HOUSE OF ASSEMBLY

Tuesday 30 July 1996

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

SHOOTING BANS

A petition signed by 2 580 residents of South Australia requesting that the House urge the Government to ban the recreational shooting of ducks and quails was presented by the Hon. S.J. Baker.

Petition received.

Members interjecting:

The SPEAKER: Order! There is too much conversation taking place in the Chamber. Members continually complain that they cannot hear the petitions being read.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 52, 62, 82, 102, 103, 105, 106, 110 and 117.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. Dean Brown)—

Promotion and Grievance Appeals Tribunal—Report, 1995-96

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

Rules of Court—Supreme Court, Supreme Court Act—Admission of Practitioners

By the Treasurer (Hon. S.J. Baker)—

Friendly Societies Act 1919—General Laws—Confirmation

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

Workers Rehabilitation and Compensation Act—Regulations—Agencies of the Crown—Healthscope

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

The Phylloxera and Grape Industry Board of South Australia—Report, 1995-96

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

By-Laws—Corporation:
West Torrens—No. 2—Moveable Signs
Walkerville—No. 6—Recreation Grounds and Reserves
District Council of Willunga—By-Law No. 4—Moveable Signs.

POLICE DEPARTMENT, WOMEN EMPLOYEES

The Hon. S.J. BAKER (Minister for Police): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.J. BAKER: I wish to make a ministerial statement in relation to the issue of women employees within the South Australian Police Department. In early May this year I received a short communique advising that a group of SAPOL women had met to discuss serious issues of sexual harassment and discrimination that were occurring in their workplace. The communique stated that the group believes that serious sexual harassment, sex based harassment, discrimination and victimisation were prevalent in the South Australian Police and that they must be dealt with. The communique, which was also forwarded to the Commissioner of Police, the Police Association of SA and the Public Service Union, was from a group of unnamed 'concerned SAPOL women'. The communique advised that the group were in the process of preparing a detailed information paper which would outline their concerns to the South Australian Police, the Police Association of South Australia, the Public Service Union and the Minister for Police, and that the document would be forwarded in the next month.

Given the serious nature of this communique, I immediately sought to meet with this group. Contact was made with a female SAPOL employee who in turn spoke to the group, who agreed to meet with me as soon as possible. That meeting took place on 22 May and was attended by a group of about 12 female SAPOL employees, of which half were sworn police officers and the reminder public servants. During the meeting these women expressed very clearly their dismay at what they described as a widespread problem of sexual harassment and discrimination within SAPOL. Each of the women described in turn some of their experiences.

The problems cited by the women ranged from general harassment, sexual invitations and comments in the workplace to victimisation, assault and rape. Some of the more serious cases cited by the women dated back some years; however, this does not negate the seriousness of the matters raised. The women stressed that the problem of sexual harassment and discrimination was widespread. It was also clear that the women had little or no faith in the existing complaints procedures and the way in which these matters were handled.

The group was particularly concerned that when complaints were raised with superiors they were often dismissed off-hand or treated with such insensitivity and lack of confidentiality as to discourage the complainant from proceeding. The women said there was an overwhelming reluctance—not only by female employees but also their male colleagues—to initiate complaints or to become involved in such matters because of the repercussions including victimisation. In part, this underscores one of the problems. The drive for change should have come earlier but complaints were not proceeding. The women described how, on occasions where male colleagues had supported them, those men were also ostracised within the department. The isolation and lack of support amplified the distress of the women. It should be stressed that the women at the meeting were seeking a solution and not a process of recrimination.

Given the nature and prevalence of the problems outlined by the women during this meeting, I assured the group that the issue of discrimination, harassment and equal opportunity would be given the absolute priority it deserved and that it would be dealt with at the highest level. On the next day, on 23 May 1996, I met with both the Commissioner of Police and the Deputy Commissioner of Police to outline how seriously I viewed this matter. At that meeting it was agreed that dramatic action and changes were needed within SAPOL to address the issues outlined by the SAPOL women. Strong leadership is required to ensure that discrimination, harassment and victimisation within SAPOL is stamped out. There

must be a clear message that such behaviour, including inaction by supervisors and superiors, will not be tolerated.

I have already raised the issue of the lack of representation of women within SAPOL at various ranks and seniority with delegates of the South Australian Police Association and I hope that the association will take an active and positive role in addressing the problems raised by the SAPOL women. The Commissioner of Police has responded positively and has assured me that changes are continuing and will be enhanced. In April this year, SAPOL sponsored a conference for women employees which included a sexual harassment and discrimination workshop conducted by a representative of the Equal Opportunity Commission, the Assistant Commissioner of Education and Conciliation. During this workshop, female employees expressed their concerns regarding sexual harassment, discrimination and victimisation incidents and decided to hold another meeting which led to the circulation of the May communique.

In early June, the group of concerned women also met with the Deputy Commissioner of Police and the Commissioner for Equal Opportunity to discuss their concerns. The group of SAPOL women have since provided a detailed report outlining their concerns and views, and work is progressing on addressing the issues raised. The Commissioner of Police has advised me that SAPOL's Equal Opportunity Consultative Committee, established in March 1995, is currently in the process of drafting SAPOL's equal opportunity policy and the first equal opportunity management plan. Other measures include future consideration to be given to specifically targeting women for middle management selections (commissioned officers). As an immediate measure, an information leaflet to all SAPOL employees is being distributed and SAPOL has approved funding to train supervisors to deal with education and equal opportunity issues generally and more specifically in the SAPOL workplace.

The Commissioner for Equal Opportunity has also offered to work with SAPOL on this issue. The Commissioner of Police has welcomed this offer to involve the Equal Opportunity Commission to assist in bringing about change to deal with the issues. The Commissioner of Police recently announced the establishment of a Professional Standards Council for SAPOL and the Commissioner advises me that the council will deal with the issue of equal opportunity as a matter of priority. The council will be chaired by the Commissioner of Police and includes key representatives from Government departments, including the Commissioner for Equal Opportunity. Both myself and the Commissioner of Police agree that the situation outlined by the concerned SAPOL women is unacceptable and that dramatic changes must take place.

Supervisors and senior officers must be held responsible for ensuring these changes are not only implemented but are enforced and supported in a genuine and constructive manner to ensure that there is equal opportunity for women within SAPOL. Female SAPOL employees, like their male counterparts, deserve nothing less. They deserve the respect and freedom to pursue their careers without fear or favour. It should go without saying that such an environment is fundamental to providing South Australians with a highly professional and modern police department.

HEALTH COMMISSION REVIEW

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: My statement concerns the appointment of an independent reviewer of the South Australian Health Commission's response to recent outbreaks of communicable diseases. I am pleased to announce that Associate Professor Mike Lane, a former Director at the world-renowned Centres for Disease Control in Atlanta, Georgia, in the United States, has agreed to carry out the review. Dr Lane retired from the CDC six years ago and is currently Associate Professor of Medicine at Emery University in Georgia. He is well-regarded throughout the world in the area of public health and has previously undertaken work in Australia on behalf of the Commonwealth Government.

As I announced on Sunday, the review will be done in two stages. The first stage, which will take about five days, will involve an analysis and quality check of the commission's monitoring and response to public health incidents. A report will be prepared after this initial response. The second stage will deal with the wider public health issues and Government policy, including regulatory and possibly legislative responses.

The *Advertiser* this morning claimed in an editorial that I had said the review was a public relations exercise. This is a disappointing error as at no stage did I say that and, indeed, on radio yesterday refuted any suggestion that it was a public relations exercise. It is ironic that the *Advertiser* has taken this stance on this issue when it has not accurately reported my comments. It is even more ironic and disturbing that the *Advertiser* did not run a single line of the public health warning which was issued on Friday 19 July. This is despite the fact that the press release went out in plenty of time for it to be run. It calls into question the *Advertiser's* claim that the concern is whether warnings were given 'sufficiently promptly'.

What has been interesting in this whole exercise is just who is criticising the Health Commission over its response. The critics fall into three main categories. In one category we have a number of lawyers whom some might say have a vested interest in being critical. In the second category we have the Opposition trying to score cheap political points. Lastly, we have some sections of the media demonstrating to all the difficulty of encapsulating all the facts in a matter of public health in a 10 second grab. A notable absence from the chorus of criticism is anyone who has any qualifications in public health.

Members interjecting:

The SPEAKER: Order! The member for Hart has not started the day off very well.

Mr FOLEY: Sorry, Sir, what was that?

The SPEAKER: The honourable member is fully aware of his transgression.

The Hon. M.H. ARMITAGE: In fact, in the case of the recent *legionella* outbreak, experts in the area have said:

> . . . the public alert, the advice to doctors and hospitals, and dealing immediately with all possible sources of infection at the hotel constituted a very effective and appropriate response.

The quote comes from a number of this State's most respected medical scientists, including Professor Chris Burrell and Professor Barry Marmion. Obviously, the Opposition and the

Advertiser consider themselves more expert than these eminent scientists.

The general response of South Australia's public health system can be gauged by identifying what is happening in Japan with a food poisoning epidemic which has claimed a number of lives and left approximately 8 000 people with infectious diarrhoea, about 80 of whom have developed haemolytic uraemic syndrome. Some two months after the outbreak, the specific source has still not been identified.

It is a gratuitous insult to Professor Lane to suggest that he is here on a public relations exercise. Professor Lane is a public health expert, not a public relations expert. He will examine the Health Commission's response to public health disease outbreaks from a public health perspective, and I am on the record as saying that we will accept his advice. It is regrettable that there is a potential for public confidence to be undermined by ill-informed and self-interested critics. If this review serves no purpose other than to reinforce that we have a very good public health service, it will be money well spent. I do not resile from that position, but that is very different from saying that it is a public relations exercise. The criticism of the commission has centred on giving a low priority to contacting previous guests. This is what Professor Chris Burrell and others had to say:

> We believe the decision not to do this was valid, since the disease does not spread from person to person and there is no practical way to prevent the infection in hundreds of people who may have come into contact.

While I have expressed confidence that Professor Lane will find that the Health Commission's response to disease outbreaks is according to world's best practice, I can give the House an assurance that this will be no public relations exercise and that I will implement recommendations made by Professor Lane to improve what is recognised by relevant experts as a very good public health service. Finally, I wish to inform the House that there have been no further notifications of legionnaire's disease.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mrs KOTZ (Newland): I bring up the twenty-first report of the committee on vegetation clearance regulations pursuant to the Electricity Trust of South Australia Act 1946 and move:

That the report be received.

Motion carried.

PUBLIC WORKS COMMITTEE

Mr OSWALD (Morphett): I bring up the thirtieth report of the committee on the Southern Expressway stage one and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

QUESTION TIME

LEGIONNAIRE'S DISEASE

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Health. Following the decision to hold an inquiry into public health procedures by an Atlanta based expert, will the Government also ensure that the Coroner is provided with additional resources to allow him to bring forward a full coronial inquiry into the deaths from legionnaire's disease of the two people who stayed at the Ozone Hotel? On 9 February 1995, the Minister announced that the Coroner would investigate the death of Nikki Robinson following the Garibaldi HUS epidemic. The Minister said:

> In calling for an independent review, the honourable member [for Elizabeth] and the Leader of the Opposition are quite clearly impugning the Coroner. Clearly, in any case such at this, where unfortunately there has been a death, the Coroner becomes involved.

The Minister also said:

> I have consulted with the Coroner and have informed him that such resources as he requires to enable him to proceed with the inquiry expeditiously will be made available.

Will the same resources be available this time?

The Hon. M.H. ARMITAGE: As I said then, it is always factual that the Coroner investigates these matters. I am informed that some investigations have taken place already. In relation to the matter of extra resources, I will speak with the Attorney-General.

AUSTRALIAN NATIONAL

Mr LEGGETT (Hanson): Will the Premier advise the House of any rights which the State Government has to object to the loss of jobs in Australian National under the 1977 Rail Transfer Agreement and whether that agreement adequately protected the interests of South Australia?

The Hon. DEAN BROWN: The Government has been looking at the circumstances under which we can go to the arbitrator under the Rail Transfer Agreement to protect the jobs of those involved in Australian National. We found that under the legislation introduced by the—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —then Dunstan Labor Government, the only grounds of appeal for arbitration apply to those people who were actually employed at the time of the Rail Transfer Agreement of 1977 and those who were working in AN workshops as of 1977. Therefore, there is only limited ability for the Government to appeal to arbitration to protect those jobs. I can also reveal to the House that some information has come to hand which shows that the former Labor Transport Minister, Laurie Brereton, was effectively stabbing AN workers in the back when he visited Adelaide on 24 January 1996. He visited both—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition will not interject again.

The Hon. DEAN BROWN: On 24 January this year, Laurie Brereton visited the AN workshops at Islington and Port Augusta. He visited them in October when the workers said they wanted more work and he visited them again in January prior to the Federal election. They had asked him for more work, and this is what Laurie Brereton said in his press release that day: 'During that visit, the workers raised two crucial issues. First and foremost, they needed more work.' Back in January, Australian National railway workers appealed to the Federal Labor Minister for more work, but within six days Laurie Brereton allowed the National Rail Corporation to announce a contract for the interstate supply of 120 locomotives worth a total of $360 million. In addition,

that same Federal Labor Minister allowed a contract to be signed which carried out over a 15-year period all the maintenance—

Members interjecting:

The SPEAKER: Order! I warn the Leader for the first time. He is aware of the consequences.

The Hon. DEAN BROWN: We found that within six days a contract had been let for an additional 40 new locomotives, bringing it to a total of 120 locomotives, at a total cost of $360 million—a contract going out of South Australia and let by the shareholders of the National Rail Corporation. I remind the House that, because of a decision of the Bannon Labor Government, South Australia is not a shareholder of the National Rail Corporation. Therefore, the South Australian Government did not sit around that table and could not have known that the contract was about to be let by the Federal Labor Government interstate—in Brisbane, Perth and Melbourne,

A further maintenance contract was let, covering a 15-year period, for $1 billion to a company in Melbourne, which specifically transferred the work that would otherwise have been done here in South Australia at Port Augusta and Islington. Just prior to the election, Laurie Brereton stood up and said—

Members interjecting:

The SPEAKER: Order! The member for Custance.

The Hon. DEAN BROWN: —that the railway workers in Islington and Port Augusta needed more work when he as the Federal Minister knew that the work was about to be let to companies interstate.

Members interjecting:

The SPEAKER: Order! The member for Morphett.

The Hon. DEAN BROWN: The National Rail Corporation actually boasted of the fact that it was creating 1 200 jobs elsewhere in Australia, which was effectively taking the jobs away from people here in South Australia. The South Australian Government—

Members interjecting:

The SPEAKER: Order! The member for Custance for the second time.

The Hon. DEAN BROWN: The South Australian Government was therefore not privy to what was going on around the board table of the National Rail Corporation, but more concerning still was the fact that the Federal Labor Government was willing to let this work interstate, knowing it would cost jobs in South Australia, and that the Minister had the gall to go to Islington and Port Augusta and say that he was fighting for the workers of those two depots. Clearly, Laurie Brereton stabbed the Australian National work force in the back when he visited Adelaide at the end of January and issued that press release. It is time the workers at the workshop of Australian National were told the truth—that Laurie Brereton, the Federal Labor Party and the State Labor Government effectively knifed them in the back and ensured that their jobs would be lost interstate.

Members interjecting:

The SPEAKER: I am not sure whether certain members want Question Time to proceed or whether they want to be here for the remainder of Question Time. That decision is entirely in their hands, and I will not continue to give warnings.

HEALTH COMMISSION REVIEW

Ms STEVENS (Elizabeth): What are the terms of reference for the inquiry into public health procedures referred to by the Minister for Health in his statement? Will the Minister give an assurance that the report will be released as soon as it is received by the Government, and will the public be able to give evidence to the inquiry? On Monday, the Minister was reported as saying:

> The review of procedures, which could cost taxpayers $50 000, was essential to convince people that South Australia had acted in accordance with world's best practices.

The Hon. M.H. ARMITAGE: The simple fact is that in the media release on Sunday and in the ministerial statement today I identified quite categorically that the report will be acted upon. I am more than happy to make the report public. That is the whole purpose of having an international expert come in, not to keep it quiet. The whole purpose of this review process is to indicate to the people of South Australia that an expert with no vested interest at all is coming in and is making a critique of the various procedures. It is my view, and it is certainly the view of people with some qualifications in public health—unlike the member for the Elizabeth—and certainly a number of the State's most respected medical scientists took the trouble to write to the *Advertiser* this morning to say that they believe the procedures and protocols of the Health Commission in this *legionella* exercise were completely appropriate. The whole purpose is to reassure the people of South Australia that an independent expert says that.

I ask you, Sir, why the South Australian Government would go to the trouble of having a report to ensure that the people were convinced that this has been an open book review to get the report, which I am sure will, in fact, support the views of the State's most respected medical scientists, and then bury it? It is totally contrary to what we are trying to do. So of course it will be public.

POLICE CONFISCATION OF PROFITS

Mr BASS (Florey): Will the Minister for Police provide details of the work being undertaken by the South Australian Police Force on the confiscation of profits from criminal activities? The South Australian Police Force Confiscation of Profits Section was formed in 1991, and I understand it has been responsible for a significant number of restraining and forfeiture orders.

The Hon. S.J. BAKER: Obviously, cutting off the money supply is one of the principal weapons available to any Government and to any Police Force to restrict crime. I will mention a few of the Crimes Confiscation Section's achievements. There is a team of six investigators who operate the section. Between 3 February 1995 and 30 June 1996, Operation Quit was conducted by the Confiscation Profits Section with the assistance of additional seconded detectives from within Crime Command. Three hundred and fifty nine criminal cases were reviewed with a view to commencing confiscation proceedings; 90 restraining orders were obtained to freeze assets with a total value of $7 687 324.

The property restrained included real estate, vehicles, cash, bank accounts, stocks, bonds and other personal property. As a direct result of the section's activities defendants were deprived of property and cash totalling $1 243 049, broken down into the following categories: 56 forfeiture orders were obtained over property valued at $586 049; and

there were three significant cases where restitution was made to victims of fraud by defendants after assets were restrained. Three defendants returned $512 000 to the Public Trustee after a $1.3 million fraud; $58 000 was returned to an elderly couple by a retired real estate agent who had misappropriated the proceeds of the sale of their house; and $87 000 was secured and returned to a couple who had been victims of an investment fraud scheme.

Property forfeited includes cash, vehicles and an 80 acre farm in the Adelaide Hills valued at $220 000. There were 84 matters involving 'frozen' assets totalling $5 860 775 which are still awaiting determination by the courts. We believe that the section can be even more effective with some changes to the law and by the closing of further loopholes. The section has worked particularly efficiently. It needs some more teeth to carry out its task to the detriment of the criminal fraternity of South Australia. I congratulate the officers concerned for their efforts in this regard.

HEALTH COMMISSION REVIEW

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Will Dr Lane, the international expert engaged to report on the response to public health emergencies, review the Health Commission's response to recommendations made by the Coroner in his report into the death of Nikki Robinson? On Sunday 28 July the Minister said:

> Thus far the procedures haven't been subjected to any particular review.

Eleven of the 12 recommendations made by the Coroner in the Robinson case dealt with the need for change to procedures adopted by the Health Commission.

The Hon. M.H. ARMITAGE: I was quite accurate in saying that once our procedures had been altered according to the recommendations of the Coroner's report there had not been an external review of those changes which we had put into place. The member for Elizabeth seems to be trying to paint a word picture that those changes were not made: she knows that that is incorrect. Nevertheless, the bottom line is that we now have a series of protocols and procedures in place and, as I have indicated, Associate Professor Lane will be reviewing the procedures and protocols and the surveillance and monitoring of the South Australian Health Commission to ensure the people that we are at world's best practice. So, the answer is 'Yes.'

TRADE MISSION, UNITED STATES

Mr ROSSI (Lee): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. Following visits by the United States Secretary of State for Defence to Australia last week, can the Minister explain the purpose of his defence trade mission to the USA next week?

The Hon. J.W. OLSEN: It is not generally understood in the wider community that the defence and electronics industry is a very important component of the economy of South Australia. Some 40 per cent of Australia's defence procurement dollars are spent in South Australia, contributing some 4 per cent to gross domestic product with some 20 000 people employed in the defence-electronics industry in this State. It is a very important key industry. The Federal Government has indicated that over the course of the next 10 years some $5 billion will be expended on defence related purchases. The only department under the Howard Liberal Government not to have any curtailment in expenditure is the Department of Defence. In recent times we have seen the teaming of various defence organisations to meet the range of tender opportunities that will be presented in the course of the next few years.

Therefore, the purpose of the trip is to focus on defence and, in addition to that, some factors related to the automotive industry. The visit will be used as an opportunity to boost South Australia as a centre for defence electronics within Australia. That visit is timely, because of the intense interest being shown in projects making up that $5 billion worth of expenditure, such as the airborne early warning aircraft, the upgrade of the FA-18 fighters, the air defence radar, satellite projects and a range of other projects. South Australian capabilities are well placed to capture an important part of that Commonwealth Government expenditure.

The merger earlier this year of British Aerospace and AWA Defence Industries created an entity with access to resources, skills and funds of one of the world's leading defence and aerospace companies, while maintaining and developing the important Australian skills and technologies in both organisations. Much can be said of DSTO in South Australia and its joint venture agreement with JORN to develop that. We will be having discussions with E Systems, Lockheed Martin and also automotive component manufacturers looking at opportunities to expand within South Australia. In addition, we will have the opportunity to raise with the First National Bank of Chicago the fact that it has selected Adelaide as its Australian headquarters and also to have discussions with a range of potential investors in South Australia.

Discussions will also be held with the World Bank in relation to opportunities for South Australian industry in water and waste water opportunities in the Asia Pacific region. The Vice President of the World Bank Asia Pacific, Mr Russell Cheatham, has just been to Australia. The World Bank is conducting a major forum in Jakarta shortly in relation to water and waste water infrastructure, matching the public requirement and private sector capability to meet the requirement of the provision of those services in the Asia Pacific region. We will be taking up the opportunity offered by the contract with United Water to build export opportunities for South Australia from South Australia. This is about Government brokering and facilitating expansion of key industry sectors for South Australia for the creation of jobs, and that means long term employment opportunities for South Australians in South Australian companies.

LEGIONNAIRE'S DISEASE

Ms STEVENS (Elizabeth): I direct my question to the Minister for Health. How many people have contracted legionnaire's disease in the past 12 months; how many cases have been fatal; and, following the deaths, what specifically did the Health Commission do to warn the public of the dangers and symptoms of legionnaire's disease? Yesterday on radio the Minister said that he did not know how many people had died from legionnaire's disease in the past 12 months.

The SPEAKER: I point out to the member for Elizabeth that she actually asked three questions and then set out to explain them, which is contrary to the Standing Orders.

The Hon. M.H. ARMITAGE: I do not have to hand the exact specifics of the answers to the questions asked by the member for Elizabeth, but I am certainly prepared to get

those details. However, again I must stress the fact that we are dealing with a disease which, as I have identified to the House on a number of occasions, has a background of about 20 to 30 cases each year. I have told the House this on many occasions. This is not a new disease; it is not something extraordinary. It is simply a bug which is in the community and which in a small number of cases has an unfortunate and disastrously terrible effect. That is regretted, but the fact is that, as I have told the House, 30 per cent of people in South Australia have come in contact with the bug to the extent that their immune system has fought off the infection and formed antibodies. That means that, of the 69 members of Parliament, probably 30 or more have antibodies.

In a recent survey at the Red Cross blood centre, of 208 donors, 70 were positive for the *legionella* antibodies. This is a disease that is in the community without its even being known. The community does not realise that the bug is there but, in a very small percentage of cases, for reasons perhaps in some instances unknown—it may be that a person is immuno-compromised or that they have underlying lung disorders—instead of its being controlled by the person's immune system, it goes on to become a much more disastrous disease. I repeat that we are dealing with an illness that is related to a particular bug, against which 30 per cent of the people in South Australia have antibodies.

FLINDERS MEDICAL CENTRE

Mr CAUDELL (Mitchell): Will the Minister for Health tell the House about the improvement to health services and health care in the southern suburbs of Adelaide as a result of the upgrade of the Emergency Department at the Flinders Medical Centre?

The Hon. M.H. ARMITAGE: I am delighted to inform the House that it was a great pleasure yesterday to open the upgraded Emergency Department at Flinders Medical Centre. A number of local members of Parliament were there, indicating the enormous spread of influence of the fantastic services that are provided at Flinders Medical Centre. The current population demographics confirm that the southern region is growing very rapidly, and an increase of about 15 per cent is expected over the next decade. Already, the centre's Emergency Department is one of the busiest in Adelaide. It treats about 50 000 patients each year, about 30 per cent of whom require admission, so it is on a par with the busiest emergency departments in Australia.

This upgrade was one of the most needed. As I am sure the member for Mitchell, who asked me the question and who has been a fierce advocate of Flinders Medical Centre, would agree, it is one of the most lobbied-for facilities in the past decade. It was recognised as early as 1978 that the facilities then in place would not be adequate but, in the 13 years of Labor Government, nothing happened, so it is a great personal pleasure to be a member of the Government and indeed the Minister for Health when the need was recognised and something was done about it. It gives a good, concrete example of the fact that we have listened to what the community has said; we have got on with the job of delivering those services that are needed for the community; and, importantly, we have not been deflected from that path by petty criticism.

This excellent facility is now widely recognised as one of the best in Australia. It sets a new national benchmark in design. Many of the features were included in the design when the architects spoke with the providers of care in the emergency service, and a number of people now are coming here from other States to see exactly how we have done it. There are now 28 cubicles, which is an increase of 11, and there is a separate paediatric unit. There is a viewer's area and a single medical nursing area, a better triage area, a new assessment area and a decontamination room, and there are additional X-ray facilities, all collocated and integrated with radiology and so on. I know that the facilities at the Flinders Medical Centre are now at the cutting edge, and I am confident that the staff will continue to provide the very best emergency care in the region. It is a significant step in dealing with the backlog of $500 million capital works with which we were faced on coming to Government. I am confident that the people of the south will be grateful and great beneficiaries.

LEGIONNAIRE'S DISEASE

Ms STEVENS (Elizabeth): I direct my question to the Minister for Health. Was the primary purpose of contacting guests who had stayed at the Ozone Hotel to warn them of the symptoms of legionnaire's disease? On Saturday 27 July, Dr Kirke, the Director of Public Health, said that the commission had contacted more than 150 of the 278 guests who had stayed at the Ozone Hotel. Dr Kirke said:

> We are not getting any useful information out of the exercise, which is taking a long time and is very labour intensive.

The Hon. M.H. ARMITAGE: The whole purpose of—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart.

The Hon. M.H. ARMITAGE: —public health investigations is not about—as the member for Elizabeth seems to delight in trying to achieve—getting a quick headline: it is working out what has gone wrong and how to fix it in the future. The reasons for contacting people who have been exposed to these types of diseases are to study the outbreak; to ask people whether they would be willing to have blood titres taken for antibodies now and in six weeks so that they can see how people have reacted to the stimulus; to inquire whether or not they were in the spa; and to make a general intellectual response to the disease. That is what happens in every standard case of a public health matter.

EAST WASTE

Mrs KOTZ (Newland): Will the Minister for the Environment and Natural Resources inform the House of the decision taken by the Environment Protection Authority in relation to the development application by East Waste for its Highbury waste depot site and whether that decision reflects any new policies and guidelines by the EPA?

The Hon. D.C. WOTTON: At the outset, I commend the member for Newland for the strong representation she has made on this matter on behalf of her constituents and people in that part of the metropolitan area. The member for Newland has been vigilant in her strong representation. Certainly, I believe the decision by the EPA in directing the Development Assessment Commission to refuse the development application by East Waste shows that the EPA is seeking a higher standard of waste operations in the State and better results for the environment, and in particular for the local communities. The majority of us are well aware of the call by the community in seeking the highest possible standards for waste operations in this State as far as social and environmental implications are concerned. The decision

on the East Waste application and also the recent decision to refuse a substantial increase in height for the Adelaide City Council's Wingfield operation reflects the EPA's commitment to respond appropriately to these applications.

As far as East Waste is concerned, the EPA was not convinced that the application provided an adequate standard in dealing with the contamination of ground water, risk to health from vermin, the potential loss of amenity and so on. Clearly, the message from the EPA is that landfill operations need to lift their game. Recent decisions also reflect the principle set out under the newly released waste management strategy for metropolitan Adelaide, which has a major focus on increasing not only the standard of waste operations but also on minimising our dependence on the future of landfill in this State. Currently, one million tonnes of debris is deposited to landfill in this State each year. The challenge to reduce this amount by half, which is a challenge that has been picked up by every State in Australia—with Victoria and New South Wales going even further now as far as that commitment is concerned—certainly requires an effort by everyone.

Already discussions are under way with major industry groups to help us achieve this aim and to provide the necessary infrastructure to divert as much as possible from landfill. For example, green waste can be sent to special composting plants for sale to the public as mulch or as soil conditioner; and building rubble is being crushed and sold as a base for road works, hence reducing the pressure on quarry activities. Diverting these two elements from landfill alone will significantly cut the volumes being disposed to landfill at the present time. Current efforts by the EPA and the tyre industry in seeking viable solutions to the 1.2 million waste tyres each year will also lessen demand on landfill.

While the strategy predicts that a number of landfill operations will close in the metropolitan area over the next few years, technology has not reached the stage where there is an instant and automatic alternative to landfill in the very short term. Hence the strategy is also about controlling the standards of landfill, whether existing or new, to reflect strict social and environmental requirements. I am sure the member for Newland and other members of the House agree that the message for all operators is that the community demands and deserves minimum impact, and the recent decisions by the EPA reflect just that. The end result must be a better deal for local communities.

SWIMMING POOLS AND SPAS

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Has the South Australian Health Commission conducted any tests on public pools and spas since the death of a person who visited a spa pool display centre last month or has it obtained any results of tests conducted by local government and, if so, what were the results?

The Hon. M.H. ARMITAGE: I will have to obtain the relevant detail because I do not have it to hand. Whilst I am answering this question, in relation to a previous answer I emphasise that the opportunity was taken, when people were contacted, to reinforce the warning that people should go to the doctor if they had any of the symptoms identified in the public alert. As I have indicated to the House previously, this proved that the public alert had excellent penetration in respect of the guests.

HOUSING TRUST RENTS

Mr BECKER (Peake): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. When the Housing Trust moves to a system of market rents, will specific site based factors such as the contaminated land at Brompton be taken into account as part of the assessment process for market rates? In September this year the South Australian Housing Trust will move to a system of market based rents. I understand that rents will be assessed on advice from the Valuer-General in the case of Florence Crescent, Brompton. A significant amount of contaminated land has been identified which could affect the market value of rents for those properties.

The Hon. E.S. ASHENDEN: I can give a categorical 'Yes' to the question because that is what market rents are all about. At the moment there is no doubt that, because of the doubt surrounding the land in that area in Brompton, on an open market the value of those properties would be lower than if there was no such problem. As I advised the House when I first indicated that the trust would move to market rents, this is the fairest form of rent because the rent received will reflect the value of the property being occupied. Having said that, I again remind the House that the vast majority of our tenants will not be affected by the move to market rents, anyway, because of the subsidy which is applicable once they are required to pay more than 25 per cent of their income. As far as Florence Crescent and the surrounding area of Brompton is concerned, while there is an element of doubt we will certainly place a value on those properties which reflects that situation.

SWIMMING POOLS AND SPAS

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. What protocols exist between the Minister and local government concerning the policing of laws covering water quality standards in pools and spas, and will the Minister table a copy of these agreements?

The Hon. M.H. ARMITAGE: This is a matter which the Public and Environmental Health Division and the environmental health officers of local government progress on a routine basis. They are in frequent contact with it. I am very happy to table the relevant documentation.

METROPOLITAN FIRE SERVICE

Ms GREIG (Reynell): My question is directed to the Minister for Emergency Services.

Mr Foley interjecting:

The SPEAKER: Order! The member for Reynell has the call.

Ms GREIG: Will the Minister provide details to the House on the success of a Lonsdale company in winning a contract to supply the South Australian Metropolitan Fire Service with crucial protective clothing?

The Hon. W.A. MATTHEW: The member for Reynell has within her electorate the Lonsdale industrial estate, and all members are well aware of the vigorous manner in which the honourable member has represented her community concerning the expansion of employment opportunities in the Lonsdale area. I am pleased to be able to advise the House today of the successful contractor for this contract opportunity to provide the Metropolitan Fire Service with its protective clothing. On 27 May this year, the MFS called tenders for the

provision of 1 000 pairs of level 2 protective overtrousers to be worn by operational firefighters of the MFS. While this contract may not appear to some members to be as significant as some of the monetary amounts that are announced in this House, the fact that this clothing is used by all firefighters in this State who are there to protect the community means that it has some special significance.

Tenders closed on 11 June with a total of six tenders received, five from Australian companies including one South Australian company and one international firm. The successful company was the South Australian company, Protector Safety, with its manufacturing division based at Lonsdale, in the electorate of the member for Reynell. The contract is worth almost $300 000. It is also worth mentioning that, on the last occasion this contract was called, in 1992 under the previous Government, the contract was won by a British company. Members may well recall that that contract was the subject of intense questioning in this Parliament and during the parliamentary estimates process by both the now Attorney-General and me in our respective shadow positions at that time.

The decision to use this company was made after stringent checking of the materials and of the nature of the product put forward by the bidding companies. The overtrousers were subjected to a performance matrix and to an evaluation from firefighters themselves and, importantly, conducted under actual work conditions. Firefighters had the opportunity to comment on the garments they were wearing without at any time being aware of the identity of the manufacturer of the overtrousers. Final discussions are now taking place with Protector Safety, and manufacturing of the garments is expected to occur within the next four to six weeks.

This is the second contract this company has won through the open tender process, the first being in March 1994, again under this Government, for the provision of level 2 firefighting tunics. Now, South Australian firefighters will be wearing complete protective garments manufactured by a South Australian company after a proper bidding process in which it won that contract against national and international competition. All members of the House can be pleased that we have a company based in South Australia that is able to manufacture to these standards.

STATE TAXATION

Mr QUIRKE (Playford): Does the Premier agree with the latest report by Professor Cliff Walsh and the Centre for Economic Studies which says that taxes will have to be raised or expenditures cut because of the Federal Liberal Government's $80 million reduction in Commonwealth grants to South Australia?

The Hon. DEAN BROWN: I have dealt with this matter already in the House. It is just a pity that the shadow Treasurer does not want to listen to what is said in here, particularly on budgetary matters that directly relate to his shadow portfolio. I have already given an assurance to the House that there will not be an increase in taxation; therefore, the Centre for Economic Studies is wrong on that account. I have also indicated to the House that the Government will work to identify Commonwealth Government programs where the $33 million of cuts in special purpose payments will come from. They will be identified by the Commonwealth Government itself.

The Government will identify where it will be possible to cut the other $50 million out of existing Commonwealth Government programs. Some work has been done on that already. Of course, we cannot finalise that until we see the Federal budget because we do not know exactly what moneys will be allocated to Federal Government programs. There will be no increase in taxation as a result of the Federal budget, and there will be no mini budget as a result of the Federal budget, either. On both accounts, the South Australian Centre for Economic Studies got it wrong.

MINES AND ENERGY JOURNAL

Mr VENNING (Custance): Will the Minister for Mines and Energy please provide details of feedback to the new Mines and Energy journal?

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Deputy Leader for the second time in Question Time.

Mr VENNING: I am aware that Mines and Energy SA recently consolidated its publications, advising industry of developments in the mining sector as part of its ongoing plan to encourage investments into South Australia.

The Hon. S.J. BAKER: As one of my initiatives when I took over the portfolio, I looked at all the information provided by the Department of Mines and Energy. It is one of the most technically proficient departments of Government. It has a wealth of material available to it. It has one of the best core libraries in Australia, if not most parts of the world. It has some of the best mapping in the world. It has some of the best geological data in the world. A wealth of information is kept by the department here in South Australia, and it is recognised both interstate and overseas.

One thing that did concern me was that an enormous amount of energy was being spread across a variety of bulletins. I therefore wondered whether putting out information under all these different formats was the best way to put forward to the mining community our message that South Australia is the place to explore and invest money. As a result of my request, we decided to consolidate a number of those bulletins and in fact put out the MESA journal. More importantly than that, I said that we had to check on our client base to see whether what we were putting out was relevant, up to date, appreciated by the reading audience and that it did something for South Australia.

We conducted a survey on the material we put out and asked for opinions on the relevance of the MESA journal. It is no good spending a large amount of money on producing publications if they are not reaching the target audience and if they do not impress the audience that there is something special about South Australia. We sent out 1 116 survey forms, of which 700 were returned, which is quite exceptional for a survey. I am pleased to relate to the House that the survey forms came back with some very positive responses on the quality of the journal. Many regarded it as the best, in terms of its content, of any State in Australia. Even though we are a small State and do not have the large investment or mining dollars of other jurisdictions, the quality of the information being provided is not only some of the most helpful to anyone reading the journal but also puts South Australia in a very favourable light.

Another important aspect of this journal is that a number of companies will now submit their details for publication in the journal. I can say that, as a result of my initiative, which was certainly pursued vigorously by the department, we have a very focused journal that is very well read by those interested in its content. The material it provides is meaning-

ful, and we receive ongoing information as to what people wish to see and wish to be appraised of. We are pleased with the results of the journal and will continue to make sure that it hits the product market.

GOODS AND SERVICES TAX

The Hon. M.D. RANN (Leader of the Opposition): Has the Premier's friend and colleague the Minister for Industry, Manufacturing, Small Business and Regional Development advised the Premier that he supports a GST, a view which he outlined to more than 200 people at a lunch last Thursday, hosted by the Centre for South Australian Economic Studies?

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: When I asked the Premier on Thursday whether he shared the views of his Minister in supporting a GST, the Premier accused me of telling 'a whopper of a lie'. Following Question Time on Thursday, the Industry Minister confirmed in interviews with journalists that he had in fact stated his personal support for a GST during a question and answer session at a Centre for Economic Studies luncheon. This confirmation by the Industry Minister to journalists was also confirmed by a report on 5AN on Friday 26 July.

The Hon. DEAN BROWN: We all know how well the Leader of the Opposition likes to distort facts. I point out that the Minister has just indicated to me, once again, that he did not support a State based GST.

The Hon. M.D. Rann: Was it a Federal GST?

The SPEAKER: Order! The Premier will resume his seat. The Leader is warned again. It is up to the Leader whether he wants me to proceed with the course of action that will be open to me if he continues.

The Hon. DEAN BROWN: The Minister is a Minister in the State Parliament. Therefore, if I was asked the question, 'Did the Minister support a GST?' it clearly implies, 'Did the Minister support a State based GST?' and the answer is 'No.' And the—

Members interjecting:

The Hon. DEAN BROWN: The Minister has reassured me that—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The Leader of the Opposition would know that any question outside the responsibility of the Minister of this House would be out of order under the Standing Orders.

An honourable member interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is warned again and he is also aware that the next course of action to be taken by the Chair is entirely in his hands.

The Hon. DEAN BROWN: I can indicate that the Minister also said that it would be good to get rid of payroll tax and I have always agreed with that as well. The only way that you will get rid of payroll tax throughout Australia is to have a broad-based tax imposed by a Federal Government.

Mr Foley: Do you want a GST?

The Hon. DEAN BROWN: I have always said that I would like to get rid of payroll tax, if that is what the honourable member is asking me. Any employer paying payroll tax will argue exactly the same thing. Most industries and most unions across Australia have been advocating that, in fact, payroll tax should be abolished, because it is a tax on employing people and, therefore, is an unfair tax to impose.

AQUACULTURE

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries advise what progress is being made on management plans for the aquaculture industry on Eyre Peninsula?

The Hon. R.G. KERIN: I thank the honourable member for her question and acknowledge her enthusiasm for aquaculture development on Eyre Peninsula. We have just released the Far West aquaculture management plan for discussion which replaces what was formerly the Murat Bay aquaculture management plan.

One of the aims in releasing new plans or renewing the existing plans is to ensure that the development of aquaculture is sustainable. The Far West plan will introduce new limits to the area available for development in line with our charter of ecologically sustainable development. It also recognises the significance of the proposals for a Great Australia Bight Marine Park by specifically precluding aquaculture from waters within that proposed park. The plan covers marine waters from the South Australia-Western Australia border to the waters adjacent to the Ceduna District Council area. As with all aquaculture plans, careful consideration is given to harmonising the expansion of aquaculture development with the existing fishing industry and other values of the waters.

Earlier this month we also released a management plan for the South-East. Management plans now protect the South Australian coast from Elliston in the west to the Victorian border in the South-East. Through these plans we must ensure that our aquaculture industry continues to develop and complements the coastal environment. The expanding aquaculture industry now contributes $90 million to the State's economy and is an example of ecologically sustainable growth. The interest in aquaculture continues to grow, providing much needed jobs in regional South Australia. The oyster industry in the Far West is a good example of the new wave of industry.

I am sure that the member for Flinders would be the first to acknowledge the importance of aquaculture and regional development. It is providing jobs and renewed prosperity in many coastal towns on Eyre Peninsula which were formerly experiencing downturn from the decline in the number of farms. So far 140 aquaculture licences have been granted in South Australia providing the equivalent of nearly 300 full-time jobs. That is expected to rise to 500 by the year 2000 and 800 full-time jobs within 10 years.

ACTIL

Mr De LAINE (Price): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. What is the situation with respect to the future of the Actil spinning mill facility at Woodville and, very importantly, the future employment of its over 500 employees? An article appearing in the Australian *Financial Review* of 18 July indicates that assets of the company that has owned and operated the Actil factory (Textile Industries of Australia) have been sold to the US firm C.S. Brooks.

The Hon. J.W. OLSEN: Negotiations are at a very delicate stage in relation to the refinancing of Actil. I have indicated previously that the Government is seeking a

purchaser for the facility that will preserve the 650 jobs. I hope to be in a position to advise the House in the next 48 hours or so of the outcome of those negotiations. I am quite confident that they will be successful.

TAFE AND UNIVERSITIES COOPERATION

Mr SCALZI (Hartley): Will the Minister for Employment, Training and Further Education inform the House of existing cooperation between universities and the providers of vocational education, notably TAFE, in South Australia?

The Hon. R.B. SUCH: I thank the honourable member for his question and his ongoing interest. I know that he is a very keen member of the Council of the University of South Australia and I am always pleased to acknowledge his constructive role there.

In South Australia, we have a very extensive relationship between TAFE and the three universities. Time does not permit me to detail all of them, but I will indicate some of the examples of cooperation between TAFE and the universities following an article in this morning's *Advertiser*. We have credit transfer arrangements in over 120 courses in universities covering every TAFE program area. Last year, more than 500 students from TAFE gained access to the University of South Australia on the basis of their TAFE achievements. We have cooperative delivery arrangements between TAFE and the universities in the Riverland, Spencer and South-East regions.

We have a memorandum of understanding relating to articulation, research, international education, policy and planning, and professional development between DETAFE and the University of South Australia. We have cooperative curriculum development with Flinders University, the University of South Australia and Adelaide University in agriculture, business studies and medical sciences. In aquaculture we have articulated arrangements from diploma into a degree program and joint facilities for research and teaching at Kirton Point in Port Lincoln. We are partners with the three universities in the Advanced Information Technology Engineering Centre, providing programs in advanced electronics engineering. We are also partners in the well established Helpmann Academy and in the Centre for Languages. They are a few examples of how TAFE and the universities in this State are working together to provide greater training and educational opportunities not only for young South Australians but also for South Australians of all ages.

MINTABIE

Mr QUIRKE (Playford): Will the Minister for Mines and Energy inform the House about discussions between his department and the Pitjantjatjara traditional landowners on the future of Mintabie and give the House an update on developments that have taken place on that issue?

The Hon. S.J. BAKER: I thank the honourable member for the question and I thank him also for his positive support for the mining industry in this State. The issue of access to the Anangu Pitjantjatjara lands has been discussed extensively by previous Governments and has certainly been progressed by the current Government. I do pay tribute to my colleague the member for MacKillop, in his former role as Minister, for the steps that he took to advance the cause in that area. A new view is coming out of the Pit lands (as they are called), or the Anangu Pitjantjatjara lands, about the capacity of those lands to produce minerals and also to provide job opportunities, training, education and health for the Aboriginal people.

Some of the problems of the past of coming to grips with accommodating mining in traditional lands are starting to dissipate and a positive attitude is developing amongst those communities under the leadership of Donald Fraser. As the member for Playford would be well aware, there are regular discussions on a whole range of issues about mining in the Pitjantjatjara lands.

In terms of the Mintabie development, sections of land outside the current lease but inside the Aboriginal traditional lands are prospective for opal. In the past, the extent to which the Aboriginal communities have been willing to accept mining has been restrictive. However, I believe that, with all the good work being done by officers of my department (MESA) and with the goodwill of the Aboriginal communities and one or two very important liaison officers, I understand that we are probably on the doorstep of seeing some changes take place that will allow further mining beyond the current leases in the traditional lands.

It is a sensitive process and it must be managed properly. In discussions that we have had with the Aboriginal communities, I have made quite clear that there is a need to have regard for their traditions and cultures, to be sensitive to their heritage, and to attempt to ensure that the excesses that sometimes come with mining do not flow into the Pitjantjatjara lands. There have been some criticisms about the provision of alcohol in one or two instances and about agreements that have been broken by intrusions. That is not allowed to happen. We want a professional mining arrangement that can assist not only the economy of this State but also the Pitjantjatjara people themselves.

The talks are progressing, and I acknowledge the work of my colleague the Minister for Aboriginal Affairs in his visits to the lands. A lot of cooperative effort is taking place that will be to the benefit of those communities in upgrading their capacity to provide themselves with future opportunities and to improve their education and health. It is a very cooperative effort and some terrific things are happening in the lands. I hope that we will see an expansion of mining in the Mintabie claim area and I believe that a number of other opportunities can be used to ensure that the Aboriginal communities develop.

RIVER POLLUTION

Mr EVANS (Davenport): My question is directed to the Minister for the Environment and Natural Resources. What efforts are being taken by local communities to limit the amount of pollution entering our rivers and how successful have those efforts been?

The Hon. D.C. WOTTON: I am pleased to respond to the question that has been asked by the member for Davenport because, only a week or so ago, I was present at a community meeting with the honourable member when we were informed of the excellent work that is being carried out by the Coromandel Community Association, which is developing pollution entrapment and monitoring techniques that can be utilised in other areas of the State.

I am also pleased to indicate that last Sunday saw the launch of a very major wetlands development at Urrbrae, and it is one that will do a considerable amount in controlling pollution through the river system. With much of the current attention focusing on the clean-up of the Patawalonga basin,

it is easy for the community to lose sight of the significant work that is being undertaken upstream to improve water quality and the condition of rivers and creeks throughout the entire 235 square kilometre Patawalonga catchment area. This means that not only will the basin benefit but also the entire length of the watercourse will benefit, making water quality safe for the good of all communities.

Members may be aware of the launch at the weekend, as I have just indicated, of the first of a chain of wetlands to help filter pollution that runs off suburban streets. These wetlands will also provide habitats for native species and assist in reducing the amount of sedimentation being flushed down the stream. To a large extent, it is as a result of community input that much of this work is being carried out. It is the community that recognises that the clean-up of our rivers must start upstream and at the very source of the catchment, and I commend all of those, including the Coromandel Valley Community Association, for their leadership in this area.

GRIEVANCE DEBATE

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

Mrs KOTZ (Newland): I am pleased to announce to the House that the first of two strongly fought battles by my constituents in Highbury have achieved a major victory in that the EPA announced yesterday that it has directed the Development Assessment Commission to refuse a development application by East Waste for its Highbury waste depot site. I acknowledge that East Waste can appeal the decision. However, taking on the EPA in the face of the very strong criticisms announced by it in explaining its decision-making processes would appear to be foolhardy, but that is a decision for East Waste to contemplate.

The decision by the EPA was taken at a meeting on 25 July and forwarded to the Development Assessment Commission by letter dated 26 July. I should like to put on record the reasons for the determinations made by the EPA. Under the heading 'Objects of the Act', its letter states:

> Having considered the likely adverse impact of the proposed development upon ground water quality and air quality in a sensitive environment, the authority has not been persuaded that the object set out in subsection 10(1)(b) would be met adequately if the development were allowed.
>
> The authority is required to administer the Act so as to regulate in an integrated, systematic and cost effective manner the generation, storage, transportation, treatment and disposal of waste. . . The authority is not of the view that any needs of the community perceived by Eastern Waste Management Authority. . . to justify the continued receipt of waste at the landfill, in accordance with the application, are sufficient to outweigh the potential environmental harm arising from such continuation. The authority is of the view that refusal of the application is consistent with current strategic planning of landfill resources within South Australia.
>
> The authority applied a precautionary approach to the assessment of the risk of environmental harm associated with the application and to ensure that all aspects of the environmental quality affected by pollution and waste. . . are considered in the authority's decision to direct refusal of the application. . .
>
> Mindful that past waste disposal practices at the site have already compromised ground water quality. . . and that litter and odour impacts have adversely affected the nearby residential properties, the authority is not persuaded that it is acceptable for significant additional waste disposal activities, as proposed in the application, to proceed on the site.

Under the heading 'General environmental duty', the EPA's letter states:

> The authority is not persuaded that the application provides for an adequate standard of care in dealing with putrescible waste so as to minimise or prevent environmental harm in the nature of:
>
> 1. Contamination of ground water;
> 2. Loss of and potential loss of amenity of the surrounding environment arising from:
>
> · odours from rotting garbage and landfill gas
> · dust from landfill operations affecting adversely human and animal health
> · noise from machinery and vehicles on the site
>
> 3. risk to health from vermin and scavenging fauna.
>
> Having had regard to the sensitivity of the receiving environment, in particular the adjacent residential development and the ground water regime, and the nature of the pollution or potential pollution, the authority has not been persuaded that East Waste will be able to perform its general environmental duty to an adequate standard if the nature and extent of landfilling with putrescible and other waste as proposed in the application is carried out. . .
>
> The authority is not persuaded that the requirements of the industrial noise policy will be satisfied by the proposed development or that any proposed amendments of the application will satisfy the standard of care normally required of landfill operators in performing their general environmental duty to minimise environmental harm in the nature of environmental nuisance.
>
> In conclusion, the authority's broad concerns as to potential environmental harm arising from the proposed development were so serious that they could not be addressed properly through imposing conditions of development authorisation. Accordingly the authority determined to direct refusal of the application.

This is a watershed decision which should be carefully considered by all landfill operators and by policy makers of development and planning authorities. I heartily congratulate a determined community, who did not disappear when the going got tough but rallied to fight against the odds, not once but many times, supported by the HEART group of residents, whose initial battle is still to be won and is still being fought on the ground by the many and continued public meetings that are being held by hundreds of people who are supporting the HEART group against the proposals for landfill operation in my area. It also does my heart good to support a group of people who are willing to stand up and be counted for something that they well and truly believe in.

Mr QUIRKE (Playford): In Question Time today the Premier was asked a question about any new tax increases that may take place as a result of the Federal budget. In fact, the Premier gave the same answer he has now been giving for three years. He said that, irrespective of which way the budget goes, there will be no increase in tax. By way of interjection some members asked, 'Well, what about charges?' We all know the argument that a charge is not a tax, but that is a rather interesting argument because there is a large number of people who have to pay it and who cannot see the finer distinction in the argument. In the middle of each year a raft of charges rise. When I say 'a raft', I understand that the last massive increase involved about 1 100 charges rising. It used to be the case some years ago that a range of charges would go up one year, CPI would be applied to other charges and we would see them go up every so many years, but this Government misses no opportunity. This Government ensures that every charge that it can possibly raise is put up at the earliest opportunity. Where that is concerned the Government has to live with that with the electorate.

The member for Giles provided me with a piece from his famous files. The member for Giles has the best set of files I have seen since the former member for Walsh (indeed, the member who would have been the member for Hanson had he won that seat at the last State election) left this place. The

member for Walsh had famous files and, had they caught fire, it would have been some three weeks before the fire brigade would have been able to put them out. However, I have a document dated 5 July 1991 from the *Advertiser*. Two articles appeared on that day. One article (written by Rex Jory) dealt with water rates in South Australia. The article states:

> News of the latest increases came as the State Opposition announced it would move in Parliament to force future State Governments to provide specific details of increased taxes and charges. The Deputy Opposition Leader, Mr Stephen Baker, said that the motion would seek to make a Government accountable to the electorate when introducing or increasing taxes and charges.

At the end of the article readers are asked to turn to page five under the heading: 'Libs slam 'dishonest' increase in charges'. So, I turned to page five to find that the heading says exactly that: 'Libs slam 'dishonest' increases in charges.' The article states:

> A motion forcing future State Governments to provide specific details of increased taxes and charges will be put before State Parliament when it resumes in August. Opposition Deputy Leader Mr Stephen Baker said yesterday he would initiate three measures designed to make the State Government accountable to the electorate when introducing new or increased taxes and charges. . . A spokesman for the Premier, Mr Bannon, would not comment on the details until they were released.
>
> Mr Baker said never again should South Australians see last week's smokescreen performance when the Government increased more than 800 charges by a range of departments. . . Mr Baker said he intended to press Parliament to ensure future increases are published in daily newspapers, the old and new charges are shown and the extent of revenue increase given.

We have been waiting a long time (since 1991); this man has been in the portfolio three years and we have seen nothing.

Ms GREIG (Reynell): I use this opportunity to acknowledge the recent Youth Parliament and, in particular, the Southern Cluster Youth Parliament team. I, as did other members in this House, took the time to observe the parliamentary sessions of the Youth Parliament on 16 and 18 July. Not only was I able to see our southern team in action but I had the pleasure of spending some time with the team prior to the day of their debate. The Southern Cluster team was an all-female team. This was not intentional: it just turned out that way. The girls put in many hours of research after school, after work and, at times, over many weekends. Their chosen debate topic concerned raising the age for obtaining a driver's licence, which we would all agree would not be a popular move with many of our young people. However, all arguments aside, the girls took on the challenge and presented a very good case for consideration.

The Southern Cluster team was a group of six students representing four local high schools: Sian Gardner and Loralei Murphy of Christies Beach High School; Rebecca Wade and Kimberly Johansen of Willunga High School; Pamela Bonn of Reynella East High School; and Ann Deslandes of Cardign College. It would be remiss of me not to mention Mrs Erica Russell of Christies Beach High School who put in many hours of her time to ensure that the team had every opportunity to prepare itself for its parliamentary session. This is the second year that Erica has ensured our southern schools are represented in Youth Parliament. As a southern member of Parliament I put on record my thanks and appreciation to Erica for taking on this task and for the enthusiasm she builds in the students who have worked with her.

Youth Parliament is important to our young people. It provides a State forum to promote community education in law and in formation of legislation. It is also a platform for young people to present to us and to their peers a document of Bills deemed significant by young people. I believe that in its own way this lifts the image of young South Australians. Apart from our southern team, the government and opposition comprised teams of young people from Findon High School, Youthworx, University of Adelaide, Flinders University, the City of Marion and Port Augusta. Issues debated covered subjects such as education funding, introduction of condom vending machines into high schools, the reduction of illegal drug use by young people, the issue of stolen goods being sold by pawnbrokers and, as I mentioned earlier, the lifting of the legal driving age to 18 years.

Whilst the young people debated in teams, their final vote was a conscience vote. Youth Parliament offers young people hands-on experience in the parliamentary process. They learn about our role in shaping the cultural and economic framework of South Australia. The legislation enacted during the Youth Parliament has been submitted to Minister Such, and I know that, as Minister for Youth Affairs, our Minister takes these young people's decisions seriously and uses the information provided by the Youth Parliament for consideration for the betterment of young people in our State. In conclusion, I congratulate all who participated in this year's Youth Parliament. I was particularly proud of our Southern Cluster team. I also thank Minister Such for making this event possible. Last, but by no means least, I thank the YMCA for organising this significant youth event.

Mrs PENFOLD (Flinders): With the Olympic Games in Atlanta it is an appropriate time to congratulate our Australian competitors—particularly the medal winners. It is also an appropriate time to draw the House's attention to the high quality of our country sports competitors who also succeed against great odds. One of the joys of living in the country is the ease with which anyone can participate in sport. The downside is that a person with talent who wishes to advance to the highest levels possible finds distance a costly barrier to success. However, a long list of high achievers have emanated from Eyre Peninsula with some reaching the top levels of their fields in the world, with two competing this year in the Olympic Games.

This is evidence of the class of sportsperson being developed on Eyre Peninsula through the commitment of coaches, clubs, associations and the athletes themselves and their families. Dean Lukin put Port Lincoln on the world map as the home of tuna and the world heavyweight champion when he won gold at the Brisbane Commonwealth Games in 1982 and gold at the Los Angeles Olympics in 1984 in the super heavyweight weight lifting division. Wimbledon was startled when John Fitzgerald took to the courts there and an Australian voice called from the crowd, ' Come on, Cockaleechie.' John, who became known as the Cockaleechie Kid after his place of birth was, in 1991, ranked as the number one player in the world in the men's doubles. In the same year he and partner Anders Jarryd won six doubles titles, including Wimbledon, the French Open, the US Open and the World Doubles Championship.

All round sportsperson, Vickie Renshaw, represented South Australia in the State country netball for six years, including a year as captain. Netball has also brought fame to Jenny Borlase of Cummins who has been a member of the Australian team for at least six years. At the 1995 world championships in Birmingham the Australians beat the New Zealand team by one goal. Steve Kemp, as navigator aboard

the yacht *South Australia*, competed in the Americas Cup off Fremantle. He competed in two Admirals Cups in Britain, and has passed on his knowledge to numerous young sailors including the successful Port Lincoln High School sailing team, which he coached for about eight years.

Chris MacCusbie's record in the State Women's Veteran Hockey Team, along with her coaching at State level, brought her the Port Lincoln Times Rotary Club Sportsperson of the Year award in 1987. Michael Dunn is realising a lifetime dream this year with his selection in the Australian Baseball Team competing at the Atlanta Olympics. He is an Australian All Stars player and has the third highest batting average in Australia.

Kieran Modra is representing Australia in two cycling events at the Atlanta Para Olympics. A visually impaired athlete, he competed in the 1988 Seoul games as a runner, and in 1992 at Barcelona in swimming and javelin. Earlier this year he broke the world record for the 1 000 metre cycling time trial with partner Kerry Golding. Ashley Warner has achieved in showjumping and basketball and has two Mail Medals in football. He won a gold and bronze medal for Australia in the world under 21 showjumping championship in Canada in 1984. He has been Eyre Peninsula showjumping champion twice, State champion in 1985 and holds an Adelaide Show record for the most showjumping events won by a junior. Rachael Lawrie of Ungarra, as the 1996 South Australian over 18 rider of the year, will represent this State at the nationals in Victoria. BMX rider Darren Noble won the seven years boys world BMX championship in 1991 and represented Australia in the successful 11 years class in New Zealand in 1995.

The Port Lincoln High School sailing team defeated New Zealand to become the Secondary Schools Sailing Team Interdominion Champions in 1992. The team has won the State championship every year since 1991 and has been national champion four times, in 1992, 1994, 1995 and again this year. This year's team is competing against New Zealand for the interdominion title at Port Lincoln next month. Footballer Shaun Rehn of Arno Bay was club champion at the Adelaide Crows in 1994 and an all Australian player in the same year. Other Crows players linked to Eyre Peninsula are Nigel Smart and Brett Chalmers.

Clay target shooter Dennis Lymn won gold for Australia in the World Down-the-line target shooting championships. The Wudinna farmer has won three national titles representing Australia eight times and South Australia 16 times. Weis Roberts won the 1996 State lawn bowls pairs title and represented Australia in New Zealand at the Trans-Tasman three match test series. She skippered the State pairs to win a silver medal at Brisbane at the Australian Invitation Round Robin this year. Another who could be mentioned is Gavin Wise of Yeelanna, a member of the Australian gold medal underwater hockey team in the 1996 world titles in South Africa.

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

The Hon. M.D. RANN (Leader of the Opposition): Today in Question Time I think the Government's lack of any basic honesty in terms of its treatment of this Parliament was again underlined. Last Thursday the Premier of this State accused me, under parliamentary privileged—because he does not have the guts to do it outside—of lying and telling a whopper of a lie when I said that the Minister for Industry, the Minister for Infrastructure, had gone to a luncheon at the Centre for Economic Studies and announced his support for a goods and services tax nationally. Then the Premier said that was a lie. It was not me who told the lie last week. Today I gave both the Premier and the Minister for Industry an opportunity to set the record straight. Today both of them had an opportunity to tell the Parliament that the claims the Premier made last Thursday were incorrect, and today the Premier failed that basic test of honesty.

Last Thursday the Minister for Industry, the Premier's close friend and colleague, spoke to a luncheon hosted by the South Australian Centre for Economic Studies. That event was attended by about 200 people. In response to a question from the floor, the Minister was forthright. He said he personally supported a GST in Australia and that the sooner a GST was introduced the better. So when I asked the Premier if he agreed with his Minister and would support the introduction of a GST what did the Premier do—he accused me of uttering a lie, he claimed the question was fabricated and he failed utterly to answer the question.

Today he failed yet again. Neither the Opposition's questions nor the industry Minister's comments at the luncheon were ever about a State-based GST, and the Premier knows that. The Industry Minister and his Premier clearly support the introduction of a Federal GST. That is quite clear from the perverse comments of the Premier today. Today the Premier of South Australia ran for cover by deliberately and dishonestly attempting to twist the matter into one of a State-based GST. All people want from this Premier is a Premier of the State who says what he means and means what he says, rather than playing verbal games. He is the one who came in here and denied that John Olsen, the Minister for Industry, had supported a GST and accused the Opposition of making up the facts. Well, there are 200 witnesses. That is a pretty good call in any court of law—200 witnesses—and after Question Time, after the Premier of this State perjured himself in Question Time last Thursday, his mate, the Minister for Industry, sat down and told the truth to the journos.

The DEPUTY SPEAKER: The honourable member for the second time has accused the Premier of gross impropriety, the second time accusing him of perjury. That is quite out of order. I ask the honourable member—

The Hon. M.D. RANN: Sir, the Premier accused me of lying to this Parliament. It was not me who was telling the lie in this Parliament.

The Hon. R.B. SUCH: On a point of order, Sir, the Leader of the Opposition knows that he must raise that issue by way of substantive motion rather than casting a smear and aspersions on the Premier.

The DEPUTY SPEAKER: The issue is more important than that: an allegation of perjury is something that simply has to be withdrawn.

The Hon. M.D. RANN: I withdraw that, but what I will say is that the Premier of this State did not tell the truth to this Parliament in this House last week. The Minister for Industry went out of the Chamber, was interviewed by several journalists and said, yes, at the luncheon he did support a GST, and it had his personal support. He got up there and said so. It was reported in the media on 5AN. We have a Premier of this State who abuses this Parliament by not telling the truth. He will get caught out. His mates are starting to turn on him. Even the Minister for Industry, who advised the Premier to tell the House that what I said was not true, went outside and dobbed his own Premier in. He told the media, 'Yes, I actually did it,' and they ran the story on the

basis of that. I would like to see a Premier of this State who has some basic integrity and comes in here and tells the truth, rather than attempts to pervert this Parliament and its debates.

The Hon. R.B. SUCH: I rise on a point of order, Mr Deputy Speaker. As I have indicated before, the Leader knows that the allegations he is making should be dealt with by way of substantive motion, and he is abusing the parliamentary system.

The DEPUTY SPEAKER: Order! The Deputy Leader will resume his seat.

The Hon. M.D. Rann: It is interesting that the Minister did not say that when the Premier of this State accused me of fabricating and accused me of lying. I have no intention of withdrawing my last comments.

The DEPUTY SPEAKER: Order! I name the Leader. Does the Leader wish to be heard by way of explanation or apology?

The Hon. M.D. RANN: I have been accused of lying in this Parliament and I have been proven correct. The Premier was not named last week—he was warned and asked to retract.

The DEPUTY SPEAKER: Order! The honourable member is debating the issue and is not being heard by way of apology, which is what the Chair invited him to do. If the honourable member felt that he was aggrieved on a previous occasion, the right of redress was always available on that occasion. Today he is debating the issue some considerable time after the event that he claims maligned him. I asked the honourable member whether he wished to make an apology.

The Hon. M.D. RANN: I have not accused the Premier of or used the word 'lying' today, so I cannot apologise for something I have not said. I have not uttered comments that are unparliamentary.

The DEPUTY SPEAKER: Order! The honourable member was invited to apologise for defying the Chair and not to debate previous—

The Hon. M.D. RANN: If I have defied you, Mr Deputy Speaker, then I apologise to you, but I cannot apologise for telling the truth in this Parliament, and I never will.

The DEPUTY SPEAKER: Order! The Chair does not accept that as an apology. The Leader has defied the Chair. The apology was grudging.

The Hon. M.D. RANN: In the time I have been in this Parliament I have always respected your judgments, Sir. I apologise to you, but I will not apologise for telling the truth.

The DEPUTY SPEAKER: Order! I call on the Deputy Premier.

Members interjecting:

OPPOSITION LEADER, NAMING

The Hon. S.J. BAKER (Deputy Premier): I find myself in a difficult circumstance, where the Leader has transgressed on a number of occasions. I move:

That the explanation not be accepted.

The Hon. FRANK BLEVINS (Giles): I oppose the motion. When somebody is asked to apologise, I am not quite sure what more they can do than apologise and say, as we all have said, that he has the utmost respect in the Chair. I heard what the Leader said; there was certainly no intention to defy the Chair at all—no intention whatsoever. I point out—and this has not been said enough—that members opposite can say what they want; they can call the Leader a 'rat' and other things; they can accuse us of lying and say anything they like and there is no retribution. There is no naming of them or asking for apologies or withdrawals. It is all there in *Hansard*, and the list is long.

The Hon. S.J. Baker: That's reflecting on the Chair.

The Hon. FRANK BLEVINS: It's not reflecting on the Chair at all.

The DEPUTY SPEAKER: Order! It is reflecting on the Chair.

The Hon. FRANK BLEVINS: No, it is not. That is what happens. That is all fact, and it is not before time that somebody should say it. If the Premier comes in here and accuses the Leader of the Opposition of lying and the Leader of the Opposition says 'I did not lie: it was a fact', I cannot see what the Leader of the Opposition has done wrong. When he was called upon to apologise to the Chair, he apologised to the Chair. When the Chair said that it was not a full apology, he apologised even more and said that everybody here has enormous respect for the Chair and if in any way you, Sir, had taken umbrage he was sorry. What more can he do? I cannot see how he could do anything else.

Make no mistake: there is a double standard in this Parliament. One side can say anything it likes, no matter how incorrect, how vile or how contrary to Standing Orders and nothing happens to them, in contrast to when somebody on this side transgresses even slightly, particularly if it is the Deputy Leader, the member for Spence, the member for Hart or the member for Elizabeth. For some reason unknown to me, the member for Elizabeth always gets patronised, and her previous occupation is always brought up. It is always dumped on her; I am not sure why. Nobody does that to the Premier or the Deputy Premier or any of the others who transgress on the other side—and there are many of them.

If this side is to be picked on, the Leader can cop a day out; it will not do any harm to him. But, if this side is to be picked on, this side can do a bit of picking, too—and it will. So, if the Deputy Premier is so keen to have his motion carried, that is fine, but members opposite had better find a lot of troops over the next few days and the next few months, because they will be spending a lot of time in here. That is not a threat: that is just telling members opposite exactly what will happen. You find them; you dig them all up.

The next time the Leader apologises sincerely to a man in the Chair whom he and we all respect, his apology ought to be accepted. The Deputy Premier should not have moved this motion. I do not speak for myself; if I have transgressed and been dealt with I have no complaint, but many people on this side have legitimate complaints, because many people on this side are treated unfairly by the Chair, almost on a daily basis. They wear it, and it is wrong. Today, the Leader did not warrant the action that has been taken. It has been an overreaction, and everybody knows it—but it works both ways.

Mr MEIER (Goyder): I find quite incredible the arguments put forward by the member for Giles in seeking to defend his Leader. I understand that obviously he had to speak, because no-one else was in a position to do so.

Members interjecting:

Mr MEIER: You've had your say. If members were present to hear what the Leader had to say and the way he said it, they would know that it was an absolutely outrageous speech. The Leader had transgressed earlier today. All members know that earlier he was warned by the Speaker, but he took no notice of the warning. In fact, only a few weeks ago the Leader was named. On that occasion he apologised and his apology was accepted. The Leader should not think

he can continue to get away with transgressing the Standing Orders and deliberately defying the Chair. That was the case on that occasion: he would not sit down and, when asked to apologise—

An honourable member interjecting:

Mr MEIER: If you would listen to what is going on in Parliament, you would know that it was as obvious as anything. Look at *Hansard* in due course, and you will find that he completely disregarded the question that had been put to him by the Deputy Speaker—absolutely disregarded it. I found the contribution from the Leader one that I would have hoped he had risen above in this place. Time and again he has flouted what he outlined several years ago when he emphasised standards and spoke about the way his side—the Opposition—intended to perform.

It is quite obvious that the only reason the Leader is seeking to do what he is doing at present is that he realises that his position is very vulnerable; and it was also obvious in the joint House sitting last week. I could see many members opposite cringing at the way the Leader was performing, and here we have another example today. It is quite clear that the Leader is desperate; he does not know where to go from here. So, what does he do? He seeks to make a personal attack on the Premier, in a way that transgressed Standing Orders. Mr Deputy Speaker, I am very pleased—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr MEIER: —that on this occasion you have named the Leader and that you have not accepted his apology, because there is no way that that apology should have been accepted. I am very pleased that the Deputy Premier has not agreed to accept the apology, because the Leader knows that he has transgressed time and again. He is happy to flout the authority of this House, and it is time an example was made. I hope that the Leader's contribution will not be repeated by other members opposite in the future. I was hopeful that the standards of the House would improve, but the Leader wants to drag the House down into the gutter. To top it off, the member for Giles said, 'All right: if we are going to be picked on, we will come back.' He said that that was not a threat. If that was not a threat, I would like to know what a threat is.

The DEPUTY SPEAKER: Order! The member for Goyder's time has expired. The member for Playford.

Mr QUIRKE (Playford): It is a bit rich that we have the Government's Whip and the Deputy Premier being the lord high executioners on this issue when during Question Time every day the Deputy Premier carries on and never gets pulled up for it. The Opposition is complaining about the rabble opposite—and I am not talking about the backbench, I am talking about the frontbench. When the Deputy Leader of the Opposition, the member for Hart or the member for Elizabeth get pulled up and the poor old Speaker is about to say something, the entire frontbench opposite shows no respect for the Speaker at all. The Minister for Emergency Services is another regular interjector. The only member on the frontbench opposite who shuts up when the Speaker is on his feet is the Minister for Health—and that is usually because he is waiting for the next question and he does not want to stick his neck out any further.

What happens in this House is a clear example of how members of one Party can get away with whatever they want. The problem for the Leader of the Opposition is that he is in the wrong Party. If you are a member of the Government, you do not have these problems. Members opposite can carry on as much as they want, which is what they do every day during Question Time. On the subject of hypocrisy, parliamentary standards have been called for in this place, as follows:

> The Premier, Mr Brown, said he believed the standard of debate in Parliament had improved significantly since last year's election.

However, extracts from *Hansard* show that what is good for the goose is not good for the gander. On 6 September 1994 the Premier said:

> Welcome back to the invisible man.

A few days later the Premier said:

> What a hypocrite the Leader of the Opposition is. I have just had a message from WorkCover that is grateful that it does not cover the policy for this sick Opposition.
>
> No wonder they call him the Minister—

Mr LEWIS: Mr Deputy Speaker, I rise on a point of order. This debate is about whether or not the explanation of the Leader of the Opposition in defiance of your ruling should be accepted. It has nothing to do with previous incidents or other occasions.

The DEPUTY SPEAKER: There is no point of order. The member for Playford is referring to points of relevance and he is entitled to do that as long as he does not reflect too much on the Chair.

Mr QUIRKE: Thank you, Mr Deputy Speaker. I will give a few words of advice to the member for Ridley. His record in this House is even worse. I well remember years ago when members of this place tried to sort out a few things for members opposite, and what we had was the worst example of ratting I have ever seen on working conditions and people in this place. I long remember what the honourable member did to his own Leader and to his frontbench in respect of officers. So, the honourable member ought not get up in this House and lecture members on how they should conduct themselves. Before I was interrupted by a useless and irrelevant point of order, I was referring to extracts from *Hansard.* The list continues:

> The Leader of the Opposition—he is squealing like a little rat.
>
> This rather sleazy behaviour of the Leader of the Opposition.
>
> This dishonest Leader of the Opposition.
>
> The member for Spence is a bit thick between the ears.
>
> The member for Hart has apparently one brick between the ears.
>
> The Leader of the Opposition, who sits here today like a simpleton.
>
> The member for Hart is acting as no more than a one-eyed lap dog.
>
> I am prepared to stand up in this Parliament and highlight that they are no more than Labor liars.
>
> The Leader of the Opposition—damnation be on their heads.

The list is quite long. These comments were made by a Government which says that it will keep decent standards and which every day in this House does not care whether the Speaker is on his feet and does not care what happens unless it involves a member of the Opposition. I said this the last time we had this debate and I say it again: what happens every afternoon during Question Time in this House is a disgrace which shows that the majority of members on the Government side have no respect for their own Speaker. What is more, nothing has changed at all. The Government has the numbers in this House, so it does what it wants. That is what members opposite are doing, and they should not try to stick clothes on it.

Mr Brokenshire interjecting:

Mr QUIRKE: Yes, I know the honourable member will. I am well aware that the honourable member will do that, but there are things for which the Government needs our

cooperation and it can forget about it from here on in. Some members opposite have a very short memory. They know there is 36 of them—and it may well be that they will still have a good healthy majority after the next election—but one day they will be on the receiving end of that pineapple, and members on this side will remember it because the cooperation will be over. Do not bother coming around to my office in your little backbench groups when you are not happy with what the frontbench is doing. Do not bother knocking on my door and saying, 'We would like to get this up. We cannot win it in our Party Room, so will you help out on this stuff?,' because we will remember this.

Mr Brokenshire: Who does that?

Mr QUIRKE: The member for Mawson asks, 'Who does that?' That comment is the chestnut of the afternoon. This is a clear example of the Opposition being picked on. We are not happy about it. We put up with the abuse from 2 p.m. to 3 p.m. everyday in Question Time. Why the Speaker does not get up in his own Party Room and ask for some support from his own members to stop carrying on in this way, I do not know. I indicate that we did not bring this fight on and, quite frankly, this motion is a disgrace.

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): Unfortunately, on several occasions I heard the Leader of the Opposition accuse the Premier of lying. The Leader of the Opposition also said that the Premier was guilty of perjury

The Hon. M.D. Rann: Which I withdrew. I was asked to withdraw and I did withdraw.

The Hon. R.B. SUCH: The Leader's apology does not qualify in terms of an apology because he only grudgingly retracted a portion of his comments in relation to the Deputy Speaker. The Leader of the Opposition set out during his grievance to accuse the Premier of lying. It was pointed out to the Leader of the Opposition that an accusation such as that had to be dealt with by a substantive motion, and he knows that. The Leader of the Opposition came into this House to do a job, and he came in—

Members interjecting:

The Hon. S.J. BAKER: Mr Deputy Speaker, I rise on a point of order. It is exactly this behaviour about which the Opposition has been talking, and this is what we have to put up with every Question Time.

The Hon. Frank Blevins interjecting:

The DEPUTY SPEAKER: The member for Giles is very close to being warned.

The Hon. R.B. SUCH: It is the Leader of the Opposition who has advocated the sin-bin; today he is the sinner.

Mr FOLEY (Hart): I, too, was in the Chamber when the Leader of the Opposition was named and he was asked to apologise. The Leader of the Opposition apologised to you, Mr Deputy Speaker, and you said that the apology was given grudgingly. Mr Deputy Speaker, you acknowledged that an apology was given, so therefore the apology was delivered. This is about a Government that has 36 members versus 11. This is about a Government that has continually used those numbers to make its presence well felt in this Parliament. It is an absolute given that these numbers have been abused by this Government, that the proceedings of Question Time in this House are well weighted in favour of the Government. It is simply a fact that, Question Time after Question Time, members of the Opposition, whether it be me or my colleagues, are continually singled out, continually warned and continually named, day after day, week after week, month after month, but we have to put up with continual interjections from the Deputy Premier, who is an extremely strong, loud and vigorous interjector. Never once has he been warned.

Whether it be the member for Mawson, the member for Custance, the Whip, it does not matter: Question Time after Question Time, we are subjected to a barrage of abuse, a barrage of interjections and a barrage of innuendo, and very rarely does this Speaker ever take a strong hand to members of his own side. We have only to laugh, we have only to make one utterance, we have only to make one slight comment that he considers out of order, and he is on us like a tonne of bricks.

You have the numbers: we know that. Use them well for the remaining term in government. Use them well for as long as you have the numbers in this Chamber. As the member for Playford said, you will not always have the numbers. Many members smirking around this Chamber now simply will not be here, but plenty of us will be here, and we will remember this. The Premier, his Deputy and his Ministers have come to the Opposition regularly for assistance and cooperation. That assistance and cooperation have been given. We have assisted this Government to process legislation quickly through the Chamber when it has been warranted.

Let me remind members of the gun laws debate last week. If it was not for the Opposition last week, the Deputy Premier of this State would be looking fairly sad and sorry in the House this week. It was the Labor Opposition that stood by the Deputy Premier of this State to ensure that at least one Party in this House was solid when it came to the gun law debate, not like his own rabble of a Party who ran away from the issue, took two bob each way and let him down. We stuck by him, and this is the thanks we are given.

The reality is that the Opposition for some 2½ years has had to put up with what has been an outrageous process during Question Time: the Opposition is subjected to enormous pressure from members opposite, very rarely being afforded the same degree of protection that is provided to Government members. It is a fact, whether the Speaker of this Parliament likes it or not, that, either in my words or in the words of my colleague the member for Giles, we are simply picked on, because we are easy to pick on. We do not have the numbers. The Government has the numbers.

I have seen the Premier of this State speak to the Speaker during Question Time. I have seen the Premier of this State give a nod and a wink to the Speaker. It is obvious as to who is running this Parliament and Question Time. I have seen the Premier of this State turn to the Speaker of this Chamber and give instructions. If you do not realise that, I do not know where you are looking. You just cannot get away with it week after week. At some point the Opposition has to rally against it, and today we are rallying against it. There is a limit that the Opposition will take in terms of being picked on, abused, criticised and having the full weight of your numbers used against us. We are drawing the line today.

It is quite silly for the Deputy Premier to have agreed to this motion. It is a silly and counterproductive move by the Deputy Premier. The Leader's apology was an apology that was asked for and given. It should have been accepted. For once you should realise that, for democracy to work in this State, there has to be a robust Opposition as well as a Government. You cannot, must not and should not continually put pressure on the Opposition the way you do by using the office of the Chair of this House to ensure that the

Opposition is hampered at every opportunity to conduct its proper business as the proper and rightful Opposition of this State.

Mr LEWIS (Ridley): I support the proposition. I am mindful of the meaning of Standing Order 127 and draw members' attention to Standing Order 137, under which the Leader was named. In the course of my remarks, I point out to both the first and second speaker for the Opposition, the member for Giles and then the member for Playford, that what they say reflects either a convenient memory lapse or a double standard of heinous proportions—

Mr Atkinson: Heinous!

Mr LEWIS: Whichever way the honourable member wishes to pronounce it, I do not mind: it is irrelevant to the context of this debate to take such a petty point by way of interjection. In the first instance, the member for Giles was the first person in this Chamber ever in its history to breach Standing Orders by bringing a stranger onto the floor of the House. In consequence of his doing so—

Members interjecting:

Mr LEWIS: That was when he was a Minister in the Bannon Government. He brought a stranger onto the floor of the House and sat him down next to him on the front bench during the Committee stage of a Bill. That had never been done in the history of this House. I took a point of order with the Chairman of Committees, who ignored my point of order. After a division, I sat in that chair, in an entirely orderly fashion in this Chamber, and said absolutely nothing—not a thing.

Yet, after 45 minutes, and much toing-and-froing between the Premier's office and the Chairman of Committees, it was decided that the Chairman would persistently ask me to explain why I was sitting there. To have opened my mouth would have been to breach Standing Orders. I did not. Because I did not, he named me. All the members of the Opposition who were here then voted to chuck me out, and I had not breached Standing Orders. I had done nothing to offend this place or its Standing Orders. Yet it was convenient for the member for Spence and the member for Giles at that time, and others as representatives of the then Government, to vote. The member for Giles cannot stand in here in high dudgeon and claim he is defending the Standing Orders in this instance in this debate. All the Leader had to do was to apologise to you, Mr Deputy Speaker, without equivocation or qualification—just apologise. That is all that was required.

Members interjecting:

Mr LEWIS: He went on to qualify why he was apologising, and that is not permitted. That is just not on. He defied the Chair, and persistently defied the Chair in that respect. That brings me to the next point made by the members for Hart and Playford in the course of this debate. The member for Playford must have a very short memory indeed. It was only in the recent Estimates Committees that he attacked me vigorously and abused me as being an animal. He said he did not want to talk to the organ grinder's monkey but that he wanted to talk to the organ grinder. He was addressing me in the Estimates Committee. After three such abuses to me, when I attempted in due decorous fashion to defend myself, the Chairman (the member for Peake) demanded that I withdraw for the member for Playford, because his ego had been hurt. I did that, and the member for Playford gloated, and tried to make a story of it.

That is the level of consistency that we find in support of the Leader in this debate today. All the Leader had to do was what the member for Peake as the Chairman of that Committee required of me, and that was to withdraw without qualification.

Mr QUIRKE: I rise on a point of order, Mr Deputy Speaker. It is the same point of order that the member for Ridley took before. I cannot see what this has to do with the debate.

Mr LEWIS: For as much as it was irrelevant then, it is now.

The DEPUTY SPEAKER: The member for Ridley will resume his seat.

Mr QUIRKE: My point of order relates to the relevance of these comments to the debate. The member for Ridley may have some wounds, but I do not think that exposing them here today has anything to do with the crucifixion that is in train.

The DEPUTY SPEAKER: The relevance is the same as the relevance before. There is no point of order.

Mr LEWIS: The member for Playford, in the course of his contribution, provided repeated examples of how members of the Opposition were offended by remarks that he alleged were made by members of our front bench during Question Time. All I did was in one instance refer to the way in which he abused me—not once, not twice but three times—when I attempted to defend myself, in no fashion as ill-mannered as he was, and I was required to withdraw. And I did so, in consequence of which he gloated. He was so happy.

It is typical of the way in which the honourable member conducts himself in this Chamber and the way in which the Chamber proceeds to deal with the business before it. All members know that, when the Speaker requires one of us to withdraw, we withdraw without condition and without qualification. The Leader did not do that. He put conditions on his withdrawal and qualified it. It is for that reason that I believe you named him; he was flouting Standing Orders and your direction in clear contravention of Standing Order 137(3), which states:

> If any member refuses to accept the authority of the Chair, the Speaker names the member and reports the member's offence to the House.

You have done that, Sir. The Deputy Premier has moved that the explanation given (which was no explanation at all) not be accepted. Clearly, not one person in this Chamber can honestly accept that. It has nothing to do with the other matters raised. It is about whether or not the apology was made without condition or qualification, and it was not.

Mr CLARKE (Deputy Leader of the Opposition): Having had more experience than most members in this House with respect to such legislation, I appeal to you and members opposite in the following regard. From what I heard in my office, the Leader of the Opposition has withdrawn and apologised for any reflection on the Chair. We also need to take into account that we have had a very trying time over the past week and there has been a great deal of tolerance shown by the Chair, by successive Chairs, during the debates over the past few weeks. You may recall, Sir, the exceptional tolerance and leniency that you as the Deputy Speaker showed towards the member for Lee, who was exceptionally truculent with the Chair with respect to his reference—

Mr Atkinson: It took about 15 minutes to get an apology from him.

Mr CLARKE: As the member for Spence points out, it took the member for Lee about 15 minutes to finally give an unqualified apology. You were in the Chair, Mr Deputy Speaker, and the Deputy Premier was here. The Deputy Premier was down on his bended knees begging the member for Lee to make the unqualified withdrawal. There was exceptional leniency shown to the member for Lee. I might add that I have never be shown that degree of leniency; I do not know why but I have not be shown that degree of leniency.

Indeed, I recall that, late at night at the end of last year, when I happened to be sitting in this chair, by way of interjection I affectionately referred to the Minister for Industrial Affairs as 'mongrel' and I was chucked out for a number of days. But the Premier can refer to the Leader of the Opposition as 'a squealing little rat' and the member for Mitchell can refer to the Leader of the Opposition as 'a person who loitered around toilet blocks' yet not be required to withdraw that comment in the Parliament.

There have been countless examples of Government members making references to members of the Opposition and, in particular, to the Leader of the Opposition in the most disparaging terms yet only occasionally have those Government members be required to withdraw the comments. When the Premier referred to the Leader of the Opposition as 'a squealing little rat' and exception was taken by the Leader of the Opposition and me, there was no attempt by the Chair to make the Premier withdraw that comment.

Unbelievably, I get the royal order out of this place for comments I make not in the House but in Port Augusta. Then we have the Leader of the Opposition giving an apology to you, Sir, as Deputy Speaker of the Chamber, yet suddenly that is not good enough for you, Sir, although you were prepared to give the member for Lee 15 minutes and allow time for the Deputy Premier and other members—

Mr BRINDAL: I rise on a point of order.

The Hon. Frank Blevins interjecting:

Mr BRINDAL: In taking my point of order, the member for Giles referred to either me or you, Sir, as 'a squealing little rat'?

The Hon. Frank Blevins interjecting:

The DEPUTY SPEAKER: This is a point of order, the member for Unley.

Mr BRINDAL: I object and ask him to withdraw before I make my point of order.

The DEPUTY SPEAKER: The Chair did not hear the interjection.

The Hon. FRANK BLEVINS: It was 'squealing little rat', Sir.

The DEPUTY SPEAKER: In that case, the Chair is happy to ask the member to withdraw if the member took exception to it, as he obviously did.

Mr BRINDAL: I did, Sir.

The DEPUTY SPEAKER: It is incumbent upon the Chair to ask the member for Giles to withdraw.

The Hon. FRANK BLEVINS: I need your assistance, Sir. The phrase has been used in the House since it was initially used by the Premier. I am asking you for clarification, Sir.

The DEPUTY SPEAKER: The member for Giles will be seated. Whatever is said in the House, it is incumbent upon any member who is offended by any phase used by another member to rise in objection. The member for Unley has risen in objection to the member for Giles' interjection and sought withdrawal. The Chair supports that request and asks the member for Giles to withdraw.

The Hon. FRANK BLEVINS: Sir, I can only support the Speaker in this place and the Speaker has ruled that that phrase is not unparliamentary.

Mr Atkinson: It is in the books.

The Hon. FRANK BLEVINS: Sir, you leave me in a dilemma. I am not one to call people names or to carry on in that way. I am not one to defy the Chair. I am one—

The DEPUTY SPEAKER: I have a point of order, the member for Giles.

The Hon. FRANK BLEVINS: —to support the Speaker, and the Speaker has said it is allowed.

The DEPUTY SPEAKER: The member for Giles professes to have respect for the Speaker yet shows gross disrespect for the Chair continually. The point is that the Speaker is not in the Chair: the Deputy Speaker is in the Chair. The Deputy Speaker has asked the member for Giles to withdraw the expression to which the member for Unley took exception. I simply ask the member to do that, and then the debate can resume and we will see how we go.

The Hon. FRANK BLEVINS: I certainly do, Sir, because I agree with you: it is unparliamentary and it is a pity it has not been for a long time.

The DEPUTY SPEAKER: Thank you, member for Giles. The member for Unley.

Mr BRINDAL: My point of order is that, in addressing his remarks to the Chair, the Deputy Leader of the Opposition appeared to be reflecting on previous rulings of the Chair of this House, and I believe that is not within Standing Orders.

The DEPUTY SPEAKER: There is no point of order. The Deputy Leader of the Opposition. We have a substantive motion.

Mr CLARKE: We are virtually at the end of a very long session. Parliament is a robust theatre for us all in the discharge of our duties and I do not think that we should be too precious about it. Basically, we should all take a deep breath and take one step back. The Deputy Premier should reflect on that point—given the very difficult circumstances over the past few weeks for himself and the Government—and reflect on the cooperation given to him by members of the Opposition, in particular by the Leader of the Opposition, to ensure that important Government legislation is dealt with expeditiously, indeed where the Government will continue to require the good offices and cooperation of the Opposition.

In closing, I simply say that the apology has been tendered for any reflection on you, Sir. I have often said that we on the Opposition side have a great deal of respect for you, Sir, and your position as Deputy Speaker, in particular when you are occupying the Chair. As I said previously, it behoves us all to take a deep breath, take one step back, reflect on a very long and tiring session where important Government business has been dealt with, not be too precious, and accept the cut and thrust of parliamentary debate. The normal courtesies have now been extended.

We have all given vent to a bit of frustration over the past couple of days. I am pleased that I am not in the spot, as usual, for being given the gun. It would be a nice change, Sir, if Government members were named from time to time when they became too raucous. I simply say that a fair bit of latitude was given to the member for Lee; there is no good reason why that same latitude should not be extended to the Leader of the Opposition. In the interests of cordial relations, upon which this place exists, to ensure the expeditious dispatch of Government business, each side should take a step

back and get on with the business that is being held up by this debate. I appeal to the Deputy Premier to reconsider his position.

Mr BROKENSHIRE (Mawson): When I came into this Chamber some 2½ years ago, I understood that it would be a place where examples would be set and where we would see professionalism, just as we do in the private sector. Initially, as a new member of Parliament, I could see that happening under the former Leader of the Opposition (Hon. Lynn Arnold), and I could see discipline and structure on both sides of the Parliament. It was interesting to note that, when the Hon. Lynn Arnold left this House and the Hon. Mr Rann became Leader, things started to degenerate considerably. From then on, I have seen nothing short of a complete disregard on most occasions for Standing Orders.

Mr Foley: Sit down.

Mr BROKENSHIRE: It is interesting to hear the member for Hart interject, because, alongside the Leader of the Opposition, he should be the first one to realise that he has fallen into the trap of ignoring Standing Orders and of ignoring what the Speaker has been saying for some time. When the Leader of the Opposition wants to get a run in the *Sunday Mail* or similar, he calls for a sin bin, and we have heard him say that he wants to see more discipline, more respect and more example shown in this Chamber, but it is all rhetoric. We have not seen one tiny bit of proof that the Leader of the Opposition is genuine. He continually talks and snipes after asking a question, he has a carping manner when he asks a question and, frankly, the way that he has shown a lack of respect for the Premier and the Speaker over the past 18 months to two years has been appalling.

As to other examples of the Leader of the Opposition's attitude in this House, today members only had to look up at the gallery where the print and electronic media sit to see that the Leader of the Opposition's media advisers were there, although on numerous occasions the Speaker has said that, under Standing Orders, media advisers can go in there only for a moment and hand out a press release; yet they sit there for 10 to 15 minutes, talking to the journalists, but the ruling has been specified for some time.

The DEPUTY SPEAKER: I draw the honourable member's attention to relevance. He seems to be straying well beyond the bounds of the debate. The issue is simply defiance of the Chair. A lot of the material debate has been extraneous.

Mr BROKENSHIRE: With respect to the issue of defiance of the Chair, the member for Hart said that this House had turned into a rabble. He said that we were using our big numbers, that we were not leading by example and that the Opposition is in a handicapped position. I would have thought that the opposite is the case. On occasions I have been warned, but, once the Speaker has warned a member on this side, that member has respected that order; that has not happened on the other side.

The Leader of the Opposition has led the way in capitalising on his numbers to try to turn this Chamber into a rabble. It is appalling that the Leader of the Opposition has set no example in leadership, and I am sure that people in the gallery would be disappointed to see what is going on. It is time that our Leaders, particularly the Leader of the Opposition, showed some reasonable examples of parliamentary conduct. I support the motion.

Mr ATKINSON (Spence): Should the House carry the motion, all pretence of the rule of law will have departed from the process. In this House, like cases are not treated alike. We now have two rulings on the expression 'squealing little rat'. Speaker Gunn has ruled that the Premier may say it of the Leader of the Opposition. The Deputy Speaker has ruled that the member for Giles may not say it of the member for Unley. I prefer the Deputy Speaker's ruling. This afternoon's process follows the travesties of Speaker Trainer and in that it brings shame on all those who are a party to it.

The Hon. S.J. BAKER (Deputy Premier): I bring to the attention of the House a number of issues that have been raised in this debate. The issue is about defiance of the Chair. It has been pointed out by members of the Opposition that we have in the Chair one of the most fair persons that this Parliament has ever seen grace that Chair.

Members interjecting:

The Hon. S.J. BAKER: Well, I simply make the point that we have in the Chair a person who is universally regarded as being a very fine Chairman of Committees and a very fine Deputy Speaker, and that person requested a member of this Parliament, namely, the Leader of the Opposition, to withdraw.

The Hon. Frank Blevins: And he did.

The Hon. S.J. BAKER: I suggest otherwise. You cannot—

Members interjecting:

The Hon. S.J. BAKER: I was here. I walked in for the last part, after the member had been named and when it was quite clear that the Leader of the Opposition decided to deliberately defy the Chair. He did not withdraw unequivocally. He did not say, 'I withdraw, Mr Chairman' or 'I apologise sincerely'. He went on with some diatribe about how the Premier maligned him. He did not even take a breath; he just kept going in defiance of the Chair.

We are dealing with the integrity of the Chair. It is not a matter that concerns the past sins of Parliament. I have been ejected from this Chamber on four occasions for transgressing, and on at least two occasions those transgressions were far less serious than the transgression that we have seen today from the Leader of the Opposition. It is not just an issue of what happened at the time: it has been building up for some time. The Leader of the Opposition enjoys special privilege within this Parliament.

Members interjecting:

The DEPUTY SPEAKER: Order! Thank you members.

The Hon. S.J. BAKER: Members would reflect on how many opportunities the Leader has had during this full session of Parliament, and a day does not go by when the Leader is not called to order or warned.

Members interjecting:

The Hon. S.J. BAKER: Unlike what the member for Hart said, I have been warned by the Speaker during Question Time. Indeed, I have been warned on two occasions.

Members interjecting:

The Hon. S.J. BAKER: We all like vigorous debate in this Parliament and we all make a contribution to that debate. However, it is only those members who go over the edge of that debate who get ejected. The Leader of the Opposition twice defied a request by the Chair, and still defies a request by the Chair. The Chair was looking for an unequivocal apology, a full apology, a full withdrawal, and he did not give it, and the record shows that he did not give it. When any member of Parliament transgresses, it is up to that member to take the opportunity to say, 'Mr Speaker (or Mr Deputy Speaker), I am sorry. I apologise for defying your ruling.'

Members interjecting:

The Hon. S.J. BAKER: The precedent has been well set. As I have said, I have been through this process, and the Deputy Leader has lived up to the reputation of all Deputies and has been through the process, too. When we were in the same situation, I can remember that a lot less mercy was shown on those occasions than has been shown during this whole session. The Speaker has gone out of his way to keep order, to retain the integrity of the House and to keep Opposition members in their seats when former Speakers, such as Speaker Trainer, would have had those members out of this Chamber. I know that other members can well remember that.

So, the Speaker and Deputy Speaker of this Parliament have gone out of their way to allow vigorous debate and to allow this Parliament to flow. On this occasion, as on many occasions, the Leader of the Opposition has gone over that edge. It is not the first time; it is not the second time; it is not the third time: on numerous occasions he has gone over that edge. I do not like to be in this position. I expect the Leader of the Opposition to apologise and withdraw and to show due respect to the Chair. I expect—

Ms Stevens: He did

The Hon. S.J. BAKER: He did not. He wanted to talk about the Premier in the process of apologising to the Deputy Speaker, and that is what the record shall show.

The DEPUTY SPEAKER: In putting the motion I remind the House that much of the debate which has ensued since I named the Leader has been irrelevant and that many members were speaking to the motion without having been in the House and without having witnessed the events. As a result, the fact that the Chair named the Leader for defiance—

Mr Atkinson interjecting:

The DEPUTY SPEAKER: The member for Spence is carrying on in the right way to be warned and named. I thought that this would be an important issue for those who were not present to at least listen, however briefly, to the Chair. The Chair named the Leader simply for defiance of the Chair and not for anything that the Leader or the Premier may have each said about the other or for remarks which were each withdrawn by the other—it was for defiance of the Chair.

The House divided on the motion:

AYES (32)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
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.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (11)

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

NOES (cont.)

Rann, M. D.	Stevens, L.
White, P. L.	

Majority of 21 for the Ayes.

Motion thus carried.

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

That the Leader of the Opposition be suspended from the service of the House for the remainder of today's sitting.

Motion carried.

Members interjecting:

The DEPUTY SPEAKER: I call on the member for Ridley.

GRIEVANCE DEBATE

Mr LEWIS (Ridley): Today, Steve and Marian Wicks of Yacka won the State's Ibis Award, which is presented by DevBank at the Annual General Meeting of the South Australian Farmers Federation. I think all members should reflect on their achievement and commend them for what they have done and also commend the other finalists from around the State.

Members interjecting:

The SPEAKER: Order!

Mr LEWIS: It needs to be remembered—

Members interjecting:

The SPEAKER: Order!

Mr LEWIS: Mr Speaker, I take exception to that remark.

The SPEAKER: Order! I suggest that all members take a deep breath, cool it and get on with the business before the House. A number of unwise comments have been made this afternoon during debate and, if the Chair was in an aggressive mood, it would be dealing firmly with certain members. I do not wish to do that. I ask the member for Ridley to continue his remarks.

Mr LEWIS: The House should commend those other finalists who won in their respective regions—in particular, Jan and Ray Hutchinson of Sherlock in the Murray-Mallee and Upper South-East.

Members interjecting:

The SPEAKER: Order! The member for Unley will not speak across the Chamber.

Mr LEWIS: Other finalists included the Fuller family of De Rose Hill Station, via Alice Springs, whom I know that you know very well, Sir, as you probably also know Jane and David Andrew of Coulta on Eyre Peninsula, it not being far from where you live. I note the interest of the member for Flinders in the fact that they won in their region and were finalists. For the Adelaide Hills and Kangaroo Island, the Denver family of Hindmarsh Island was successful, and in the Lower South-East Helen and Darryl Miegel of Avenue Range won. I am sure that members will join me in congratulating them. I draw attention to the fact that the judges looked carefully at land conservation practices, the safe storage of farm chemicals and an innovative farm equipment program which the Wicks family use on their property in coming to the most difficult conclusion that they said they had had in the eight years of the competition.

I now wish to turn to another matter where there is good news for South Australia. We should commend those people who achieve excellence in their own way, especially where they contribute to the image of South Australia by diversifying the economy of their region, and in that regard I refer to F.A. Miller & Sons Pty Ltd, that is, Frank and Elizabeth

Miller of Lameroo. That company has been in Lameroo since 1966. It began manufacturing agricultural products in 1975-76, and in the early 1980s it diversified into commercial and industrial bulk materials handling. It employs 15 people. A large part of the work force is involved in industrial conveying, building air-supported belts as well as the conventional idler-roller supported conveyor belts for shifting materials.

The company has been involved in work all around Australia and in recent times in northern Western Australia in the Ord River area and also in Lae in Papua New Guinea where it installed a poultry processing plant. It has exported to Indonesia and Oman. One of its major local clients is South Australian Cooperative Bulk Handling. The company designed, developed and built the drive over hopper and stacker system, which is so successful for SACBH in bunkering large quantities of grain that can be held in that form of storage. At present, the company has been involved in quoting for jobs in at least three other States. It has been successful in submitting tenders for conveyors for the German company Krupp for mining in Kazakhastan. Production of agricultural products in the auger and 'shifter' (conveyor belt) range goes on year round.

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

STATUTES AMENDMENT (UNIVERSITY COUNCILS) BILL

In Committee.

(Continued from 25 July. Page 2146.)

Clause 10—'Interpretation.'

The Hon. R.B. SUCH: I move:

Page 5—

Line 12—Before 'the convocation of electors' insert '"the ancillary staff",'.

After line 12—Insert the following paragraph:

(ab) by inserting after the definition of 'the Council' the following definition:

'the general staff' means the officers or employees of the University classified by the Council as members of the general staff;.

Ms WHITE: The Opposition supports these sensible amendments.

Amendments carried; clause as amended passed.

Clauses 11 to 13 passed.

Clause 14—'Substitution of ss. 11 to 13.'

Ms WHITE: I move:

Page 6, lines 6 and 7—Leave out 'nine members of the council, at least five of whom are external members,' and insert '12 members of the council'.

This amendment is about the quorum necessary for a constituted meeting of the council and calls for two changes to that quorum. The first change is numerical to increase the quorum to 12 members of the council. The amendment changes the numbers on the council by adding one extra academic staff and one extra student member and replacing the two co-opted members with two members of Parliament. The other change that is proposed is to leave out the words 'at least five of whom are external members'. The Opposition believes that a member—whether internal or external—has the same value, should have the same voting rights and should be treated in exactly the same way. We believe that to do otherwise would devalue the contribution of individual members.

The Hon. R.B. SUCH: The Government opposes the amendment because, in developing the Bill, there was considerable accommodation to ensure that the university was able to operate without any interference from outside, and that is most appropriate. This is a reasonable provision to ensure that the council, in its deliberations, does have adequate external representation. When you look at the Bill overall I think that what we are proposing in terms of the quorum consisting of a significant number of external members is reasonable. There is no reflection on internal members, but it is important that people viewing decisions of the council are assured that they have not been made in a way that somehow could indicate that it was done without any consideration of wider aspects which involve the university. So, the Government opposes the amendment moved by the Opposition.

Mr LEWIS: This is one of the most substantial clauses in the legislation, about which I have strong feelings. I do not propose to cause anyone any embarrassment; I simply want to place on record the reasons for my holding those views. I do not see universities as being the same as the boards of companies. This legislation provides that this is the conduct of business of the council, and clause 11 is then inserted in the Bill, repealing existing sections 11, 12 and 13 of the Act. I think we all make a mistake if we believe that universities are, as are companies, responsible for the bottom line in financial terms and nothing more. One of the benefits which I know the University of Adelaide derives from having its large council is that it is never inquorate or without background information on issues that may arise in the course of its debate on how best to govern itself, from matter to matter, issue to issue, problem to problem.

Thirty years ago, we had a problem where people who were employed in or who were students at the university—both undergraduates and postgraduates—and people who sought to provide to the university some form of assistance, whether it was in the resources the university might use through endowments or anything of that nature, all believed they would be dealt with and used according to the way in which they intended when they gave those things to the university for its business. Everybody came to understand what was given and why it was given. When I say 'everybody', I am talking about the different groups of which universities are comprised and to which this clause and the sections which are repealed refer. It is an organic institution.

It is acknowledged that a university must manage its affairs, and manage them responsibly—there is a fiduciary duty on every member of the council—but it goes further than that. There needs to be a consideration of the views of the various electorates or groups of which a university is comprised and, more important than that, there needs to be a development of the understanding in those groups of why the decisions were made to govern a university when the council made those decisions and what the effect of those decisions might be.

Given that there were representatives on the council from each of the constituent groups or electorates to which I have referred, it became possible for them immediately to explain the political facts of life in the decisions that were made by the council to their constituencies. It meant that there was greater cohesion and more rapid, broad, widespread under-

standing, if you want to use that adjective to describe it. That will be missing from the reconstituted forum of the council as we propose it in these clauses. Whether or not other universities in this State believe that they will be better governed by this structure, quite clearly, the huge majority of members of the University of Adelaide disagree—and I am one of them.

We all know the university's system of governance has been under constant review over the years of its existence and we know that, in consequence of those reviews, governance and composition of the Council has been modified to meet what has been understood to be the requirements of the institution to get opinion from the constituent groups, to develop understanding and to do away with the criticism that the council is locked away in an ivory tower, isolated from what is really happening on the ground and indifferent to the interests of students, uncaring of the plight of staff and unwilling to listen. They are the sorts of criticisms which were made when I was a student at university and which I believe will once again become the catchcry of student newsletters and rallies, when issues are resolved without what they regard as adequate consideration of their advocacy and interests.

It is not just the students: there are the other constituencies to which I have referred, such as the people who contribute their time and their money, either whilst they are alive or through bequests following their death. There is another group of people—the staff. It is all very well for us to change legislation which provides the framework through which decisions in a university can be taken expeditiously, but they will be counterproductive, no matter how expeditious they are, if they are not understood and if they are simply ignored or flouted by elements within a university. It will be the poorer, too, if it fails to attract favourable support from people who have been its beneficiaries in the past.

I repeat: I know the University of Adelaide to be a diverse organism of society and, accordingly, it will not succeed in the way in which it has in the past if we ignore how it has evolved to become what it is today. In fact, as a governing council it is pretty much like a Parliament; and for us to suggest that our only concern is the bottom line is for us to deny the bulk of reasons why we stand in this place and debate legislation. The bulk of reasons are that it makes society cohesive and governable. University is an abstraction of society. It has its explicit roles and functions, and they are more than simply churning out graduates. I accept the necessity for us to keep our eye on the main game, which is providing education for undergraduates and postgraduates and facilities for research conducted in an atmosphere of rigour in all things, where we are respected by the wider community for doing it that way and supported by them because it is done in that way. These changes don't necessarily help.

Amendment negatived.

The Hon. R.B. SUCH: I move:

Page 6, line 23—Leave out 'the Governor or'.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 6, line 29—Leave out 'Governor' and insert 'council'.

Amendment carried.

Ms WHITE: I move:

Page 6, line 31—After 'Chancellor' insert ', with the approval of the council,'.

Under this amendment the process by which external members of council are selected will come back to council for approval. The Opposition lost a similar amendment with regard to the Flinders University Act, but this amendment relates to the Adelaide University Act.

Amendment negatived.

The Hon. R.B. SUCH: I move:

Page 6, lines 34 and 35—Leave out (d) and insert:
(d) if the council so determines, one person co-opted and appointed by the council;.

Ms WHITE: I oppose the amendment.

Amendment carried.

The CHAIRMAN: The amendment of the member for Taylor to lines 34 and 35 falls by the wayside as the Minister's amendment has prevailed. The Minister has inserted a new paragraph and the Minister's amendment therefore prevails over the member for Taylor's amendment.

Ms WHITE: In that case I will move my amendment in an amended form. My amendment would read the same as printed but it would deal with the Minister's new paragraph, proposing that paragraph (d) be deleted.

The CHAIRMAN: If the honourable member wishes to insert a new paragraph, it would be paragraph (da). The Minister's new paragraph (d) has prevailed. The honourable member opposed the Minister's inserting a new paragraph but that opposition did not succeed.

Ms WHITE: Now I am asking that that paragraph be left out.

The CHAIRMAN: The Committee has already decided to insert that paragraph. We are looking to negate a decision of the Committee and that simply cannot be done.

Ms WHITE: Sir, you did not give me the opportunity to move my amendment.

Mr ATKINSON: I move:

That the paragraph be recommitted.

The CHAIRMAN: The amendments were taken in the correct order of precedence. The Minister's amendment takes precedence. The Committee has decided that the Minister's new paragraph stands.

Mr ATKINSON: And I am now moving that we recommit the paragraph.

The CHAIRMAN: It is inappropriate, the member for Spence.

Ms WHITE: Mr Chairman, I rise on a point of order. In the Committee stage last Thursday, one amendment was recommitted and negatived after it had been carried, at the Government's request.

The CHAIRMAN: No, it was done at the Chair's insistence. In that case the following amendment moved by the member for Taylor was lost and it therefore made the previous amendment irrelevant, so the Chair reverted to the previous amendment. That is not the same in this case. It was a subsequent amendment which was lost by the member for Taylor which made the preceding amendment irrelevant. It was a minor question of singulars and plurals.

The Hon. R.B. SUCH: In the spirit of cooperation, if the Committee is agreeable, I will allow that to be recommitted but we will still oppose it.

The CHAIRMAN: There is no reason why the member for Taylor cannot move, as the Chair suggested in the first place, simply to leave in the Minister's new paragraph, which has been passed by the Committee. The honourable member is looking to get rid of it. The Committee has already voted on it and, if the honourable member would like to move her

amendment for new paragraph (da) to be inserted, the member will still have the chance for a vote to be taken on her amendment.

Ms WHITE: Sir, you did not give me that opportunity in the first place to deal with my amendment as printed.

The CHAIRMAN: The opportunity that the member had was when the Chair gave her the advice that, if she wished to negate the Minister's new paragraph, she should oppose it—which she did—and the vote was then taken by the Committee. The Committee decided the issue, not the Chair. If the honourable member wishes to move the insertion of new paragraph (da), I am quite prepared to accept that. Instead of (d), it would be (da). Under clause 14, page 6, lines 34 and 35, we would be considering not to omit paragraph (d), which has already been voted on by the Committee, but simply to insert paragraph (da).

Ms WHITE: It is not my intention to be argumentative. However, you did give me the advice that, if I wished to move my amendment, I should oppose the Government's amendment, and it was on that advice, which I took, that I so voted.

The CHAIRMAN: But the Committee then decided that your opposition was irrelevant. The Committee decided that the Minister's insertion was to go ahead. The Committee approved the Minister's insertion. It is not unusual when we have a succession of amendments that only one can prevail. In this case the Minister's prevailed.

Mr ATKINSON: Standing Order 375 provides:

In the case of resolutions reported from Committee, the House may recommit them to the Committee.

Can I suggest that we wait until the end of the Committee stage and then recommit that clause?

The CHAIRMAN: If the Committee so wishes: the Chair is in the Committee's hands. The Chair is simply following decisions.

The Hon. R.B. SUCH: We will allow that clause to be recommitted but, as I say, we will still oppose it.

The CHAIRMAN: At the end of the Committee debate, we will recommit clause 14.

The Hon. R.B. SUCH: I move:

Page 7, line 1—Leave out 'two' and insert 'three'.

Ms WHITE: This amendment, which had also been proposed by the Opposition, would increase the academic representation on the councils by one member. It is an important amendment, because, as the Bill originally was formulated, the drastic decrease in academic representation from eight current members of the Adelaide University down to two ignored the very important contribution of internal academic staff to that governing body.

The Hon. R.B. SUCH: There was never any intention to diminish the input from academic staff. We have moved this amendment in the spirit of trying to represent the views of the universities as generously as possible. We will have three elected academic staff in addition to the Vice Chancellor who, one would hope, would be an academic.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 7, line 2—Leave out 'ancillary staff, elected by the ancillary staff' and insert 'general staff, elected by the general staff'.

Amendment carried.

Ms WHITE: I move:

Page 7, line 3—Leave out 'two' and insert 'three'.

This amendment would increase the representation of students on the council by one member. This would still mean that student representation at the Adelaide University would decrease from five members to three. Under the Government's Bill, this representation would decrease from five members to two. The Opposition believes that student representation on councils is very important. They represent tens of thousands of participants in the university system. Their views should not be ignored. Their voice should not be diminished. Currently each of the university councils has a student representation of 15 per cent. Under this Bill, that representation will be decreased to 10 per cent.

The Government's move is total hypocrisy given the statements it has been making regarding its announced policies and the recent statements by the Minister and the Government in terms of increased representation of young people on Government boards and committees. Yet, on this very important governing body, which makes decisions and influences the educational outcomes for tens of thousands of students, the majority of whom are young people, the Government, when it has the power to do so, acts to cut the voice of young people. I ask the Minister why he is taking this action and how he can justify it in light of all the statements he has made about increasing young people's say on Government bodies. How can he justify decreasing the proportional representation of students on university councils in this State?

The Hon. R.B. SUCH: The representation of students is important but, when you reduce the total size of the council, obviously there must be some adjustment in terms of the composition. The composition of two students is appropriate, because we have three academic staff. I do not believe it is reasonable to argue that you should have an equal number of students to the number of academic staff. I believe that students have a right and a voice that should and can be heard, but I do not believe it should equal the voice of the academic staff. That just does not stand up to scrutiny. If you keep adding categories, you end up defeating one of the important aspects of this proposal: you keep making the council bigger and bigger.

There are a few other points to be made. One would hope that people on the council simply would not wear a representational hat but would take the broader, big picture view of issues and not simply say, 'I am a student' or 'I am an academic staff member.' One would hope they would make a decision and cast a view in relation to the broad issues facing the university. One of the developments of recent times in terms of governing bodies is to have people wearing a broad hat rather than a narrow, representational one. Given the size of the council, with 20 members, two students would be able to actively represent their particular views on occasions when that was necessary. As I said before, one would hope they would take a broader perspective.

The other point is that there is nothing to stop the council from having young people via the selection committee process. The assumption that the member for Taylor tends to make is that all students are young people. That is not the case. I know she qualified it a little, but she tends to imply often that students are all young. That is not the case and therefore we should not always be obsessed about the age aspect in relation to students. Students at university are of varying ages, even though most of them would be under the age of 25.

The Committee divided on the amendment:

AYES (9)

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

NOES (31)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. 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. (teller)	Wade, D. E.
Wotton, D. C.	

Majority of 22 for the Noes.

Amendment thus negatived.

The Hon. R.B. SUCH: I move:

Page 7, line 9—After 'women' insert:
who—
(a) have a commitment to education and, in particular, to higher education; and
(b) have an understanding of, and commitment to, the principles of equal opportunity and social justice and, in particular, to access and equity in education.

Ms WHITE: The Opposition has also proposed this amendment because it believes that it clearly specifies in legislation the qualities and skills that members who are appointed to the council should have. It is an amendment which was suggested to the Opposition by the National Union of Students and we believe it to be a good one. We fully support the amendment.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 7, line 10—Leave out 'by the Governor' and insert 'on the recommendation of the selection committee'.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 7, line 13—Leave out 'Governor' and insert 'Council'.

Amendment carried.

Ms WHITE: I move:

Page 7, lines 14 to 19—Leave out subsections (5) and (6) and insert the following subsection:
(5) A selection committee established for the purpose of making an appointment under subsection (1)(b) cannot recommend one of their number for appointment.

The effect of omitting subsection (5) is to remove what the Opposition considers to be a strange provision in this Bill which puts a limit on former employees or students of the university. Under this Bill they would not be eligible to be elected to the council if they had been a student or employee of the university in the five years preceding the election. We do not see why this should be the case. Why did the Minister include this measure, who or which elements does he believe will be made ineligible and why does he believe that those people should not be on council?

The Hon. R.B. SUCH: I move:

Page 7, lines 14 and 15—Leave out ', or a person who in the five years preceding the date of the election has been an employee of the University,'.

As I indicated last week when we commenced deliberations in Committee, the arrangements for each university are different. The University of Adelaide has a provision under which it is able to elect members via the Senate, and that is not the case for the other universities. Once again, it comes back to a question of ensuring a balance, to make quite clear that, in terms of its governance, the university will be influenced by a wide range of persons and not subject to domination by a group or groups. This measure reinforces the point that, because of its special arrangements, the university has to ensure that it is not able to be dominated by one section or sections of the university community or, alternatively, by people outside the university. In this case, it is relevant to people from within the university.

The CHAIRMAN: I will put the member for Taylor's amendment as far as the words 'an employee or student of the university'.

Ms White's amendment negatived; the Hon. R.B. Such's amendment carried.

The CHAIRMAN: The remainder of the member for Taylor's amendment will not be put because it has failed and the Minister's amendment has prevailed.

The Hon. R.B. SUCH: I move:

Page 7, lines 17 to 19—Leave out subsection (6) and insert the following subsection:
(6) A selection committee established for the purpose of making an appointment under subsection(1)(b) cannot recommend one of their number for appointment.

Ms WHITE: This amendment picks up part of the previous amendment, which was lost by the Opposition. It is an important part of that amendment which ensures that those members of the selection panel who are selecting members that come under the category of external members of the university council will not act to appoint themselves.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 7—
Line 23—Leave out 'the Governor or'.
Lines 25 and 26—Leave out paragraph (a) and insert:
(a) in the case of a member appointed on the recommendation of a selection committee—by that selection committee; and.
Line 27—After 'member' insert 'co-opted and'.
Line 30—Leave out 'ancillary' and insert 'general'.

Amendments carried.

The Hon. R.B. SUCH: I move:

Page 7, lines 36 and 37—Leave out subsection (13).

Ms WHITE: The Opposition has an identical amendment on file because it believes that to put an eight year cap on the term that a member can serve on a council does not make a lot of sense, given the quality of a lot of members, not only on the Adelaide University council but on other university councils.

Amendment carried.

Ms WHITE: I move:

Page 8, before line 1—Insert the following section:
Term of office of parliamentary members
12A. (1) At the commencement of every Parliament, two members of the Parliament must be jointly recommended by the House of Assembly and the Legislative Council for appointment by the Governor as members of the council.
(2) The parliamentary members of the council will, subject to this Act, hold office until further appointments are made under subsection (1) when they will, unless reappointed, vacate their offices.

In the normal course this amendment would be consequential, but we will revisit clause 14 at the end of the debate. The amendment deals with the issue of parliamentary members as members of council. Currently, the University of Adelaide has five members of Parliament on council, and under this Bill it has no specified number of members of Parliament on the council. The Opposition believes that, while five members of Parliament is perhaps excessive, the important links between Government and university that would be aided by having members of Parliament who are not only responsible to Government and Parliament but also to their constituency is important in developing that link between the university through the university council with the general community. I also indicate that it had been the Opposition's intention that these two members of Parliament be substituted for the two co-opted members in the Government's original Bill.

The Hon. R.B. SUCH: The Government opposes the amendment because, as I have indicated previously, each university has the opportunity through its selection process to appoint members of Parliament. If it wants members of Parliament it can do that, or it can co-opt them. The Government's proposal gives the universities the flexibility to decide whether or not they want members of Parliament on their council. As I indicated previously, some universities do not strongly support this and, in fact, are quite unsupportive in many aspects. One university is rather ambivalent. I do not support the amendment.

The Committee divided on the amendment:

AYES (9)

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

NOES (32)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. 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. (teller)	Venning, I. H.
Wade, D. E.	Wotton, D. C.

Majority of 23 for the Noes.

Amendment thus negatived.

The Hon. R.B. SUCH: I move:

Page 8, line 2—Leave out 'Governor' and insert 'council'.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 8, line 18—Leave out 'Governor' and insert 'council'.

Ms WHITE: The Opposition supports the amendment. In my second reading speech I indicated how important we thought it was that the council appoint the external members rather than the Governor.

Amendment carried; clause as amended passed.

Clauses 15 to 17 passed.

Clause 18—'Substitution of ss. 10 to 11a.'

The Hon. R.B. SUCH: I move:

Page 9, line 25—Leave out 'Governor' and insert 'council'.

Ms WHITE: This clause for the University of South Australia Act makes way for the process of selecting external members of council to come back to council and be appointed by council. That is a proposition that the Opposition has requested and supports. The Opposition supports the amendment.

Amendment carried.

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

The Hon. FRANK BLEVINS: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Ms WHITE: I move:

Page 9, line 27—After 'Chancellor' insert ', with the approval of the council,'.

Amendment negatived.

The Hon. R.B. SUCH: I move:

Page 9, line 28—Leave out 'Chancellor and approved by the Minister' and insert 'council'.

Ms WHITE: This is similar to that proposed by the Opposition, so we support the amendment.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 9, lines 29 and 30—Leave out paragraph (e) and insert:

(e) if the council so determines, one person co-opted and appointed by the council;.

Ms WHITE: I move:

Page 9, lines 29 and 30—Leave out paragraph (e) and insert:

(e) two members of the South Australian Parliament, one from the group led by the Premier and the other from the group led by the Leader of the Opposition, appointed by the Governor pursuant to a recommendation contained in an address from both Houses of the Parliament;.

The CHAIRMAN: Both the Minister's amendment and the honourable member's amendment propose that paragraph (e) be deleted. If the Minister's amendment is carried, the balance of the member for Taylor's amendment is lost.

Ms WHITE: The Opposition wishes to replace the two co-opted members of the University of South Australia Council by two members of Parliament. That would have the effect of maintaining the current two members of Parliament on the University of South Australia Council.

The Hon. R.B. SUCH: The Government does not support the honourable member's amendment because, as I have indicated before, the university council has the opportunity to appoint members of Parliament through the arrangements contained under this Bill. So, I oppose the amendment that has been canvassed by the member for Tailor but proceed with my amendment.

The Hon. R.B. Such's amendment carried.

The CHAIRMAN: The balance of the member for Taylor's amendment is therefore lost.

Mr ATKINSON: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. R.B. SUCH: I move:

Page 9, line 31—Leave out 'one member' and insert 'two members'.

Ms WHITE: The Opposition proposes the same amendment, because it believes that the academic staff, as presented in this Bill, were under represented and that their number should be increased by one.

Amendment carried.

Ms WHITE: I move:

Page 10, lines 1 to 6—Leave out paragraph (h) and insert:
(h) two students of the university, one of whom must be a postgraduate student and one of whom must be an undergraduate student, appointed or elected in a manner determined by the Vice-Chancellor after consultation with the presiding member of the students association of the university.

This amendment will increase the representation of students on the university council. It is a debate that we have had previously in relation to the Adelaide University Council Act. This amendment relates to the University of South Australia Act. Our proposition was lost then, but I insist on this amendment, which will have the effect of not decreasing the representation of students on the University of South Australia Council. We believe that the student voice is a very important one representing tens of thousands of students across the University of South Australia.

The Hon. R.B. SUCH: The Government is opposed to this amendment for the reasons already enunciated.

Amendment negatived.

The Hon. R.B. SUCH: I move:

Page 10, line 9—After 'women' insert:
who—
(a) have a commitment to education and, in particular, to higher education; and
(b) have an understanding, of and commitment to, the principles of equal opportunity and social justice and, in particular, to access and equity in education.

Ms WHITE: The Opposition supports the amendment, because it specifies precisely the values and principles that members who are to be appointed to council should show.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 10, line 10—Leave out 'by the Governor' and insert 'on the recommendation of the selection committee'.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 10, line 13—Leave out 'the Governor or'.

Amendment carried.

Ms WHITE: I move:

Page 10, line 13—Leave out 'the council'.

Amendment negatived.

Mr ATKINSON: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. R.B. SUCH: I move:

Page 10, after line 13—Insert the following subsection:
(7) A selection committee established for the purpose of making an appointment under subsection (3)(d) cannot recommend one of their number for appointment.

Ms WHITE: The Opposition supports the amendment, because it believes that the selection panel, which chooses and appoints external members to the council, should not be able to appoint themselves.

Amendment carried.

Ms WHITE: I move:

Page 10, lines 15 to 19—Leave out subsection (1) and insert:
(1) A member appointed to the council by the Governor will be appointed for a term of two or four years to be determined by the selection committee on whose recommendation the appointment was made.

The Hon. R.B. SUCH: I oppose the amendment. I move:

Page 10, line 15—Leave out 'the Governor or'.

Ms White's amendment negatived; the Hon. R.B. Such's amendment carried.

The Hon. R.B. SUCH: I move:

Page 10, lines 17 and 18—Leave out paragraph (a) and insert:
(a) in the case of a member appointed on the recommendation of a selection committee—by that selection committee; and.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 10, line 19—After 'member' insert 'co-opted and'.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 10, lines 28 and 29—Leave out subsection (6).

Ms WHITE: This amendment deletes a requirement that the member's maximum term be only eight years. We do not believe that this is necessary.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 10, line 30—Leave out 'Governor' and insert 'council'.

Ms WHITE: The Opposition supports this amendment and no longer wishes to proceed with its consequential amendment.

Amendment carried.

The Hon. R.B. SUCH: I move:

Page 11, line 10—Leave out 'Governor' and insert 'council'.

Amendment carried; clause as amended passed.

Clause 19 passed.

Clause 20—'Procedure at meetings of the council.'

Ms WHITE: I move:

Page 11, lines 31 and 32—Leave out 'at least five of whom are external members'.

The Opposition believes there should be no distinction between external and internal members, as each are capable of contributing to the same value.

Amendment negatived.

The Hon. R.B. SUCH: I move:

Page 12, line 5—Leave out 'the Governor or'.

Amendment carried; clause as amended passed.

Schedule 1—'Transitional provisions.'

The Hon. R.B. SUCH: I move:

Page 13, lines 3 to 6—Leave out clause 1 and insert the following clauses:
1. The offices of the appointed and elected members of the Council of the Flinders University of South Australia are vacated on the commencement of Part 2 of this Act.
2. The offices of the appointed and elected members of the Council of the University of Adelaide are vacated on the commencement of Part 3 of this Act.
3. The offices of the appointed and elected members of the Council of the University of South Australia are vacated on the commencement of Part 4 of this Act.

Amendment carried; schedule as amended passed.

Schedule 2 passed.

Bill recommitted.

Clause 14—'Substitution of ss. 11 to 13'.

Ms WHITE: I move:

Page 6, lines 34 and 35—Delete paragraph (d) and insert the following paragraph:
(d) two members of the South Australian Parliament, one from the group led by the Premier and the other from the group led by the Leader of the Opposition, appointed by the Governor

pursuant to a recommendation contained in an address from both Houses of the Parliament;.'

Amendment negatived; clause as previously amended passed.

Mr ATKINSON: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

Adjourned debate on second reading.

(Continued from 11 July. Page 1969.)

Mr ATKINSON (Spence): So much good is achieved by the finetuning of the Bill. It is a pity that it might founder on disagreement about the application of the sentencing principle of general deterrence to young offenders. At this time we await the review of the juvenile justice laws by the Juvenile Justice Advisory Committee, which is due to report on 30 September this year. The Opposition in another place thought it would be useful to delay the reintroduction of general deterrence until the committee had reported.

The juvenile justice laws of 1993 were, in my opinion, the best thing to come out of the third Bannon Government and the Arnold Government. Some might remark that that is not saying much, but I have a special fondness for the juvenile justice laws because they arose from the first and only successful backbench revolt in those years. The Labor Caucus was acting on deep public disquiet about the welfare model of juvenile justice that had prevailed for more than a decade.

When Mr Kym Davey in his response on this Bill, on behalf of the Youth Affairs Council, says that public opinion must be prevented from influencing the structure of juvenile justice in South Australia he is expressing a view that no-one who believes in parliamentary democracy and the rule of law and who experienced the juvenile justice debate of 1991 to 1993 could possibly share. Mr Davey invokes 'the overwhelming weight of professional opinion in the community services sector' against aspects of the Bill. But I am pleased to say that it is not yet unlawful for the inexpert public and their elected representatives to hold an opinion about criminal justice. I must point out that the public-opinion-driven 1993 juvenile justice reforms, which he now says 'are working reasonably well', Mr Davey fought tooth and claw at the time. If the public's experience of crime and its experience of juvenile offending, both as family of the offender and victim, is to count for nought against professional opinion, life would hardly be worth living. Mr Davey in his response to the Government's Bill seems to be denying to anyone but tenured members of what he calls the community services sector an inner reflective life about big public questions such as crime.

He goes on to argue that detaining young offenders might be contrary to the United Nations convention on the administration of juvenile justice, which he tells us is called 'The Beijing rules'. Just why an international convention against punishment should be named after the capital of the country with the most brutal criminal justice system in the world and which not only punishes by death more convicts than any other country in the world but also sells their organs in advance, I do not know. If I can take Mr Davey's remarks as meaning that public opinion should not influence the trial and sentencing of a particular juvenile before the Youth Court then we agree, but that is not how he has expressed himself in his response to the Government's Bill.

I now consider some of the clauses. The Bill emphasises that a young offender who defaults in the payment of a fine can be ordered to do community service. If a youth fails to perform community service he can be detained. Moreover, the Youth Court can sentence an offender to do work other than a standard community service order. The Minister cites the example of a young offender being required to work for the victim of a crime. The Bill provides that no order for community service can be imposed unless there is or will be within a reasonable time suitable work to do. Nor can the young offender be ordered to do work at a time that would disrupt his education or religious practice.

I think that our enthusiasm for community service orders has run ahead of our ability to provide useful work. Mr Davey is right to point out in his response that many heavy community service orders are not being fulfilled. Lack of supervisory staff is no doubt one reason for the failure of some community service orders, and be in no doubt that many community service orders that do not return to court nevertheless do fail in effect. Perhaps Mr Davey would have had more influence on the political process on behalf of the Youth Affairs Council and the Juvenile Justice Advocacy Group if he did not withhold his response from me as shadow Attorney-General. If he reserves these opinions for others who do not have responsibility for the portfolio (as he did on this occasion) he cannot complain that his response was not taken into account or given the same weight as timely and targeted contributions such as that of the Attorney-General (and his office) and the Treasurer.

Home detention is encouraged by the Bill's providing conditions upon it and monitoring. Leave for an offender from a detention centre may now include the renowned Operation Flinders or work in a national park, as well as the established reasons for leave, such as education and training. The Bill sensibly provides for the Minister to delegate his authority under the Young Offenders Act and the Criminal Law Sentencing Act to the Chief Executive Officer of the department and for the Chief Executive Officer also to delegate the same authority. The Bill also gives the Youth Court the same authority in juvenile justice as the Magistrates Court has with a summary offence, such as the authority to stay proceedings that are an abuse of process.

The Government believes that offenders serving brief periods of detention—a term of two months or less—should not be eligible for conditional release. If the young offender obtains conditional release from one of the longer sentences but breaches the conditions, the Training Review Board may, in making a further order, take into account the period the young offender has spent in custody after the breach was detected and acted upon. Under the Bill, the board will receive the same authority as the Parole Board to punish breaches of conditions by a community service order. Other clauses in the Bill enable employees of the Department for Family and Community Services to arrest without warrant a young offender whom the employee suspects on reasonable grounds of being unlawfully outside detention and to enable the Youth Court to make a domestic violence restraining order.

The Bill becomes controversial at the point at which the Government seeks to reintroduce general deterrence for the sentencing of youths. The principle of individual deterrence suggests to the court that it should impose a sentence that

would be sufficient to deter the convicted person from re-offending. The principle of general deterrence suggests that the court should impose a sentence sufficient to deter the public from contemplating the commission of that crime. The recent history of this is that Parliament in 1990 introduced general deterrence as a principle to be considered in sentencing a youth tried, owing to the gravity of the crime, as an adult. That was when the Hon. Chris Sumner was Attorney-General and before the backbench had started to respond to the disquiet in their electorates, that is, while we were still in thrall to the right thinkers of professional opinion, as Mr Davey would describe them.

In 1993 the juvenile justice Bills came before the House and their author, the Hon. Martyn Evans, certainly thought that their effect was to allow the Youth Court to use the principle of general deterrence in sentencing a young offender if it thought the principle appropriate. The Attorney-General, speaking of the Full Supreme Court's overturning of general deterrence in *Schultz v Sparks* (1995), said:

> The decision appears at odds with the intention of Parliament. It seems from the second reading speeches and debate on the Young Offenders Bill that it was intended that the notion of general deterrence should apply in the sentencing of young offenders and this was supported by members on both sides of the Parliament.

Mr Davey begs to differ. He writes in his response:

> The argument rests apparently on a vague interpretation of the second reading speeches and debate on the Young Offenders Bill in 1993.

I think that Mr Davey is right if he thinks that the then Opposition spokesman on family and community services, now the Minister, was vague on whether he was voting for general deterrence. I, too, was vague in my understanding of whether general deterrence would apply, and I remember the debate very well—the last debate before we went off to the election of December 1993. The authors of the Bill, the Hon. Martyn Evans and the Hon. Terry Groom, were not vague. General deterrence in the sentencing of young offenders is what they intended. I know because they told me so.

Members interjecting:

Mr ATKINSON: The member for Giles says that it was on a daily basis, but I would say it was more on a weekly basis. This is all now redundant because the Supreme Court has struck down general deterrence as it applies both to youths sentenced as youths and youths sentenced as adults. The Supreme Court held that general deterrence was not compatible with the principle object of the Act in section 3(1), which it found to be the welfare of the young offender as an individual, not his possible virtue as an example to the public.

The question before the House is how we use this opportunity to review the Act. I believe it would be a violation of the electorate's trust and the intention of the 1990 and 1993 amendments to leave out the possibility of using general deterrence in the sentencing of youths tried as adults. If a youth is charged with an offence serious enough to warrant trying him as an adult, and if he is then found guilty, general deterrence ought to be taken into account in sentencing. Such a person has gone beyond the possibility of redemption by the welfarist methods of juvenile justice. There may be other methods for redemption, but those methods will not be among them.

The prisoner is then in the adult system; thus the Opposition supports the Government on its proposed amendment, inserting in clause 30 a subclause (2a)(b), which allows the court to take into account in sentencing a youth dealt with as an adult the deterrent effect that any proposed sanction may have on other youths. Where we depart from the Government's proposal is its compelling the sentencing judge to apply general deterrence to a youth dealt with as an adult when the judge thinks the principle unhelpful, as he might in the case of an adult offender. Let youths dealt with as adults be treated as adults, and that includes the possibility that the judge will forbear from applying general deterrence.

We further deviate from the Government when it seeks to apply general deterrence principles to youths tried as youths, without the benefit of the Juvenile Justice Advisory Committee's report. We would prefer to wait for the report before deciding this question. That is not to say that the parliamentary Labor Party will feel bound by the Juvenile Justice Advisory Committee report. We shall listen to the arguments when they are all in. Accordingly, I shall be moving a suitable amendment to paragraph (b).

One can understand why the Youth Affairs Council is worried about increasing rates of juvenile detention, and it can hearken back to the emphasis on diversion into cautioning and family group conferences in the 1993 juvenile justice debate, but let it not forget that by 1993 South Australians were fed up with 13 per cent of juvenile offenders—the 13 per cent who were recidivists, whose criminal records ran to pages and pages, and against whom no sanction could effectively be applied. The people and Parliament wanted the juvenile recidivists locked up for the depressingly simple purpose of preventing their committing crimes for the duration of their detention. With those remarks, the Opposition commends the second reading of the Bill to the House.

The Hon. FRANK BLEVINS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Ms STEVENS (Elizabeth): As outlined by the lead speaker from our side, the Bill before us looks at a range of Acts that arose out of the findings of the select committee on juvenile justice that met and deliberated in the early 1990s. I will be very interested to hear the comments of the two members of that committee (the members for Newland and Morphett) who still sit in the House. The Act affected most in relation to these Bills is the Young Offenders Act 1993 which, of course, arose directly from the recommendations of that select committee.

My first point concerns the Juvenile Justice Advisory Committee, because one section of the Young Offenders Act established that committee. The committee had a number of functions, the foremost of which was to monitor and evaluate the administration and operation of the Act, including the giving of formal cautions by police officers; to cause such data and statistics in relation to the administration of juvenile justice as it thinks fit, or as the Attorney-General may direct, to be collected; to perform any other functions assigned by this Act; and to advise the Minister on other issues relevant to the administration of juvenile justice.

The Young Offenders Act required the committee to report each year. In particular, a special requirement on that committee was to report by 30 September 1996 as follows:

> . . . to include a comprehensive report on the operation of this Act during the previous three years. . . and such proposals as the advisory committee consider appropriate for its improvement.

I am surprised that the Attorney-General has proceeded with changes to those Acts without the benefit of that report. I would have thought he could wait another three or four weeks

until the end of September when the committee would have completed the full assessment of three years operation of the new Act. The report would have been tabled in both Houses; there would have been discussion; and then we would have proceeded. It surprises and perplexes me why the Attorney chose to do it in this way. In my view, it is not a good way to make laws; however, that is what he proposed. I am particularly surprised that, without having the benefit of the full evaluation of the original Act, the Attorney would proceed to significantly change a major policy plank established in the putting together of the original Bill. Again, it surprises me that he would do that without the benefit of a full evaluation of the initial Act and the information available from it. Again, that is what he has done. In particular, that relates to the issue of deterrence.

As my colleague outlined, it was clearly Parliament's intent in 1993 when the Young Offenders Act was passed that the concept of general deterrence would apply in the sentencing of youths both as individuals and generally. Whether people agree or disagree, that was Parliament's intent in 1993. Following the trigger of a Supreme Court decision in relation to a particular case, the Attorney suggested amendments which move away from the original intent as expressed by Parliament. If the Attorney wishes to modify the intent of Parliament, that is his right and his prerogative, but he should do that only with the benefit of full debate and all members having access to the full evaluation of the operation of the Act. Again, that has not occurred—

The SPEAKER: I point out to the member for Elizabeth that she has spent most of her speech talking about a report. There is nothing in the Bill which deals with a report; therefore, I ask the honourable member to link her remarks to the matter before the Chair.

Ms STEVENS: I will point out the relevance of my point and why I have mentioned the report—

The SPEAKER: The House is dealing with Bill No. 155; therefore, the honourable member must link her remarks to the matter before the Chair.

Ms STEVENS: It is very easy for me to do that, Sir, because, as our lead speaker pointed out, one of the reasons we disagree with a part of the Attorney's position relates to this committee to which I refer and the fact that we will not entertain those amendments until this report is brought down. So, that is where my comments link together.

Mr Atkinson: It's set out in the Act.

Ms STEVENS: Quite true.

The SPEAKER: It is not in the Bill.

Ms STEVENS: In terms of what is before us and what the Attorney has proposed, our lead speaker has addressed the main issues that the Attorney raised. I support what our lead speaker said in that regard. However, we object to the Attorney's amendment to section 3. The Opposition believes that it was wrong to proceed in this way without the benefit of the full assessment of this Act. Our lead speaker will move amendments which will address that point, and I will speak to them. There are other provisions of the Bill with which we do not have a problem. When this Bill was debated in the other place the Opposition indicated its support for those provisions. Many issues were fairly technical in nature and, therefore, we do not have a particular problem with them. In fact, the issue of home detention was something that the Attorney has probably improved, because it allows us to explain clearly what will be involved.

Mrs ROSENBERG (Kaurna): I support the Bill and, to give credit where credit is due, I believe that the legislation introduced in 1993 for the juvenile justice system made extremely successful major changes to juvenile justice in South Australia. The legislation was finally cast in January 1994. The basis of the new legislation encompassed three points: police cautioning; family conferences; and court areas. We have heard from other members that the new system is now under review. I have talked to local police in the Christies Beach area who all believe (particularly those working in the juvenile area) that this legislation has helped overcome major problems with juvenile offending within that area. They speak very highly of it.

Once a year I hold a justice forum in my electorate. This year, we concentrated on youth issues, and a magistrate from the Youth Court at Christies Beach was one of the guest speakers. He spoke very highly of his method of sentencing youth. He felt that the changes to the legislation had helped, especially in terms of his being able to ask youth to go through family conferencing, which he felt was extremely important. Obviously, it not only reduces the number of youths who end up in the court process, which is important for easing the burden on the courts, but also eases the number of youths for whom the court is not the most appropriate place to end up with a first offence.

Continuing the involvement of families in the decision making process that is to be followed after a youth offends is important because it places the youth in a more supportive environment, and I think that that is important particularly for a first offence. We are more likely in those situations to find that youth take the opportunity to reconsider a first offence and, because of the family involvement on a more personal basis, make the right decision at that stage to become first offenders and not second offenders, which I think is important. Another positive thing is that this has allowed for a more immediate response and has taken away the long delays that were part of the process in the past. There is always a benefit for youth to be before the decision making process very quickly after an offence.

The Bill provides that, if a youth receives a fine and does not pay it, the court can order a detention where the default is established in the court. There is a general perception in the community that when a youth receives a fine they simply do not bother to pay it and then nothing is done. It needs to be pointed out that this is another reasonable way for a youth to work off the fine. For some youths, particularly those in my electorate, where the fine is very difficult for them to manage, it is important that there be other ways to work it off. It is reasonable to detain them if they have defaulted on either the payment of the fine or the consequential community service order: in other words, having had the opportunity to repay their debt to society they have decided not to do so. There is still an expectation in the community that eventually they will have to pay their debt to society, and under the default situation the eight hours equates to $50 compared with the eight hours to $100 without the default. I think that is reasonable.

This leads to ensuring a situation where there is an effort to give correction and allow for rehabilitation. I have always firmly supported, particularly as regards first offender situations, the idea that as many rehabilitation opportunities as possible be given, and I think that this Bill does that. The opportunity to take youth out of the cycle is extremely important. Community service orders have been and will

continue to be successful, making the offender aware of obligations to society.

The issue of the offence and what the offender receives as a penalty must be seen as a deterrent. We have heard a lot from the Opposition about the level of deterrents. I firmly believe that the community is asking the judges to impose sentences on offenders, whether youth or adult offenders, which reflect the seriousness of the crime and act as a deterrent across the board.

Young offenders need to face reality early on in the process and the earlier you can get them to face the offence with which they have been accused, the better. I speak very highly of the Straight Talk program, which I have seen at the Noarlunga Family and Community Services. The youth who have attended that have heard first-hand and get a very basic impression of what it is like to be in gaol. It is not as wonderful as they might think. Facing reality with a first offence is very important in making them choose an alternative.

Community service orders are a very good process. I speak very highly of the Noarlunga Correctional Services' involvement in that area. During a resent visit of the Minister for Correctional Services to the electorate of Kaurna we visited several CFS brigades, which raised the possibility of using community service order offenders, and I am pleased to say that both the Sellicks and Aldinga CFS brigades are now using these youths to do work around the stations.

Community service orders have been of benefit to the electorate and I instance the removal of rubbish which has improved Christies Creek. This occurred in conjunction with the Noarlunga City Council, which pays the Department of Correctional Services $160 per week day that is worked. All in all, both young offenders and the community gain by that, and the fact that it is done in conjunction with a city council is extremely important for ratepayers in the area. It is a cost-effective program and a valid alternative to imprisonment.

That process was commenced in South Australia in 1981. Offenders are able to work up to 320 hours over an 18 month period and thereby make a positive contribution back to the community, learn a lot about the work ethic and pick up skills they did not previously have. The 11 771 offenders who have worked on community service orders since their introduction have worked on 2 079 projects. This is no small effort. They have worked on things such as playgrounds, retirement villages, youth clubs, hospitals and shelters. The estimated value to the community of this work is about $4.8 million, so these offenders can say that they have contributed positively to the community. They also take part in many valuable services including TransAdelaide graffiti removal and repair of fences, which probably they were responsible for breaking in the first place; and they have undertaken brick paving around CFS stations and been involved in the SteamRanger railway line restoration. All those things build them up so that they feel as though they have a positive effect in the community.

An offender on a community service order must report to work, obey directions and comply with all the conditions of the bond. Under the user-pays principle, the Noarlunga Correctional Services has created a surplus of $7 081 (in unused budgetary allowance) through excellent management. I believe it was intended by Parliament that the deterrent be a general deterrent for all youth, and the sentence of the court must reflect that. It has been explained that this was not part of the original legislation and that it will be brought about by amendment, and we look forward to that during Committee.

There are several things under the legislation that are important, such as the Youth Court having the same power as the Magistrates Court. Youth can be imposed upon to work outside community service orders. One of those areas which I think is important is the work that they might do for a victim. That is extremely important, because the youth gets to talk on a one to one basis with the person who has suffered at their hands, and I think it makes them understand very quickly the seriousness of their actions, which they might have seen as having a good time without considering the effect. When they have to face the victim and talk about how the victim feels, those youths think twice about doing it again.

The home detention process for up six months is an important part of the legislation. It helps the youth to maintain other parts of their lifestyle and obviously it is revoked if detention orders are breached. Detention of youths within their home can help to maintain the family unit and any positive family influences that might be present. Obviously, it is not fair to say that all youths who offend come from poor homes: many youths come from very good homes. If we are in the process of detaining youths within a supportive home situation, that certainly cannot be negative: it has to be a positive contribution towards the youth's rehabilitation.

The member for Spence said that when we sentence to community service orders the work needs to be available. That was perhaps a bit of a throw-away line in the honourable members' contribution to the debate, but it is very important because, particularly as we are moving more to a user-pays process for community service orders, a lot of work is certainly available out there; it is just a matter of finding the community groups. Whatever the police or any responsible process can put into place to help community groups supervise in those processes, the better. In my electorate I have had the experience of a couple of community service people who could not be placed, and other people who were prepared to be supervisors, but for a whole range of reasons we were not able to put those two groups together at that time. I hope that that will be overcome in future.

Recently I spent a day with a juvenile judge in a court in Indiana who used home detention for a very large number of offenders. However, home detention was defined in that situation so that the youth had to be within the bounds of his bedroom, without any TV or radio. The only things the youth was allowed to have within that room were his school books, and the only time he was permitted out of the room was when he was being driven by his parent to school, when he was in a school classroom and then when he was being driven back to his bedroom. I wonder whether that is as strong as we need to be in imposing home detention. I would have thought that the home detention model was more about a welcoming, friendly, family reinforcement type of process rather than being a pseudo-prison. I got the feeling that that was probably not what we intend by home detention. I certainly hope that that is the case, and the Minister will surely reassure me about that at a later date. It is certainly a sensible alternative to imprisonment, and in terms of some of the restrictions we have mentioned that is fine, but in that case some of those detention orders were probably going a bit too far.

Another important aspect of the home detention system that needs to be mentioned is that it avoids the negative sides of prison. I am a firm believer that prison ought to be the last resort particularly for young people, because it is obvious that in many cases they will come into contact with people, become more hardened about criminal activities and probably

learn how to conduct crime more effectively rather than be rehabilitated. That has a lot to do with how we are concentrating on rehabilitation within the prisons system, which is an argument I have raised in other debates. This process reserves space in prisons for hardened cases who really need to be there.

There are a whole lot of measures in the Bill which indicate the need to consider the adequacy of the homes in which the youths are detained, and I will not go through all that. There are three levels of home detention, from electronic devices right through to a very lax process of accountability. Naturally, if breaches occur there is a resultant penalty.

In the Noarlunga area, the figures show that, in 1994-95, of the 341 prisoners who received home detention orders, only 21 per cent breached the conditions, so I think the process actually works. The average cost of people on home detention is $11 000, compared with $38 000 per year to maintain someone in imprisonment. Once again, South Australia was the first State to introduce home detention in 1986: we are obviously first in many areas. I place on record the best practice criteria that are achieved by the Noarlunga Community Corrections unit in my electorate. It has developed community service and home detention services which are consistent with the State's and Australia's best practice. I commend it on that, and I also commend the Bill to the House.

Mr ROSSI (Lee): I totally support the Attorney in introducing this Bill. I do not totally agree with it, because I would go a bit further with regard to home detention. As the member for Kaurna has mentioned, home detention should not allow TV or other types of home entertainment. That is not necessarily punishment, as far as I am concerned. I believe that this Bill increases penalties and provides for closer supervision of the offender. In general, I prefer this Bill to the one that was originally passed, according to the member for Spence, in 1993. I support the Bill.

Mr OSWALD (Morphett): I would like to make a small contribution this evening. I was a member of the select committee which toured Australia and which was responsible for bringing before Parliament—

Members interjecting:

The SPEAKER: Order!

Mr OSWALD: —the new system for juvenile justice in this State.

Members interjecting:

The SPEAKER: Order! The member for Spence is warned for answering the Chair back.

Mr Foley interjecting:

The SPEAKER: Order! That includes the member for Hart, who I would suggest has been particularly well behaved for the past half hour. I would like him to continue that.

Mr OSWALD: I ask members to cast their minds back to the situation before the select committee. We had a system that had all the appearances of being absolutely no deterrent in the community against young people offending. We had a community welfare system that was under intense criticism. We had juvenile offenders who believed there was no reason for them to behave themselves. We had what I believe was a panel system, where young offenders would be brought before a panel, a parent and a youth worker or social worker would be present, and the kids would still walk away from that panel and say, 'So what?' and continue to re-offend. In fact, as I recall, it became a status symbol for kids to go before that panel.

We held our hearings and travelled to New Zealand. The committee comprised two Liberal and two Labor members and one Independent member, so it was probably one of the most truly independent, bipartisan committees this Parliament has seen. It was a very productive committee, and I believe everyone really wanted to achieve something. One thing sticks in my mind from when we were taking evidence: one day the committee sat in the Juvenile Court and watched a juvenile offender come before that court. I hope the situation has changed, because one of the measures that I will support tonight is the amendment which is to be moved by the Minister and which provides that regard should be should be had to the deterrent effect of any proposed sanction on the youth.

When we went to the Children's Court, the only people present were the magistrate, who was sitting on the bench; the young offender, who was brought in; the social worker, who was there to look after the interests of the young offender; and a lawyer. The child before the court said nothing: from the minute the young offender went in to when they left, it was a discussion between the social worker and the lawyer. After the child went out of the court, they turned around and asked the lawyer, 'What happened? What went on in there?' There was no involvement of the young offender, there was no parent there to accept some sort of responsibility and there was no reason for that child to stop offending. They went out of the court and back into the system, and recidivism ground on. It is now history; we brought in police cautioning—

Mr ATKINSON: Mr Speaker, I draw your attention to the state of the House.

The SPEAKER: Order! The Chair does note that at least four members appear to have deliberately walked out.

A quorum having been formed:

Mr OSWALD: One of the great results which came out of the select committee was this whole system of family group conferencing. For the very first time young offenders had to confront their victim and at last we had a scenario where the young offender not only had to confront the victim but also had to have some responsibility and their parents were brought in. When the sentence was brought down it was a collective decision between the parents, the young offender, the social workers, and the police, who had an opportunity to veto it, and there was a consequence for an action. For the first time in South Australia we had a system where there was a consequence for the action of that child. We then created the Youth Court over and above the family group conferencing for the young offender who should go before the court.

The Bill, which should be supported very strongly, is to give those on the bench the opportunity to have regard to the fact that the penalty handed down shall have a deterrent effect. Whilst I recognise the police cautioning, family conferencing and Youth Court system is now starting to work, there is an element amongst young offenders that needs a deterrent. The bench, under certain circumstances, must be able to send a clear message to young offenders that, if they take a certain course of action, there is a penalty. I have no doubt that the bush telegraph amongst young offenders is very strong and that word will go around and, if a penalty is brought down as an intended deterrent, then that message will be circulated amongst young offenders. In the adult courts magistrates and judges have an opportunity to implement a deterrent in the form of the type of sentence handed down. It is imperative that the judge and only the judge must have this

power—and you have to be in the court situation—and he can decide to whom he will apply it.

The new system has now had a couple of years to settle down and is now starting to work and reduce the rate of recidivism within the young offending community. At last parents have become involved and accept some responsibility for the actions of their children, and at last the victim has some say in what happens to that child. But now we have to let the judges take that final step. In other words, we must give them an opportunity to hand down a penalty which has some deterrent effect. I support the Bill and I very strongly support the amendments being put forward by the Minister.

Ms GREIG (Reynell): I support the Bill and, whilst I acknowledge the work carried out by the review committee and the recommendations of Attorney-General in tightening the law in relation to young offenders, I also acknowledge that this process was instigated prior to the Liberal Government taking office. What we have done is to build on a framework which was taking shape and in which some flaws were beginning to show. The new young offenders legislation came into operation on 1 January 1994. Experience has shown that some amendments are needed to improve the operation of this legislation. For some time the community has been asking for the judiciary to be given powers of general deterrence when sentencing juveniles. Parents of some young offenders tell me that they find the present system treats the child's offence as a joke and how will their child learn from their wrongdoings?

Many members will recall reading of a case last year in which a 17 year old boy with a long history of crime was sentenced by the Youth Court to 18 months detention for a robbery in which he inflicted a knife wound on his 77 year old victim. The sentence was appealed by the Director of Public Prosecutions but the Full Bench of the Supreme Court dismissed it saying that general deterrence did not have to be taken into account. Why? Because general deterrence, deterring others from committing the same crime, is not currently taken into account whilst the young offender under 18 is sentenced in the Youth Court. In giving our judges discretionary power our courts will be in a better position to prevent particular offences becoming prevalent and, at the same time, provide opportunities for the wider community to see that justice is being carried out. In my own electorate I have a Tough Love Group. It is an eye opener sitting in on a Tough Love meeting witnessing how disempowered families are feeling. Not all parents present at these meetings are parents of young offenders, but a fair proportion is. These families are crying out for help. They feel the justice system is failing them and they want the courts to help them to get their kids back on track.

Not all young offenders come from broken homes and not all young offenders have had little education, but all young offenders need to know that what they have done is wrong and that the community will no longer tolerate this kind of behaviour. It is also important to acknowledge that strategies pertaining to young offenders have gone through many changes and traditionally South Australia has been at the forefront in its treatment of troubled youth. We were one of the first places in the world to have a juvenile court and the first place in Australia to adopt a welfare approach to young offenders. However, in the past some of our strategies have been perceived as too soft and victims would support this. This Bill builds on and tightens up what we have in place and lets young offenders know that they can no longer get away with what they have been doing, that more serious crimes will be punished as such and young people should learn from this. I support the Bill.

The Hon. S.J. BAKER (Minister for Police): I thank all members for their contributions. Certainly a consistent theme has been put forward and, except for some strange remarks by the member for Elizabeth, we all seem to be on track. The changes that were made as a result of the 1992 deliberations have been constructive and productive (the three tier system of assessment). It is only the more difficult cases which find their way through to the court but there are a whole range of sanctions on the way through. What I found strange about the contributions from the Opposition was that—

An honourable member interjecting:

The SPEAKER: That would be out of order.

The Hon. S.J. BAKER: I am talking about the Opposition in this place. The suggestions were made by the member for Spence and the member for Elizabeth that we should not make any changes until the review is finished in September.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: There was one particular change to which we can refer. Members have outlined the changes that have taken place previously. There are further changes in this Bill and generally everyone thinks they are pretty sensible. It is almost as though there is a unanimity of view on the treatment of juvenile offenders, which I find very productive and constructive given the debates which have taken place over a long period concerning whether to use a soft or a hard edge in the way in which you deal with juveniles. Now we are dealing with them on their merits and using a filtering system and I believe that is producing some significant changes.

The one problem I had was that there was some suggestion that, whilst Terry Groom and Martyn Evans had almost insisted that general deterrence be put into the law, and thought they had put it into the law, I now hear the member for Elizabeth saying, 'Hang on, we should not do that because we have to wait until September.' I really had some problems with the argument of the member for Elizabeth on this subject. I was not sure where she was on the argument. I suggest she return to the Bill.

Mr Atkinson: Paying homage to a predecessor.

The Hon. S.J. BAKER: Her predecessor was an outstanding practitioner, and certainly made a difference to the balance of this Parliament between 1989 and 1993 in terms of the changes that were possible before this Parliament which were enacted with bipartisan support. Just so the members for Elizabeth and Spence do not misconstrue what *Schulz v Sparks* actually did—

Mr Atkinson: Give us the facts.

The Hon. S.J. BAKER: The facts are that the judge had great problems in applying the deterrence rule. The youth in Schulz was 17 at the time of sentencing. The judgment does not reveal his age at the time the offence was committed. The offender pleaded guilty to a variety of offences against the background of a formidable antecedent record. The offence in relation to the appeal against the sentence was one of armed robbery. The detailed circumstances were not specified in the judgment of the Supreme Court other than to say it was a serious offence of its type involving the infliction of a knife wound on a 77 year old victim.

Mr ATKINSON: Mr Acting Speaker, I draw your attention to the state of the House.

While the bells were ringing:

Mr MEIER: On a point of order, Mr Acting Speaker, I believe there was a quorum present.

The ACTING SPEAKER (Mr Bass): There is a quorum present.

Mr MEIER: That would mean that a quorum cannot be called for another 30 minutes, is that correct?

The ACTING SPEAKER: You are not correct. A quorum is present. I call on the Minister.

The Hon. S.J. BAKER: I just remark on the childish behaviour of the Opposition. When a previous quorum was called, they actually marched some of their members out of the House so that a quorum could be called.

One of the issues that the members for Elizabeth and Spence seem to have trouble grappling with is the extent to which the courts can actually apply the general deterrence rule. The Supreme Court concluded in *Schulz v Sparks* that section 3(2) of the Young Offenders Act is exclusive in its operation as to the topic to which it relates. That is, that paragraph (b) of section 3(2) constitutes the full ambit of permissible consideration of the question of deterrence to the exclusion of section 10j of the Criminal Law Sentencing Act. It says that, if you have this juvenile who really has been acting as an adult and should be treated as an adult, you cannot apply the general deterrence rule.

What the Government seeks to do is to implement the desire of Martyn Evans, Terry Groom and every member of this Parliament, including the member for Morphett, as he has already indicated, and the members for Kaurna and Reynell. What clearer indication could you get? Without delaying this debate any further, I would suggest that the members for Elizabeth and Spence understand what they are here for, which is to implement good legislation, and that they concur with the Government's amendment.

Bill read a second time.

In Committee.

Clauses 1 to 29 passed.

Clause 30—'Objects and statutory policies.'

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

Page 7, lines 9 and 10—Leave out all words in these lines after 'is amended' and insert as follows:

—

(a) by striking out paragraph (b) of subsection (2);

(b) by inserting after subsection (2) the following subsection:

(2a) In imposing sanctions on a youth for illegal conduct—

(a) regard should be had to the deterrent effect any proposed sanction may have on the youth; and

(b) in the case of a youth dealt with by a court as an adult, or in any other case the court thinks appropriate (because of the nature of the circumstances of the offence), regard should also be had to the deterrent effect any proposed sanction may have on other youths.

This has been a matter of some debate. Perhaps the clause has been more accommodating than the original amendment to the Bill, which imposed more greatly on the courts in terms of the judgment to be made with respect to the deterrent effect. This is a comfortable amendment. It provides that, if you are treating a youth as an adult offender, you shall have regard to the deterrent effect.

There will be a number of other circumstances where you are not treating a youth as an adult offender. However, the court may feel it is important that a deterrent be built into the sentence, so there is a clear indication for that person's peers to have regard to the outcome of that case. That does not impose on the courts in the sense that they have to follow it. What it says is that the court shall have regard. I note that the member for Spence will have a halfway house situation. The Government is not pleased with that amendment because we believe it cuts across what was agreed to by the Parliament previously and what were the wishes of Messrs Groom and Evans at the time.

Mr OSWALD: I strongly support this amendment and refer members to the contribution I made during the second reading stage of the Bill. This is an opportunity to remind members that there are various ways in which this deterrence can in fact be implemented. I have proposed, as have other members over the years, a scheme which used to be known as the JOLT scheme. It was a scheme by which young offenders could be taken to gaol for a day—I think it was run at Pentridge as a trial. The young offender would be introduced to the prison system at first light and spend time in a cell. They would then be taken under the wing of warders, counselled, and have everything explained in very strong terms what it would be like to be an inmate of a place such as Pentridge.

The young offender would then be put into contact with hard core prisoners who would scare the life out of him. At the end of the day he would go home. When I was shadow Minister for Community Welfare, we could never sell that to the community welfare system. There seemed to be an absolute mental block against that type of deterrent. But I would ask members to perhaps think about it and put it up to the Government so that it is not something which can be dispensed with. I have noticed that some magistrates are now trying to get close to that by imposing short sentences on young offenders to give them an opportunity of seeing what it is like in gaol. However, I believe that the JOLT scheme would expose young offenders to the gaol system and give them, once again, some fear of the consequences of their actions if they continue to offend.

This amendment is all about saying to the magistrate that there are circumstances in which young offenders will come before the court, and a judge must be in a position to send out a clear message through the network of young offenders that, if a young offender or his ilk offend in a particular way, there will be a harsh penalty. Nothing will circulate the network quicker and be held up as a deterrent than a young offender receiving a severe penalty. I do not know why there is a feeling around the community that we must not have a deterrent for young offenders under 18. It is a nonsense. Some of the young offenders are as adult as a person in their mid 20s as far as their attitude to life is concerned. They have been around the streets for years, they have mixed with adults, they know the treatment and at the moment they are hiding behind the fact that they have not turned 18. It is an eminently sensible amendment and I congratulate the Attorney-General and the Minister for bringing it before the Chamber.

Mr ATKINSON: I move:

Leave out from paragraph (b) of subsection (2a):

', or in any other case the court thinks appropriate (because of the nature of circumstances of the offences), regard should' and insert 'regard may'.

I find the argument that members of the Juvenile Justice Select Committee were intending to introduce general deterrence for youths tried as youths a strong argument. Historically, that is probably right. But the Parliament itself was much more unclear on what it was doing regarding general deterrence. Indeed, I do not think there was much distinction in the mind of most MPs between individual deterrence and general deterrence.

In 1993 the Parliament was clear that it wanted to be harsher and tougher and it was carried to that conclusion by public opinion. It seems to me that the case for general deterrence in a sentence imposed on a youth being tried as an adult is unanswerable. I accept that part of the Government's argument. I do not think that we can go back to the situation before 1990. Members will recall that these changes concerning youths tried as adults were made in 1990, well before the Juvenile Justice Select Committee. I do not believe that we can reach back before then and get rid of general deterrence, nor would I want to.

In my second reading contribution I made the parliamentary Labor Party's position quite distinct from the position of the Youth Affairs Council and the Juvenile Justice Advisory Committee. The Labor Party's position is quite distinct from the Youth Affairs Council and quite distinct from the Australian Democrats. When the public looks at debates of this kind, they should be aware that the gap between the parliamentary Labor Party and the Liberal Party is quite small compared with the gap between us and the Australian Democrats. Every time the Australian Democrats look at a question of criminal justice, whether it is self-defence, sentencing or juvenile justice, always from the point of view of the criminal. That is their perspective, not the perspective of the ordinary citizen.

The Hon. Frank Blevins: Or the victim.

Mr ATKINSON: Or the victim. The differences between us in this place are quite small and we would not want to exaggerate them. Nevertheless, we do come to a point where we have a difference of opinion about the application of general deterrence. The parliamentary Labor Party is offering the Government bipartisan support on the question of general deterrence applying to the sentencing of a youth tried as an adult. We think the case for that is unanswerable. Given that a judge is not compelled to apply general deterrence when trying an adult, why should a judge be compelled to apply general deterrence when sentencing a youth tried as an adult? We say, 'Treat youths tried as adults in the same way as adults.' We think that there is some unnecessary emphasis in the Government's amendment and our amendment attempts to remove that unnecessary emphasis.

The second point on which we disagree—and again it is only a minor disagreement, because it may be overcome by the report of the Juvenile Justice Advisory Committee—is that we think that to apply general deterrence to youths tried as youths is something that would have to be justified by the outcome of the Juvenile Justice Advisory Committee report. We would like to see some compelling reason for doing that. If it is a very serious criminal case, the youth will be tried as an adult. It may be that the Juvenile Justice Advisory Committee says nothing about the application of general deterrence to a youth tried as a youth. In that case, the parliamentary Labor Party must go with the unaltered intent of the juvenile justice package.

We would prefer the Government to wait only a matter of weeks until the report comes out. The most desirable outcome would be for the Government and the Opposition to patch up their very small differences; the parliamentary Labor Party would be willing to accommodate the Government's view if events justify the Government's view—and we will know that shortly. It is better for the Government and the Opposition to be bipartisan on this matter than to fall into the mistake of allowing the Australian Democrats to influence our criminal justice policy because, in my view, that would be a very bad thing.

I hearken back to 1991, because I regard the beginning of the juvenile justice reforms to be that lunch that you, Mr Acting Chairman, had with parliamentary Labor Party backbenchers in the Speaker's Dining Room when you were Secretary of the Police Association, together with Peter Alexander, the President of the organisation, where you told us where you thought the juvenile justice system was going wrong. We took your concerns and those of the public into the parliamentary Labor Party. We rolled the then Premier, a select committee was established and the outcome very generally was good. It would be unfortunate if that bipartisanship was lost at this time.

The Hon. S.J. BAKER: We reject the amendment. The honourable member should look at the wording of our proposal, and then he can understand more clearly what we are trying to achieve. It reads:

> in the case of a youth dealt with by a court as an adult—

there is no conceivable difference there—

> or in any other case the court thinks appropriate (because of the nature or circumstances of the offence).

We are talking about quite distinct and different circumstances. That is different from the way in which the Bill entered the Parliament in the Upper House. We are saying that, under some particular circumstances, when the offender cannot be treated as an adult but when the young tearaway has had a lend of the system for long enough, the court should have a look at the issue of deterrence.

We are not saying that it is for every case: quite the opposite. We are saying that, if there are particular circumstances and the court feels so compelled by those circumstances that it believes that this capacity will give it greater drive in administering justice, it should be able to use it. There is a big difference between the amendments that are before the Committee today after the contributions and debate in the other place and the contributions—

Mr Atkinson: What do you say to Kym Davey?

The Hon. S.J. BAKER: Kym Davey has his own point of view. It is not one of my portfolio areas but, on occasions, I have some disagreements with statements made by Mr Kym Davey. I do not think that that should be a problem for anyone to understand. We have tried to accommodate the concerns that were expressed in another place. We have rejigged the amendment to take account of the fact that there will be occasions when the court needs to act and, under the existing provisions, it does not have that capacity.

The Committee divided on the amendment to the amendment:

AYES (10)

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

NOES (26)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J. (teller)
Becker, H.	Brindal, M. K.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.

NOES (cont.)

Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Wade, D. E.

Majority of 16 for the Noes.

Amendment to the amendment thus negatived.

Amendment carried; clause as amended passed.

Remaining clauses (31 to 69) and title passed.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION (LEVY) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 10 (clause 1)—Leave out 'Levy' and insert 'Miscellaneous'.

No. 2. Page 1—After line 15 insert new clauses as follow:

'Amendment of s.4—Interpretation

2A. Section 4 of the principal Act is amended by inserting after the definition of 'court' the following definitions:

'CPI' means the Consumer Price Index (all groups index for Adelaide) published by the Commonwealth Statistician under the *Census and Statistics Act 1905* of the Commonwealth;

'CPI adjusted' in relation to a specified sum, means that the specified sum is, in each calendar year subsequent to 1996, to be increased by the same percentage as the percentage increase in the CPI from the CPI in the September quarter of the year 1996 to the CPI in the September quarter of the relevant year;.

Amendment of s.7—Application for compensation

2B. Section 7 of the principal Act is amended—

(a) by striking out from subsection (7)(c) 'in the case of a spouse or a putative spouse or $3 000' and substituting ', CPI adjusted, in the case of a spouse or a putative spouse or $3 000, CPI adjusted,';

(b) by striking out from subsection (8)(a)(ii)(B) 'the number so assigned by $1 000' and substituting '$1 000 (CPI adjusted) by the number so assigned';

(c) by inserting in subsection (8)(b)(i) '(CPI adjusted)' after '$4 200';

(d) by inserting in subsection (8)(b)(ii) '(CPI adjusted)' after '$3 000';

(e) by striking out from subsection (10) '$1 000' and substituting '$500'.

Amendment of s.8—Proof and evidence

2C. Section 8 of the principal Act is amended by striking out from subsection (1a)(a) 'beyond reasonable doubt' and substituting 'on the balance of probabilities'.

No. 3. Page 1—After line 25 insert new clause as follows:

'Insertion of s.14c

3A. The following section is inserted in the principal Act after section 14b:

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14c. (1) The Attorney-General must, on or before 30 September in each year, present to the President of the Legislative Council and the Speaker of the House of Assembly a report on the operation and administration of this Act during the previous financial year.

(2) The President and the Speaker must cause copies of the report to be laid before their respective Houses as soon as practicable after it is received.'

Consideration in Committee.

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

That the amendments be disagreed to.

Quite simply, the Democrats and the ALP want to swindle the system. They want to create a far greater burden on the taxpayer than currently exists. They want unfunded escalating costs associated with victims of crime. We have to work within budgets on all fronts. We have one of the most generous schemes anywhere in Australia. Despite the level of premium, if you like, on the penalties that have to be paid to fund the victims of crime, there is a huge shortfall. About 80 per cent of the fund happens to come from consolidated revenue. That was not the original idea of the scheme: it was supposed to be a self-funding scheme. The Government rejects the amendments moved in the other place. If we progress along this line, we will probably finish up in a conference.

Mr ATKINSON: I am most disappointed that the Deputy Premier decided to use the verb 'to swindle' when referring to the parliamentary Labor Party on this matter. I will make my protest known by calling for a division if that intemperate language is to be used about my Party. The Australian Labor Party moved amendments to the Bill in accordance with a report of the Legislative Review Committee of the Parliament.

The ACTING CHAIRMAN (Mr Bass): Order! If the member for Norwood is to speak, will he please find his seat or leave. I cannot hear the member for Spence.

Mr ATKINSON: Our amendments were not just plucked from thin air: they were the result of a careful reading of the Legislative Review Committee report.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier interjects that it is not true. The process was as follows: I obtained a copy of the Legislative Review Committee report; I read it; I underlined and annotated it; I distilled from that report the four legislative recommendations; and I instructed Parliamentary Counsel to prepare amendments on that basis. What the Committee would not know from the Deputy Premier's truculent remarks is that the Legislative Review Committee has a majority of Government members on it. It is chaired by a member of the Government, the Hon. Robert Lawson QC. So, if this proposal is to be the proposal that breaks the bank, it is a proposal that was endorsed unanimously by the Liberal members of that committee. There were no dissenting reports. As I understand it, the Hon. Robert Lawson is a dry. He is fiscally responsible; he is a sound money man.

If the Deputy Premier claims that our proposals will blow the budget, they will be blown by that sound money man, that Liberal, the Hon. Robert Lawson, because it is his proposals for greater justice in criminal injuries compensation that the parliamentary Labor Party has adopted. They are very careful recommendations; they are considered recommendations; they were made in February 1995.

We are a long way on from February 1995, and the Government has not acted on those unanimous recommendations. We believed that the Bill to increase the levy was an opportune moment to introduce word for word the amendments that the Legislative Review Committee proposed. The Parliamentary Labor Party has done no more and no less than that. There is no reason for the Committee to insist on its amendments. The Labor Party will go all along the line with the Legislative Review Committee report—a report, as I say, handed down by a majority of Liberal members of the Parliament.

The Hon. S.J. BAKER: The honourable member has not informed the Committee of the facts. In relation to the $1 000 figure, that was certainly one of the recommendations.

Mr Atkinson: Yes, it was one of the four.

The Hon. S.J. BAKER: However, there was no suggestion in those recommendations that there would be a CPI linkage. It is my clear understanding that in his enthusiasm the member for Spence has provided an escalator in the system. As I said, as a responsible Government we have to review all our budgetary impacts.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The member for Spence can argue his case in a conference, because I am sure that is where this will end. As I said, if the member for Spence had stuck to the script, there might have been some accommodation.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The member for Spence cannot say he implemented the recommendations of the Legislative Review Committee when he put in an escalator that was never contemplated. This is a matter that will be discussed between the two Houses and sorted out.

The Committee divided on the motion:

AYES (26)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brindal, M. K.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
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.	Wade, D. E.

NOES (9)

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

Majority of 17 for the Ayes.

Motion thus carried.

NATURAL GAS (INTERIM SUPPLY) (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

WESTPAC/CHALLENGE BILL

Returned from the Legislative Council without amendment.

STATE EMERGENCY SERVICE (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

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

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

Motion carried.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 1929.)

Mr ATKINSON (Spence): This is an omnibus Bill amending 14 Acts of Parliament. It has prompted an unexpected but lively debate in the parliamentary Labor Party, and I shall draw the attention of the House to those clauses that have caused a debate within our Party and relate to the House why those clauses are controversial. I am sure that members opposite will find my narrative riveting.

The changes to the Bail Act make sure that a person is eligible for bail unless their arrest warrant—and for the benefit of the member for Unley, that is the arrest warrant applying to them and taking them into custody—is endorsed to the contrary. What the Government does not want is people being arrested by a warrant and then, owing to inadvertence by the person who drew the warrant, being ineligible to be bailed.

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley must know that of course we can have 'owing to inadvertence' if we want to.

The DEPUTY SPEAKER: Certain members are conducting debate quite improperly by interjecting out of their seats.

Mr ATKINSON: The Chair is quite right, and I am not among those certain members. It could be argued that the Bills of Sale Act 1886 could apply to a consumer mortgage in such a way that a consumer mortgage would have to be registered under the Bills of Sale Act and, if it were not registered, it would be void.

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley carries on as if I am some kind of pettifogging lawyer who is introducing all these pettifogging amendments to existing legislation. What the member for Unley has to know is that I am responding on behalf of the Opposition to amendments moved by his own Government. I presume that the member for Unley would appreciate Opposition scrutiny of Government legislation. I am sure he does not want to guillotine through the Statutes Amendment (Attorney-General's Portfolio) Bill.

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! Thank you, the member for Unley.

Mr ATKINSON: So, I shall continue to do my parliamentary duty on behalf of the parliamentary Labor Party. We come to the Classification (Publications, Films and Computers Games) Act—another Act amended by this Bill. This Bill restores a provision which was inadvertently repealed by a recent Classification of Publications Act and which enabled the Minister or the Classification Council to classify a magazine or regular publication on the basis of one issue. On the surface, that seems a reasonable thing to do. After all, one can look at one copy of the *Sunday Mail* and, if the *Sunday Mail* is not obscene, one can assume that following copies of the *Sunday Mail* for the remainder of the year will not be obscene. However, I bring to the attention of the House a recent case of an American basketball magazine for teenage boys which quite unexpectedly was found to contain pages and pages of erotic material.

Mr Leggett interjecting:

Mr ATKINSON: The member for Hanson recalls the incident, so I must not be imagining it. I would ask the Deputy Premier to respond to that problem, because that basketball magazine might have been classified for publication on the basis of one of the early editions, and there was no way of anticipating that future editions would be filled with erotic material.

The Criminal Law Consolidation Act 1935 is also amended. This amendment is to pull back an earlier amendment which the Government regards as being too generous to appellants. The definition of a question of law was broadened in such a way as to put beyond doubt that some matters could form a case stated to the Court of Criminal Appeal, to overcome any obstacle to appeal on a point of law. But, alas, that provision has been abused and this provision has been enabling defendants to appeal quite trivial rulings of a trial judge in a criminal case, such as the granting of adjournments.

So, the Government has made these trivial appeals subject to the granting of leave by the Court of Criminal Appeals—quite a sensible solution to the problem. As the other place debates the Development Act, so do we in this omnibus Bill, because there are amendments in the Bill to the Development Act and the Environment, Resources and Development Court Act which give that court power to award costs in a limited range of circumstances. Until now, the Environment, Resources and Development Court has had the authority only to award costs against frivolous and vexatious litigants, but now its authority to award costs is broader, although not as broad as the ordinary courts.

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! Thank you, the member for Unley.

Mr CLARKE: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr ATKINSON: How delighted I am to be able to continue and how fine it is to have such an audience of attentive Government members. I thank Government members for their presence during this very important debate. Another Act that is amended by this omnibus Bill is the Domestic Violence Act, and this led to some discussion in the parliamentary Labor Party. Some domestic violence orders may apply to, let us say, the husband or estranged husband of the family, keeping that person away from his estranged wife, but the difficulty is that there may also be a Family Court order which allows that very husband access to the children. So, that husband, who is ordered by a domestic violence order issued by a State court to keep clear of his wife, can, by an order of a Federal court—the Family Court—find it necessary in order to comply—

Mr CLARKE: Mr Deputy Speaker, I draw your attention to the state of the House.

The DEPUTY SPEAKER: The honourable member has another minute and a half before five minutes has elapsed. The Chair noted that it was 9.55 p.m. at the last call.

Mr ATKINSON: I thank the member for Ross Smith for his diligent attempt to obtain a decent audience for my remarks. We have the paradoxical situation where a husband approaches his wife from whose presence he is banned under an order of a State court and does so under the authority of a Family Court order issued by a Federal court. So, what this provision does, quite sensibly—and I congratulate the Government upon it—is to allow a magistrate who is issuing a domestic violence order to override a Family Court order to the extent of the inconsistency, and indeed it is incumbent on all parties to the domestic-violence-order hearing to disclose to the magistrate any relevant orders, including Family Court orders.

Another provision I am very pleased to see is the amendment to the Enforcement of Judgments Act. Under the existing law relating to an order for the enforcement of a judgment debt for payment by instalments an order for imprisonment cannot be made unless at least two instalments are in arrears. So, conceivably someone who is paying a debt by instalments could pay all instalments except the final one, then not pay and not be subject to the provisions for the enforcement of judgments.

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley seems quite depressed about the ability of the State of South Australia to enforce the law regarding debts, but I am pleased to say that one of my constituents, Mr Jack Eskenazi of Findon, who has made representations to me about this very point will, unlike the member for Unley, be delighted to see that the Government is responding to his member's request and inaugurating this provision. Mr Eskenazi is the proprietor of Gemini Management Services at Manton Street, Hindmarsh. He has responsibility for administering strata plans and tenancies on behalf of his landlord clients. He is often frustrated by the enforcement of judgment provisions. Under those provisions it is common for a strata owner, who is in default of his or her obligations to the strata corporation and who owns a strata unit, which is more heavily mortgaged than the current market value of that unit, simply to default on his or her obligations.

There is no point selling up the strata unit because it will not necessarily recover the debt since the first call will be to the mortgagor. Mr Eskenazi is also unhappy that, when a judgment debtor is brought before the courts on an arrest warrant, he does not have an opportunity to cross-examine that judgment debtor as to his or her true assets and true means. He feels that the magistrates who conduct these examinations are unduly soft in their questioning of these judgment debtors. I am sure he will be pleased that the Government has gone some small way to meet his objections. There is much further to go. I am glad the member for Fisher is showing such interest in this. He could be quite enlightened were he to stay and form part of the quorum. Another amendment—

Mrs Kotz interjecting:

Mr ATKINSON: The member for Newland says, 'Childish games,' but these provisions are important to many people and they deserve proper parliamentary scrutiny. I refer now to the way in which the Bill affects the Law of Property Act 1936. This provision hidden away in an omnibus Bill certainly drew the doctrinaire socialists of the Australian Labor Party into vigorous debate. I will now explain why this became something of an ideological struggle within the Party. The Law of Property Act authorises the creation of easements. Now, as some members know, easements are a right of way over—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier simpers because he has probably heard my easement lecture before, but I will give it to him again.

Mr BRINDAL: Mr Deputy Speaker, I rise on a point of order. Repetition is out of order.

The DEPUTY SPEAKER: Yes, I was going to call the attention of the member for Unley to his repetitious interjections. The member for Unley has no point or order.

Mr ATKINSON: It sometimes happens that one block of land adjacent to another block of land has rights over that other block of land such as a right of way or the right to run a pipe or conduit over the land.

Mr Brindal: Can you think of an example—Manton Street, Hindmarsh?

Mr ATKINSON: I might be able to think of one for the member for Unley if I cogitate about it. The land which has the rights over the adjacent piece of land is called the 'dominant tenement' and the land over which the easement runs is known as the 'servient tenement'. I am sure those characterisations of land will appeal to the member for Unley. When society developed to the point where we had utilities such as electricity, gas and water it was somewhat difficult for the utility always to have a dominant tenement.

Mr Brindal: Why?

Mr ATKINSON: Because they did not own lots of land. The only land they owned was the land necessary to generate their electricity, their water or their gas and to administer the business. For the benefit of the member for Ridley, if he lives in a small town in his electorate, he could not expect that the Electricity Trust of South Australia, the Gas Company or SA Water would own real estate in his vicinity so that they could run their pipes into his property from a dominant tenement. So, the way this could be overcome is by a passage of legislation which deemed those utilities to have a right to an easement without a dominant tenement—a very sensible solution. It so happened that our legislation was expressed to grant those rights to public utilities because it so happened that all our relevant utilities were publicly owned. I read a very interesting article in the IPA review which argued that in Australia we had a long history of privately owned utilities before they became public—

Mr Evans: That is correct.

Mr ATKINSON: The member for Davenport also read that article. We inherited from the Playford Government legislation, the Law of Property Act, which only contemplated public utilities. What an oversight of Sir Thomas's Government, but I guess that is the kind of guy he was. He believed that all utilities ought to be public, bless him. So it became necessary to—

An honourable member: He looks like a teapot.

Mr ATKINSON: I would like to thank those members opposite who are acting as my strainer at this time.

Mr Cummins interjecting:

Mr ATKINSON: If the Leader of the Opposition had not been so harshly treated, I would have had no need to be so didactic about this legislation. It is now necessary for this Government to amend this provision so that the right of utilities to have access to easements without a dominant tenement may be extended to private utilities—and why is that? The parliamentary Labor Party twigged to it straight away, even though it was hidden in the Statutes Amendment (Attorney-General's Portfolio) Bill.

Mr Brindal interjecting:

Mr ATKINSON: For the benefit of the member for Unley, I have 50 minutes to get on the Bob Francis program. I will make it, and I will get an attentive and intelligent audience out of it.

Mr Becker interjecting:

Mr ATKINSON: The member for Peake asks how many people listen to the Bob Francis radio 5AA nightline program, and I can tell him that it is 29 000, which is more than the number of people who are eligible to vote in his State district.

Mr Condous interjecting:

The DEPUTY SPEAKER: Order! The member for Colton is interjecting away from his place.

Mr ATKINSON: For the benefit of the member for Colton, Mr Robert Neville Francis likes drunk callers better than any other. The Government has had to amend the Law of Property Act to allow private utilities to have the same rights as public utilities. If it had been true to its socialist heritage, the Australian Labor Party would have opposed this provision outright. We would have resisted it in the Upper House. We would have fought it on the beaches! We would have fought it in the hills! We would never have surrendered!

Members interjecting:

Mr ATKINSON: The member for Unley may be interested to know that, at the Young Labor quiz night which I conducted on Friday, one of the questions was, 'In what month of what year was that speech delivered?', and I bet he does not have the answer.

Mr Evans interjecting:

Mr ATKINSON: The member for Davenport says, 'June 1942'. Well, he is wrong. It was, of course, June 1940 on the eve of the Battle of Britain, and you, Mr Deputy Speaker, would know that. Because we are willing to accommodate the Government's mandate, we have given in on this clause. I come now to the amendments to the Oaths Act 1936. I find these amendments so prolix that even I cannot explain them to the House. What I can say is that the Chief Justice has this fetish for all judicial oaths to be taken on the bench on presentation of the judicial commission. Apparently, there are alternative ways of doing it, but the Chief Justice wants to eliminate them.

Mr Brindal interjecting:

Mr ATKINSON: As the member for Unley said, the Chief Justice appears to have only one way of doing it. There was some question as to whether retired judges, who return to the courts on a casual basis, had to take the oath anew. Well, this clause resolves the matter in the negative. They need take no fresh oath.

The Hon. S.J. Baker: Thank goodness for that!

Mr ATKINSON: Thank goodness for that, as the Deputy Premier says. Another clause amends the Prisoners (Interstate Transfer) Act 1982. There is a 'knock for knock' agreement between the States on prisoner transfer. I am pleased to say that the Australian Capital Territory has been admitted to that agreement. During the six years I lived in Canberra, there were no prisons in Canberra, and we relied on Goulburn gaol, north of Canberra. Obviously the Australian Capital Territory must now have its own prison of some considerable size, and they want to be involved in the Prisoners (Interstate Transfer) Act 1982.

Another amendment is to the Judicial Administration (Auxiliary Appointments and Powers) Act 1988. Under that Act, a person who holds the office of Registrar or Deputy Registrar at the courts is a commissioner for taking affidavits. From time to time the positions of Registrar and Deputy Registrar turn over so, rather than the Governor having to make new appointments as commissioners for taking affidavits, the Registrar and Deputy Registrar will hold those appointments ex-officio. Another change that led to quite some debate within the parliamentary Labor Party was to the Secondhand Vehicle Dealers Act. It happens from time to time that a secondhand motor vehicle dealer is disqualified from that vocation for misconduct.

Mr Brindal interjecting:

Mr ATKINSON: I would like to ask the member for Unley: how is it a misuse of the term 'vocation'?

Mr MEIER: On a point of order, Mr Deputy Speaker, surely asking questions of members via the Chair is totally out of order.

The DEPUTY SPEAKER: The point of order is frivolous, as are many of the interjections. They are extending the debate by some considerable time.

Mr Condous interjecting:

Mr ATKINSON: For the information of the member for Colton, this has a great deal of substance. It affects many people. It may not be as politically sexy as the member for Colton would like, but it does affect many people and I propose to give it proper scrutiny. I am sorry that the member for Colton is envious. In his two years in this House, he has been unable to give a sustained critique of any matter before the House, as the *Hansard* record would show.

The Secondhand Vehicle Dealers Act provides for the suspension of people who are guilty of misconduct under the Act. Some of those suspended dealers try to get back into the trade by having their relatives or friends set up a secondhand motor vehicle dealership, and then that suspended person becomes an employee of that sham secondhand motor vehicle dealership.

Mr Cummins: An employee or otherwise engaged.

Mr ATKINSON: An employee or otherwise engaged, as the member for Norwood corrects me.

Members interjecting:

The DEPUTY SPEAKER: The member for Spence has the floor. It is not a four way debate.

Mr ATKINSON: This provision prohibiting that ploy was useful, but unfortunately it seems to have been inadvertently lost in the amendments to the Secondhand Vehicle Dealers Act 1995. So we are restoring that provision to the Act, although some people in the parliamentary Labor Party felt that a prohibition on being an employee of a dealership for a person who had been suspended as a dealer was unduly harsh and prevented that person from earning a living in any way, however humble.

The member for Unley will be interested to know that the Sheriff's Act 1978 is being amended to prevent persons impersonating the Sheriff. The Environment, Resources and Development Court was not able hitherto to avail itself of the services of the Sheriff. Process servers operating under the jurisdiction of that court were impersonating the Sheriff. Perhaps they acquired a badge from somewhere, I do not know, but this was happening. In order to remedy that mischief the legislation enables the Sheriff, for a fee, to act on behalf of the Environment, Resources and Development Court. We hope that in future there will be a lot less impersonating of the Sheriff. We can overlook the changes to the Summary Procedure Act 1921. However, the final clause in the Bill—and I am sure members are pleased that we have now arrived at it before we proceed to the Committee stage—

Mr Brindal interjecting:

Mr ATKINSON:—is an amendment to the Supreme Court Act 1935. It was common for the Governor to issue a commission directing a Supreme Court judge—

Mr Brindal interjecting:

Mr ATKINSON: My hair is done by my sister-in-law, Kathy Putland, of 5 Killicoat Street, North Unley—a constituent of the member for Unley.

Mr Cummins interjecting:

Mr ATKINSON: My sister-in-law Kathy is a qualified hairdresser who runs a business from the back of her premises at 5 Killicoat Street, North Unley. I would give the telephone number—

The SPEAKER: I hope that the honourable member is not contravening Standing Orders.

Mr ATKINSON:—but it does not immediately spring to mind. It begins 272, and I think it ends 1509, but I am sure that if the member for Unley moseys along to 5 Killicoat Street he could get a splendid haircut from my sister-in-law. I tell you this: Kathy can cut it, believe me. I am sorry for digressing, Sir, but I was tempted by—

Mr Brindal interjecting:

The SPEAKER: Order! The member for Spence should not respond to the member for Unley, who is out of order.

Mr ATKINSON: The Governor issued a commission directing a judge to hold circuit sessions of the Supreme Court at a time and place named in the commission. That is why the Supreme Court would sometimes travel to your neck of the woods, Sir, to your bailiwick; it was ordered to do so by the Governor. Mr Speaker, I am sure that you were as disappointed as the member for Giles when this Government tore away from country people their right to a resident magistrate: a big kick in the guts for rural people delivered by the Brown Liberal Government. Within months of its being elected to office—

Mr Clarke interjecting:

The SPEAKER: Order! I suggest to the Deputy Leader that he has gone far enough down that track.

Mr ATKINSON: In order to stop bothering the Governor with commissions for these circuit courts, there will be a new section 46B whereby the necessary administrative arrangements for the sitting of the court outside Adelaide can be made by the Courts Administration Authority, but the Governor, by proclamation, can require the sittings of the court to be held with specified frequency in specified parts of the State. I would say that that is a boon to country South Australia; it is a progressive reform and we in the Australian Labor Party are pleased to welcome it and support it. I may have a little more to say on that clause in Committee.

The Hon. S.J. BAKER (Deputy Premier): I must admit that I am glad we got to the end of that diatribe.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: We heard from the member for Spence that the Labor Caucus has been entertained. He told us that it had intense discussion on the Bill. He obviously got his jollies on the erotic provision.

Mr Atkinson: Don't we all?

The Hon. S.J. BAKER: He is definitely a human being. We found out tonight that he got turned on by the fact that the basketball publication contained unusual pictures. I was trying to catch up with what he was saying, but the answer to the member's question is that the series gets a guernsey in terms of the classification. If it is brought to the attention of those responsible that any one of those publications does not fit within the general classification, the whole series can be reclassified. I hope that answers the member for Spence's question.

In terms of the law of property, I can understand that he would want the sewage to keep flowing, otherwise he would be in big strife. I can understand that sanity prevailed and that his socialist instincts did not push his colleagues into an unconscionable position whereby we would have to run our sewerage pipes down the middle of the road. In terms of the Oaths Act, I understand why he does not know what he is swearing about. I note that during his last contribution he was stuck in the Supreme Court somewhere. I note the contribution of the member for Spence.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—'Insertion of s.19A.'

Mr ATKINSON: Will the Deputy Premier explain to the Committee how the classification of publications change will cope with a magazine for children which unexpectedly contains an erotic centrefold or insert?

The Hon. S.J. BAKER: I explained this earlier. We had to listen for half an hour or so to the rubbish from the member for Spence and I explained—

Mr Clarke: We have to put up with you every day.

The Hon. S.J. BAKER: That is one of the rare privileges that you enjoy. In the answer I provided previously I said that, if there is a general classification on a publication or a series, that remains in place. However, if there is a complaint, the board will have the opportunity to look at it on its merits. End of section.

Clause passed.

Clause 8—'Interpretation.'

Mr ATKINSON: Can the Deputy Premier explain to the Committee which matters have been interpreted as questions of law sustaining an appeal without the need for leave to the Court of Criminal Appeal which the Government now believes should not be grounds for appeal without leave?

The Hon. S.J. BAKER: The discretion to grant an adjournment. I thought everybody knew that.

Mr ATKINSON: We can treat this like pulling teeth but were there any grounds other than the granting of an adjournment, which is a fairly obvious example and which I mentioned myself in my second reading contribution? I assumed that, since the Government had gone to the trouble of amending this provision, there would be other grounds of appeal without leave which the Government thinks are too trivial to be grounds for appeal without leave.

The Hon. S.J. BAKER: The example that we gave is very obvious as to why the law should change as a result. If the Attorney-General has anything further in mind, I will inform the member for Spence.

The CHAIRMAN: The member for Spence. This is the honourable member's second question.

Mr ATKINSON: It is regrettable that—

Mr Brindal: This is your third question.

Mr ATKINSON: The member for Unley can keep count. He can be the Dickie Bird and count the balls per over.

The CHAIRMAN: I am not sure that is quite the expression.

Mr ATKINSON: I was referring to the famous Yorkshire Test umpire who recently retired. This is just another example of the Deputy Premier coming here with an omnibus or legal Bill that he does not really understand. He is not prepared for parliamentary scrutiny so, when I ask a relatively simple question about what this clause means, I do not get an answer, because no-one expected that anyone would ask anything about this Bill. After all, in the view of Government backbenchers, it is all too boring. I should like to have noted my disappointment at the ill-preparedness of the Deputy Premier.

The Hon. S.J. BAKER: I will give the honourable member a very full answer on this because he would like to be informed. Even though he is wasting the time of the Committee, we will go through the processes. The recent amendments to the case stated:

> The appeal provisions of the Criminal Law Consolidation Act defined in section 348 a question of law as including a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised. This definition was inserted to make it clear that the question about the exercise of a judge's discretion raised a question of law and therefore a case can be stated in the Court of Criminal Appeal about the correctness of the exercise of that discretion.

I hope that the member for Spence is up with me at this stage. It continues:

> The placing of the definition in section 348 has made it of general application and allows an appeal as of right in a wide variety of circumstance where leave was formally required—

and although leave was formally required, now it is of right; can the honourable member understand that?—

> such as the refusal to exercise the discretion to exclude confessions, the discretionary admission or rejection of many other categories of evidence and even the exercise of the discretion such as the granting of adjournments and views [which we mentioned]. The operation of the definition needs to be confined to section 351 which deals with the case stated.

Clause passed.

Clauses 9 to 12 passed.

Clause 13—'Enforcement notices.'

Mr ATKINSON: Will the Deputy Premier explain to the Committee how the enhanced ability of the Environment, Resources and Development Court to award costs nevertheless continues to fall short of the ability of other courts to award costs? What are the differences between the awarding of costs in the ordinary courts and the awarding of costs, albeit enhanced by this provision, of the Environment, Resources and Development Court?

The Hon. S.J. BAKER: I find this question very unusual. We have been in a conference on the issue of the taking away of tribunals, indeed placing them before the District Court. One of the issues that occupied some considerable time is whether at least two of those under the last Bill that we dealt with were to go to the ERD Court. The reason that we are dealing with these tribunals and the extent to which those—

Mr Atkinson: We are dealing with costs here.

The Hon. S.J. BAKER: Just hold on a second. The member for Spence is showing his gross ignorance. The ERD Court—

Mr Clarke: Oh, Minister!

The Hon. S.J. BAKER: Well, he is. He may be trying to test the patience of the Deputy Premier, but the ERD Court is not one that applies costs in the normal way, as the member for Spence knows. That is one of the things that we have been discussing. It is more or less a people's court, to which people have access and where justice is not confined to the letter of the law. In the ERD Court situation, we do not try to recoup the costs of the court sittings in the ERD Court. The provision 'costs as it thinks fit' allows the court some discretion, of which the member for Spence is well aware.

Mr ATKINSON: I found that a most unhelpful answer. It told the Committee nothing relevant to the question.

An honourable member: It sounds like a Labor Party policy speech.

Mr ATKINSON: They say that the policy of the Australian Labor Party is rather like a New England farmhouse: much has been added, nothing has been subtracted and fundamental reconstruction has been avoided.

Mr Brindal: That would be worth publishing.

Mr ATKINSON: I regret to tell the member for Unley that it has already been published by Louise Overacker in her 1952 book, *Australian Political Parties*.

Mrs Rosenberg interjecting:

Mr ATKINSON: I had to say that, because the member for Elder might stumble across that quote, show it to his researchers and catch me out as he promised to do. The Deputy Premier did not enlighten us one little bit. He told us

that the Environment, Resources and Development Court was a court that was loath to award costs. Indeed, as things currently stand, it has the authority to award costs only in frivolous and vexatious actions. What I am driving at is how does this clause enhance the ability to award costs? After the Deputy Premier has outlined that to us, will he say how the Environment, Resources and Development Court falls short of the authority of other courts to award costs?

The Hon. S.J. BAKER: The member for Spence knows very well that it is not given the power to award costs.

Clause passed.

Clauses 14 to 16 passed.

Clause 17—'Complaints.'

Mr ATKINSON: Will the Deputy Premier explain the consequences of a complainant failing to inform a magistrate from whom she is seeking a domestic violence order of the existence of a relevant Family Court order? What would be the practical consequences of failure to disclose?

The Hon. S.J. BAKER: As the member for Spence well knows, there is no penalty on the end of this. It is just a general direction to the participant to do the right thing. If the participant does not do the right thing, it gets a bit messy. It is simply a tidying up of the law and the provision of some general direction, which is helpful. Sometimes I think the member for Spence could do with some general direction.

Clause passed.

Clause 18—'Variation or revocation of domestic violence restraining order.'

Mr ATKINSON: How is the Family Court, the Federal jurisdiction, likely to take the abridgment of its orders by a State magistrate, considering that under section 109 of the Constitution it is usual for Commonwealth legislation to prevail over State legislation? How does this provision, which allows a State judicial power to prevail over a Federal judicial power, avoid being caught by section 109 of the Constitution?

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley says that I am wrong; I may be wrong.

The Hon. S.J. BAKER: The judges are outraged but the Commonwealth thinks it is a wonderful idea.

Mr ATKINSON: I should like to thank the Deputy Premier for the one succinct answer of the evening.

Clause passed.

Clause 19—'Order for payment of instalments, etc.'

Mr ATKINSON: I am most interested in this clause.

An honourable member interjecting:

Mr ATKINSON: Yes, I know I explained it well but now I want the Deputy Premier to explain it well as distinct from ye explaining it well.

Mr Brindal interjecting:

Mr ATKINSON: Yes, it was. Ye is the second person plural; it appears many times in the Book of Common Prayer.

Mr Brindal interjecting:

Mr ATKINSON: Yes, that is right; the member for Unley vindicates my point. If there are two outstanding instalments from a debtor under the Enforcement of Judgments Act and if it is difficult for the creditor to enforce those final two instalments owing to the state of the current law, is it made easier by this provision and, if so, how is it made easier?

The Hon. S.J. BAKER: I thought that the member for Spence, in parts of his contribution during the second reading debate, explained it very well. He explained this provision well, because under the existing provisions one can have outstanding instalments but not be subject to a warrant. As the member for Spence explained during his second reading contribution, this provision makes it certain. I thought the honourable member had done a good job, but he is now going over it.

Mr ATKINSON: I thank the Deputy Premier for adopting my answer. I hope I can help him out in future.

Clause passed.

Clause 20 passed.

Clause 21—'Jury districts.'

Mr ATKINSON: Unfortunately, in my conspectus of this legislation, I omitted clause 21 relating to the Juries Act. What will be the effect of this clause?

The Hon. S.J. BAKER: This is in reference to circuit courts, which the member for Spence alluded to with respect to the distribution of courts across the countryside.

Clause passed.

Clause 22—'Easements without dominant land to be validly created.'

Mr ATKINSON: As I said, the parliamentary Labor Party is most interested in this clause. Our suspicion is that this clause is a harbinger of privatisation of our utilities. Will the Deputy Premier confirm whether that is the case? Why do private utilities have to have this right which was hitherto confined to public utilities?

The Hon. S.J. BAKER: The member for Spence would recognise that we have had a semi-private semi-public utility in this State for many years—the Gas Company. It has always had this capacity. It was the one that asked for this right. I would have thought that, if it requires it to ensure that consumers and householders have gas to their front door, it is entitled to get it. If the member for Spence suggests otherwise, I hope he tells his constituents about it rather than what progressive legislation he would put forward.

Mr ATKINSON: As the Deputy Premier ought to know, the Gas Company is located in my electorate. Many of my constituents work for the Gas Company. It is not my purpose to deny to the Gas Company its legitimate right to easements. However, our suspicion is that this provision could be used to aid privatisation of ETSA. Will the Deputy Premier rule out its use in that connection?

The Hon. S.J. BAKER: The provision was inserted at the request of the Gas Company.

Mr ATKINSON: My point is that, yes, it was inserted for the Gas Company, but I do not think you will find that it is expressed in terms of the Gas Company. The clause provides:

> . . . an easement to be created or operate in favour of—
> (i) the Crown; or
> (ii) a public or local authority; or
> (iii) a body declared under this clause,.

Anyone could be declared under that clause. Gerard Industries could be declared under that clause; a privatised ETSA could be declared under that clause; Catch Tim or Moriki Products could be declared under that clause.

Mr Clarke: Depending on the size of the sling.

Mr ATKINSON: Yes. How can the Deputy Premier rule out the use of this clause to facilitate mass privatisation of our publicly owned utilities?

The Hon. S.J. BAKER: There are a number of private electricity companies in South Australia, such as the Cowell Electricity company, and they are required to have access. Is the member for Spence suggesting that they cannot have access? Is he suggesting that we should make the private electricity companies public electricity companies? What are we talking about? We are talking about the provision of facilities to the citizens of this State and the means of getting those facilities to the front door. If that means that we have

to have access, which we do, then that should be facilitated by the legislation that we have before us.

Clause passed.

Clause 23—'Oaths to be taken by judicial officers.'

Mr ATKINSON: I found this clause a little difficult to comprehend. Will the Deputy Premier elucidate this clause for the benefit of the Committee?

The Hon. S.J. BAKER: I will answer the member for Spence generally then we can go to the amendments I have on file because, hopefully, they will make it clearer. It really is a matter of the authority swearing in, whether that be the Chief Justice or a judge. I move:

Page 6, line 13—Leave out '(as the Governor may determine)' and substitute ', as the Governor may determine (however, in the absence of a determination by the Governor, the oaths must be taken before the most senior puisne judge of the Supreme Court that is available)'.

This amendment provides the capacity, in the absence of a direction of the Governor, for the Chief Justice to be sworn in by the senior puisne judge.

Mr ATKINSON: Does this make any difference to the location at which the swearings in occur? Is the change making those locations fewer, or is it making the number of locations greater?

The Hon. S.J. BAKER: Yes, it can make a difference. As the member for Spence well knows, currently a judge must be sworn in by Executive Council. This allows the Chief Justice or a judge to be sworn in on the bench and therefore it provides for the swearing in on the bench.

Amendment carried.

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

Page 6, lines 16 and 17—Leave out '(as the Governor may determine)' and substitute ', as the Governor may determine (however, in the absence of a determination by the Governor, the oaths must be taken before the Chief Justice)'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 24—'Commissioners for taking affidavits.'

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

Page 6, line 35—Insert ', the Youth Court' after 'Relations Court'.

This amendment makes sure that all the courts are included, and the Youth Court should be in there. It will be there when this amendment is passed.

Amendment carried; clause as amended passed.

Clauses 25 to 27 passed.

Clause 28—'Offences.'

Mr ATKINSON: Will the Deputy Premier share with the Committee any examples of persons impersonating the Sheriff?

The Hon. S.J. BAKER: I am told that it is rumour, allegation and a lot of hot air. This amendment is provided just in case.

Clause passed.

Clauses 29 to 34 passed.

Clause 35—'Substitution of ss. 45 and 46.'

Mr ATKINSON: Will the Deputy Premier explain what prompted this change, which in some respects seems to run counter to the Government's move in 1994 to abolish resident magistrates in country areas?

The Hon. S.J. BAKER: The Government did not abolish them; the courts made the decision.

Mr Clarke interjecting:

The Hon. S.J. BAKER: Just hold on a second. The Deputy Leader can go back to sleep: he can go back into hibernation. The facts are, as the member for Spence well knows, that the former Government said, 'We want a courts authority which is separate, impartial, runs its own budget, does its own thing and makes its own decisions.' One of the legacies of that is the fact that the Courts Administration Authority can make decisions and the Government cannot intercede. The authority said, 'We would like to change the way we have been operating', and the courts made that decision. The former Government gave it the right to make that decision and now it is saying, 'Let's cry foul', when it knew exactly what was at the end of it.

Mr Clarke: Trevor Griffin supported it.

The Hon. S.J. Baker: I can tell you that I didn't.

Mr CLARKE: Mr Chairman—

The Hon. S.J. Baker: You can't reflect on people in another place: sit down.

Mr CLARKE: I am not reflecting on people in another place; I simply want to correct the point that the Deputy Premier made when he innocently misled the Committee with respect to the withdrawal of resident magistrates from country regions—Mount Gambier, Port Augusta and the like. The current Attorney-General—his Attorney-General—supported the move by the Chief Magistrate to withdraw those services and gave evidence to that effect before the Legislative Review Committee. Far from trying to intercede on behalf of rural people in Mount Gambier, Port Augusta and the like to ensure that they maintain their services, this Government, through its Attorney-General, agreed with the reduction in services to these country areas.

The Hon. S.J. BAKER: If the Deputy Leader had been awake during the debate he would know that the member for Spence suggested that we closed down the courts. We did nothing of the sort.

Mr Clarke interjecting:

The Hon. S.J. BAKER: The Deputy Leader obviously does not want to take a holiday; I suggest he keep his interjections down to a minimum. I am trying to help. I do not want to lose any more members from that side of the House, I assure you. It was a clarification of the point made by the member for Spence.

Clause passed.

Clause 36 and title passed.

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

That this Bill be now read a third time.

Mr ATKINSON (Spence): I record how good it is to see an omnibus Bill scrutinised as it should be. I congratulate my colleagues in the House who have kept this important scrutiny going and I am sure the outcome will be better for the people of South Australia.

Bill read a third time and passed.

FAIR TRADING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 1930.)

Mr ATKINSON (Spence): As members may be aware, special provisions apply to door-to-door sales in South Australia and a key element in those provisions is a cooling off period. To try to get around the special provisions applying to door-to-door sales, some companies organise a competition, for which people fill in their name and address to enter. Although no doubt some are lucky enough to win a

prize, the great majority are deemed to have invited the company to come to their door by providing their name and address and, therefore, the door-to-door sales safeguards do not apply. So, one of the four purposes of the Bill before us is to close that loophole by deeming traders who come to a door using a name and address obtained from a competition to be door-to-door salesmen.

The Hon. R.B. Such interjecting:

Mr ATKINSON: The member for Fisher is provoking me at this late hour, Sir. He is making sly interjections to criticise those few of us who canvass door-to-door as members of Parliament. He is not one: I am, Sir. I want my sale to be successful on one day every four years; that will do me.

The second provision in the Bill deals with third party trading stamps. All of us are old and experienced enough to be familiar with that common advertising catchcry, urging you to send in your entries on the packet of the good. If you are from South Australia, you do not have to do that; you can draw a facsimile and fill in your name and address and you can enter the competition. I often wonder whether over the generations anyone from South Australia who had drawn a facsimile of the packet and had written his or her name and address on that facsimile ever won the prize. I somehow doubt it but, under South Australian law, people could not be prevented from entering a competition merely on the basis that they had not bought the product.

I take it that that was a Playford era innovation; it has the ring of Tom Playford's morality about it. I rather like it, and find it a charming provision. Be that as it may, technological change has overtaken this provision. We now have Fly-Buys, which are a kind of third party trading stamp by electronic methods and, because the methods are electronic, they are governed by the Commonwealth under its power over posts and telegraph. So, in South Australia, that Playfordian character, the Attorney-General, has succumbed to technological change and has introduced a scheme which will permit third-party trading-stamp-type offers in South Australia, subject to their receiving his approval. The Attorney-General will have the authority to prohibit schemes which he regards as undesirable. The third feature of the Bill before us, if I can read my writing—

Mr Leggett interjecting:

Mr ATKINSON: This is a marginal note. This third provision deals with the authority of the Commissioner of Consumer Affairs to require an assurance from a trader that a trader will not engage in certain conduct, having given that assurance to the commissioner. This clause extends that undoubted authority by making it a positive tool, whereby a commissioner can seek and obtain from a trader an assurance that he will engage in certain conduct, perhaps to compensate someone who has suffered at that trader's hands.

The fourth and final provision which is worthy of note is that, where the Commissioner for Consumer Affairs or the Minister for Consumer Affairs issue a public warning about a product or a service, no liability will attach to them if that warning was given in good faith to warn the public of trading activities that may have been dangerous or to the public's detriment. This is the usual immunity provision with which the Opposition does not quibble. The Opposition supports the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for his support. There is only one item which we would contest. The honourable member referred to the proof of purchase laws for competitions. These laws, which have now been repealed, have nothing to do with third party trading schemes—they were regulated under the Lottery and Gaming Act.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Substitution of Part IX.'

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

Page 3, after line 24—Insert the following new section:
Regulations
45C. The Governor may make regulations prescribing codes of practice to be complied with by persons who act as promoters of third party trading schemes or supply goods or services as parties to such schemes.

This is an enabling clause. As members would recognise, this is essential to the legislation to ensure that these codes of practice are in place. For the benefit of the Committee, in terms of what areas might be prescribed by regulation, we say that the promoters of a scheme must give members of the scheme notice within a specific period of months of a proposed suspension or discontinuance of the scheme for such period as the Minister may approve. For example, we might prescribe that promoters must not sell or otherwise dispose of or make available any information about particular members acquired pursuant to the scheme to a person other than a retailer participating in the scheme; or that the promoters must maintain a contact office in Australia rather than being offshore. These are some of the areas which we believe are useful additions that must be put into the regulations rather than the legislation. I know the member for Spence supports the proposition of having codes of practice to ensure that these areas are properly regulated.

Mr ATKINSON: The Deputy Premier is correct: I support the code of practice. I accept the Deputy Premier's correction to this part of the legislation. I was confusing buying the product to enter a competition with third party trading stamps. In the Playford era good thrifty South Australians who believed in fair competition frowned on third party trading stamps, just as they frowned on having to buy the product to enter the competition. The two evils are cognate, but I understand why the Government has to amend the law in this area. I am afraid that time has overtaken us.

Amendment carried; clause as amended passed.

Clauses 6 to 9 passed.

New clause 10—'Regulations.'

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

Page 5, after line 34—Insert new clause as follows:
Amendment of s. 97—Regulations
10. Section 97 of the principal Act is amended by striking out from subsection (3) 'this section' and substituting 'this Act'.

New clause inserted.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.16 p.m. the House adjourned until Wednesday 31 July at 2 p.m.