecution against any other of us for a serious crime. The fact is that the Crown prosecutes most of the serious matters because we leave it to the Crown to do that; but, if we are not satisfied that the Crown is pursuing a matter, say, a murder, with enough rigour, we as citizens could initiate a prosecution before the courts ourselves.

It worries me that, in this matter, which is of fundamental importance to us all, Executive Government takes what should be the people's power out of our hands and those of Parliament and puts it in the hands of the Department of Public Prosecutions. If this is an important issue—and it is—it belongs to the people, and the people should be able to prosecute and pursue this matter. It should not be a matter for an elected Government from either side of the House to decide on political correctness whether or not a group should be prosecuted. Either this Bill stands before all the people or it should not stand at all. It worries me that the power of prosecution is so severely limited, and it worries me that the penalties are so severely limited. I would ask the Government to consider whether it has not made a mistake in limiting the penalties. I also ask the Government to consider whether it has not made a mistake in limiting the right of any of us to pursue a prosecution under this Bill if that is our right under other principles of law.

I support the Bill. As I said, it is a brave attempt. In the end it may well be resolved in the High Court but, if legislators such as this Parliament do not start or, in essence, initiate the debate by passing some legislation, nothing can be tested, and surely it has to be. As I said earlier, the reason that I worry about this Bill or any Bill that seeks to infringe our rights is that, very often, by limiting our rights the unforeseen consequences can be worse than what we set out to achieve.

I do not for one minute condone groups like National Action and the horrendous wrongs which it perpetrates. I draw the attention of the House to a very similar case which occurred in Cornwall. There was a girl of about 13 years of age in the time of John Wesley. She was converted to Methodism, which was against the established church of the time. The girl, in her young way, decided that she would like to go to heaven. It was the only place where she would be happy, because she worked in the mines. She knew, again in her young mind, that suicide was a sin and that God would not accept her in heaven if she committed suicide. She reasoned that the way to get to heaven was to murder someone. She would be tried; she would be hanged; and she would enter the kingdom of heaven in a state of grace, because the person she would murder would be a child. On one occasion she stood above a mine in Cornwall, intending to push a young lad of 11 years into the pit. However, she lost her nerve and did not do so.

About two weeks later she went home and, while singing hymns, wound her scarf around the neck of her eight year old brother, hanging him behind the kitchen door. We are talking about Dickensian England, a time when they were not exactly lenient. The girl was put on trial. The judge—and this is where it bears on the Bill—said in his summing up that, if any set of beliefs are such that they subvert the very fabric of society and threaten the fundamental values on which society is built, it is time for legislators to look at those values. Of course, the Methodist Church ducked for cover and said that it did not know her.

Interestingly enough, the girl was not hanged. She was given only a minor gaol sentence, which is fascinating for those times. The judge's point is interesting and bears on the Bill. As legislators we do have a right to legislate on these matters. I put it to the House that our right to legislate on these matters really comes into play only when what is being done by groups such as National Action threatens the very fabric of society and the basic beliefs which we as Australians hold. I do not know whether it has reached that stage yet. Therefore, I have some worry with this legislation. However, I am prepared to support the Bill.

That is the conundrum I have, and I believe that it is shared by many members in this House. I still commend the

member for Reynell for her efforts because she is a braver person than I. It is a matter about which I have thought long and hard and about which, I admit, I could not have come up with a solution as clever as that suggested by the member for Reynell. Whether it works remains to be seen, but if this Parliament does not give things like this a go we will never advance the social condition of all of us as Australians.

I commend the Bill to the House and ask members to consider a number of amendments in its passage, because I have yet to see a Bill brought into this House that cannot be improved by the collective thought of the whole place. I think that the Bill contains a couple of things that could be amended. I intend to look at the Leader of the Opposition's amendments. I would hope, through the Deputy Premier and the Premier, that if there are any good thoughts in there that we would incorporate them into the Bill, because no-one wants this Bill to pass if it does other than contribute to the common good.

In conclusion, the member for Ross Smith said that on this side of the House people are reticent to admit that they are wrong. That is not true. On many occasions I have admitted when I have been wrong, and on many occasions I know that the member for Newland has admitted that she has been wrong. The best example of a person admitting that they were wrong is my friend and colleague the member for Norwood, who was once a member of the Labor Party. He admitted that he was wrong and he joined the Liberal Party. I commend the Bill to the House.

Ms STEVENS (Elizabeth): I support this Bill in so much as it endeavours to address racial vilification, but there are some issues that I want to raise because in some parts the Bill could be much better. I will address those during my speech. It is clear from all who have spoken in the debate so far that there is strong opposition to racism in all its forms, and I concur with that. Previous speakers have talked about multiculturalism being a significant plus in the Australian community, and I agree with that. It is the differences between people that can truly make ours a society of tolerance and progress.

Unfortunately, the other side, which rears its head in our community, is racism and hatred of various sorts. My colleague the member for Ross Smith talked about South Africa and the issues there over a long period. We acknowledge those, of course, but we need look no further than the Aboriginal people in our own country when we talk about the effects and extent of racism and the things that we need to do to redress it for all people in the Australian community.

I believe that the overwhelming majority of people in Australia do not condone or accept that racism is all right. I am sure that most people believe it is unconscionable and unacceptable and should not have any part in our society. Unfortunately, incidents continue to occur which warn us that these elements are still with us.

Members have mentioned National Action. We all know of recent demonstrations and purported shows of strength by that group in our community. I was reminded of this a week or so ago when I was door knocking in the metropolitan area and walked up to a house and saw swastikas on the front door and 'Asians out' written across it. It is a salient reminder that those things are here within our society.

The desecration of Jewish graves last year was another example, and we know of the outrage that was expressed by most people in our community when that occurred. Like the member for Ross Smith, I agree that we must take action and firmly say that we believe that is not on and that we will take steps to demonstrate that racial vilification and acts of racism will not be tolerated in our community.

It is also clear that as well as the outrage generally expressed in the community other groups say 'No' to racism. I was heartened, as I expect all members would have been, to see the action of the AFL in attempting to address racial harassment of football players. That was important action by a prominent body to begin to address the issue. Most Australians would have seen it on television because it was done openly. Some things may have been done better, but there was the intent and attempt to deal with it. Again, I believe that as parliamentarians and as law makers we must take a stand in relation to these matters, and this is where Bills such as this have their place.

I was interested to hear the comments of the member for Unley when he spoke about the right to freedom of speech in a democratic society. He spoke about that right, and how we balance that against the right of people to live a free existence without fear of harassment or vilification of any sort. I would say to the member for Unley and other people—because I know this is a widely held dilemma of many people—that it is a matter of precedence of principle.

In my view, the right of all individuals in a society to be free to go about their daily lives without harassment, and without harassing others, really must take precedence over the right of us all to have free speech. It is a matter of balance and, as legislators, our role is to try to strike that balance. The South Australian Equal Opportunity Act 1984 actually signifies race as one of the categories in relation to discrimination. A Bill like this actually strengthens that provision.

There are a number of issues in relation to the Government's Bill on which I would like to comment. The first is a very important issue. I think it is an omission in the approach taken by the Government in relation to this Bill, and I hope that the Government will consider what I and others have said. When we make laws of this nature, not only do we need to prescribe strong penalties for those people who transgress, but also we have a responsibility to move the community forward in terms of the community's understanding of racial vilification. That second point is missing from the Bill.

I agree with the penalties; I agree with what has been put in the Government's Bill in relation to penalties; but we are missing an opportunity to move the community forward. I strongly agree with the approach initially put forward by the Leader of the Opposition last year. He sees the need for a two-pronged approach: penalties on the one hand, but an educative process to ensure a change in community attitude.

The member for Unley referred to beer and froth and bubble. He said that the beer was in this Bill and the froth and bubble was in the Leader of the Opposition's original Bill. I am surprised that the member for Unley said that, and I would like to speak briefly about my experience in dealing with these matters in schools—and that is why I am surprised by the remarks of the member for Unley. However, perhaps he has been away from schools too long and has not seen what has happened.

In the Education Department in South Australia, since the Equal Opportunity Act 1984, there have been policies in relation to sexual harassment and later, in the early 1990s, policies in relation to racist harassment. In actually carrying out those policies—and I saw this first-hand many times because I had to be part of working through those sorts of issues with students and staff members—the important thing

was not just talking about what had happened and whether it was serious enough to take particular forms of action, but the whole process was helping people to understand what sexual harassment was and what racist harassment was.

So, not only did you take action on particular matters but you also set up a process whereby there could be conciliation, talking through, an exchange of views and an increase in the understanding of people about the issue. That is a very successful and good way to handle this. Not only do you have the penalties but you move the entire group forward in their understanding of the issues. That is an important thing in something like this and I hope that the Government will consider these points as we will be putting them up later by way of amendment. It would be a pity if we went forward and missed the opportunity to do that.

Mr Brindal interjecting:

Ms STEVENS: I am supporting this Bill, but we will be putting up amendments to address these issues and I am asking you to consider supporting them. I will raise a few other smaller points. What I have outlined is the major issue, as far as I am concerned. The use of the words 'vilification' and 'victimisation' is a small point but it is confusing. If we are to go down the conciliation line, with involvement by the EO Commission in resolving issues, we will need to look at some provision for victimisation in the sense of having some protection for those people who make a claim of racial vilification against somebody else. The word 'victimisation' is better used in the same way that it has been used through the EO Act in relation to sexual harassment, and we ought to consider making such provision.

I commend the Government's intention. However, the whole Bill could be much better, much rounder and more successful for our community if the suggestions that I and other members on this side of the House have made were taken up.

Mr CUMMINS (Norwood): Before referring to this Bill, I will address one matter. I was amused by the member for Ross Smith's talking about the problems with his conscience in dealing with this legislation and his putting himself forward as the great defender of free speech. I was amused because his Federal colleagues tried to stop free speech in the Australian Capital TV and Commonwealth case and were rolled by the High Court. I am glad to note that at least one State Labor member of this place supports the concept of freedom of speech, unlike his Federal colleagues.

Mr Brindal: Ralph for Premier!

Mr CUMMINS: Yes. They will need a new one soon. I will now deal with the legislation. It is fair to say that in Australia, certainly in South Australia, we live in a stable, multicultural society. I am proud to say that it is a society that encourages diversity, both in culture and language. Yet having said that, I believe it is a society that is truly an Australian community. To that extent, I must say, I share the views of some members about the need for this legislation.

Reflecting on the legislation, I think that it is necessary, because we have these fringe groups which are racist and which need to be dealt with. Having said that, I think that the situation in Australia in relation to racial tolerance and so on has changed radically since 1988. In fact, a recent study was commissioned by the World Conference on Religion and Peace, which survey indicated that only 4 per cent of Australians surveyed considered it unimportant that no-one should be disadvantaged because of race. In other words, if the recipients of that survey were telling the truth, and I have no doubt that they were, 96 per cent of people in this community are in favour of the sort of thing that we are proposing here.

As has been said by some members, this legislation deals with both a criminal and a civil action. Clause 4 deals with threatening physical harm or harm to property, inciting others to do by public act, or inciting hatred towards or serious contempt for or ridicule of a person or group of persons on the ground of race. As with the member for Unley, I have some problems as pointed out by him in relation to the definition of 'race'. Unfortunately, the definition in the proposed legislation does not include the concept of ethno-religious and, in fact, if one looks at the English legislation, 'race', although it is not worded in exactly the same way as our section, is defined the same way. The English courts have held that Muslims are not a racial group but a group defined by religion.

The English courts have also held that the Rastafarians are not a racial group but a group defined by other things as well. So, I envisage that there could be a problem with this legislation, but I suppose it depends on the interpretation the court gives to it. I think we would be optimistic to say that Muslims, for example, are covered under this legislation. The English cases dealt with the sort of racial group as a group that regarded itself and was regarded by others as a distinct community by virtue of certain characteristics. It seems to me that Muslims will not be covered under this legislation. The English courts have held that there has to be a long, shared history of which the group is conscious as distinguishing it from other groups and the memory of which it keeps alive, and a cultural tradition of its own, including family and social occasions and manners, often but not necessarily associated with religious observance.

That is the way the English courts have looked at the concept of a racial group. As I said earlier, our definition of 'race' is exactly the same as in the English legislation. It may well be that later we will have to consider amending that legislation. I mentioned also that there is a civil provision. I think that some people would say that this provision is pretty draconian, in a sense. There are pretty severe monetary penalties of damages up to about $40 000. I had some problem with the concept of 'detriment'. Under section 37(1), 'detriment' is defined as meaning injury, damage or loss, or distress in the nature of intimidation, harassment or humiliation. I particularly have problems with the concept of 'humiliation' and the use of that word. It seems to me that that is getting very close to awarding someone damages for injured sensibility.

In addition, my view would be that people may issue proceedings in what one might call trivial matters. Certainly, that has been the experience with the New Zealand legislation, which includes the concept of humiliation. I am not necessarily saying that we should amend that tonight: I think we should probably leave it but keep a close eye on what happens. If we have vexatious litigants relying on that to issue proceedings, we should then consider whether we wish to amend that legislation to deal with the word 'humiliation'.

I do not have any problems with 'intimidation' or 'harassment'; I believe their meaning is clear. If people intimidate or harass then they should be the subject of a damages claim. I was concerned also about the defences under new section 37(1)(a)(b) and (c) but, on reflection, they are probably okay. I was thinking, for example, of the Bosnian situation, where someone said something which was not a fair report but which was true; it reported historical fact

but exaggerated, to some extent, making it unfair. In other words, a person says that X number of people were killed by a particular racist group. One might say, 'Well, he or she should not have said it, but should he or she be liable to be sued for damages up to $40 000?' That is an interesting question.

Once again, we should keep an eye on that provision and review it as we go along, but it is probably not necessary to amend it tonight. The other matter which concerns me and which is something the Government must look at at some stage relates to vilification against people who are HIV positive or AIDS infected. There is no provision for that in this Bill. In relation to vilification legislation, I would have thought that that was appropriate. It may well be that we could amend the Discrimination Act to cover that omission. Certainly, it is provided for in the New South Wales legislation. I mention that matter as something the Government should, in the future, seriously consider looking at.

Overall, as has been expressed by other members, this legislation strikes a balance. I believe the civil remedies under new section 37 go a lot further than most legislation in this country. Most people do not like it when their pockets are affected, and to be subjected to damages of $40 000 will make people think twice before they run around vilifying people. The criminal provisions will obviously be difficult to prove in law, but so it should be too because all offences should be on the criminal burden and clause 4 requires many matters to be proved. The DPP will have to consider carefully before he gives written consent to prosecution, but that is the way it should be. The clause provides for a fine of $5 000 for an individual or imprisonment for three years, and I believe it should be treated circumspectly. Other than those comments, I am basically happy with the legislation.

The member for Spence criticised us for not introducing this legislation until December. I point out that his Government was in power for some 12 years, in fact, on and off for a period of almost 30 years, and it never bothered to bring any of this legislation before this House.

Mr QUIRKE (Playford): That is a very good point. The member for Norwood could have moved a motion with respect to this legislation when he was in our show all those years ago and made it binding at a State convention. I will not take up too much time tonight. I will be voting for this legislation and supporting some of the amendments moved by my Leader to make this a better piece of legislation. My principal reason for voting for this Bill is that it is Party policy. I would like to make a few remarks about that and to give what I believe is a bit of advice to the only people in this world who are taking Michael Brander seriously.

Let us make no bones about that: this is the Brander Bill. I would think that Michael Brander and his little bunch are very happy. They are very happy because he got his mug on the front page of today's paper because some of his mates are allegedly gun-runners. I do the know whether or not they are. Mr Brander has run for elected office in this country. In fact, he ran for election to the Enfield council in 1993 and received 63 votes, and he was not elected. I do not know what the winning margin was. I am sure that the member for Spence would know the winning margin and the winning candidate.

Mr Atkinson: I was a scrutineer.

Mr QUIRKE: Not only was he a scrutineer but I am sure that he was behind the bloke who won. At the end of the day, Mr Brander got 63 votes. From 1993 to 1995, Mr Brander and his bunch had rallies all over Adelaide. I seem to remember a couple of them at Glenelg; I seem to remember a couple of punch-ups with the police; I seem to remember a number of other incidents, and Mr Brander offered himself up for election again. This time he did considerably better: he got 10 per cent more votes (69). I also believe that he was roundly defeated. I am looking in the direction of the member for Spence for confirmation of the fact that Mr Brander got well and truly done in Enfield in 1995.

Mr Atkinson: He didn't have the numbers.

Mr QUIRKE: He didn't have the numbers. The moral of the story is that this is Australia. It is not Bosnia, it is not Nazi Germany, Milan or those areas in the 1930s, and it is not a number of other parts of the world that adopted the sorts of philosophy that Mr Brander seeks either to espouse or, I suspect, use, because I do not really know whether Mr Brander himself has any real politics. I suspect that eventually we will see him bubble through into some Party or other that will guarantee him more than 69 votes—we will see how that goes. However, at the end of the day, this is Australia, and those sorts of philosophies and ideologies have never been popular in this country. In my view, there is no grass roots support for the sort of stuff that Mr Brander and his friends espouse.

The legislation before us treads a fine line. I believe that the Leader's amendments will make this a more acceptable package. With regard to the debate that we have had on a Thursday during private members' time, I think his legislation is somewhat better to this point. I must say that Mr Brander and his crowd will probably see 10 hours of parliamentary debate between this place and the other place further up the corridor. He has probably seen how long it took to go through Cabinet, whatever length of time that was. He has been the subject of debates within political Parties in the community. The reality is that if the anti-racist alliance that turns up every time Mr Brander and his friends do were not to turn up and were to take the attitude of the electors in Enfield, I suspect that Mr Brander would disappear quickly from this community without a trace.

I understand that Mr Brander recently rented some premises not far from here at the former police station in Bank Street. He has set up an office there. I wish the landlord all the best because, as I understand it, Mr Brander is not known as the best tenant in South Australia. I understand that the police have a bad habit of turning up in the middle of the night, that doors have been broken and a number of other things have happened in places that he and his friends have rented. However, no-one except us takes Mr Brander seriously. I know when he is going to have a rally because my fax machine gets messages telling me to turn up and rally against him. I offer this bit of advice: if we all ignored Mr Brander we would never hear from him again. The reality is that Mr Brander and his handful of followers are not exactly going to pull off the beer hall putsch in Gepps Cross. I do not think that is likely to happen, and I do not think that the sorts of conditions that we see now in the Balkans are likely to start here in Australia, but if those conditions did emerge in Australia I doubt whether any Bill that went through this place would do much to stop them.

Having said that, I would like to finish my remarks by saying that in Australia, and certainly in my electorate where there is a large number of migrants from literally dozens of countries, we have all managed to get on pretty well. In the past 30 years we have actually gone one stage further: we have not only got on pretty well but I believe that we have a

richer society because we have accepted other people and their culture and greatly benefited from them.

I remember Australia 30 years ago. When I arrived here as a migrant, the place was much narrower than it is today in all sorts of ways. I believe that the multicultural society that we dreamt about has become a reality and that most people out there want to make it work. Racism in this country has not been as popular as some politicians would have liked it to be. In fact, where it has been seriously attempted by various people—by (dare I say it) Mr Howard seven or eight years ago and (just to show how bipartisan I can be on this) by Mr Campbell in more recent times—it has not gone down as well out there as either of the proponents thought it would. One of the reasons for that is that we are a mature society in Australia, and the good old Australian ethos has a lot to do with that. I think that in many respects the kind of society we have here is a credit to the different groups that have come from all over the world. Interestingly, in many instances they have come from war-torn areas where rival groups are at each other's throats, yet, when they come to Australia, we find not only cooperation but also that they want to build a better world here in Australia.

I will be voting to support this Bill. I must say that taking Mr Brander and his crowd seriously is a grave error that is committed only by politicians and those people who want to turn up to the anti-racist alliance. I am firmly of the view that this Bill does not impinge on free speech. If it did I am not sure that I would vote for it. This legislation goes as far as I would ever want to see it go in this country, because this is Australia; it is not Bosnia. There is no ethnic cleansing out there. I hope that the racial and ethnic mix and the community attitudes that we now have here in South Australia and in Australia in general will continue in the future. I think we have made a success of the multicultural dream.

Mr LEWIS (Ridley): I do not know what other members speaking earlier in this debate may have said about the legislation, but of those speeches I have heard none has mentioned the fact that this legislation before us does nothing that cannot be done under existing legislation as far as principle is concerned. The difference between this and existing legislation is that this Bill spells out quite clearly that such an attitude is quite unacceptable in Australian society. An attitude which sets out to vilify or victimise somebody or a group of people on the basis of their ancestry is unacceptable. The penalties for doing it are more than the penalties otherwise available in the current law, and punitive damages may be awarded without a citizen's needing to bring a civil action against the offender. So, for that reason if for no other, the Bill is to be commended; indeed, I applaud it. I say that with a great deal of personal feeling, not because any of my ancestors, to my knowledge, suffered from any racially motivated attack on their person, their property or members of their family but because I well remember as a youth feeling very uncomfortable indeed about the White Australia Policy.

I felt very uncomfortable when I saw other human beings treated with disdain simply because they had ancestors who were different from the majority of the class of which they had become a part. I am talking now about the late 1940s and 1950s. Indeed, I remember being accused of some crime—at least in the mind of the accuser—because as a young man I, along with my brothers, employed (and the member for Price can bear testimony to this) some people of Italian and Greek origins, and I worked alongside them in my market garden.

In addition to that, in later life I spent a great deal of time outside this country in a good many other countries where the predominant population was not of European extraction. There, in turn I felt some of the antagonism that people in minorities in this country in decades gone by have suffered, and I accepted that—although it was difficult to take. When I returned to Australia I made a commitment to help some of those people who were stateless but who had outstanding ability to get through secondary and undergraduate and postgraduate university education. As children of stateless adults they, in turn, being stateless, were refused enrolment. There is no way that they would have ever been able to enter secondary schooling, let alone complete it, had they not come to Australia.

I had five such foster children live with me, with the accompanying responsibilities I undertook for them, before I was ever married. I remember having to listen and talk to them about the slurs and abuse they suffered, with their clothes being slashed and their necks and backs being bashed as they walked down the street—unaccompanied, in many instances. That was only about 25 to 30 years ago. I will give another more recent example. Since my recent marriage, on the final Saturday night of last year's show, my wife and stepdaughters and I were pelted with eggs and tomatoes by people who were racially motivated, judging by the abuse (the language used would be unparliamentary for me to repeat in here) that was hurled at us and at me—I presume for keeping company with the woman whom I love and who is my wife.

It is with a great deal of personal feeling that I commend the legislation to other members. It packages in one simple envelope the ideas that need to be incorporated in the law to send a simple, clear signal to that minority in our society who do not have the wit or wisdom to understand the stupidity of what they do, the injury they cause people by their actions and the detriment they cause not only to society at large but also to their own interests, security and safety. If we descended into the law of the jungle and confronted them in the same way as they would confront us, they would find themselves at considerable disadvantage, just as has happened in other countries where respect for the necessity for rule of law is thrown out the window.

The member for Playford, as well as others, referred to such places as Bosnia Herzegovina. I say to the honourable member that in the continent of Africa and in other places such as the western provinces of China and other parts of South-East Asia today I have no doubt whatever that people are being persecuted—indeed, murdered—because of their racial difference from those who have the power to persecute and murder them.

Mr Atkinson: Especially in the Sudan.

Mr LEWIS: Indeed. I can say with some personal feeling that that butcher, Idi Amin, who succeeded Milton Mobutu, was no better, indeed probably worse, than he was.

Mr Atkinson interjecting:

Mr LEWIS: In Uganda next to the Sudan. I am talking about in the north of the African continent where that occurred. It is nonetheless a tragedy that an attempt at independence in democratic government in those countries failed because the people who wanted the power did not understand the necessity to respect other human beings and treat them in the same way as they expected themselves to be treated. They cry when finally their acts catch up with them and they in turn are treated the same way. That does not break the spiralling decline of society into its own maw in hatred,

but they fail to see the necessity for all individuals to be equal before the law and for this kind of attitude, this sort of behaviour, to be placed outside the law and provided with penalties which make it less acceptable than similar behaviour based on other unacceptable prejudice, like common assault. This Bill proposes to make it a more serious offence if it is race related assault.

With those few remarks on the record about my own understanding and feeling of this matter, I commend the legislation to the House, the Parliament and the wider community, saying that without it, the few people who presently have racist attitudes will continue to feel that they can get away with it. It is not just the Branders of this world. There are mischief makers at work in some of the minorities in the community, particularly amongst the Aboriginal community, where they stir inverted snobbery and hatred against the rest of society to the detriment of the development of civilised attitudes in those small communities of Aboriginal people where it is occurring. I suppose the best illustration any of us can get of that is to simply attempt to engage in civil conversation some of those Aboriginal people who seem to congregate near the entrance to this Chamber on North Terrace and in the building adjacent, and you will be met with the same kind of violence and abuse to which this legislation addresses itself.

I say, as I am sure other members have found, it is better to simply pass by and leave them as they are, whether happily or otherwise, in company with one another. I think it is a tragedy that it has come to that kind of thing, but nonetheless, it is a part of what is going on in society at the present time. This legislation will not address it. The attitude will still be there, and there is no means by which it is possible for the likes of these people engaging in racial acts of victimisation and vilification, to be effectively prosecuted. They have no property. They cannot pay a fine, and it means nothing to them to appear before the courts. So, whilst I had not intended to include that in my remarks, I see it as nonetheless relevant. Some of these people, who are racist and who have clearly behaved in contravention of the way that this legislation proposes we should behave, will not be affected by the legislation one iota, as they do not fear the consequences of breaking the law in the event that this legislation becomes an Act of Parliament and is proclaimed.

Mr De LAINE (Price): The vast majority of people in South Australia are good law-abiding people who generally do the right thing and are racially quite tolerant. However, there is always a minority of biased people and plain ratbags who cause a disproportionate amount of trouble in the community. This legislation is aimed at this unfair minority to give legislative protection to the majority. I am sure that there are no members of this House who would support or condone racially motivated attacks or racial violence in our society. I was shocked and saddened and I felt very angry in July when I attended a special service at the West Terrace Cemetery to mourn the desecration that had taken place on graves in the Jewish community section of that historic cemetery.

Legislation similar to this was passed in New South Wales in 1989 with bipartisan support from both Parties. Apparently, the legislation is working well in that State. It is important that this Bill receive bipartisan support from this Parliament. I agree with the Leader of the Opposition that some elements in the Government's Bill are better than similar elements of the private member's Bill which was introduced into this House by the Leader of the Opposition last year and, vice versa, some of the elements put forward by the Leader of the Opposition in his Bill are somewhat better and an improvement on some of the elements of the Government's Bill. I appeal to all members of this House to accept some of the amendments of the Leader of the Opposition and possibly even some of the amendments that may come up from members on both sides of this House to ensure that the best possible legislation comes out of this Parliament to protect the people whom we aim to protect.

It is also important to get the message out to the community that this is not a political issue and that the Parliament of South Australia will not tolerate racial vilification in any form in our State. It is important to pass this Bill before the end of this Third Session of Parliament so as to get the law into place as soon as possible. In my view, South Australia is a unique place. I believe that it is one of the most successful places on earth in relation to multicultural mix and the way in which the multicultural society operates. For so long South Australia has been a haven for people who are persecuted for their religious and political beliefs, and this dates back to the early days of the colony of South Australia. For instance, this included Jewish, German, Polish, Greek and Italian people and, very importantly, our own indigenous Aboriginal people, who have been vilified and treated very harshly since colonisation.

The latest arrivals to our shores are the Asian migrants who, together with our Aboriginal people, are the people which this Bill is mainly aimed at, I guess, because they look so different and are therefore subject to much more racial vilification than perhaps the ethnic vilification of other nationalities. As I said, South Australia is a very successful multicultural place in which to live and people of many diverse ethnic backgrounds live, work and play here in almost complete harmony like no other place on earth. I do not know why this is so. Maybe it is the climate, maybe it is the orderly planning that takes place in the State, maybe it is the small population, maybe it is the natural tolerance of people—I believe that South Australians are generally very tolerant—or maybe it is a combination of all those factors, but it certainly works to a great degree. It is a situation which I believe is so unique that it must be protected at all costs from the ratbag minority that I referred to earlier.

In recent times there have been warning signs of increasing racial harassment, threats and violence in South Australia. It is alarming that this happens and I believe that it is timely that this legislation has come to this Parliament. There is a need for this type of legislation and it is needed now. I believe it is incumbent on us as members of this place to support our migrant population at this time. These people have made and are continuing to make an enormous contribution to our multicultural society in South Australia and in return I feel that we in this place should support them by passing this legislation.

It has been said that this legislation will be hard to apply or police. This is true, but this applies to all legislation. Legislation that we make in this place is always in that category—it is hard to police or to enforce—but we have to start somewhere. I believe that we should stand up in this place and be counted and pass this Bill in as good a form as we possibly can to give support to people who are born outside of our shores and also to give support, as I say, to our indigenous Aboriginal people.

The member for Unley expressed the reservation that this Bill does not cover ethnic and religious matters, and I agree

with him. Perhaps some amendments can be proposed to cover that issue in addition to the racial aspects of the Bill. The honourable member also mentioned that the member for Reynell made a major contribution in the drafting of the Bill, and I congratulate the honourable member on her role in that regard. I strongly support the thrust of the Bill, subject to the acceptance by the Government of Opposition amendments.

Mr FOLEY (Hart): I echo many of the comments that have been made tonight by members on both sides of the House. It has been a very good, constructive and meaningful debate. I have no doubt that contributions from other members will canvass more issues relating to this Bill, but this is a constructive use of Parliament and we are debating a constructive piece of legislation. As has been foreshadowed, the Opposition will move a number of amendments that reflect our views on how we can strengthen the legislation. I ask the Government to take those amendments in the spirit in which they are intended, that is, to improve on a good Bill to make it a better Bill.

I acknowledge the comments of the member for Norwood, which have been echoed by other members, that such a Bill has been a long time coming, and that is my only disappointment. In part, that is because this is an area of policy that has a degree of opinion and has been subject to much debate for some time. It takes political Parties, both Government and Opposition, some time to crystallise their views on these issues and to put politics to one side to work together to form good law for this State.

Many members have spoken about the multicultural society in which we live. My electorate of Hart is no different from many other parts of Adelaide because it has a very diverse cultural make-up and a very large Aboriginal population, and it faces the same sort of pressures as many other areas of this city, State and country. I went to a public high school at Royal Park that had a very strong ethnic mix. It was a great experience for me in terms of learning much about people who came from other parts of the world. I had a number of close friends from a wide cultural background, which has enhanced my quality of life and made me a better person for that experience.

It is with great delight that, at Largs Bay Primary School, I again see the great cultural diversity within my young son's class, and that includes a large Aboriginal population. The Education Department and the teachers are to be commended for the work that is being done at school to teach my seven year old son about race and racial tolerance. It is important that we educate our children while they are young on the need for an appropriate understanding and tolerance of people from other ethnic backgrounds, in addition to all the other things that children have to learn at school.

We are maturing as a society. This Bill is a further step in that maturity. I understand that other people have different views, and I understand where they are coming from, but I feel strongly about this form of legislation. As we have seen in recent times, or because it has been reported more in recent times, there appears to be an unhealthy increase in some racial tensions throughout our community.

I make specific mention of the actions of what I consider to be one of the most disgraceful organisations in this country: National Action. I respect the fact that we are a free society and that Mr Michael Brander and his cohorts have every right under the statutes of our nation to practise whatever it is that they practise. However, I draw the line when it comes to their behaviour. In a society such as ours we should have a law that simply says that enough is enough. I have had my own experiences with this disgraceful group, as have all members. I acknowledge the member for Reynell and the difficulties and the stress that she has suffered as a result of the actions of this group. I have sympathy for her. She has stood up to them, and I acknowledge that. It is important that we as politicians stand up to the likes of National Action and Michael Brander and that we put laws on the books so that if they transgress they are penalised.

Quite frankly, I am sick and tired of seeing the likes of National Action parading around, doing what they are doing and getting away with what they have got away with without facing some form of penalty. I am sick and tired of seeing the Branders of this world do what they do in various parts of the city and, perhaps because some of the other laws in this State are not sufficiently strong enough to deal with it, then evade what I consider to be some form of appropriate punishment. Of course, this is not just an anti National Action Bill. I again acknowledge the contribution of the member for Playford, who said that we all can dwell too much on this and that the more we talk about Brander and his group the more we play into their hands. I acknowledge that because it is a very fair point. Again, it is appropriate to acknowledge that, if some groups in our society want to operate, they have to do so within a certain framework.

In conclusion, I am pleased that this Bill has arrived here. I know that my former boss and close friend Lynn Arnold would be pleased to see this Bill. I know that for many years he has been a strong supporter of this type of legislation. I suspect that he felt his own frustration in not being able to introduce this legislation when the Labor Party was in Government. I know that it is something that he was keen to see. Of course, the Leader of the Opposition has also been a strong proponent of this form of legislation. At the end of the day, it is up to the Government to bring Bills before this Parliament as part of its business. We now have the Bill and we are debating it. Let us work together. Let us have a spirit of cooperation. I appeal to the Government to accept our amendments. Let us put forward what is a good, constructive law and, most importantly, let us send a very important message to those people within our community who wish to play the racial card that it will no longer be tolerated.

The Hon. FRANK BLEVINS (Giles): The member for Playford stated that he would vote for this Bill because it is Party policy, and I will vote for it for the same reason. I think that this Bill and Bills like it are an insult to the Australian people. No political Party has had the courage to stand up to a few groups in society (this is not original but I call it the 'ethnic industry') and say that, because they have a certain view that people should not be allowed to call them names, all of us as Australians ought to restrict our freedom. I challenge the member for Spence on the number of ethnic groups and the people born overseas in his electorate compared to mine, as I think that in our last count there were 70 different nationalities within my electorate—and we are still counting.

So, I do not think that the electorate of the member for Spence is particularly special in that regard. I have never heard anybody in my electorate call for this kind of nonsense, other than one or two—not actually in the ethnic industry because the ethnic industry finds it very hard to continue in my electorate—in other groups who are usually on the public payroll or a public grant of some sort and who have to say things in an attempt to justify their existence.

Ms Greig interjecting:

The Hon. FRANK BLEVINS: The member for Reynell interjects about the Ku Klux Klan. I will give her a few thoughts on that in a moment. Whether it is the Ku Klux Klan or anyone else who burns down someone else's house anywhere in Australia, it is an offence: end of story. They could be of the same nationality or religion; they could both be Poms, or they could both be Australian; it makes no difference. The law is not interested in who they are; the law is interested only in what they have done, and what they have done is an offence if they have burnt down a house. I do not care whether it is the Ku Klux Klan or a drunken neighbour; the principle is exactly the same.

What makes me smile is the case of Michael Brander. For goodness sake, the member for Playford really put it well. Have we not flattered this character sufficiently tonight and through this debate over the past two or three years? Have we not given this character some credibility? Because some people do not like being called names by Michael Brander, all of us have to restrict our right to free speech. Because of Michael Brander we have to be constrained in what we say because neither of the major political Parties has the courage to stand up and say that it is nonsense.

Of course, no-one likes being called names, but I should have thought that the rank and file—if we can call them that—or the general members of these ethnic communities are not calling for this stuff; it is only their leaders. Their reasons for calling for it are absolutely specious. If they do not like being called names, to me that is tough. One of the reasons for coming to Australia from countries where speech is proscribed—say the wrong thing and in some places they will shoot you—was because we can call each other names if we are stupid enough to do so and have nothing better to do without interference from the State.

The reason why this country is popular with people from some oppressive societies is that we defend their right to call somebody a name if they wish. It is easy to defend free speech when it is speech that you like. There is no need to defend speech that everybody likes. The principle is not under attack; the principle is under attack only when people say things that we do not like. That is one of the measures of a free society. To have these pipsqueaks—

The Hon. R.G. Kerin: Name them.

The Hon. FRANK BLEVINS: I have, several times: Michael Brander and others of his character. To have these pipsqueaks used as an excuse for restricting my right is outrageous, and the political Parties are spineless for being blackmailed by these characters. There is no question but that we are being blackmailed. I lost this debate at our State convention. I argued that we should not support this kind of legislation and I got beaten. That is why I shall be voting for it. I do not think that the vote at our convention would have made any difference, because our national conference came to a similar conclusion as our State convention. In any event, it would have overridden us.

I will say this about the debate within our Federal Party, amongst our Federal parliamentarians: the debate was of a far higher standard than the debate at our State convention. At least far more people there than were involved in the debate at our convention knew the principle that is involved. The legislation did eventually proceed: the ethnic lobby seemed to stand over them. The Liberal Party—and I understand them completely—had to support it when they were very reluctant, as were many of our people. However, I must say, in a sense, that I thought what the majority of the Senators did in moderating the Government's Bill was worthwhile—if we can improve something that I believe is pretty awful, anyway.

The member for Reynell mentioned the Ku Klux Klan burning down someone's house. As I say, an offence was committed irrespective of whether these people wore a white sheet or an Australian Rules Football jumper. I doubt that the court would take into account the motives behind the burning down of the house, although I think it is free to do so, particularly when setting sentences. That would be a thing that the court could take into account: I doubt that it did so.

Speaking about the Ku Klux Klan, I would like the member for Reynell to listen to remarks that were made a couple of years ago in a case involving the Ku Klux Klan in the United States of America. I am sure that the honourable member is actually panting to hear this (rather than talk to the Leader of the Opposition) because she raised the issue. I am sure that the member for Reynell would want to give it some attention. I will give to the honourable member a copy of the article from which I am about to quote. It was a report in *The Australian* of 30 September 1993 about a case in America that involved the Ku Klux Klan.

The Ku Klux Klan attempted to stop the integration of a town in America. During its investigation of the alleged violation of the rights of black people in America, a body called the Texas Human Rights Commission demanded to see the membership list of the Ku Klux Klan. The American Civil Liberties Union said that was an outrageous thing and it hired a lawyer to defend the Ku Klux Klan's right to keep its membership list to itself. The lawyer that it hired was a black lawyer, and this caused a little bit of consternation in the black community. We should note what the black lawyer said about the Ku Klux Klan and the principles involved. A press report on the matter states:

> 'I don't like my client,' says Anthony Griffin, anticipating the question. 'I think he belongs to an organisation of thugs and terrorists. I hate what he stands for. But I believe he has rights that are separate from the emotional issue here, and that is why I am defending him.'

The 'him' referred to in the report is the head of the Ku Klux Klan in that area of the United States. The article continues:

> The Human Rights Commission in Texas ordered an investigation and accused Lowe, as the Grand Dragon of the Klan, of using threats and intimidation to thwart court-ordered desegregation. The commission requested Lowe hand over Klan membership lists, enabling them to conduct a more thorough inquiry. Unable to afford a lawyer, Lowe turned to the American Civil Liberties Union, which in turn called Griffin, unaware that he was black.'I said no problem,' says Griffin. 'Once the facts were explained to me I considered it an honour to defend the Bill of Rights. I don't like the Klan. But if I don't stand up and defend their right to free speech, my right to free speech will be gone.'
>
> The First Amendment to the US Constitution protects the right of all Americans to free speech, free assembly and association. Griffin believed the Klan's right to assemble (as opposed to its criminal activities) is protected by the Constitution. 'The First Amendment protects your right to free speech, even if what you are saying is anathema to others. The Bill of Rights protects my right to assemble, even if you don't like it,' he says.

The article further states:

> Griffin goes to court confident the Klan can retain their lists.

This is the most important and critical issue in this debate. It states:

> He cites a 1958 case in which the Supreme Court ruled that the State of Alabama could not demand the membership list from the NAACP.

That is a black organisation in America: the National Association for the Advancement of Colored Persons. It further states:

> The court claimed that the First Amendment encouraged a robust discussion of issues among an assembly, even if those ideas are at odds with the mainstream. 'The problem is, if you demand membership lists you discourage assembly. I know black people who told me they were afraid to attend NAACP meetings in the 50s because if lists were made public they might lose their jobs. It's a form of intimidation,' he says. 'That's why people's argument that my being black is inconsistent with this case is garbage. It's exactly the opposite. My clients are thugs and terrorists, but that doesn't allow the State to infringe on their rights.'

That put the issue very well. One final quote from the article is as follows:

> Griffin [the black lawyer] says that while the Freedom Center—

an organisation the name of which masks its true meaning, because there is nothing about wanting to uphold democratic values in the Ku Klux Klan, the front behind the Freedom Center—

> is an insult to mainstream blacks and whites, it is protected by the Constitution like his client Lowe. 'It's the same issue. It's horrifying what they are doing, but I recognise their right to assembly.' Griffin then finds himself laughing, 'The First Amendment certainly creates strange bedfellows, doesn't it?'

I agree with that completely. There are some people in this debate who hold the same views as I do, who are in the political Party opposite, and further right than the political Party opposite—the National Party, for example—and with whom I would disagree on almost everything else, but on this I am their bedfellow. It has been reported in the *Advertiser* and I am not saying anything new here. The debate at the State Convention was also reported. I have not suddenly come out of the closet on this: it has been a hobby horse of mine for many years.

The Australian people allowed the Federal Government to ban David Irving from coming into Australia on what I saw as quite spurious grounds. The reason stated was that he held views that were abhorrent to the majority of Australians. That is absolutely correct. The way that he ought to have been dealt with was for him to come here, talk to his half a dozen League of Rights mates (maybe even Michael Brander) and nobody would have known he was in the country. Those who did would quite properly have ignored him and Australia would have been a far stronger and more democratic country for allowing that to occur.

But no: what they did—before an election—was to bow to a pressure group, and I believe that that was an absolutely appalling decision and one of which everyone involved ought to have been ashamed. This Bill is not the worst Racial Vilification Bill that one could think of: one could think of worse Bills. So, to that extent I thank those unknown members opposite—I do not know who they are—who obviously have tempered the view of other members opposite who want to restrict our speech because they do not like something that a fool like Michael Brander says. I do thank those people.

I want to finish with one comment. On a personal level, something that I have disliked over the past few years is that many of these issues—attempts to control people's speech, censorship of publications and so on—have been promoted by people on the Left of politics, and I find that absolutely ridiculous. If they had any memories at all, they would remember that what the people on the Left of the political spectrum have had to do over the years, including in Australia, is fight for the right to assemble, fight for the right to say what they want. They won that: it was an open debate and they won it. Now what do they want to do? They want to restrict the rights of someone else. They fought for their rights, they won them and they do not want to make those rights universal.

For people on the Left to have that view and promote that idea is something for which words fail me: people on the Left today cannot see the hypocrisy and stupidity of that line. However, I lost that debate in our Party, and I think it is a great pity. The ethnic industry was stronger. Ethnic people treat their own ethnic leaders, in the main, as a joke: they tolerate them. I am very pleased about that. I certainly do not for one minute blame ordinary rank and file ethnic people who have come to Australia. They came for freedom: they did not come for this patronising rubbish.

The Hon. DEAN BROWN (Minister for Multicultural and Ethnic Affairs): I would like to thank members for their contribution to the debate. It has been one of those debates where it is fair to say that the contribution that has been made by both sides of the House has been very informative and one that has focused on the various issues. Therefore, I appreciate the contribution that members have made. When you have legislation such as this, I guess everyone has his or her own point of view on how to handle it. What the Government has put forward in the Bill has been what we perceive as the most effective and, in some areas, quite innovative ways of tackling this problem. Quite clearly, from the debate, the objective of all the members is to stamp out racial vilification.

There are some very dangerous signs that there is a small—and we acknowledge very small—minority of people in the community who are willing to try to develop racial hatred. I guess there are some who try to do it very extensively and with a great deal of purpose and intent behind it; there are others who do it on a lower key basis but who potentially could inflict quite considerable damage, harm and personal hardship on individuals as a result.

I do not believe there is any difference in intent at all amongst members in this House, but I would like to take up a number of points that have been raised. I do not discuss them necessarily in the order in which they were raised, but I pick up a number of the points. First, I refer to the equal opportunity issue. One draft of the Bill we put forward in preparation for this debate included reference to equal opportunity. We looked at the cases where equal opportunity provisions applied, and New South Wales is the classic case where, under equal opportunity, there have been no court cases and only one tribunal case since 1988-89. The cost since then though has been $288 000.

The evidence is that it tends to be a rather expensive process with very little being achieved. In other words, there is a cost to the process with very little outcome. I believe the more important point is—and certainly this was a dominating factor in the Government's own thinking on this matter—that equal opportunity for racial vilification or racial hatred is already covered federally, and therefore applies to everyone in Australia. Therefore, what is the point of duplicating what is already available at the national level? I, as the Premier, see more than most members the extent to which there is ongoing discussion between the State Governments of Australia and the Federal Government about trying to remove duplication.

So many areas of duplication exist and have existed in the past invariably because it grew from the other way around: the States took up an initiative; established tribunals, or whatever; and then, eventually, the Federal Government

stepped in and took on that area while the States, at the same time, did not relinquish their tribunals, and therefore—and I am generalising here, without getting into any specific areas—we ended up with sheer duplication. It has also occurred in various areas of Government administration and policy making. Frankly, the assessment of the Premiers, both Liberal and Labor around Australia, is that we are wasting tens of millions of dollars and, quite possibly, hundreds of millions of dollars through that duplication.

I make the point again, equal opportunity is available federally, so what is the point of bringing it in under State legislation as well? Other arguments could be used, and I will not go through all of those arguments, but we believe the more effective way of dealing with this issue is through tort. In fact, if one thinks about it, tort gives greater protection to the victim who might experience real hardship through racial vilification. I will give some examples: there might be a small shopkeeper in a suburban area of a particular race, and an individual or group of individuals within that community set out to damage that individual by urging people within the community not to shop there; they mock him, and they perhaps put graffiti around the community.

I see this as the real example. Under equal opportunity, I do not see that individual getting a great deal of protection at all. What I do see, under the tort provisions we have included, is that the individual can claim damages for both loss of income and personal stress caused to him or her.

Mr Atkinson: You've got to catch them.

The Hon. DEAN BROWN: For equal opportunity you must catch them, too. I do not think that saying, 'You have to catch them,' makes a valid point. Under this legislation, no matter what approach one takes one still has to catch them. I believe there is greater protection for the individual being vilified to receive some sort of reasonable compensation through the tort provisions. The member for Spence raised the point about torts. He compared this with the tort of defamation. I point out to the honourable member that it is possible under this legislation to claim damages for psychological hardship and stress caused to an individual.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: Under this Bill—if you like, the nervous shock area. I believe that it is not fair to compare it only with the tort of defamation. In fact, under this measure we provide greater protection, which is to the benefit of the community, particularly those people who may be vilified. I think it was also the member for Spence who raised the matter of the maximum penalty. The legislation provides for three years. Some offences such as common assault carry a two year penalty. This sort of an offence could be much worse than common assault. Therefore, I think three years is a reasonable starting point to look at in terms of the maximum penalty.

I also pick up the point which I think the member for Unley made about why we will not allow private prosecution but require all cases to go through the DPP. I think there is a good reason for that. My concern is that with legislation such as this, if private prosecution is allowed, anyone who hates a person of another race could start a private prosecution with deliberate intent and malice to cause hardship to that individual. I think it is important in introducing legislation such as this that we not allow that to occur. Otherwise, it would not be racial vilification but would allow any individual to try to inflict damage by making an accusation against a person and taking it through a process which could cause financial hardship to that individual just to prove their innocence. I think it important that the Parliament not allow that sort of action to take place.

As we go through the amendments, it will be seen that I have already touched on some of those points. The arguments have been put. I understand why some of the amendments will be moved but, having consulted with various people about this legislation for a long period before it was introduced, we believe that the steps we are taking here not only introduce for the first time racial vilification legislation to stop hatred in South Australia but, particularly through the tort action, it is taken further than any other State legislation in Australia. We believe, therefore, that it gives greater protection to the victim than can be found in any other legislation in Australia. However, I ask members to appreciate that this is not the only legislation of its kind: the Federal legislation is complementary to what is contained in this Bill. I urge all members to support the second reading.

Bill read a second time.

The Hon. DEAN BROWN (Premier): I move:

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

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. M.D. RANN: I move:

Page 1, line 22—After 'associates' insert 'and "racial" has a corresponding meaning';

While the term 'racial' is used in the Bill and needs to be defined, as I pointed out in my second reading speech, there are some clear inadequacies in terms of definition. It is not a key point, but we ask that the Government accept this amendment.

The Hon. DEAN BROWN: We will not accept it, but we will look at it. Before the matter is debated in another place we will certainly look at whether we think that is necessary. Although we will vote against it here, it does not mean that we will not look at the amendment in more detail.

Amendment negatived.

Mr ATKINSON: Could I ask the Premier about the whole notion of race in this Bill? I referred to that in my second reading contribution. It seems to me that the idea of 'race' suggests that we are all built out of some protean or original tribal blocks and that we do not really ever lose that affinity as Aryans, Caucasians or whatever, that we do not really develop, and that nationalities and ethnicities are merely ripples on the surface. It seems to me that the idea of race is an inherently National Socialist one; that it was developed by Adolph Hitler and Alfred Rosenberg to underpin National Socialist ideology. It seems to me that in using the term 'race' we are talking the very language of the people whose ideas we are trying to defeat by this Bill. I am sure that there are nationalities, ethnicities and tribes, but I am not sure that there are races. I do not think races actually exist. Would the Premier care to respond to me on this? I know that other countries and States use the terms 'race' and 'racial' in their Bills, but are we not really accepting the language of our enemies on this point?

The Hon. DEAN BROWN: The definition we picked up here is a very common definition indeed, not just within Australia but also in other countries. There is a lot of merit in sticking to that common definition because, as the

honourable member would realise, there is an established case of law which has already largely defined exactly what 'race' means and what is therefore included and not included.

The Hon. M.D. RANN: Where does this definition stand for religious groups that may or may not be ethnic in terms of orientation? For instance, in the Muslim group there are also white Anglo-Saxon Muslims, and in the Jewish group there are people who have converted to Judaism at a later stage or through marriage. I understand that the British Act covers ethnic as well as religious associations. In recent times, South Australia has had some of the worst examples of racial vilification; for example, the letter that we all received today in our pigeonholes that was aimed at Jews, as both an ethnic and a religious group. Indeed, it made clear differentiations in terms of religious disposition. Obviously, we want to make sure that, whilst we appreciate that the definition is difficult, in voting for this measure, with this definition we can be assured that people who describe themselves as Jews and people who describe themselves as Muslims are covered by this Act.

The Hon. DEAN BROWN: There is a great deal of legal case history here. For instance, in a New Zealand court case it was found that at least certain religions were accepted as races. In that case, it involved the Jews. Again, there is a legal precedent from England which found that Sikhs, Jews and Gypsies were a race. I am not sure whether it has been tested on Muslims, but certainly in at least some of these areas it would appear that the word 'race' covers what otherwise might be seen as a particular religion. As I have said, some of these matters have probably not yet been tested in law and would have to be established. I stress the point that at least a reasonable number of legal cases would say that the Sikhs, Jews and Gypsies certainly have been captured by the definition of 'race'.

Clause passed.

Clause 4—'Racial vilification.'

The Hon. DEAN BROWN: I move:

Page 2, lines 11 to 17—Leave out subclause (2).

I acknowledge the point that has been raised. The only difference is the word 'serious', and I am not sure whether in legal terms that would have any impact at all, because the word 'serious' is included even in our measure under the actual clause itself. Members will see 'serious contempt for, or severe ridicule of, a person or a group of persons on the ground of their race'. The same intent applies exactly from both amendments.

Amendment carried.

Mr ATKINSON: It is somewhat unusual these days for new criminal offences to be created. When Parliament creates a new criminal offence, is it not somewhat odd that a term of imprisonment in the Government Bill for an offence against this section should be three years, whereas under the Opposition Bill, the maximum term of imprisonment was six months? I put it to the Premier that, in all these instances, the accused will be charged with another criminal offence, whether it is property damage or assault, so the penalty here will be in addition to the sentence for that original criminal offence. Is it not a bad principle when introducing a new criminal offence, and a criminal offence that will operate in addition to another basic criminal offence, to introduce a maximum term of imprisonment of three years? Is it perhaps a bit steep?

The Hon. DEAN BROWN: I am able to inform the honourable member, from speaking with legal counsel sitting on my left, that in fact you do not have two different prosecutions arising from a single offence, so in fact you would not be compounding the problem. In other words, if it was common assault, it would either be common assault or racial vilification. I have already covered the argument for three years. If common assault carries two years maximum, I think racial vilification is more severe than that, therefore three years maximum is a reasonable sort of sentence.

Mr ATKINSON: I thank the Premier for that convincing explanation.

Clause as amended passed.

Clause 5 passed.

Clause 6—'Damages.'

The Hon. DEAN BROWN: I move:

Page 2, lines 28 and 29—Leave out subclause (3) and insert:

(3) The total amount of the damages that may be awarded for the same act or series of acts cannot exceed $40 000.

(4) In applying the limit fixed by subsection (3), the court must take into account damages awarded in civil proceedings for the tort of racial victimisation[1] in respect of the same act or series of acts.

(5) Before a court awards damages under this section, the court must—

(a) take reasonable steps to ensure that all persons who may have been harmed by the defendant's conduct are given a reasonable opportunity to claim damages in the proceedings; or

(b) take other action that appears reasonable and necessary in the circumstances to protect the interests of possible claimants who are not before the court.

The effect of this amendment puts a limit of $40 000.

Mr ATKINSON: I take it that the Government's fear was that the operation of clause 7 of the Bill, creating a new tort, operating in tandem with clause 6 allowing civil damages to be awarded on the criminal offence, could have created a situation where damages exceeded $40 000, and it was not the Government's intention for damages to exceed $40 000?

The Hon. DEAN BROWN: It could effectively create the opportunity for double dipping.

Mr ATKINSON: I have a little difficulty with clause 6 in that it seems to me that the accused comes up on a criminal charge under clause 4 of racial vilification, and if the judge then goes on and finds the accused guilty, he then assesses civil damages to be awarded to a specific person or a particular racial group. I am a little uneasy with this idea. Could the Premier explain to the Committee other examples of this procedure where a judge trying a criminal case can also award civil damages in addition to the sentence?

The Hon. DEAN BROWN: Basically what we have here is a variation of restitution. The damage that was done to the Jewish grave tombstones in West Terrace Cemetery was a classic example of where under the Criminal Code there would be a criminal offence and not only would a potential gaol sentence be imposed but there could be a monetary amount to bring about the restitution for the damage done to the grave sites. That is a very good example of the fact. It can be done now, but it is done specifically under this piece of legislation as well. We are saying that we are putting it in this legislation because it is a case of racial hatred. I know it can be done under the existing Criminal Code—

Mr Atkinson: What happened in the West Terrace case? How will that help?

The Hon. DEAN BROWN: Are you saying what would happen or what did happen?

Mr Atkinson: What would happen under existing law in the West Terrace case?

The Hon. DEAN BROWN: I think we had better be careful because that is still before the court. That will be dealt with by a different part of the Criminal Code. I do not want

to presuppose what might occur but I am saying, if they were tried under this legislation, they could be sentenced to gaol, or whatever, for a period—12 months or six months—and they could be asked to restore the graves.

Mr Atkinson: What would happen in its absence?

The Hon. DEAN BROWN: I am not quite sure. In its absence of what, the Bill completely?

Mr Atkinson: What would happen now if there was damage to property and the person was convicted of a criminal offence? What would happen on the civil side?

The Hon. DEAN BROWN: Under the existing Criminal Code they could obtain restitution for property damage but not for personal damage.

Mr Atkinson: From the trial judge.

The Hon. DEAN BROWN: From the trial judge, yes. That clarifies where this legislation would go further than what would currently be available.

Mr ATKINSON: Clause 6(2) provides:

> Damages may be awarded under subsection (1)—
> . . . if the offence was directed at the members of a particular racial group—in favour of an organisation formed to further the interests of the relevant group.

Do I read that as meaning that an ethnic group is subject to racial vilification, a person is found guilty of the racial vilification and sentenced to a criminal penalty, the trial judge then looks for someone to whom to award damages, and, finding that the ethnic group does not have a representative organisation, invites them to form a body for the purposes of being a plaintiff; or would the award have to be to an existing representative ethnic organisation?

The Hon. DEAN BROWN: This would not allow them to form an association after the offence. If we take as an example the West Terrace Cemetery, a Jewish cemetery trust is already established, so the damages would go to that trust. That was established before the offence was committed. This measure does not allow that group of people to establish an association after the offence.

Mr ATKINSON: As the Premier may be aware, there are differing burdens of proof for establishing a criminal offence and establishing liability for civil damages. Could it not be awkward if a case came before the courts under this Bill and the trial judge said, 'Look, I cannot find the accused guilty beyond reasonable doubt, so I am not going to impose a term of imprisonment or a fine. However, on the balance of probabilities, he probably did do it, so he can pay $40 000 to the ethnic group's trust'? If the claim under clauses 4 and 6 fails, can the ethnic group or individual go back and bring an action under clause 7 under the tort of racial victimisation?

The Hon. DEAN BROWN: The answer to the honourable member's second question is 'Yes' and the answer to the first question is 'No', because a court by which a person is convicted of an offence under this legislation may make an award, and I refer the honourable member to clause 6(1). Quite specifically, it requires a conviction.

Mr Atkinson: But the civil damages must be proved beyond reasonable doubt.

The Hon. DEAN BROWN: No.

Amendment carried; clause as amended passed.

Clause 7—'Racial victimisation.'

The Hon. DEAN BROWN: I move:

> Page 3, after line 30—Insert subsection as follows:
> (4) The total amount of the damages that may be awarded for the same act or series of acts cannot exceed $40 000.
> (5) In applying the limit fixed by subsection (4), the court must take into account damages awarded by a court in criminal proceedings on convicting the defendant, in respect of the same act or series of acts, of the offence or a series of offences of racial vilification[2].
> (6) Before a court awards damages for an act of racial victimisation, the court must—
> (a) take reasonable steps to ensure that all persons who may have been harmed by the act are given a reasonable opportunity to claim damages in the proceedings; or
> (b) take other action that appears reasonable and necessary in the circumstances to protect the interests of possible claimants who are not before the court.

[2] See section 6 of the Racial Vilification Act 1996.

Amendment carried.

The Hon. M.D. RANN: This comes to the substance of our concerns. In a number of other areas I did not really push it because of the bipartisan approach to this debate. One of the things about which we were concerned, and which the Premier mentioned earlier, was the serious racial vilification and the need to differentiate more clearly between violent and non-violent acts. We will deal with that in another place, because the Opposition has believed right from the start that there can be no defence to acts of racial violence, and that is why we sought to have them excluded from the previous clause. We oppose this clause because we believe that there is a role for the Equal Opportunity Commission.

When I was in my last days as Minister for Aboriginal Affairs I went to New South Wales and met with Liberal and Labor members of Parliament as well as the Federal Commissioners and the Anti-Discrimination Commissioner in New South Wales. I also spoke to the Equal Opportunity Commissioner in Western Australia. Western Australia has a different kind of racial vilification law on the statute book. In New South Wales the Bill was introduced by Nick Greiner, supported by Bob Carr, later supported and amended by John Fahey, and again supported by Bob Carr. There was then a major review after some years of operation and some fine tuning.

The clear message I received when speaking with Liberal and Labor Party people in New South Wales was that you had to have mediation, conciliation and education as well as a sting in the tail. People were saying to me, 'It is all very well to have some blanket provisions in terms of punitive penalties.' I have always supported those strong sanctions. They also said that the Equal Opportunity Commissioner is ideally equipped to act as a mediator and bring people to the table. An example I was given concerned a neighbour who consistently and persistently made comments of a racial nature across the fence or in the street. After complaints were made, the Equal Opportunity Commissioner invited both parties in and pointed out how hurtful those claims were and the reasons why they would be hurtful. Of course, many of these things are based on ignorance as well as perversion and some of the malpractices that we saw in the letter we received this afternoon from a person attacking the Jewish community.

We are trying to change people's attitudes. We can have the heavy penalties, the criminal penalties and other deterrents, but we must also have an educational campaign, and I cannot see that. The Premier mentioned the role of the Federal body. I do not know how the Federal body operates in South Australia in this regard, but in other States the Federal bodies, in terms of Human Rights Commissioners, essentially subcontract through the local Equal Opportunity Commissioner or through the Anti-Discrimination Commissioner. I oppose this major clause because there is a multitude of reasons why the Equal Opportunity Commissioner is best equipped to deal with civil matters.

These include that the commission has a proven record regarding conciliation, arbitration and education on matters similar to this. The important point is that the victim, who may be in a horrendous financial or emotional state following racial vilification, does not have to instigate the action. Instead, the Commissioner, if she or he is concerned that an offence may have been committed, can investigate the matter and take appropriate action.

To reiterate the importance of the Equal Opportunity Commission, I am proposing that the term 'racial vilification' rather than 'racial victimisation' should be used, consistent with the title of this measure. This clause in its extent goes into some detail regarding the involvement of the Equal Opportunity Commission and the Director of Public Prosecutions, although my description of the offence and the defences are the same as in the Government's Bill.

I am not confident of successfully opposing this clause tonight, but I believe that over the next week or so here is an example where we can sit down together in a bipartisan way for the good of the State and nut out something. In the Upper House we shall be putting in this and other clauses that we had listed here, and I am sure that there will be some better measure of agreement in that place. Perhaps either through conference or negotiation we might achieve an outstanding and historic piece of legislation. The Opposition opposes this clause.

The Hon. DEAN BROWN: I understand what the Leader of the Opposition is saying. About two and a half years ago he went to New South Wales and saw the merits of having equal opportunity involvement in racial vilification, and there was bipartisan support in New South Wales on that basis. I can understand that. It was perfectly legitimate at that stage, because there was no Federal legislation covering racial vilification with equal opportunity. The point is that last year the Federal Parliament—

The Hon. M.D. Rann: But it doesn't apply locally. It applies in a blanket provision but not through the offices of the local Equal Opportunity Commission. The Bill was nobbled by the Liberals in the Senate.

The Hon. DEAN BROWN: It covers the whole of Australia. Therefore, two and a half years ago, when the Leader of the Opposition was looking at this and went to New South Wales, quite legitimately that case could have been applied and argued in South Australia. However, the Federal law has changed and it is now covered by Federal legislation. New South Wales has had two years of additional experience, and it has found that complainants are saying that going to the Equal Opportunity Commission takes it out of their hands, and in many cases they have found that it has exacerbated rather than rectified the problem. We would argue, first, that mediation is available through equal opportunity if the parties want it federally, and that covers South Australia. Secondly, the New South Wales experience—and we have been in touch with them recently about this—is that it has not worked as well as they had hoped under equal opportunity. In fact, we would say that the tort action gives more protection than in New South Wales.

The Leader of the Opposition referred to education. We can carry out the education without the Equal Opportunity Commissioner specifically being involved. There is no difficulty in carrying out the education program. That would apply only to the application under a State quasi tribunal of equal opportunity, and, as we said, that is a duplication of what is occurring federally.

The Committee divided on the clause as amended:

AYES (29)

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

NOES (11)

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

Majority of 18 for the Ayes.

Clause as amended thus passed.

Title passed.

Bill read a third time and passed.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 10.23 p.m. the House adjourned until Wednesday 7 February at 2 p.m.