HOUSE OF ASSEMBLY

Thursday 3 July 1997

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

Mr WADE (Elder): I move:

That the time for bringing up the committee's report be extended until Thursday 10 July.

Motion carried.

REHABILITATION OF SEXUAL OFFENDERS BILL

In Committee.

(Continued from 5 June. Page 1611.)

Mrs ROSENBERG: On the last occasion that this matter was considered we were debating clause 5, and an amendment to clause 5 was put to the Committee by the member for Lee. There was some debate, and we finished the discussion about halfway through debate on that amendment. I am happy for that amendment to be voted on.

The DEPUTY SPEAKER: Unfortunately, the manner in which the amendment was drawn up implied that it would simply be moved and that the Committee would accept that single motion. But the clauses are actually being extracted one at a time and replaced with new ones up to clause 12. So the Committee will have to deal with those amendments clause by clause. The amendment moved last week would leave out clause 5 and insert new clause 5, 'Establishment of Rehabilitation Program'. If members wish to take that as a test, we will put that first. So, the question is that clause 5 be omitted and the new clause 5 amendment moved by the member for Lee last week be agreed to.

Ms WHITE: Has the amendment been distributed?

The DEPUTY SPEAKER: It was moved and discussed last week. I am simply using last week's amendment.

Amendment negatived; clause passed.

Clause 6.

The CHAIRMAN: In view of the fact that the mover of the amendments on file is not in the Chamber, I do not propose to proceed with them. Clause 5 will be taken as a test case.

Mr WADE: About 70 to 80 per cent of the inmates of our prison system are functionally illiterate. The member for Kaurna's proposal that applications must be in writing to the CEO may put many inmates at a disadvantage. Will a form be made available for inmates to sign or put their mark on, or will they be able to make a verbal request for counselling that can be transcribed by someone else? I would hate to think that a person could not apply for counselling because they did not have the language capability.

Mrs ROSENBERG: I have requested that there be a *pro forma* application and that as part of the counselling and assessment process consideration must be made of whether a person is illiterate. That is why I have included the provision for them to be counselled. As part of the counselling process, if they are illiterate all the information that is available will be explained to them explicitly.

Clause passed.

Clause 7.

Ms WHITE: Clause 7(2) refers to the fact that a person may not recommence a rehabilitation program within more than six months after the last counselling session. What are the reasons for this clause?

Mrs ROSENBERG: The reason for the rehabilitation process being voluntary is that a person needs to be mandatorily assessed to find out whether they are able to be taken into a program, that it would be satisfactory for them and basically that they accept that they have a problem. An offender may start a program but decide at some stage to stop. The legislation aims to avoid the problem of people going on and off a program at any time they choose without giving the program time to take effect. If a person chooses to go on to a program but after three weeks changes their mind, I believe that it is reasonable to expect that person to wait for a certain period and to have counselling in the meantime so that they can say, 'I accept that I have made a mistake and I now wish to be rehabilitated.' If a person is able simply to go on and off a rehabilitation program at will every week, I question whether that person is committed to the program.

Clause passed.

Clause 8.

Ms WHITE: This clause deals with the voluntary nature of rehabilitation programs. There has been much discussion in the community about voluntary versus compulsory rehabilitation programs. I ask the member for Kaurna why she has gone down this path.

Mrs ROSENBERG: As we have just had a vote on the difference between voluntary and compulsory programs and members of the Opposition voted in favour of voluntary programs, perhaps that ought to have already answered the member for Taylor's question.

Mr ATKINSON: I rise on a point order, Mr Chairman. We just had a vote on the voices and the votes of individual members of the Committee were not recorded, so I do not know how the mover of the Bill can assert that members of the Opposition voted any particular way, and I ask her to withdraw the remark.

Mrs ROSENBERG: I am happy to explain: it is because not one member opposite called against the vote.

Mr Atkinson: You didn't answer the question.

Mrs ROSENBERG: I didn't have a chance.

The CHAIRMAN: Does the member for Kaurna wish to respond further?

Mrs ROSENBERG: My personal preference is that it be a voluntary Bill and that rehabilitation not be mandatory, because the amount of research I have done over nearly two years indicates to me that for rehabilitation to work under these circumstances people have to accept that they have a problem and that they want to be rehabilitated; it should not be forced upon them.

Mr FOLEY: I am keen to pursue this matter a little further. Could the honourable member expand on some of the research she has done as to why she favours a voluntary approach over compulsion?

Mrs ROSENBERG: I would suggest that the member for Hart do his own research in so much as on at least two occasions now I have provided members of Parliament with about five pages of *Hansard* material which details the research that has been done and which quite clearly identifies where members can read the information for themselves. Members should not just be told my information and how I have interpreted it. If members want to examine it they ought

to interpret it for themselves. In this place it is generally expected that most of us do a little bit of work as well; I have done my share. I have put all the information in *Hansard* for members opposite to read.

Mr FOLEY: I was starting to warm to some of the member for Kaurna's arguments and starting to think that the member for Kaurna had some valid points. In any constructive debate about important legislation such as this it is incumbent upon us all to seek information and to get from members as much balanced information as possible so that when we make our conscience vote on this Bill we do so with all the information. I am intrigued by what the member for Kaurna alluded to in terms of people wanting to do this program for it to be of value as against compulsion

I simply put again to the honourable member that we are debating the Bill now and that I do not have the opportunity to run off and do my own research. I would like to use the honourable member's research and, given she is the member sponsoring the Bill, I think it is an ideal opportunity for her to share that with us all. I would be very much indebted to her if she could say why a voluntary approach is more appropriate than compulsion; I am fascinated.

Mr LEWIS: Can I say how much I have appreciated the information the member for Kaurna has already circulated in which she has detailed the authority in the literature for the opinions that she has expressed in terms of the very wide range of sociological and psychological implications of this kind of conduct. Knowing that it is important to make these matters simple, it is not just adequate to put a bib on members of the Opposition in political terms and to spoon-feed them. To make it easy for them to understand, I can help the members for Hart and Taylor by pointing out that we do not believe that things ought to be compulsory.

We do not think that people ought to be forced to join a union; we do not think that people ought to be forced to vote. To be consistent with their other views, perhaps members opposite ought to say consistently that they think it ought to be compulsory. They think that people ought to be compelled to vote, to join a union and that if they commit these offences they ought to be compelled to join the rehabilitation program proposed in this legislation and to accept that kind of treatment.

There is some merit in those kinds of arguments but, on balance, they would be more widely accepted and taken up in the community—as I am sure you would appreciate, Mr Chairman, and for the benefit of Opposition members let me explain—if each individual through counselling identified and accepted that they had a problem and was prepared to own that problem and, having come that far, accepted that the only way to deal with the acknowledged problem was to get some treatment for it, to get some rehabilitation and assistance to deal with it.

It is that very simple premise which has been demonstrated by the research to which the member for Kaurna has drawn our attention in the papers that she has circulated to us since she introduced this legislation. I urge the member for Hart and other members of the Opposition—indeed, all members—to accept that this legislation has the greatest possible benefits coming to the community at large, especially those who suffer from these problems, if the programs are voluntary.

An honourable member interjecting:

Mr WADE: Modern thinking is that it does not really matter whether psychological treatment is mandatory or voluntary, and mandatory treatment has definite benefits. In this situation, we are talking not about psychological counselling but about a chemical invasion of a person's body. The one part of the member for Kaurna's speech to this Parliament with which I differ, and which I raised in my own second reading contribution, is that the honourable member stated that the chemical reactions on people were negligible. My research, which if the member for Hart is interested can be found in my speech in *Hansard*, indicates that there can be quite significant and detrimental chemical effects on someone who undergoes treatment of this nature.

Because of the physical, chemical effects on someone's body, because of the fact that they must be counselled and advised of the potential effects, some of which may prove fatal over a long time in certain individuals, it should not and must not be obligatory that someone be put on this program. It must be of a voluntary nature when the person is made aware of the potential physical effects that this chemical treatment may have upon them. I will support what the member for Kaurna is doing by making it voluntary, purely on the basis that someone is making a choice about the potential hazards that they may be exposed to on entering the chemical program.

Mr BRINDAL: I wish to respond to the extraordinary question asked by the member for Hart, because I find it contemptuous of the parliamentary process. For a number of months this Parliament has been debating a very important issue, which was introduced by my colleague the member for Kaurna. We have debated the second reading and all the elements of the debate were recorded. Many members of this Chamber bothered to take part but this morning, the Ken doll of the Labor Party has said that he has not had the time, that he cannot be bothered—and that is on no less an issue than paedophilia.

The public of South Australia has a right to know just how contemptuously the Opposition regards such important social issues. The honourable member has come in here during Committee, after all the contributions at the second reading stage, and said, 'Well, it is your Bill. I have not been bothered to look.' What sort of member of Parliament does that? What sort of member of Parliament is so interested to get out with the smart little news grabs for seven seconds every night that they cannot be bothered doing the work that is necessary to pass this Bill?

Mr CLARKE: I join the member for Hart. I would like to know of the research done by the mover of this Bill.

Mr Lewis: You're a lazy sod, too.

Mr FOLEY: On a point of order, Sir, I ask the member for Murray Mallee to retract the words that the Deputy Leader is 'a lazy sod'. That is totally unparliamentary and inappropriate.

The CHAIRMAN: Order! The words are most unparliamentary, although I did not hear them. But, if that is what the honourable member said, we have a request for them to be removed. I instruct that the words be removed please.

Mr LEWIS: I am quite happy to—he is not even one.

Members interjecting:

The CHAIRMAN: Did the honourable member withdraw those comments?

Mr LEWIS: Quite so.

Members interjecting:

Mr Foley: I give you credit for that one.

Mr CLARKE: Unlike the lap-dog over there, the member for Unley. I find extraordinary that the mover of the motion, who wants this House to vote in favour of her Bill, says to a significant number of members of this House, 'I will not tell

you of my extensive research.' The interesting thing about the second reading speeches, which all, including new members, have experienced over the past 3½ years, as when we debated last night the Government's industrial harmonisation Bill, many points are fleshed out. Points are referred to in the second reading contributions and in Committee members are perfectly entitled to ask for further and better particulars about each of the clauses. That is why we have a Committee, otherwise we would simply decide every Bill on the second reading.

I would have thought that the member for Kaurna, if she had her wits about her and had wanted to get support in this Chamber, would have been only too pleased to give the member for Hart and other such members full information about her study into this matter, because it would have added lustre and substance to her claim that this Bill ought to be supported. She chooses not to do so. That is on her head. I simply point out that fact. I also draw the attention of the member for Kaurna to the fact that she cannot simply say that the Opposition supports a Bill because no division was called for on the last occasion when she jumped up on this issue because, as far as I know, the members of the Opposition or any other members did not indicate one way or another whether they supported that clause in the Bill. It was decided on the voices.

Mr LEWIS: On a point of order, Sir. Which clause are we debating now in order to determine whether or not the Deputy Leader is relevant in his remarks to that clause?

The CHAIRMAN: We are debating clause 8 and the Deputy's comments have not been relevant. He has been picking an argument with the member for Kaurna. As an observation from the Chair, the general practice is for questions to be asked specifically on the clause and the question that the member for Hart put to the member for Kaurna was really a very broad-ranging, general sweeping question asking for the purpose of the Bill to be explained again. I did not hear a specific question related to the clause addressed to the member for Kaurna—I may be wrong. I ask members to stick to the clauses.

Mr ATKINSON: I pick up where the Deputy Leader left off, namely, on the refusal by the member for Kaurna to answer questions on clause 8 of the Bill. That is a most pertinent point to take up, because it is usual, when a member has charge of a Government Bill or charge of a private member's Bill, that he or she will have mastery of the Bill, that is, he or she will understand the purpose for the introduction of the Bill and be able to explain each of its clauses.

That is a minimum that is expected of members who introduce Bills in the House. Even bluff, difficult Ministers such as the Treasurer, who after Question Time on any sitting day are in charge of Government Bills, and uncooperative though the Treasurer may be from time to time, always seek to explain a clause of a Government Bill if asked. Indeed, the Treasurer takes pride, no matter how bad his temper or mood, in explaining the contents of a Government Bill. It is extraordinary that the member for Kaurna when asked by the member for Hart to explain clause 8 would not take the opportunity to explain the merits of the clause in the context of the Bill but merely said, 'Haven't you read my handouts? If you haven't, bad luck.'

Members interjecting:

Mr ATKINSON: The member for Kaurna interjects 'Why don't you read *Hansard*?' The reason that *Hansard* is not helpful in this instance is that when the honourable member spoke at the second reading stage she was commending the Bill in its entirety and on principle to the House. Now we have reached the Committee stage and the honourable member has not previously addressed herself to clause 8 in *Hansard*, or anywhere else. So, now she has an opportunity to explain the merits of clause 8 in the context of the Bill. I invite the member to do so.

Mrs ROSENBERG: I will make a couple of brief comments. One is that the second reading stage is the time when one covers the overall Bill and discusses the issues. Under those circumstances, the issue about voluntary rehabilitation was expanded on at length. In relation to general information about that I refer members opposite to *Hansard* of Thursday 5 December 1996, page 758, in which 10 references to research are detailed and which deal with the issue about which the member for Hart seems to want to know. My answer was not to refuse to answer the question, as the member for Spence knows quite well: it was simply to ask members opposite to be expected to do the job that they are paid to do. If the information is placed in *Hansard*, it is—

Mr Atkinson interjecting:

Mrs ROSENBERG: I will not do your job for you. I know members opposite all need help, but I will not do their job for them, and neither will I stand here and be bullied by the member for Ross Smith, who we know from past experience has been able to bully *Hansard* and not have his interjections recorded in *Hansard* when he calls—

Mr CLARKE: Mr Chairman, I rise on a point of order. I call for an absolute unqualified withdrawal of that allegation that I bullied *Hansard*. I have never done so. I have never approached *Hansard*, unlike, I suspect, the member opposite with respect to that issue.

The CHAIRMAN: The honourable member is out of order in referring to such a matter, and I ask that it be withdrawn.

Mrs ROSENBERG: I withdraw; we all know the truth.

The CHAIRMAN: No, honourable member, I did not ask for a qualified withdrawal: I simply said I wanted a withdrawal. So, I will have a withdrawal, honourable member.

Mrs ROSENBERG: I withdraw. The difference between the—

Mr LEWIS: Mr Chairman, I rise on a point of order. I also ask that the member for Ross Smith withdraw precisely the same allegation against the member for Kaurna.

The CHAIRMAN: The honourable member is not the member who was aggrieved by the allegation, as I pointed out to a member yesterday. Any member who is aggrieved by anything that a member says in this House should take up the issue on a personal basis, and I pointed this out to the Deputy Leader yesterday. I simply say to all members: Standing Orders are quite specific on that. The aggrieved party takes up the question with the person who has distressed them.

Mrs ROSENBERG: Clause 8 provides that an offender who has been counselled and assessed in accordance with the legislation as suitable to undertake rehabilitation will encounter no penalty or detriment if he or she first of all refuses or fails to undertake the program or withdraws from it at any time. That is what clause 8 is talking about. The clear difference, for the benefit of the member for Hart, in the information supplied in *Hansard* relates to the difference between a punishment program and a rehabilitation program. It is not the intent of this Bill to punish. Whether it is a mandatory incarceration or a mandatory rehabilitation program, it is an assessment of punishment—it is not deemed as part of this legislation that the rehabilitation be seen as a punishment in addition to the incarceration. It is seen as a

voluntary method by which a prisoner will take the effort to become rehabilitated. That is the prime reason why clause 8 reads as it does.

Clause passed.

Clause 9.

Ms WHITE: The clause provides that the taxpayer will foot the bill for any 'medical consultation or treatment' required in the rehabilitation of sexual offenders. I find it fairly extraordinary that this clause, providing that the cost of programs is to be borne by the Crown, is put into the legislation. Obviously, the member has had some discussions with the Treasurer and has had some guarantee about funding for programs. What is the cost of the program? What does she foresee as the cost and what guarantee has she received from the Treasurer that the cost of such programs will be budgeted as her legislation would require?

Mrs ROSENBERG: It is included in this clause that it be a cost to the Crown because, if an inmate is prepared to take on the program, in some instances the program will continue after release. As the program is introduced by the Government, it ought to be paid for even post-release from prison by the Crown because it is a process that the Crown has offered as part of the rehabilitation process.

I have not sought information from the Treasurer or anyone else about how much they are prepared to pay for it. I do not believe that other Bills that come before the House are based on the cost of the program. Is the member for Taylor suggesting that we only introduce rehabilitation if we can afford it? Surely the process of rehabilitation is more important than whether we can afford to rehabilitate sexual offenders. In the long term my argument is that once you cut down the reoffending rates and actually get out of the system people who continue to reoffend, in the long term the system saves money. No, there is not a budget line because this legislation has not yet even been passed. It is hard enough to get a budget line on matters that you want up, let alone those issues that have not even been passed by the Parliament. The overriding decision is that, if the program is passed—and we do not know that yet because it has to go through two Houses—it is budgeted.

Mr ATKINSON: Clause 9 brings in to focus my principal objection to the Bill: if you are going to spend a great deal of public money on a rehabilitation program in our prisons, the Bill that creates that expenditure ought to be a Government Bill, because it is only the Government that can guarantee funding for the program.

Members interjecting:

Mr ATKINSON: The Parliament can pass laws, and that creates an obligation on the Government to spend the money, but if the Government does not want to spend the money in the budget it can take a budget decision through the Supply and Appropriation Bills not to spend the money. And what will the member for Kaurna do then? Her law will be like a beached whale. It will be on the statute book but the Government, through the Supply and Appropriation Bills, will not be funding it. So, clause 9 will become meaningless. That is why it is bad legislative practice for private members' Bills to create charges on consolidated expenditure.

We can pass this Bill and make ourselves feel warm inside that we have done something to rehabilitate sex offenders, but then there is no guarantee that upon the Bill's becoming law the Government will set aside the necessary money to make it work. It seems to me that this Bill is just a political gesture rather than a thought-out method for rehabilitating our sex offenders. My question to the member for Kaurna is this: should the Bill pass and become law, and the Government then not make an appropriation in order to pay for medical consultations, what are the legal consequences of the Government's failing to make an appropriation? Where then is clause 9?

Mrs ROSENBERG: I fail to understand this line of argument. In the past five minutes I have been trying to think of a Bill that has passed a Parliament and is still sitting waiting to be funded. I am trying to, but I just cannot think of any.

Mr Wade interjecting:

Mrs ROSENBERG: The member for Elder has reminded me that the very legislation that members discussed in this House last night until late evening did not have a budget line: it is now legislation that will eventually be budgeted. So, I am struggling to find the relevance of the question. I think that the issue here is that there is a Bill being put forward by a private member. It was the choice of the private member, not the Government, to put the Bill forward. However, like every other private member's Bill, if the Parliament approves it, then it will be part of Government policy. It will be budgeted. It will come into effect. I just do not see the relevance of the line of questioning.

Mr LEWIS: If the member for Spence had paid attention he would learn that the will of the Parliament becomes the obligation of the Government. If that were not so, then Parliament mocks the people by its very existence, and the member for Spence knows that. It becomes the obligation of the Government, and the Parliament has the means by which it can compel the Government to do it.

Mr Atkinson: And what's that?

Mr LEWIS: Simply provide for the means by which the expenses are incurred in the same way as is done in any other instance where the Government may fail. You simply change whatever allocation is provided through the budget purpose. I now draw attention to the remarks that were made earlier as an inquiry about the kinds of programs that seek to provide from taxpayers the costs that the Crown will pay, as this clause provides.

Has the member for Taylor ever heard of the methadone program? She asked whether the member for Kaurna had done any research into any other program that the Government financed for the provision of biochemical treatment of people on a voluntary basis to overcome a problem which they had identified they had and owned and from which they wished to be rehabilitated. If you are addicted to heroin, the Government deals with that by putting you on the methadone program, and that is entirely at taxpayers' expense. That is what I am talking about. The member for Taylor obviously asked a specious question at the time and did not bother to think even for a moment that there are a number of such programs within the health portfolio—leave alone other portfolios—in which people can voluntarily obtain assistance for relief of a problem at the entire expense of the taxpayer. The precedent is there. The practice is replete throughout the provision of services under law from the Government at the expense of the Government, which is at the expense of the taxpayer.

I will say something else about this clause. It is not possible to quantify the cost because, first, we do not know how many people will volunteer to go on the program—if any—in the remainder of this financial year or next financial year. We cannot do other than express our will and have the Government then comply with that will. Secondly, the cost per treatment will vary according to the nature of the

problem, and that is not specious at all in that the kinds of treatment which will be appropriate for somebody who has been involved in a rape of an adult may, indeed, be quite different from and the hormones needed quite different from the treatment of somebody who has been involved in the sexual assault of a child, that is, a paedophile. Different mindsets and pathways have to be modified in this biochemical fashion. It is not simply just saying, 'Regardless of what your problem is, this is the treatment.' There are particular tools that will differ according to the problem.

I will expand on that a little. Those people are involved in sodomy, where it represents a crime, will be treated and need treatment different from those people who are involved in heterosexual offences. Of course, sodomy is abbreviated to sod; I know that. By the way, there is another meaning for that word, that is, a meaning ascribed to it by the Hon. Bert Kelly in many of his speeches in the House of Representatives. It is only ever ascribed to it in the context of its use prefixed with the adjective 'lazy', where a wet, heavy ground, on being ploughed, even though an attempt was made by the farmer driving the team pulling the plough to turn the sod could not turn it, because it was so heavy and it slopped back into the furrow from which it had been cut by the mouldboard and the ploughshare. So a lazy sod is a wet piece of turf that has been cut by the mouldboard ploughshare, lifted but dropped back into the place whence it came.

In that context, and only in that context, does it have a meaning different from the one that means sodomy which would require treatment of a type and at a cost different from the treatment necessary for someone who is a paedophile: who has engaged in heterosexual activity with children of the opposite sex. It would depend on whether the offender were a male or a female as to what the likely cost would be.

The CHAIRMAN: Can the honourable member relate his comments to the clause?

Mr LEWIS: I can, indeed, Sir, because the phrase 'will be at the expense of the Crown' simply states how the cost will be met, but we cannot quantify it in the way in which Opposition members have sought to have it quantified, because we do not know how many people will volunteer, and we do not know what their problems are from which they will be seeking to have rehabilitation.

Mr ATKINSON: Earlier in this session I asked a question of the Minister for Correctional Services about what programs are available for rehabilitation of sexual offenders in South Australian prisons, and the answer came back a few weeks ago and, indeed, I read it in the course of debate on this Bill. The answer is: very little at all. Today we have a private member, a backbencher, moving a Bill which seeks to compel the Government, of which she is a member, to introduce rehabilitation programs for sexual offenders in our prisons. And so here is a private member's Bill that we are debating, and while we debate it the Minister representing the Government in the House, on House duty, happens to be the Minister for Correctional Services, under whose jurisdiction virtually nothing is spent on the rehabilitation of sexual offenders.

We have this peculiar position that the Government could, if it wanted to, make provision for the objects of this Bill today or tomorrow by administrative decision and start to rehabilitate our sexual offenders. But, instead, we have this pantomime whereby a private member, a backbencher, in the same Government that does not rehabilitate sexual offenders introduces a Bill to compel the Government of which she is a member to rehabilitate sexual offenders—something it will not do on an administrative basis. It is most peculiar.

When we ask the honourable member who is moving the Bill to explain the Bill she refuses and gives us some footnotes. When we ask her, 'How is the Bill and, in particular, clause 9 going to happen if the Government decides that this is not part of its budget priorities, that it wants to spend taxpayers' money on other things?' the member for Ridley says, 'Oh, well, if the Government of the day does not spend money to give effect to the clauses of this Bill, Parliament has a remedy.' But the honourable member does not spell out what that remedy is. For the benefit of the Committee I will tell members what it is: the Parliament seeks to amend the budget when it comes before the House and, if the Parliament succeeds in amending the budget, what must the Government do? Perhaps the member for Unley can help us. What must the Government do if its budget is amended by the House? It must resign.

So, the member for Ridley's answer to my question about how you give effect to clause 9 after it is proclaimed is, 'Oh, well, you force the Government to resign if it does not implement it.' My question to the member for Kaurna is: is it not much more simple that she, in her capacity as a member of the Government, convinces her own Government, without the necessity for legislation, to introduce a program to rehabilitate sexual offenders in our prisons now? It is a decision that her Party room can take; it is a decision that the ministry can take, and we do not have to go through private members' legislation and send off this Bill to the Upper House where it may or may not pass because the Attorney-General in the Government, which the member for Kaurna supports, is opposed to her Bill.

Mrs ROSENBERG: I thank the member for Spence for reminding me of the question that he asked the Minister for Correctional Services. However, I would like to add to that. The member for Elder and I were possibly the only two members of Parliament who took the time, despite the invitation from the Minister, to attend a seminar at which two people were present who are employed through that department to train members of the social workers team, correctional services officers and police officers in the understanding of the importance of the rehabilitation process and who, in fact, are now making an absolute change to the way that correctional services are viewing the importance of rehabilitation in South Australian prisons. I think the Minister, if she were able to stand up to answer the question herself, would want to say that that program is an indication that the—

Mr Atkinson interjecting:

Mrs ROSENBERG: Will you shut up and listen for just once in your life. The rehabilitation attitude—

Mr Clarke interjecting:

Mrs ROSENBERG: Do I have to put up with these bully boys? Is it necessary?

Mr CLARKE: Yes, because, unfortunately, this is a democracy and we are entitled to be here.

Mrs ROSENBERG: In a democracy you can do what you like, as long as you do not upset other people—and you are upsetting me. The seminar which the member for Elder and I attended is an indication that attitudes have changed in relation to the importance of rehabilitation programs in correctional services these days. I am confident that in the future, if this legislation passes—and I hope it does—it will change the attitude of corrections to reflect the importance of rehabilitation programs in this regard. I might add that this has happened under this Government—not the Labor

Government. Members opposite have had plenty of time to be interested in rehabilitation programs yet have never worried to do it. Maybe the line of questioning about the Government's paying for this because it is being introduced by a mere backbencher is an indication of why you have never put money towards rehabilitation: you are more interested in putting money into other things and more concerned about—

An honourable member interjecting:

Mrs ROSENBERG: Well, anything, but it is not important. You are more interested in how much the scheme might cost rather than the importance of rehabilitating offenders.

Mr BRINDAL: I object to the way in which the member for Spence chooses to misrepresent parliamentary processes in the course of asking questions on this clause. All members would be aware that the Crown traditionally is bound by Acts of the Crown. It does not matter who introduces a Bill in this Parliament: when it reaches the process at which it is given the assent of the Governor, it is an Act of the Crown and it is a long tradition—

Mr Atkinson interjecting:

Mr BRINDAL: Well, the member for Spence says, 'If I get around the Cabinet table'. While he thinks he knows everything about everything, I am not aware that he has ever sat around the Cabinet table. So, he believes he can prattle forth in ignorance, but no-one else is allowed to. The Crown is bound by its own Acts: that is a long tradition, and if any member introduces a Bill which passes through both Houses, is assented to and becomes the law, that binds the Crown. The Crown may then initiate processes to expedite—

Mr Atkinson interjecting:

Mr BRINDAL: The member for Spence has had his say. He is so precious and fixed on trying to be right on every single issue that it is a wonder he has not disbanded this Parliament and taken to himself ultimate authority. I am sure that he could govern this State for its own good much better than the rest of us can! This clause, as the member for Kaurna says, calls on the Crown to pay. I would ask the member for Kaurna whether she has considered that sexual offenders should meet their own costs and what effect that might have on the likelihood of rehabilitation. In giving her answer, I would like her to remind the House—because I know she did it adequately—

Mr FOLEY: On a point of order, Mr Chairman, would you ask the member for Unley not to turn to the member for Kaurna and ask the question, but to observe proper parliamentary process and ask the questions through you? It is a most inappropriate process.

The CHAIRMAN: The honourable member himself will realise that that procedure is honoured more in the breach than in the observance from members on his own side who lecture the press daily at Question Time. However, the member for Unley will channel his remarks through the Chair.

Mr BRINDAL: Thank you, Sir. I will assiduously follow your ruling, as I am sure the member for Spence would not mind having it drawn to his attention in Question Time today if he transgresses from his own high standards. Perhaps in answering this the member for Kaurna might explain whether she had considered that sexual offenders would pay, and just share with us some of that which she included in her second reading speech about how much or how little previous Governments have done for the rehabilitation of sexual offenders? In the context of clause 9, I would like the honourable member to explain if she can why the Opposition seems more prepared to stick up for paedophiles in this State than it does for children who are abused?

Mrs ROSENBERG: I think the basis of the question was whether I had given some consideration to whether sexual offenders ought to pay for their own rehabilitation. Indeed I have. My prime concern with getting this legislation passed through the Parliament is that rehabilitation take place for sexual offenders. My prime concern is that we prevent reoffending. My prime concern is that those people who come out of prison not rehabilitated will offend again in most instances (in fact, 75 per cent) and be back behind bars again. My prime concern is saying that the process that we have in South Australia at the moment is not working. My prime concern is not the cost—I am more concerned with having the rehabilitation carried out effectively and providing a better place for the kids of South Australia.

Progress reported; Committee to sit again.

UNFAIR DISMISSAL

Mr CLARKE (Deputy Leader of the Opposition): I move:

That the regulations under the Industrial and Employee Relations Act 1994 relating to unfair dismissal, gazetted on 29 May and laid on the Table of this House on 3 June 1997, be disallowed.

I thank the House for giving me permission to move this at this time. Unfortunately, I was on the telephone earlier and missed the call to get down here in time. I thought it was appropriate to move this motion today, given that we have had a long and some would say exhaustive debate last night with respect to unfair dismissals. It is time to give Government members another lash of it while their memory is still fresh. Obviously, my comments will be totally restricted to the regulation issued on 29 May 1997. I do not know how many members opposite have actually seen this *Government Gazette*. They ought to cast their eye over it, because these regulations significantly widen the ambit of exclusions of persons able to seek an unfair dismissal remedy.

Contrary to whatever the Minister might have said about it last night, or media reports (and I invite members to read it), it states in relation to the chapter dealing with unfair dismissals:

. . . the following classes of employees are excluded from the ambit of Part 6 of Chapter 3 of the Act:

(a) employees engaged under a contract of employment—
  (i) for a specified period of time; or
  (ii) for a specified task,
  except where a substantial purpose for engaging the employee under the contract is to avoid the employer's obligations under Part 6 of Chapter 3 of the Act;

There is no definition in the regulation as to a specified period of time. It does not provide whether a person is employed for only six months on a specific contract or a 12 month contract. As we know—and we certainly ought to know within the State Government sector—hundreds, if not thousands, of State public servants are not employed permanently any more but are employed on one or two year contracts. Literally thousands of employees in community organisations are subject to Government grants and the like and are on a yearly contract.

So, literally tens of thousands of employees would fall under this definition as not being able to access unfair dismissal legislation. Nothing in this regulation provides that you are excluded if the contract is for less than 12 months; if

you are on a five year contract you are excluded by virtue of this definition. The exclusion further applies to:

(b) employees serving a period of probation or a qualifying period of employment, provided that the duration of the period or the maximum duration of the period—
(i) is determined in advance; and
(ii) is three months or less or, if more than three months, is reasonable, having regard to the nature and circumstances of the employment;

That provides for three months if it is probation, but of course an employer might stipulate six, 12 or 18 months probation. That is very much in the air, and would involve considerable cost in the commission to mount legal argument as to whether any period more than three months was reasonable, having regard to the circumstances of the employment.

Casual employees are excluded. There are literally tens of thousands of casual employees in this State, and they have to be employed:

. . . on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months.

Those casual employees who are employed on a regular and systematic basis are covered. However, again, it is a tight test; many casual employees work in the fast food chains and retail and hospitality industries, but not necessarily on a regular and systematic basis. Those persons who fall outside that scope would not have access to unfair dismissal legislation. This is the beauty of them all, when it comes to exclusions:

(d) employees of small business employers, except where—
(i) the employee was first employed by the employer prior to 1 July 1997; or
(ii) the employee has been employed by the employer—
(A) for more than 12 months; or
(B) on a regular and systematic basis for a sequence of periods of employment during a period of more than 12 months.

This means that anyone who has not been employed for more than 12 months and who is engaged by an employer from today has no rights to unfair dismissal legislation.

I am trying to get further and better particulars from the Working Women's Centre about a call I received earlier today concerning an employer who sought to jump the gun. They had been reading a lot about unfair dismissal, to the effect that the employees of a small employer with 15 or fewer employees are excluded from unfair dismissal legislation, and this young woman has been dismissed—except that this employer was a bit too quick off the mark. This woman was employed prior to 1 July this year, so she has a legal remedy and is accessing the Industrial Relations Commission at the moment.

The point I make is that, if that person had been engaged today and was sacked tomorrow, irrespective of the circumstances of the dismissal, no matter how dreadful, and their employer had 15 or fewer employees, that person has no legal redress, unless they want to take a breach of contract action before the Supreme Court and pay huge legal costs to make out such a case.

Let me go into what the Government has said about this regulation creating jobs. The Minister admitted last night in Parliament, and in the Estimates Committee last week, that the Industrial Relations Commission in this State does not keep statistics as to the number of employees who file applications for unfair dismissal and who work for employers with fewer than 15 employees or who have been employed for fewer than 12 months. So, they do not know just what the dimension of the problem is. In my experience, there would be very few of them, but there are no statistics. However, the Federal Court has a better way of keeping statistics on this. In fact, the 1995-96 Industrial Relations Court Annual Report shows that small business has fewer unfair dismissal claims than other employers.

The figures from the Federal Court show that the unfair dismissal filing rate was slightly under 2 per cent of all monthly involuntary terminations. So, in terms of the number of unfair dismissal applications, taken as a whole, they are less than 2 per cent of all monthly involuntary terminations. Most of the involuntary terminations are redundancies. Only one-third of this 2 per cent is from the small business sector, notwithstanding that nearly 92 per cent of employers have fewer than 20 employees.

So, the Minister's claim and this Government's claim that by ridding small business of the unfair dismissal regulation would create a nirvana, a jobs boom in that sector, is an absolute nonsense. Of the Federal figures for 1995-96, one-third of less than 2 per cent of all monthly involuntary terminations come from the small business sector. That puts the lie to the claim by this Government that such a regulation will support a jobs boom in South Australia. Indeed, if the Government was dinkum and really believed its own rhetoric, why limit it at 15 employees?

Why not abolish all unfair dismissal laws with respect to everyone in this State, not just for those poor employees who happen to work for a small employer? Why not abolish it in total? That, on the rhetoric of the Minister for Industrial Affairs and of the Premier, would create an absolute jobs bonanza and soak up all of the unemployed in this State. Of course the Minister knows, as does this Government, that that is not true, that it is a fallacy, and this is just a cheap political shot at the expense of those people least able to be able to defend themselves.

I also want to draw out some of the other deficiencies in this regulation. 'Small business' is defined as having 15 or fewer employees—and that could include casuals, and there will be a lot of argument as to how you count casuals within those 15 employees. Are they full-time? Do they have to be casuals? If they are casual, how do they rack up the number of hours that a casual works to get up to this figure of 15, or less than 15? We all know that some employer enterprises split their employment between two or more separate legal entities, such that some categories of workers are employed by one company and other categories are employed by another, which may be a service company to the main employer.

The Payroll Tax Act has provisions which prevent employers from evading tax by such devices, but there is nothing in the regulations currently before us, or in the principal Act, which would overcome such a legal technical device by employers splitting up their entities into smaller groups and having fewer than 15 employees so that they can avoid any unfair dismissal procedures that may arise.

In addition, last night the Minister cited absolutely outrageous examples of legal costs and costs that have been awarded against employers through unfair dismissal proceedings. That is an absolute nonsense. The Premier has no statistics to back him up. In terms of what happens in the State commission, if any member opposite knew where it was (it is down by the Riverside building) and bothered to go there and get some figures, they would find that an award of compensation for an employee of less than 12 months' standing rarely exceeds two to eight weeks wages. Between two and eight weeks wages is the norm if an employee has less than 12 months service. So, the figures which the

Minister and others quoted last night regarding the overall cost to employers in this area are an absolute nonsense. Unfortunately, I do not think that the Minister knows he is talking nonsense. I could understand it if the Minister deliberately fudged his answers to embellish his arguments, but unfortunately I do not think this Minister has the slightest comprehension of his portfolio.

I believe that this regulation will be knocked off in the Legislative Council when it is voted on in that place, but this Minister has already indicated that, notwithstanding the parliamentary process, he will continue to regazette this regulation. As I warned the Minister last night, as I have before and will continue to do so, we will oppose every Bill that the Government puts before this Parliament that seeks to give Ministers power to do something by regulation. If the regulations are in place, they can be inserted in the Act—and we will insist upon that. Some but not all of those cases we will win in the other place. We will win the battle on some of the Bills that are vitally important to the Government or the Minister of the day, and we will make life extremely difficult for a few Ministers. They have brought it on their own head by their continual flouting of the parliamentary process.

I return briefly to what Peter Reith, the Minister for Industrial Relations, had to say before the last Federal election about protecting employees from capricious dismissal. On the ABC *Daybreak* program of 28 February 1996, Peter Reith said:

> Look, our position's very clear. If you've been unfairly dealt with at work, then you should have a right of appeal.

All we ask Mr Reith is to honour his word and not rat on it by bringing in exemptions for small business. This Government supported Peter Reith and the Coalition Government in their attempts to be elected. All we simply request is that they honour their commitment and give all employees their day in court if they believe they have been unfairly dismissed.

Mr MEIER secured the adjournment of the debate.

MULTIFUNCTION POLIS

Adjourned debate on motion of Mr Foley:

That the regulations under the MFP Development Act 1992 relating to land excluded from core site, gazetted on 17 October and laid on the table of this House on 22 October 1996, be disallowed.

(Continued from 27 February. Page 1062.)

Mr FOLEY (Hart): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

SELECT COMMITTEE ON PETROL MULTI SITE FRANCHISING

Adjourned debate on motion of Mr Caudell:

That the report of the select committee be noted.

(Continued from 27 February. Page 1063.)

Mr CAUDELL (Mitchell): I commend the report and the recommendations of the select committee. This matter was first brought before the Parliament because of concerns about the way in which the oil industry was heading, not only in South Australia but in other States of Australia, and the way in which the oil companies were intent on imposing their brand of vertical integration on the marketing of petroleum products in terms of the control they have from the well head to the steering wheel. Fewer than 20 people would control over 350 service stations in South Australia. This would result in a lack of competition in the market place, an increase of pricing of petroleum products and a lack of transparency in the petroleum industry. At the same time that this Parliament agreed to establish a select committee on multi site franchising and the effects it would have on the South Australian economy, the Federal Government launched an inquiry through the ACCC into petrol pricing, particularly in country areas.

The recommendations of that ACCC inquiry reflected that it had a problem with the horizontal integration of the petroleum industry, that is, the arrangements among the major oil companies at the wholesale level. The ACCC found that the problems in the petroleum industry were at that particular hub—the lack of competition at the wholesale level. It expressed concerns at the communications among the oil companies in that those arrangements appeared to be more cosy than they should have been had there been proper competition at the wholesale level.

Between the time when the select committee tabled its report in this Parliament and today, I have made representations in relation to these issues to the Federal Treasurer, the Minister for Industry, the Minister for Small Business and the Minister for Science and Technology. I have expressed concerns in relation to the lack of competition at the wholesale level, the need not only for reform as recommended by the select committee but in terms of those issues that the ACCC has also addressed and is trying to implement to ensure that there is competition at the wholesale level, and an end to section 52 of the Trade Practices Act, which relates to the passing off of products. Section 52 is interesting in that, for example, it prohibits a Mobil service station dealer from selling Shell petrol because he would be passing off Shell petrol as Mobil fuel, but the fact is that all the petrol comes from one location. It is exactly the same product; it all comes from Mobil at Port Stanvac. There is no difference between the petrol sold at a Mobil service station or at a Shell service station.

By introducing competition at the wholesale level we would see a reduction in prices and an immediate impact and benefit to the local economy. The recommendations of the select committee as printed and tabled before this House seek to ensure that there is wholesale competition and an increase in the number of independents in the market place. The committee acknowledged the fact that in South Australia only 18 per cent of retail outlets are independent and unbranded, whereas in Melbourne 30 per cent of retail outlets are independent.

Since the select committee tabled its report, Woolworths has entered the market place in country areas with a proposal that will see a reduction in the price of petrol. In the last few days, Liberty has entered the market place, once again offering competition and choice for consumers. As the retail outlets board will not be able to say where petrol services must be sited, and with the introduction of an independent wholesaler, more and more independents will spring up in South Australia. I commend those people who assisted the select committee in its findings.

Motion carried.

COMMUNITY PROTECTION BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1065.)

Mr WADE (Elder): The member for Lee has introduced a Bill that seeks the reintroduction of the death penalty for the most heinous of crimes. He is not alone in his call for the death penalty. An *Advertiser* poll of 1 August 1995 recorded that 65 per cent of those polled favoured the reintroduction of the death penalty. Of those people, 69 per cent were Labor voters and 75 per cent were Liberal-National Party voters. A further *Advertiser* poll on 6 November 1995 showed that over 70 per cent of the population supported the reintroduction of the death penalty.

One may dismiss these polls as instinctive reactions to an emotional issue, that polls do not really reflect the view of the people who, if given the chance to think about it, would probably give a different answer. If one adopts that view, one must regard all polls as suspect when canvassing emotional issues. As all issues have an emotional content, all polls would be invalid. Those who relied on polls to prove their point during a recent debate in this Chamber must accept the polls on the death penalty as a valid concern of the people, or accept that arguments based on their poll results were as wispy as cigarette smoke. One cannot have it both ways.

Let us accept the people's concerns and ask ourselves why they are concerned. Twenty-one years ago the death penalty in South Australia was replaced by life imprisonment. Most people were of the view and many are still of the view that life imprisonment meant 25 years in gaol before parole was considered. I have not carried out an extensive survey of this view but I rely on my questioning of people over the past three years as to what they thought was life imprisonment. Most of them said it was 25 years.

In reality, the average term spent in gaol for those sentenced to life imprisonment in this State between 1983 and 1988 was 13 years and 3 months. The interesting aspect of this is that 70 per cent of people still want the death penalty reintroduced with the possible perception in their mind that the current sentence for life imprisonment is 25 years. Therefore, it seems that to the general public increasing prison terms would not be a satisfactory alternative to the death penalty issue.

A clear majority of the public surveyed want perpetrators of heinous crimes to be removed from society on a permanent basis. There are three ways of doing this. One is to separate offenders from society by locking them up for the term of their natural life. The second way is to separate offenders from their life. The third alternative is to deport them to some distant place away from the society in which the crimes were committed. That option is no longer available as we were that distant place to those in England two centuries ago.

Proponents of the death penalty state the following arguments for the reintroduction of the penalty. They say that the victim or his or her family would have no fear of the offender exacting revenge when released. They say that the community would be safe from that offender. They say that taxpayers would save millions of dollars by not having to support in gaol a criminal whose life should 'pay the forfeit of the peace'. They say that justice would have been seen to be done and that potential offenders would take responsibility for their crime or potential crime and think twice about committing it knowing that they would suffer death if caught and convicted.

On the opposite side of the argument, those who abhor the institutionalised taking of a human life cite that capital punishment is not a deterrent to committing major crimes, that juries are less likely to convict if the penalty is death on the basis that death is irrevocable, and that if jurors erred in their judgment, if testimony misled them or if witnesses lied, there is no way to give a person back their life. On that basis death is not amenable to the rehabilitation and restoration of an offender back into society.

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

A quorum having been formed:

Mr WADE: Opponents of the death penalty state that we, the Parliament, should not set an example to the public by using institutionalised murder as a method of solving our community's problems. Even a criminal who has committed the most despicable beastly acts is still a human being and deserves the same basic right to life as does every other human being.

Cesare Beccaria, in his 'Essay on Capital Punishment' in 1764, which members have all read, asks us what right the Government has to take the life of another if that Government denies the ordinary citizen the right to take his or her own life. The same argument can be used today. It was his view, shared by Voltaire in 1770 and John Stuart Mill in 1868, that rather than execute a criminal it was better to have criminals spend the remainder of their lives in perpetual servitude to society, which laws that he or she has so viciously and callously flouted. Mills stated:

> Few would venture to propose as a punishment for aggravated murder less than imprisonment for life, to linger out what may be a long life in the hardest and most monotonous toil, debarred from all pleasant sights and sounds, cut off from all earthly hope.

I am not referring to Parliament. This has the shades of *Dante's Inferno* and *Devil's Island*. Death would seem preferable. History is littered with arguments for and against capital punishment. Even the Romans, who lived by *homo homini res sacra*, that is, every human being should be sacred to every other human being, did not flinch from enforcing their sacredness by executing murderers. I can only assume that the Romans worked on the premise that a victim deserved the right to live safely in a society and that a murderer forfeited his or her right for their life to be considered sacred.

We can achieve justice, retribution and revenge by executing persons convicted of crimes that warrant the death penalty. We can achieve the same ends by placing someone in prison for the term of their natural life and so deprive them of their liberty, freedom and free choice; offering no hope of freedom. That in itself would be a heinous punishment. The difference is in the cost involved: the monetary cost of keeping people in gaol compared with the moral cost to society which sanctions, approves and carries out the death of one of its citizens. I can easily imagine situations where my thoughts in a heightened emotional state would seek revenge against a person who had committed a most despicable act against a loved one, but that is me; that is not the society of which I am a member.

As a society we no longer form lynch mobs. We no longer stand outside gaols where half of us are anticipating, with firm resolve, the switch being thrown whilst the other half are gnashing their teeth in prayer for the condemned. We expect our society to protect us not just against those who would harm us but also against the individual emotional excesses in which we so often bind ourselves. Society is a constraint on our fulfilling our immediate emotional desires. How many of us today would rather now see Bryant live out his life condemned to a solitary cell—deprived of all hope of freedom—than his spending a small moment in fear before a lethal injection ended his life? His surviving victims, their

relatives and the relatives of those he murdered will suffer for the rest of their lives. I ask: why not the perpetrator?

I am aware of the moral and ethical arguments for and against the death penalty and have expounded some of them today. Irrespective of the face validity of these arguments, I am loath to support this Bill for the reintroduction of the death penalty. I would be fully in favour of a convicted perpetrator of bestial and despicable acts against other members of our society being locked away for the term of their natural life; to perform such labours as would benefit society; and to spend the rest of their life in servitude to the society that they so wantonly abused. I would not want these people and their crimes to be forgotten. Perhaps there is deterrence in reminding society's more extreme elements of the price they will pay if they choose to ignore its laws. I support life imprisonment. I cannot support our society reintroducing the death penalty, although, at times, I know I have wished it upon some people with all my heart.

Mr BRINDAL (Unley): The Bill before the House is an important one and always evokes great passion among members, not least because it is a matter of conscience. While I respect the member for Lee and the reasons that he has for putting it forward, I will make a few brief comments, bearing in mind what the member for Elder has just said. I do not think many people in Legislatures or in the public would not agree that there are certain categories of crime for which death may be considered a suitable punishment. I heard Justice Zelling speak once and he said that there are three components to sentencing: first, a rightful requirement within our society for revenge on behalf of the victim or the victim's family; secondly, also a rightful requirement for deterrence; and, thirdly, a requirement for rehabilitation. It is a three pronged approach. There are some crimes, as the member for Elder said, the heinousness of which would lead people to believe that the death penalty was an appropriate penalty.

Mr Oswald: Bryant.

Mr BRINDAL: The member for Morphett says that the case of Martin Bryant may well be one in the mind of many people.

An honourable member interjecting:

Mr BRINDAL: I could say it is heinous, but I will not. The Speaker would throw me out and he would be quite correct in doing so. However, the factors which dictate my conscience—

Mr Foley interjecting:

Mr BRINDAL: Stress—on this as a legislator are these. Unlike the member for Hart (and I mean this sincerely), I can remember the last couple of people who were hanged in South Australia and Victoria.

Mr Foley: I wasn't born then.

Mr BRINDAL: The member for Hart exaggerates: he certainly was born; he may have been too young.

Mr Foley interjecting:

Mr BRINDAL: It is not in question. As I said, I can still remember as a very small child on the night before one or two hangings occurred in South Australia that you could not have found in Adelaide one person who supported the death penalty. There is a sort of symmetry to public opinion on these matters. When the death penalty is not on the books and there are heinous crimes committed, more and more people—popular opinion—swings towards capital punishment.

Members interjecting:

Mr BRINDAL: Yes. However, if we were to have capital punishment, I can assure the House that in the weeks leading up to a hanging there is no more horrendous time for society and everyone who supported capital punishment six months before and who called for the death penalty during the trial is nowhere to be found. As usual, the ones who are left to wear all the responsibility are generally the politicians. So I would say that there is this swing. There is a swing when there is no capital punishment to people demanding it. There is a feeling that when there is capital punishment perhaps we should get it off the books. I would say to this House and my own electors that, unless a new argument is presented, so long as I am asked to consider this type of Bill as a member of Parliament, if my electors wish me to vote for the death penalty, they will have to get another member of Parliament, unless some convincing argument can be made to change my mind.

Members interjecting:

Mr BRINDAL: I explain my reasons to the member for Ross Smith because I do not say it lightly, and they are simply these. They are not against anything the member for Elder or anyone else in this Chamber said. They are merely from two fairly contemporary cases. One is the case of Lindy Chamberlain in the Northern Territory. It was not my business to find Lindy Chamberlain guilty or not guilty.

Mr Bass interjecting:

Mr BRINDAL: The member for Florey is probably informed and knows more about it and can enlighten me. I am talking as a member of the public. What worried me in that decision was that it became quite clear that no matter what the process and the questions that eventually came out about the process involved, the Northern Territory justice system and Northern Territorians, I believe, would have found it expeditious to hang Lindy Chamberlain, whether or not she was guilty. That is my opinion, although I would rather hope that I was wrong but I suspect that I was not. The member for Giles is well aware, because I think we had discussed it, of the case of the Guildford bombers in the United Kingdom, which is a much more celebrated case. At the time there were some horrendous IRA bombings and the British public was absolutely screeching for blood and the justice system in the UK effectively conspired to find people guilty of a crime.

The judgment in that case was interesting because the judge said quite clearly that, if he had available at his disposal the death penalty, he would have hanged the Guildford bombers and he would have done it in good conscience. It subsequently came out that they were victims of a conspiracy by the State to find scapegoats. They were imprisoned quite wrongly and improperly when clear evidence was available to the Crown at the time that they were not guilty. My abhorrence toward the death penalty is not based on the fact that if someone commits a heinous and reprehensible crime beyond reasonable doubt, it is not a penalty we could ask. But it is about how good we as humans, with human institutions, are in assuring ourselves that the doubt is beyond that which is reasonable.

I would say to all members of this House, as I say to my electors, that if we were to go along with this Bill and reintroduce the death penalty, the first time someone is to hang in South Australia it would not matter where in the world the 47 of us and the 22 upstairs were, we might as well be down and pull the rope ourselves. Whilst on the night before a hanging every other member of the public in South Australia would say, 'That was just our opinion; it was up to our parliamentary representatives,' we are given that job. If we pass this Bill, we take absolute responsibility for any

decision that any court might make in the future to take someone's life.

Mr Lewis interjecting:

Mr BRINDAL: If the court is in error, so too are we; we take the responsibility.

Mr Lewis interjecting:

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

Mr BRINDAL: The member for Ridley may be out of order, Sir, but he says I am in error.

Mr Foley: He said you were dribbling!

Mr BRINDAL: I believe the member for Ridley said that I was in error, not that I was dribbling. I look forward to the member for Ridley's contribution. He may be able to show me where I am wrong.

Mr Foley interjecting:

Mr BRINDAL: The member for Hart likes to cause trouble. I often disagree with the member for Ridley's opinions but I respect what he says and always listen to what he says, even when I disagree, because he is worth listening to—unlike the member for Hart who only likes the sound of his own voice. I will not be supporting this Bill.

Mr SCALZI (Hartley): I wish to put on record where I stand on this issue. A wise man once said, 'I feel a murderer but I choose to be a philosopher.' I think it was Aristotle. Good laws are not based on feelings, on anger or on action but are based on principles and philosophy. They are based on reason. This Bill is not based on reason. It is not based on good principle and it is not based on philosophy: it is based on fear. I can understand the intentions of the member for Lee. There is wide concern and, no doubt, a lot of anger about what happens in the community, but we must address that anger and those feelings of insecurity in the community. Regardless of who is in power, we must address those concerns. I have them in my electorate as I am sure many members have in theirs, but we will not alleviate those concerns, we will not deal with those fears and insecurities by bringing about this type of legislation.

If we look at history, we find that capital punishment does not work. If we look at the United States, where they have the death penalty, it does not work. The homicide rate is not lower; it never has been and never will be. It is wrong to base these sorts of laws on instances about which we all have great concerns, such as mass murderers. That only stirs up emotions in people and brings about the reactions that will not solve the problems we have in the community. Many crimes are based on passion and anger, and people who commit those crimes are not in a rational state of mind. There might be occasions on which that might appear to be the case but, if we look at it closely, that is not the case. As I have said, history has shown that it has not worked and history has also shown, as the member for Unley rightly stated, that at times people have been wrongly convicted.

Once the trapdoor has been released it is too late. I know that there will not be any hanging. The method might be different but the principle is the same. Ultimately, a civilised society will be judged by how much compassion it has for the least deserving members of our community. The economic argument often put that it costs so much to keep someone in prison is also false, because it moves away from principles. Laws should not be based just on economic grounds. Even if we were to look at the economic rationale behind bringing back the death penalty, we would find that, by the time someone from one of those areas in the United States that have the death penalty is on death row—given all the court appearances, appeals, and so on—the cost is much greater than that of keeping someone in prison. Again, there is always the possibility that someone might be convicted wrongly or unjustly.

The community has a responsibility, as Government has a responsibility, to protect its citizens. That is its prime responsibility, and it must also administer justice. We all know that in an imperfect world no matter how much we try we will never be perfect in delivering that justice. To think that we can is not being realistic about what we as human beings are capable of doing. The introduction of the death penalty would really go against that basic reality and principle. We cannot be absolutely right in delivering justice in every case. We do not know what is in the mind of every individual, and we will never know.

Whilst the reintroduction of the death penalty might make a lot of people appear to feel more comfortable and allay temporarily some of the fears that exist, it will never solve the problem in the immediate and long term. Eventually, that sort of approach will create more fear and concern, and it will diminish our sense of justice. That is what this is all about. If we took a poll on this matter, people would say, 'We agree with the death penalty.' However, good laws are not based on polls in the short term. These conscience issues must be weighed very carefully. They must be based on reason but not only reason involving a certain case or circumstance.

A poll taken last year in Australia would have shown a greater demand for the death penalty. In times when people are more comfortable with their lot in life, fewer people are likely to support it. Once we have passed this sort of legislation, we cannot retract it that easily, and we are sending a message to the community that we are really going back in time. The death penalty is really organised execution on behalf of the community. As the member for Unley said, if we agree to that type of law, we are all participants in that execution.

I do not believe that we in South Australia—even though, in reality, Australia is a signatory to international conventions, etc., opposing the death penalty—want to go down that track or send a message to the rest of the world that we are going backwards, because that is what we otherwise would be doing. It might make a few people feel comfortable for a short time, and some talk-back radio listeners might feel comfortable that we have reintroduced the death penalty, that we mean business and that we are getting tough with criminals. However, that sort of toughness on criminals will not give anyone security, because it is not looking at the problem in its proper perspective.

A law must be based on principles. A law such as this must be based on conscience and on philosophy. At times we all feel that we want revenge and justice, but to base a law such as this on feelings is to base that law on quicksand and will be a retrograde step for a civilised society. For those reasons, I oppose the Bill.

Mr LEWIS (Ridley): Let me say that I have some difficulties with the sorts of provisions in this measure, but that I support the necessity for it to proceed to the second reading stage. Most members who have spoken against the Bill have mistakenly believed that the principle it embodies, upon the Bill's passage through the Parliament, will become law. The only part of it which becomes law is the fact that a referendum must be held some time in the future, as is

provided under clause 2. If the Bill passes in its present form a referendum must be held some time in the future and the electors will be asked: do you approve the Community Protection Act 1996?

Mr Brindal interjecting:

Mr LEWIS: It will, but then the people—the ultimate arbiters in any democracy—will have the say and they will have before them the conditions and provisions of the legislation to consider from the time we pass it to the time that it ultimately goes to a referendum. There is no requirement in the Bill compelling the Government to put the matter to referendum by any specific date. There is no sunset provision in the legislation in that regard whatsoever. It simply stands on the statute books until a referendum is held.

Mr Brindal interjecting:

Mr LEWIS: I favour it going to referendum. I happen to be a very strong supporter of citizen-initiated referenda, especially on matters of conscience. In this instance, it is not initiated by the citizens: it is initiated by us. We give the people the ultimate right to say whether or not they want the law as it has been passed by both Houses of Parliament, and I think there is no better way to make any such change to the law than to do that. It would not be expensive to conduct the referendum at the time of an election. Whether it were a local government election or a State or Federal Government election, it would not matter.

Frankly, if I were in the position of deciding, I would decide to hold it either when we have local government elections by postal ballot or when we have a Federal election, and not when we have a State election, because it ought not become an issue in the context of a State election campaign in South Australia because it is a State law. We would hold the referendum on the day of, say, a Federal election, ensuring that it never became the subject of that election campaign because people would understand that it was a measure passed by the State Parliament. People would have had a long time to have it drawn to their attention.

I have reservations about the wisdom of provisions contained in the Bill that enable the people in question to state that, as someone from an ethnic background, they want to have a particular type of juror sit on the jury and that such juror will be of the same ethnic origins as these people claim to be.

That would mean that I could claim that I wanted a jury of Scotsmen, a jury of Irishmen, a jury of Cornishmen or a jury of uncertain ethnic origin since one of my forebears some time back was an American whaler whose progenitors were not clearly known or identified. To be more than frivolous about this matter, other members would understand how silly it would be and how racist it is to allow people who claim to be of a particular ethnic origin at a given point in time to say that they want to be tried by somebody whom they think comes from that same ethnic background.

It is racist in the extreme to do that. We used to have this kind of racist policy in Australia—one nation-two systems—prior to the referendum which abolished the exclusion of the Aborigines in Australia from being subject to the laws made by post European settlement Parliaments. They were left in their tribal state to do as they pleased and they were not provided with any resources from the alternative system, nor were they able to procure any of those resources, nor were they subject to any of its constraints so long as they kept to themselves. That was apartheid and it was wrong. I have to say in passing—even though it may appear to be a digression in the course of my remarks, Mr Acting Speaker—the suggestions that are being made at present that we need one nation-two systems in this country are very divisive, indeed, and quite stupid since it will complicate the law. It does not provide us with a multicultural society or with commonality so that all citizens are certain of what is the law and what is permissible and what is not, under that law.

I have to draw the attention of honourable members to the point made in the legislation about a guilty verdict and the basis upon which that would be obtained. From the comments of members that I have heard or whose remarks I have read on this measure, it seems that most members are mistaken. They think that it will be on a majority decision of a jury. It is not: it must be a unanimous decision of 12 jurors. It is not good enough in this instance—as is in the case in every jury trial at present—for the foreman to stand and state the jury's opinion. This current proposal requires each juror, personally, to stand and say whether they find the defendant guilty or not guilty.

Moreover, another aspect of the Bill which most members have ignored in the course of their contributions concerns the considerable provisions that are prefaced in clause 4 by the statement that the person who is found guilty of a murder in the first degree to which the death penalty applies and applies alone—in other words, it has to be murder in the first degree for the death penalty to apply—can only be found guilty of murder in the first degree if they have otherwise and previously been convicted of a murder—another murder.

This Bill does not propose that the murder committed in the first instance by the defendant will mean that that defendant can be sentenced to death. It is always in the context of where there is a recidivist act. Not only has a murder been committed but, for murder in the first degree to have been committed, the person committing the murder must have committed a murder previously and been found guilty of that murder. It does not say that you will be convicted of murder in the first degree if you have committed murder in the second degree previously, because there are provisions (some with which I disagree) or conditions that have to be satisfied.

For instance, I think it is unwise to refer to the cause of the death—the weapons or means used actually to kill the person, not to procure the death but to kill the person. I refer in particular to causing death by arson or explosives. It does not matter how the person died or what was used by the perpetrator. What matters is that it was intentional and it was a second or subsequent occasion upon which the murder was committed.

Moreover, I think there ought to be a provision for when a murder is committed in the first instance in an act by those people who kill policemen in the course of duty, who kill in the course of terrorist acts to get a required political result, or kill when in prison already there under life imprisonment. They kill again. Those people ought to be given the death penalty if a jury of 12 people each stand and say, 'I find the person guilty.' They are clearly incapable of rehabilitation. They are clearly not to be trusted around anybody, because they will kill and kill again.

Mr OSWALD secured the adjournment of the debate.

SUMMARY OFFENCES (PROSTITUTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 1198.)

Mrs ROSENBERG (Kaurna): The current legislation covering prostitution is discriminatory and is poor legislation. It has not been updated since 1953, although there have been several attempts to do so. Parliament's referral of the issue of prostitution to the Social Development Committee has raised more questions than answers. The current law is wrong because it discriminates in favour of the client and against the prostitute, setting up a double standard in law. The current law is wrong because it discriminates about the act of prostitution depending on its location.

In his private member's Bill before the Parliament, the member for Hanson has sought to clarify some of those matters. First, the Bill proposes to include credit cards as a form of the definition of money; secondly, to allow police to be authorised to use reasonable force to enter buildings suspected of being brothels; thirdly, to allow those clients and prostitutes who are prosecuted to be able to expiate the fine by pleading guilty; and fourthly, to introduce a new section to make the advertising of prostitution, whether direct or indirect, an offence.

The member for Hanson is a member of the Social Development Committee and has therefore had the advantage of hearing first hand all the evidence presented to the committee and viewing a range of premises. As a result of this, the honourable member has brought this Bill to the Parliament. Prostitution is viewed by most in our community as a moral problem and, as such, it is incumbent upon us as legislators to have laws that reflect the views and expectations of the community. In particular, any legislation should aim to contain prostitution in areas of child prostitution and associated illegal activities such as drug dealing and offensive behaviour.

The South Australian Police Department reported in its submission to the committee that prostitution should not be decriminalised; the Act should be made more enforceable; and advertising should be illegal. The Bill before the House has taken into account all of those issues, and laws in our State should not be seen to condone what is seen by the community as morally unacceptable. Hence, this Bill maintains the criminality of the offence but allows it to be expiated. The important issues before the House are decisions about supporting police in the endeavours of investigating suspected brothel activities, especially those under the guise of an escort agency; treating both the client and the prostitute equally; and containing the industry through controls on advertising. I support the Bill to the Committee stage.

Mr BRINDAL (Unley): This matter has vexed this House over the past three years and it is interesting that, when the final report of the Social Development Committee Inquiry into Prostitution was handed down, it contained no less than three proposals for methods to amend the law. The majority report supported by the Chairman was a Bill not dissimilar to that which this House in its wisdom decided not to commit to the second reading stage. The members for Hartley and Spence declared an interest in the matter with a proposed Bill that was to come before this House, but they have chosen wisely not to introduce that Bill at this stage. The member for Hanson has introduced a measure which, quite rightly, reflects his consistent approach to this matter over a number of years.

I note the member for Kaurna's support of the Bill and especially her words 'into the Committee stage', because I have traditionally supported the reading of Bills into the Committee stage. I am waiting to hear the rest of the debate to see whether I can do so in this case, for the following reasons, which I will share briefly with the member for Kaurna and other members such as the member for Florey, but he already knows a lot about the subject, having been in the Police Force.

I refer to the powers that police have always sought. The Ransom report was produced under Commissioner Hunt; it would be very interesting to see what the police line is under Commissioner Hyde, because I believe that Commissioner Hunt's beliefs in the policing of prostitution may well have been coloured by his personal values. He has every right to hold personal values; whether he has the right to turn them into policing values I am not so sure.

Mr Lewis: He was appointed because of them.

Mr BRINDAL: The member for Ridley says he was appointed because of them, but that is not so. The Police Commissioner is appointed to enforce the law of South Australia, not his own morality. The Commissioner is there to enforce the statute law of this State.

Mr Lewis: You should look at the Commissioner's job definition.

Mr BRINDAL: I will discuss this afterwards with the member for Ridley. If this Parliament is about appointing moral custodians that is fine; he can be a party to that, but I do not want any part of it and I do not think other people do. I will look after my own morality and let the Commissioner look after his and not tell me what my moral stance must be.

Mr Lewis: What about the effect on others?

Mr BRINDAL: The member for Ridley asks, 'What about the effect on others?' The member for Ridley often peddles this argument, but the effect on others includes the effect on those involved in the industry and the systematic victimisation of people within the industry. It includes a very disturbing report on *60 minutes* a couple of weeks ago showing Asian prostitution in the Sydney area, and anyone who saw that report would realise how much this industry needs to be addressed. It is interesting that, despite Detective Ransom's assertions, there have been no prosecutions and there is no evidence that similar prostitution exists in this State. They draw the bow and say that because it exists elsewhere it is likely to exist in South Australia; and, because there may be links with organised crime, that is likely to have occurred in South Australia.

But just in the past week I have received a copy of a police inquiry instituted on behalf of my electors in which certain allegations are made about the sex industry. They are the typical allegations of corruption, links with crime and police being bribed. The Police Complaints Authority says that it believes that this matter has been referred to a series of senior officers no less than 23 times in recent years, and along with the other 23 inquiries, it can find no evidence at all of the sorts of assertions that are made by proponents of this Bill.

I have to put on record that I am most disappointed with some of the public support for the member for Hanson. I have received a number of letters, and letters from what I believe to be important and influential community bodies, which have not obviously examined the small print of this legislation. The schedules of this measure seek to change certain other pieces of legislation. The Bill takes away from the magistrates, from our courts, the right not to record a conviction. Everyone will know that that is almost a fundamental right. A person might be found guilty in a court of shop stealing but, given the age, history and circumstances of the offender, it is possible that a conviction will not be recorded. This Bill suggests that, if a person is found guilty

of a section 21 offence (which is consorting with prostitutes; i.e., being in the presence of prostitutes) no matter what the excuse, a conviction must be recorded.

Mr Lewis: Stay away.

Mr BRINDAL: The member for Ridley says 'stay away' but I put it to the member for Ridley that absolutely technically—and I point out to the member for Florey that I know this is not how the law operates—there is not a seven warning qualification in the law. Frankly, what could happen is that, if the member for Ridley is in the street talking to Stormy Summers, he can be arrested, because she has a prostitution conviction and, under the law as the member for Hanson proposes it, the magistrate would have no recourse but to find him guilty. If that is the member for Ridley's idea of justice—and I have, at times, heard the member for Ridley come up with what I believe are fairly extreme ideas on the subject—I want him to clearly understand that it is not mine. The member for Hanson proposes to extend the confiscation of profits, to the point that women who are found guilty of certain offences—the prostitutes themselves—can have their profits confiscated.

Mr Lewis: And so can men prostitutes.

Mr BRINDAL: Yes, so can men prostitutes. If the member for Ridley wants to talk about sodomy, men prostitutes and that sort of thing, that is his prerogative. But I am talking about the generic problem of prostitution. I do not care whether they are men, women or animals—which the member for Ridley will undoubtedly refer to. If that is his penchant, it is not mine. I wish solely to debate the intellectual merits of this, not the sleaze factor which accompanies it and with which some people seem more preoccupied than the debate.

The confiscation of profits is important, because if there are women out there who are victims—and the Social Development Committee found that often the prostitutes are victims—we will further penalise them. What we will do in the name of future daughters, sisters and children is further penalise these people. That is the great moral debate. The moral crusaders stand there and say that this is necessary to protect the future, but what about the present? What about compassion for those victims, who we like to belt around the head, and continue to treat as victims? These women deserve the chance of rehabilitation.

The member for Hanson's Bill claims that one of its aims is rehabilitation. There is not one clause in the Bill about rehabilitation. I do not dismiss what he is trying to achieve—I asked for a rehabilitation clause to be put in my Bill and it was explained to me quite clearly that one cannot legislate for rehabilitation. One can create situations in which you can encourage it but you cannot compel people to rehabilitate themselves. So, it is a laudable aim but it is not in the Bill. What is in the Bill are further draconian measures.

In terms of police entry, I point out that Stormy Summers has shifted down the road from where she was. The other day, under a general search warrant, the police entered a strata title building. They searched every floor and had to be physically barred from going up to a privately owned unit on the top floor which was occupied by a 75-year-old dying man. They were going to search that floor as well as every other floor simply because they did not know what was in the building. I was appalled. I think it is absolutely outrageous. What that lady does on the floor that she occupies is one thing; what owners of other strata title units in the building do is another. I oppose those powers.

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

Mr OSWALD secured the adjournment of the debate.

STATUTES AMENDMENT (SEXUAL OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1067.)

Mrs ROSENBERG (Kaurna): I would like to comment briefly on the member for Elder's Bill and to put on record that during the time I have been a member of Parliament two things have become patently clear to me from talking to constituents. First, constituents do not believe that the penalties that are inflicted are severe enough. Secondly, constituents clearly believe that there is a lack of inconsistency between the different sentencing magistrates and judges in South Australia.

The corrections program in South Australia basically is punishment orientated. As has been said this morning, long-term rehabilitation programs are being seen as less important in the South Australian corrections area. However, I repeat what I said this morning: that situation is changing dramatically and quickly. The member for Elder would clearly remember the seminar that we attended, which was indicative of that change of attitude and which sought to put rehabilitation on a much higher level. It is also accepted that some people will never be rehabilitated. There are members of our offending community who, for one reason or another, will never accept being rehabilitated. Even if they accept it, they will never be rehabilitated by the whole range of means.

I also accept that truth in sentencing, which was introduced by this Government, has brought about some changes. However, in fairness, having looked at the difference in sentencing prior to the introduction of truth in sentencing and now, I must now question whether that measure has been highly successful. I suggest that one way around that process has been simply to lower the level of sentencing. Another thing that needs to be taken into account is the level of crime committed by sexual offenders over the past 10 years. I have already recorded in *Hansard* an indication of the rise in that area, and I will not repeat that.

The Bill introduced by the member for Elder aims to provide for a series of minimum sentences, from three years to five years, for a range of sexual offences. The reasons given by the member for Elder for the introduction of this Bill include the following. First, the examination of this issue was part of Party policy prior to the last election. Secondly, there is no legal or constitutional reason why Parliament cannot legislate for a minimum sentence—in fact, in some cases it has done that already. Thirdly, the convention of not imposing a minimum sentence can be changed.

The member for Elder also stated that in 1994 courts had failed adequately to sentence two in every five cases of sexual offenders, and that comments by some judges indicate that they do not know the law regarding the age of consent and have therefore imposed inconsistent penalties. The member for Elder cited examples to back up that statement. He stated further that it is time to consider the victim before the offender. The member for Elder drew on many examples for his reasons for saying that. He also stated that his Bill seeks to provide mandatory rehabilitation, and that we should send a message to sex offenders that incarceration will be a

certainty upon conviction rather than their being given an opportunity depending upon the magistrate or judge of the day.

I have always been a very strong advocate for the rehabilitation of sex offenders; obviously, I have put forward a Bill to this House for that very reason. In my opinion, rehabilitation is the prime issue we should be considering. I will continue to support rehabilitation in any form by which it is brought before this Parliament. The member for Elder's Bill refers to the need for rehabilitation as part of a minimum sentence period. Incarceration without treatment, as we see in many cases now, will not prevent reoffending, and it therefore follows that a minimum period of incarceration alone will not prevent reoffending either—it will merely give revenge and a sense of feeling of satisfaction to the victims that justice has been served. Often, this is all that they ask for.

The Bar Association opposes minimum penalties because they remove and unduly fetter judicial discretion. Currently, the Court of Criminal Appeal acts as a filter against severity or leniency of a sentence, and room should always be allowed within the sentencing area for the exception. The member for Elder has put forward a series of arguments against the Bar Association and general comment about the areas of judicial discretion and there being exceptions in situations of sexual offences; I will not repeat all those. There has been a considerable amount of discussion about sympathy for the victim. I am not quite sure whether 'sympathy' is the word I want: it is more a respect of the expectation that justice is done and, more importantly, seen to be done. That is really what the victim is after.

There is a need to seek clarification with regard to a comparison of a sexual offence by a 50-year-old male against a 10-year-old girl and the sexual activity between 15 and 16-year-old adolescents. Some would say that the difference is irrelevant and that there are no extenuating circumstances. I am cautious enough to say that we must examine every case carefully on a case-by-case basis, that is, if there are differences they ought to be taken into account. I use the extremes of the 50-year-old male having sex with a 10-year-old girl and the 15 and 16-year old adolescents to show the different range of exceptional circumstances if there is a group of sexually active 15 and 16 year olds in the community. Having read in detail the member for Elder's Bill, I understand clearly that he covers all those areas. As a result, I believe that the Bar Association's objections with respect to leaving room for an exception have been covered by the member for Elder's Bill.

I have some concerns about the range of measures proposed, but I respect the honourable member's reasons for bringing this legislation before the House. I would like to see the issue further examined and discussed. I would like to see it debated in Committee, because I believe that it is an important amendment to areas of legislation and that perhaps some of the various aspects can be improved in Committee.

Mr OSWALD secured the adjournment of the debate.

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

TELEPHONE TOWER, COBBLERS CREEK

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

Leave granted.

The Hon. S.J. BAKER: Recently I advised the House of the current situation in relation to the new Commonwealth Telecommunications Act 1997, which came into effect on 1 July, and the transitional provisions that have been put in place by the Commonwealth. However, in recent days the State Opposition has made a number of ill-informed claims in relation to the sighting of a mobile telecommunications tower at Cobblers Creek. The facts are that under the transitional provisions, if a carrier gave the required notification about the installation of a tower before 1 July and activity commenced on or before 30 June 1997, the carrier can proceed with the installation of the facility until 31 December 1997.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: The Leader should listen instead of peddling lies everywhere.

The SPEAKER: Order! I suggest to the Treasurer that that comment is unhelpful and he ought to withdraw it.

The Hon. S.J. BAKER: I do withdraw it but that does not detract from the fact that the Leader is unhelpful and untruthful. The transitional provisions do not refer to substantial construction activity as alleged by the Opposition. The Opposition should come clean and name the person who gave that advice, as it is contrary to the advice given to me and the carriers.

Members interjecting:

The SPEAKER: Order! We have not started off too well today.

The Hon. S.J. BAKER: I have been advised by the Federal Government, as have the carriers, that in its simplest form commencement can be as little as proper notification and the placement of equipment on the site. I am advised that Vodafone gave the required notification prior to 1 July to install a tower at the Golden Grove Arts and Recreation Centre adjacent to three schools with 3 000 students. If the Leader wishes to check, this was notified in 1996 under the Federal Telecommunications Code of 1994. Vodafone was entitled to commence construction on that site.

As a result of council and community concerns, it was agreed that alternatives would be looked at on the clear understanding that, if no suitable alternative was found, Golden Grove would be the designated site. The fact is clearly that the State was powerless to prevent the construction of a tower at the Golden Grove site, and that position did not alter. Vodafone advised that another site in the Cobblers Creek recreation reserve was a suitable alternative to Golden Grove.

Given the choice of a tower overshadowing 3 000 school students or a tower in an area removed from houses, the Minister for the Environment and Natural Resources and Family and Community Services made the only responsible decision. Mr Speaker, South Australians should be appalled at the State Opposition's suggestion that the State Government should have ignored or rejected the Cobblers Creek option and so force Vodafone to build the tower at Golden Grove adjacent to the schools. The Opposition's statements on this issue reveal a total lack of understanding of the telecommunications legislation and the transitional provisions.

Mr CLARKE: Mr Speaker, I rise on a point of order. Ministerial statements are not designed to foment argument.

The SPEAKER: Order! Is the Deputy Leader withdrawing leave?

Mr CLARKE: I am not withdrawing leave: I am pointing out that Standing Order 107 provides for ministerial statements to be made but not for them to foment debate.

The SPEAKER: Order! The Treasurer.

The Hon. S.J. BAKER: The issue of towers is of vital interest to the community and yet the Opposition has utterly failed to come to grips with the reality of the situation. As I have told this House, the South Australian Government is not pleased with the way this matter has been handled by the Federal Government—particularly the Federal Labor Government—but the fact is that we have to live with the parameters laid down by the Commonwealth and try to get the best result for South Australians. I point out for the Opposition's benefit, given its ignorance on this matter, that the powers and immunities provided to carriers under the Federal Government's transitional provisions can be extended if the carriers' failure to commence notified work before 30 June or to complete work before 31 December is due to a restraining injunction.

As I have advised the House previously, this is a complex area and, if the State Opposition cannot contribute in an informed and realistic manner, it should stay out of it altogether. Fortunately, Labor members are not in Government; had they been, we would have ended up with a tower at Golden Grove adjacent to the three schools. End of section! I congratulate the two Ministers concerned.

RECREATION AND SPORT DEPARTMENT

The Hon. E.S. ASHENDEN (Minister for Recreation and Sport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. E.S. ASHENDEN: I would like to inform the House of a key State Government appointment in the portfolio of Recreation and Sport. I am delighted to announce that the Governor in Executive Council this morning approved the appointment of Mr Simon Forrest as the new Chief Executive Officer of the Department of Recreation and Sport. Mr Forrest has been Director of the South Australian Sports Institute since July 1995 and has chaired numerous boards and councils, as well as holding senior administration positions, in the recreation and sport industry. Simon Forrest is a well respected leader in the industry, and I am confident he will take on his new role with the dedication and motivation which he has already shown and which is essential to meet the challenges that lie ahead. It is an exciting time for the industry at present, with major capital works under construction at Mile End and Hindmarsh, and Simon's extensive knowledge and industry contacts will help further develop these projects.

QUESTION TIME

WEBBER, DR R.

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier confirm that he was warned by Treasury in 1995 and twice in 1996 about the expenditure of public funds by Dr Robert Webber through the MFP's Australian Asia Business Consortium, and will he inform the House what action he took? During the Estimates Committees hearing the Premier confirmed that the taxpayer had received no benefit whatsoever from the Australian Asia Business Consortium whose CEO, Dr Robert Webber, received almost $1 million in less than three years. The Opposition has been informed that the Premier, as Minister responsible for the MFP, was warned in mid-1995 and around June and September 1996 of the waste and questionable expenditure of taxpayers' funds by the MFP's Australian Asia Business Consortium. Will the Premier release the full report on the AABC and its expenditure?

The Hon. J.W. OLSEN: As I have advised the House and as has been put down publicly, Dr Webber's services in the Government of South Australia have been terminated. Dr Webber, as with Mr Kennan and the board we inherited in 1993, had some locked-in contract directions.

Members interjecting:

The Hon. J.W. OLSEN: It was the Labor Party Administration that advertised for the position of Dr Webber. Under the arrangements we inherited—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: I know it was 1994; just wait and listen to the answer.

An honourable member interjecting:

The SPEAKER: Order! The Leader will come to order.

The Hon. J.W. OLSEN: If the Leader was prepared to have a look, he would see that it was the Labor Government that established the board, under his chairmanship. It also appointed, under contract, Mr Kennan, who had the right to appoint, under contract, other people. As the member for Playford will understand from indications I have given to this House—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will come to order.

The Hon. J.W. OLSEN:—on a number of occasions, we will make changes to the MFP, and changes we have made. I will give some examples of that. The Chairman of the board was changed, and the board was changed. Upon changing the board, we were able to take steps to change the Chief Executive Officer, and those changes have now been effected and put in place. He was appointed by Mr Ross Kennan under contract by the former board without reference to me.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: We inherited the mess, and we took the opportunity to clean it up, and clean it up we will. In relation to the AABC and the funds that have been invested in that by the taxpayers of South Australia, there has not been an adequate return for—

An honourable member interjecting:

The SPEAKER: Order! The Leader will keep quiet.

The Hon. J.W. OLSEN: —Dr Webber's involvement. Upon the appointment of Laurie Hammond as CEO, he was given clear instructions on a number of key projects of the MFP. One was the AABC, and a time line was put on it. The AABC has not delivered as originally identified. Appropriately, Mr Hammond has been looking at the alternatives to the AABC which will, for the first time, get some value for the South Australian taxpayer in respect of the funds invested to date. That is why he has opened up contract negotiations with a university in South Australia and interstate—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will not interject again.

The Hon. J.W. OLSEN: —to ensure that we got some value for the investment of taxpayers' funds. As of this time, those negotiations are still being concluded. I would hope that within the next few weeks we will be able to identify publicly

to South Australians that there is a continuation of the AABC in a different form so the investment of taxpayers' dollars to date will reward South Australian taxpayers in April and in the future. Until those contract negotiations are concluded with the two universities, it is premature to the put them on the table. It may be the wont of the Leader of the Opposition, but I do not want to prejudice those discussions—I want to get some value for the investment to date in the AABC. For a number of weeks the Chief Executive has been pursuing the alternatives. That means that there will be a place for Adelaide and the AABC, and getting value out of the AABC for the investment of taxpayers' dollars to date. I just simply—

Members interjecting:

The Hon. J.W. OLSEN: The figure is 3.7; it's not the five you have been talking about.

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. J.W. OLSEN: I simply put on record that we should not prejudice the outcome of the negotiations with the two universities to get value for taxpayers' dollars invested to date.

REGIONAL DEVELOPMENT

Mrs PENFOLD (Flinders): Will the Premier advise the House of the impact the Regional Development Board framework has had on the economic development of regional South Australia?

The Hon. J.W. OLSEN: The Deputy Leader has occasionally visited the country areas of South Australia where he has talked about the lack of support and incentive for country areas. The fact is that this Administration over the past 3½ years has increased substantially the size of the Regional Development Unit within the Economic Development Authority—about a threefold to fivefold increase—and the investment in funds.

In assisting regional development boards, we have seen the support of business advisers in every country location in South Australia to assist with small business, in particular, but also $6.6 million invested in 1994-95, $6.8 million in 1995-96, and about $3.8 million to date this year. That expenditure has resulted in the retention and creation of some 2 070 jobs in 1994-95, 2 164 jobs in 1995-96, and 1 552 to date in country areas of South Australia. Those initiatives and support through the economic development boards in the regions, supported by the EDA, has seen $35 million of investment in 1994-95, $224 million investment in country regional areas in 1995-96, and some $42 million to date. In other words, since 1993, in the delivery of a range of programs through economic development boards we have seen some 5 000 jobs and $270 million worth of investment for those country areas.

I will give some examples of initiatives that have been undertaken across South Australia: the aquaculture industry including research in the Upper Spencer Gulf region; the Port Lincoln marine science centre; the construction of pipelines in the Riverland and new irrigation districts being established; tourism in the Flinders Ranges, the Adelaide Hills and the Barossa Valley; dry land horticulture in the Port Augusta region; wine production in the Barossa Valley, the Southern Vales and the South-East; alternative energy options at Whyalla; direct assistance to regional firms through business advisers in regional areas—and so the list goes on.

Let us look at the three-year comparison again. What does that show? In the last three years of the Labor Government, from December 1990 until December 1993, we saw full-time employment fall by 30 900 jobs, and part-time employment rise by 10 100—total employment fell by 20 800 people. The unemployment rate rose from 8.4 per cent to 11 per cent, with total employment of 639 300. Compare those figures with the period from January 1994 through to May 1997: full-time employment has risen, and part-time employment has risen by 20 400—total employment has risen by 21 900. The unemployment rate has fallen from 11.2 per cent to 9.8 per cent, and total employment stands at May 1997 at 658 400. There is the stark comparison. Under Labor we were simply going down.

We have halted the decline and we have started to turn the corner in terms of the recovery and rejuvenation of the economy of South Australia. We have done it by incorporating and franchising all areas of South Australia including country regional areas of this State.

WEBBER, DR R.

The Hon. M.D. RANN (Leader of the Opposition): Given the Premier's previous reply and given his admission to the Estimates Committee that the Australian Asia Business Consortium under Dr Robert Webber had failed to meet deadlines for signing various contracts and that South Australia gained nothing from the taxpayers' money spent on the consortium, does the Premier intend to fill the position of executive director vacated by Dr Webber and, if so, at what salary? Will the Premier give an undertaking to the House today to publicly release both the Treasury and MFP reports detailing the AABC's bizarre, if not improper, expenditure?

The Hon. J.W. OLSEN: The Leader is asking a question that has already been answered publicly in the past couple of weeks. No, the position is not intended to be filled.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader asked a series of questions.

The Hon. J.W. OLSEN: In relation to his assertion that there is no value for taxpayers' money, wait until contract negotiations are concluded with the two universities and let us just see what the bottom line value is for South Australians when those contracts are concluded.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I suggest to the Leader that the Chair has been more than tolerant. I do not know whether he wants to be removed from the list.

SMALL BUSINESS

Mrs ROSENBERG (Kaurna): Will the Premier please detail the Liberal Government's small business plan and inform the House how it compares with Labor's small business plan which was released at the weekend and also in December last year?

The Hon. J.W. OLSEN: I am pleased to detail the policy-free zone of the Opposition. As detailed to this House yesterday, I put down in detail some of the small business policies pursued by this Administration over the past three years and the support it has given to small business in particular to create job opportunities in the future. In reading that small column over the weekend in the *Sunday Mail* about the Opposition's small business policy, I thought it had a

familiar ring to it—and, indeed, it did. It was exactly the same press release issued on 10 December 1996.

So this new policy for small business was actually another recycled press release of December 1996. However, that press release does not tackle the real issues being faced by small business, unlike the action plan, the programmed delivery, that is actually acting and delivering for small business today. Clearly, the Opposition lacks credibility in terms of supposedly championing the cause of small business. Members opposite talk about giving small business the right to take legal action against harsh and oppressive practices by big business, particularly retail tenants. Well, they must have missed something. This Parliament—

Mr CLARKE: I rise on a point of order, Mr Speaker.

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

Mr CLARKE: The question asked yesterday by the member for Mitchell has a familiar ring to the question that was asked today by the member for Kaurna. It certainly covers the same subject matters. The question asked yesterday was:

> Is the Premier aware of the recent release of the Opposition's small business plan and the claim that it is a 'radical plan to take the brakes off small business to allow for the creation of jobs'?

The SPEAKER: Order! The Chair has heard quite enough. The Chair cannot uphold the point of order.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Can I just repeat: the Opposition has indicated in its small business policy that it wants to give the right to small business to take legal action against harsh and oppressive practices by big business and also strengthen the rights of retail tenants. Well, I do not know where members opposite have been for the past six months, and I do not know whether they have looked at the Notice Paper of the Parliament, but the fact is that the Attorney-General has just introduced legislation which gives protection and rights to small business upon which the Attorney-General, in no less than the other place, the Legislative Council, has been commended for getting all the parties—small business, large retailers—signing off and agreeing on a policy direction that protects the rights of all—small business and large retailers. Johnny come lately!

If they are going to recycle their press releases of December last year, they ought to at least look at updating them for the purposes of where this Government is going and actually delivering for small business in South Australia. Yet again, they have demonstrated in that release over the weekend that they have no ideas and have no alternative Government policies. They have learnt nothing over the past 3½ years, and they do not deserve any consideration for the Treasury benches in South Australia.

BUSINESS EXPECTATIONS SURVEY

Mr FOLEY (Hart): Is the Premier aware of the results of the National Australia Bank survey of business expectations released this morning, and what action will he take to stop the continuing decline in business conditions in South Australia? The National Australia Bank's quarterly business survey for the June quarter states:

> The weakest conditions continue to be experienced in South Australia. The National Australia Bank South Australian results are the worst of all States of Australia for business conditions, jobs and profitability.

The Hon. J.W. OLSEN: What this State Government has had to persevere with is an economic climate—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —delivered to us with a great impediment of a collapsed financial system in South Australia and a bankrupt set of Treasury books upon which we had to stabilise and get back on track so we could start rebuilding the economy. If you want to look at the culprits regarding the economy in South Australia and its tardiness, have a look at yourself in a mirror. You only have to look at that graph in the *Advertiser*, taken over the past 10 years, to see those two financial years—

Members interjecting:

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

The Hon. J.W. OLSEN: —around the disaster of the State Bank when economic activity in this State just simply collapsed, when no business house, here or interstate, would contemplate investing in South Australia. You only have to look at the sort of investment of the Economic Development Authority prior to this last three years—and in fact in the time of the Labor Administration—to see the impact. They achieved a total of 412 jobs in 1993-94 and, in the previous year, only 1 641 jobs, at an investment attraction cost of $15 million. It had started to dry up, and it had dried up by the time they left government because they did nothing—we know they did nothing—in that last 18 months to two years of their term in office. You do not turn around a collapse of $4 billion plus in five minutes.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: This Government has sought to put in place some specific economic policy initiative. There is one thing the new Leader of the Opposition (who would be) needs to take into account: exports out of the State of South Australia, at plus 22 per cent, are outstripping and outperforming every other State in Australia—the right focus in the right direction. We have seen, through economic stimulus put into the economy in the course of the past six months, an increase in building approvals moving to building constructions this year.

There are other indicators. The retail sales figures, released only yesterday, showed a 3.9 per cent increase in South Australia and a 2.9 per cent increase nationally. The Leader of the—I was going to say 'the Leader of the Opposition' but it was a Freudian slip—the member for Hart full well knows that you can select different figures, get a conclusion and twist it and turn it around. But the simple fact is—

Mr Clarke interjecting:

The SPEAKER: Order! This is the second time for the Deputy Leader.

The Hon. J.W. OLSEN: —the public of South Australia and the business community of South Australia know that we have had to rebuild the foundation for South Australia, and that has taken some difficult work on behalf of this Administration. Over the past 3½ years we have made a number of tough decisions, which we would have preferred not to have to make, but it would have been irresponsible of us not to stabilise the finances of South Australia, upon which we can build in the future.

We are now putting in place economic stimulus in sectors of the economy to start growth in the economy, and strategic industry sector plans are being put in place to rebuild the

economy in growth areas of the future. So, you do not get a boom-bust but you get sustained and maintained economic activity and jobs in the future. And they are those industry sectors that I have referred to on a number of occasions in this House. That is the only way—a blueprint and a plan which is worked through and which will bring about sustained economic recovery in South Australia in the future.

We have a long way to go: I have never denied that. But look from where we have come. Look at the track record of the last three years of Labor, look at the track record of the last three years of this Liberal Administration, and at least the signposts are now starting to point in the right direction.

The SPEAKER: Order! Before calling for the next question, I point out that too many members have been asking questions and then wanting to engage in across the Chamber chatter and asking a series of further questions. There are two courses of action open to the Chair: the first is to remove the offending member from the list so that that member gets no further call today; or, secondly, to ensure that Question Time does not continue by naming the member, and members are aware of what takes place then. The matter is entirely in the hands of the offending members. The honourable member for Elder.

MULTIFUNCTION POLIS

Mr WADE (Elder): Will the Premier advise the House of the success of the MFP Development Corporation, and does he agree with ABC interviewer, Ian Doyle, who when interviewing the member for Hart about the MFP said (referring to the member for Hart), 'That's a bit of a Rolf Harris like response' to questions regarding the MFP's spending?

The Hon. J.W. OLSEN: It interesting to note that the electorates that will benefit from the MFP happen to be those of the Leader of the Opposition, the Deputy Leader of the Opposition and the member for Hart. We should do a leaflet distribution to every one of their constituents to identify to them what the member for Hart thinks of the current development at Harbourside Quay, which is now coordinated by the MFP, and Garden Island. If he does not want Garden Island rejuvenated or the wetlands and the walking trails that have been established in his electorate through environmental remediation, that is fine, because many other members would like to have that sort of expenditure in their electorate.

Does the Deputy Leader not want Islington in his electorate to be cleaned up through environmental remediation? The Deputy Leader has taken some interest in that, and it is the MFP that will lead that project. Does he want us to ignore that? The Leader of the Opposition lives in the precinct where the $850 million Mawson Lakes development will take place. Does he not want that to take place in his electorate? The simple fact is that they speak with forked tongue regarding the MFP. The member for Hart went on radio on the Ian Doyle program the other day and said, 'Well, they've spent $100 million or perhaps $200 million on this.'

An honourable member: Who?

The Hon. J.W. OLSEN: The member for Hart, the would-be Leader. His suggestion of $200 million prompted Ian Doyle to say, 'This is a Rolf Harris type answer, isn't it?'. Clearly, the member for Hart does not have his facts right, and the point is that he does not want to get them right. Of an allocation of $100 million, approximately $74 million has been expended to date, about 60 per cent of which is in terms of capital value or assets being retained by the MFP. So, there is a value there. The inference from what members opposite would have us believe is that $74 million or $100 million has been simply wiped off. There is a value there for South Australians now and in the future. We also have the Virginia pipeline scheme.

Ms White interjecting:

The Hon. J.W. OLSEN: The member for Taylor does not want that either. I have a great letter to the constituents coming up. We will tell the member for Taylor's constituents that she does not want the Virginia pipeline scheme.

Members interjecting:

The Hon. J.W. OLSEN: If she does not want it, we will put it down in McLaren Vale and take the water down to the vineyards in that area. The member for Taylor does not want that project in her electorate. For 50 years, we have been trying to get that project up and running, but the member for Taylor has done her best to put it to one side.

Members interjecting:

The Hon. J.W. OLSEN: Laugh as they will, Mr Speaker—

Ms WHITE: I rise on a point of order, Mr Speaker. Surely you will not allow the Premier—

The SPEAKER: Order! The honourable member will resume her seat.

Ms WHITE: —to make untrue statements to this House.

The SPEAKER: Order! I warn the member for Taylor. I do not know what the member for Taylor is up to. If she is rising on a point of order, she is within her right, but she cannot stand without the call and attempt to address the House, because that facility is not available to her.

The Hon. J.W. OLSEN: I understand the sensitivity of the member for Taylor regarding this major project, which I am sure her constituents want to see built in her electorate. I have already referred to the Garden Island project. I mention also the Barker Inlet and the Mile End rail yards. The Government is building a major netball stadium at Mile End. The environmental remediation which will enable that to take place and the housing development at Mile End are the result of work done by the MFP in the CBD and in areas such as major tourism, recreation and sport, and housing. All those projects have been able to be effected through the work of the MFP.

If the Deputy Leader does not want the clean-up of the Islington railyards, say so, but do not be hypocritical and criticise the MFP when it will be the lead agency, with its environmental work and the intellectual capacity that is there to be able to achieve that and deliver something for those constituents at Islington. So, the list of achievements to be put in place by the MFP goes on. Members opposite may pull out this example or another example, but if they do not to have this sort of money spent in their electorates we will reallocate it and spend it in other areas. Their constituents would want the clean-ups being effected in their electorates and they are being delivered.

The Hon. M.D. Rann: They want jobs.

The Hon. J.W. OLSEN: They want jobs. The $850 million Mawson Lakes development will create 2 000 jobs in the construction phase. You struck out yet again with your interjection. This is about creating jobs, creating value assets in the community and having a national and international demonstration site for key projects being delivered by MFP Australia.

Members interjecting:

The SPEAKER: Order! Members are not distinguishing themselves by their actions. The member for Hart.

WATER, FILTERED

Members interjecting:

The SPEAKER: Order! I do not want the member for Hart interrupted; he is a mild member.

Mr FOLEY: Thank you for your protection, Sir. Between you and me, Sir, we will get this question out. My question is directed to the Minister for Infrastructure. Why will the introduction of 10 new water filtration plants across the State result in families living in rural South Australia being denied water fit for human consumption? The Opposition has been contacted by people living in Monarto who have been informed in writing by SA Water that in future it will be 'impractical to continue supplying the filtered water they currently receive' and that from August this year their water will be 'unfit for human consumption'.

The Opposition has documents which show that SA Water will make a one-off compensation payment of $3 600 to these families to purchase rainwater tanks and pipes and that the families must then take full liability for those who become ill after consuming their new supply of untreated water.

The Hon. G.A. INGERSON: An amazing amount of embellishment is being made in the member for Hart's question—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I understand that we will replace the existing system with rainwater tanks. We will give subsidies to the individuals concerned. I will make sure that the quality of water that goes to those individual farmlets are up to the standard we would expect right across the State. I find it quite staggering that the Opposition criticises a filtration system.

Members interjecting:

The SPEAKER: Order! The member for Ridley will come to order.

The Hon. G.A. INGERSON: We are spending $100 million to ensure that the filtration system in country areas is at the same level as that in the metropolitan area. Right through Labor's time, other than in safe Labor electorates, the filtration system and all issues involving filtration were geared in that form. We have moved to a position where in excess of 90 per cent of all South Australians will receive filtered water. I do not know the detail currently given on this docket, but I will ensure that the standard and quality of water right supplied throughout the State will be at a level acceptable to all South Australians.

MINING AND EXPLORATION

Mr ANDREW (Chaffey): Will the Minister for Mines provide the House with a report on what potential the mining industry offers to South Australia? The Minister previously outlined to this House the extensive exploration activity currently under way in South Australia, and it would be of interest to know how this could conservatively translate into new mining ventures and, in particular, provide job opportunities for South Australians.

The Hon. S.J. BAKER: The benefit of mining to South Australia is worth repeating, in particular as it relates to the largest mineral venture in this State and one of the largest in the world—Roxby Downs. It is useful to use Roxby Downs as a benchmark for what we believe is possible in other parts of South Australia. Currently around 1 000 people are involved in the Roxby Downs operation. Most of those people are at Olympic Dam itself.

As to how that translates to the hundreds of millions of dollars spent every year in winning, processing and shipping the ore, and all the ancillary services associated with that mining venture, the general rule of thumb in mining, which is capital intensive, is a multiplier of approximately three. We have had independent advice from the Centre of Economic Studies that the multiplier is somewhat higher because of the nature and efficiency of Roxby. The 200 extra permanent jobs that will be on site over the future of the mine as a result of the increased production will equate to a total of 1 500 jobs in total economic contribution to South Australia.

Mention has been made of the 1 000 to 1 500 construction jobs that will exist there for the next three years, and the Centre for Economic Studies says that around 5 200 jobs are to be created, albeit over a more limited time frame. People should understand that there is not only the employment at Roxby Downs but also in Adelaide in terms of support and the flow-through of that massive expenditure into the South Australian economy, of which about 70 per cent is sourced within the State. If people can reflect on Roxby Downs and think of what other potential exists in South Australia, they can get a clear understanding of the enormous potential of mining.

Independent studies have shown that at least three small to medium size mines could start operating within a relatively short time were native title conditions sorted out. Those medium size mines—not of the same size as Roxby—could, each in their own right, cater for the direct employment of some 300 people. If we look at the multipliers that then prevail in connection with the construction and running of those mines, together with the multipliers we are getting out of Roxby Downs, members will see that we will exceed the number directly and indirectly employed at Roxby. In the short to medium term we can see a massive increase in employment in mining because of the sheer potential of the Gawler Craton. It is important for this State, of course, that those native title issues that we inherited from the Federal Labor Government be sorted out as a priority.

Members interjecting:

The Hon. S.J. BAKER: It was the High Court originally with Mabo, but it is certainly the Federal legislation. I believe we could have catered for Mabo, but the Federal legislation made it absolutely impossible. It is the sheer level of difficulty in dealing with a very complex situation and the inability of anyone to get a grip on it and obtain some resolution that is impeding the future of this State. I understand, from talking to the Aboriginal communities—the Anangu Pitjantjatjara, those at Yalata and others—that many of those groups would welcome and look forward to mining activity in this State so that they, too, can enjoy employment opportunities as a result of any increased activity. That is the Gawler Craton.

The State's iron and steel project has been mentioned; we have the Curnamona province, which is being explored as an alternative source of minerals for the Port Pirie smelters, and there have been positive showings in those areas. We also have the Honeymoon and Beverley uranium mines which are currently going through assessment processes. By the time we have added up all those opportunities—and we will be pursuing them with every degree of vigour that we can apply to the process—and when they come on stream we can look at tens of thousands of jobs for mining in this State. I hope

that everyone in this Parliament will be strongly behind this Government's push to see that happen.

WATER, FILTERED

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. How many families in country South Australia are being denied access to treated water as a result of the introduction of water filtration plants across South Australia? Were family impact statements drawn up when this issue was considered by Cabinet? The Opposition has been informed by a family living in Monarto that after SA Water ceases the supply of 'water fit for human consumption' SA Water will still charge the full price of 91¢ per kilolitre.

The Hon. G.A. INGERSON: This sort of questioning is quite outrageous, when you accept that under Labor—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —less than 60 per cent of the community had filtered water. When these filtration plants are completed, the figure will be in excess of 90 per cent. You need only to go to the Barossa Valley and ask people there about the sort of water that Labor supplied to that area for the past 25 years. Ask those people what it will be like when the filtration plant is completed and they have clear water, exactly as we have in the metropolitan area. The Government's principle is to make sure over the next 10 years that filtered water is available throughout South Australia, whether it has been done—

Mr Foley interjecting:

The Hon. G.A. INGERSON: You did not listen to what I said. Filtered water will be available throughout South Australia, irrespective of whether it is done in a bulk sense or through an on-site process. We have gone from just under 60 per cent to 90 per cent, and the next step is to complete the whole process. One of the advantages of making sure that we have filtered water in the majority of areas in our State is that it will allow us to put other industries in areas that currently have not been able to develop. I refer to the food and beverage industries that need properly filtered, good quality water. All those opportunities will be able to be developed right through the Adelaide Hills because the 10 filtration plants go through the Adelaide Hills and up the Murray River, and for the first time, in about mid August next year, we will have 90 per cent of South Australia under filtered water as compared to the less than 60 per cent that Labor left us with as another of its legacies because of its malfunctioning and lack of interest in country people.

TOURISM, REGIONAL

Mrs HALL (Coles): Can the Minister for Tourism update the House on what the Government is doing to support the growth of regional tourism in South Australia?

The Hon. E.S. ASHENDEN: I am delighted to do that because, as the Premier pointed out in an answer earlier this afternoon, regional areas suffered for years under Labor Administrations. Despite the fact that tourism is a major economic generator both in terms of money and jobs, it was an area that was completely missing out while Labor was in power. Of course, the beauty of tourism is that it provides the opportunity for jobs for young people. If members of the House ever visit hotels and virtually any other tourism facility, the large number of well trained young people is always apparent because of their opportunity to gain employment.

As far as regional areas are concerned, more money is put into tourism in regional areas than is put into the City of Adelaide itself. In other words, this Government is doing all it can to ensure that we have investment in regional areas and, with that investment, the opportunity for further jobs, particularly further jobs for young people. The South Australian Tourism Commission provides almost $2 million directly to regional tourism marketing boards.

In terms of direct grants, this is more than any other State provides to like regional organisations. The Tourism Commission's tourism road grants scheme, the signposting program and visitor information centre grants contribute a further $850 000 directly to regional tourism activity. The South Australian Tourism Commission runs a series of training and information seminars—all in the regions—to assist them with their marketing and administration. The Tourism Commission also subsidises monthly meetings of regional tourism marketing managers. In addition to ongoing industry and small business advice, we provide help directly to the various tourism operators in regional areas. A further initiative of this Government is that in cooperation with the regional tourism boards the commission has developed an incentive marketing scheme, and this will commence with $75 000 to be matched on a dollar-for-dollar basis by regions and industry partners for specific marketing programs promoting two or more of our regions.

The pool of funds for this assistance will increase each year by at least the CPI. Another initiative is to provide an attractive marketing program promoting specific themes. This is designed to increase visitation to regional areas in the so-called low seasons. We are also developing a new partnership with regional tourism and moving away from the traditional grant programs to cooperative performance based funding. If we add all those figures, over $3 million will be provided directly to regional areas this year in addition to the ongoing general marketing which is State wide. In concluding, I must refer to a comment by the member for Taylor who claimed we have allegedly reduced our marketing funds. Nothing could be further from the truth. We have increased funding for tourism marketing and substantially increased tourism funding for marketing and assistance in the regional areas.

MENTAL HEALTH

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Health. Were the identical quotes used by the Minister for Tourism and the Minister for Correctional Services in separate media releases, taking credit for the same mental health Neighbourhood Health Service, in fact prepared by the office of the Minister for Health? The *Messenger Press* this week reported on media releases put out by the Minister for Tourism and by the Minister for Correctional Services which it is claimed contain no less than nine identical quotes. The article said:

The ventriloquist act continues, with Mrs Kotz and Mr Ashenden going on to 'share' nine quotes. Come election time, perhaps it is just a case—

The SPEAKER: Order!

Mr CLARKE: —of insert name here.

The SPEAKER: Order!

Mr CLARKE: Which Minister—

The SPEAKER: Order!

Mr CLARKE: —is the dummy?

The SPEAKER: Order! I name the Deputy Leader of the Opposition for defying the Chair. Does the Deputy Leader wish to be heard in apology or explanation?

Mr CLARKE: I was quoting, Sir, but I do apologise unreservedly. I did not see you.

The SPEAKER: The Deputy Leader has had more warnings and counselling than any other member in the House. The Chair is not prepared to accept the explanation.

MEMBER, NAMING

The Hon. G.A. INGERSON (Deputy Premier): In light of the lack of acceptance of the apology, the Deputy Leader's explanation should not be accepted. I suggest that as the Deputy Leader again is not exercising what would be the traditional role in this place as part of the basic rules of the House and understanding the position when the Speaker is on his feet, I support the position of the Speaker. We should carry out the normal procedures of the House accordingly.

The Hon. M.D. RANN (Leader of the Opposition): This is just plain silly. The Deputy Leader of the Opposition—

Members interjecting:

The Hon. M.D. RANN: Sir, will I be heard in silence?

The SPEAKER: Order! Yes, you certainly will be.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Premier's finished, is he? I know he is not coping too well.

Members interjecting:

The SPEAKER: Order! The Leader has the call.

The Hon. M.D. RANN: The Deputy Leader of the Opposition was quoting from an article, which means that it cannot be deemed as argument. That is a golden rule of this Parliament. The fact that it is unpalatable for members opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —has nothing to do with the fair running of this Parliament. I will just make it very plain today. I understand there have been all sorts of sensitivities on the other side of the House today with various meetings about various issues and documents, and so on. However, I do not believe—

Mrs Rosenberg interjecting:

The SPEAKER: Order! The member for Kaurna.

The Hon. M.D. RANN: —that it will help the efficient running of this Parliament by naming the Deputy Leader, who was quoting from a News Limited newspaper, the Messenger Press. I point out today that the former Deputy Premier described me as a liar. He was asked to apologise and withdraw. He did not do so in the spirit of this Parliament and your ruling, Sir, and you are well aware of that. I did not complain, in order to assist the good humour and carriage of this Parliament. If the Opposition is to be named in the lead up to the election as some kind of process to prevent our quoting in the Parliament, there will be some very long days and nights ahead. Perhaps some of the matters about which there have been meetings in the past day or so might need a wider airing.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY (Hart): I also rise to defend the Deputy Leader of the Opposition. I have the question in front of me; there was no comment in the question. The Deputy Leader—

Members interjecting:

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

Mr FOLEY: On a point of order, Mr Speaker, I ask the Minister for Health to withdraw that remark. It is unparliamentary for me to be called a dope by the Minister for Health.

The SPEAKER: Order! It is clear that certain members want to disrupt the proceedings of the House. I suggest to the Minister for Health that, if he made that comment, he withdraw it forthwith.

The Hon. M.H. ARMITAGE: I am unaware that it is unparliamentary, but I will withdraw.

An honourable member interjecting:

Mr FOLEY: If the member for Morphett wants to call me a pussy cat after that ruling, so be it. The reality is that the Deputy Leader had his back turned to you, Sir. There was a very strong barrage of interjections from members opposite, as we are witnessing now. At times, it is very difficult with the torrent of abuse that comes not only from members opposite but from members on our left. It is a difficult situation. The Deputy Leader had his back turned to you, Sir, and was unaware of your ruling. The Deputy Leader should not be named. His apology should be accepted. It is the end of Question Time. After this week, it should be accepted.

The Hon. S.J. BAKER (Treasurer): I will address the issue briefly. The issue is that you, Mr Speaker got to your feet and called members to order at least four times—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: If anybody wants a record of what happened, they can ask the television stations to provide one. On at least four occasions the Deputy Leader was called to order, but he did not respond to you, Mr Speaker, when you were on your feet. That is the only issue. When the Speaker gets to his feet and calls 'Order!' everybody must be seated, end of story. If the Deputy Leader has become so carried away with his debate and abused his part in the House by keeping his back to you, Mr Speaker, and wants to abuse someone loudly such that he cannot hear you, be it on his head. It is his behavioural problem. It is unsatisfactory to explain such behaviour by saying, 'I didn't hear it, because I was making such a big noise myself'. Mr Speaker, you called members to order at least four times, but you were either ignored or not heard, due to the honourable member's behaviour. That is the only issue.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the honourable member's explanation not be accepted.

A division on the motion was called for.

While the division bells were ringing:

Mrs Rosenberg: You obviously have no questions.

The SPEAKER: Order! The member for Kaurna is warned.

AYES (29)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Greig, J. M.
Hall, J. L.	Ingerson, G. A. (teller)

AYES (cont.)

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.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (8)

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

Majority of 21 for the Ayes.

Motion thus carried.

The honourable member for Ross Smith having withdrawn from the Chamber:

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the honourable member for Ross Smith be suspended from the service of the House.

Motion carried.

QUESTION TIME RESUMED

RACING INDUSTRY

Mr BASS (Florey): Will the Minister for Racing advise the House on the benefits of the State's racing industry and Totalizator Agency Board?

The Hon. G.A. INGERSON: At 30 June this year, the turnover of the TAB was $524.9 million, a 5.7 per cent increase on the previous year, and the first time in three years that there has been an increase in turnover of the TAB. This has resulted from a decision by the Government to appoint a new board some 18 months ago, and a decision of that board to recognise that the TAB needed to be competitive within the gambling industry, needed an upgraded image and a new marketing plan, and needed to work with the racing industry to get more money back into the industry.

The $25 million increase in turnover is very pleasing and significant, a result about which I am both supportive and proud as Minister. However, it has happened only because of the need to upgrade, and that has resulted in significant change in the agencies and hotels through PubTAB. That change has seen not only a cleaning up in lighting and general image but also a significant change in attitude and performance of staff. Without commitment by the staff of the TAB to recognise change, it would not have happened. You can easily change image, but you need your employees to come along with you to make that change. I publicly acknowledge the tremendous effort of the staff of the TAB—from the general manager through to all agencies—that has achieved the improved result for the TAB.

In my view, in excess of $1.5 million will go back to the industry because of this significant change. I look forward to seeing the profit figures at the end of July and the significant increase in contribution that the TAB will make to the racing industry.

GRIEVANCE DEBATE

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

Ms HURLEY (Napier): Today, in Question Time, the Premier raised the matter of the MFP and the work it has been doing around Adelaide. Certainly, a number of the projects that are now under the MFP umbrella are very worthy projects which were needed and which probably would have been done anyway. Several of the projects that the Premier mentioned in detail would never have happened if it were not for Federal Labor Government Better Cities funding.

When this Government first came into office, it made a great deal of opening and praising projects that had been done with Federal Labor money. The instant that the Federal Liberal Government got into power, it did away with Better Cities funding, which had been used to such good effect in cities all around Australia. Now we are without it. Where will this State Government go now? The answer appears to be, 'Not very far.'

When I first heard of the MFP project, I was very excited by the concept. I thought that it was a wonderful idea and that people should give it a go. I was one of those who consistently argued that it should be given time to settle in, that it should be given time to raise funding to settle its structure and to do the work it was set up for. As a science graduate, and having a number of friends who work in the science, technical and technological areas, I thought this was a great opportunity for South Australia to get something going here in Adelaide—and perhaps around the rest of South Australia—that would provide exciting, innovative and interesting jobs for people like me and fellow graduates: I thought it would not only retain good scientists and technologists in Adelaide but also bring some of them back to Adelaide.

Adelaide has produced brilliant scientists, engineers and technicians, yet they are now working overseas. It would have been good if the MFP could have got off the ground and brought some of those people back home. But such things did not occur and now this Government has turned the MFP into a travesty of its original concept. It has been turned into a department of urban development. It is just project managing a series of construction activities and refurbishments around the place. It is taking over a few projects that were initiated by other departments, such as the redevelopment of Port Adelaide and the upgrade of Parliament House, for Heaven's sake. These are not projects that require innovative, technical initiative—and that is what the MFP was set up to do.

In particular, I refer to the Bolivar pipeline. In my electorate, I have a number of market gardeners in the Penfield-Virginia area who have been waiting many years for the water supply promised by the Bolivar pipeline—in fact, 30 years. Successive Ministers have announced that project—

Mr Brokenshire interjecting:

The ACTING SPEAKER (Mr Bass): Order! The member for Mawson is out of order.

Mr Becker interjecting:

The ACTING SPEAKER: So is the member for Peake.

Mr Becker interjecting:

The ACTING SPEAKER: Order!

Ms HURLEY: —and have tried to take credit for this project: it had not happened and it still has not happened.

Mr Brokenshire: Why?

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

Ms HURLEY: The member for Mawson asks why, and that is a good question. This Government, having finally got Federal money to fund the project and get it off the ground, has still not been successful in negotiating with users of the water to make the project viable. I am extremely disappointed by that, not that it is a technologically innovative project but it would have been something that would do a great deal of good for market gardeners in Adelaide and the State of South Australia. I have simply lost faith that the MFP will come up with any technologically interesting projects. I agree with my colleague the member for Hart that, so far, it has not justified its existence. I say that with a great deal of sorrow.

Mr Atkinson interjecting:

Mr BECKER (Peake): I appreciate the comments of the member for Spence, saying, 'A good member.'

An honourable member interjecting:

Mr BECKER: You keep pointing your hand at me: I do not know why. I do not always interject. I am very disappointed that one of South Australia's largest retailers is currently selling a soft drink product called 'Dad's old-fashioned root beer', which is sarsaparilla. This product is made in California and imported into Australia. Last Saturday morning I bought a can at the Coles supermarket at Glenelg for 78¢. It is not stamped or marked '5¢ deposit refund in South Australia'. Therefore, it is being sold in contravention of the container deposit legislation.

The Minister for the Environment must be congratulated and deserves the highest praise on his insistence to continue and resistance on occasions to remove the container deposit legislation. Having represented a seaside suburb for many years, I appreciate the impact that the deposit legislation has had. One could easily say that we have one of the cleanest, if not the best, local environments in relation to aluminium and steel cans and bottles, etc. When I first came into this House in 1970, there was a lot of broken glass on our beaches, with cans all over the place, and generally the place looked untidy. Since the introduction and continuation of, and insistence upon, deposit legislation by all Governments, our beaches and local residential environment has improved.

When I walk down Jetty Road, Glenelg, I often smile when I see several people fighting over the garbage bins claiming, 'That's my bin!' 'No it's not, it's mine!' as people rummage through to pick out the small bottles and cans, placed in the bins by visitors, to get the 5¢ deposit. I understand that this State has by far the lowest incidence of beverage container litter of any State in Australia. In fact, it is 30 per cent to 70 per cent lower than in any other State, depending on the type of container. In addition, our levels of recycling are much higher than in other States, thanks to the container deposit legislation.

At one stage people in New South Wales were bragging that aluminium cans were being collected and recycled at a rate higher than anywhere else. I believe that that cannot be sustained because we have the best system in that regard. South Australia recycles 83 per cent of most beverage containers, although for PET plastic bottles the level is 70 per cent. There is a reason for that. As most home gardeners would know, those clear plastic PET bottles are very handy in propagating and protecting plants in the garden: they have a variety of uses around the home, so they are being recycled there as well. Other States have levels of collection of between 25 and 40 per cent.

Since the clean-up of the Patawalonga and surrounding waterways, I have not seen a container of any type in the Patawalonga itself. I advocated trash racks back in the early 1970s—and we did have one that was eventually pulled out on the insistence of a local councillor, who had his nose put out of joint because it was not his idea—but I have never seen the Patawalonga and the reaches looking so clean, even though a lot of work is still going on at the moment.

Most retail outlets in South Australia are well aware of the law requiring beverage containers to carry deposits, I am told. This law is policed by the Environment Protection Agency, which responds to complaints or concerns from consumers or industry. While I am sorry to have to dob in Coles, the actions of some of our large supermarkets are not good enough and are to the detriment of the smaller retailers who do the right thing.

As I said, I object to soft drinks being imported into this country, when I have Coca-Cola, one of the world's largest soft drink manufacturers, in my electorate, and it meets the demands of the community. We have some wonderful industries in my electorate and employment creating opportunities. I congratulate the Minister and hope that he persists with this container legislation.

Mr BROKENSHIRE (Mawson): Early this evening I will have the pleasure of attending the first meeting of the new council in my region, temporarily called the City of Happy Valley, Willunga and Noarlunga. The creation of this big, new super council is an historic occasion for the community in my electorate.

Mr Atkinson interjecting:

Mr BROKENSHIRE: I am not interested in playing Party politics in council, as does the Labor Party. The member for Spence might be so inclined, but I am interested in good government at local, State and Federal levels. That is what I want to talk about. When we first debated the amalgamation Bills in this Parliament, which I am very proud to say I supported, one of the fundamental reasons was to improve services and bring down rate capping for the ratepayer. Many of my constituents, as do others in other councils areas, pay a significant amount of money per annum in council rates.

The idea of amalgamations is not only to see more efficiencies but also to provide an opportunity to adopt the best practices from each council area. The way I see the thrust of the new Act, it is not about coming down to the lowest common denominator with those practices that a council or a group of councils might have been implementing: it is about bringing the best practices and the highest denominator into the equation. What I am simply saying is that, in terms of, say, recycling, if one of the councils involved in the amalgamation has been doing a better job in that area than another, the new amalgamated council will have the opportunity of adopting and putting in place that best practice recycling opportunity. The same thing occurs with zoning, with encouraging breaks and incentives for industry to come into the region, and so on.

High on the list of issues that the new council will have to look at is recycling. I am particularly interested in recycling as I am the Chair of the State Government's litter strategy. Recycling around the world has actually plateaued at the moment, and I suggest that, if we are to achieve any improvement in recycling, we should be putting some of the money from the Howard Government's Heritage Trust into research and development of viable economic product that is

a result of recycling. There are far too many products that cannot be recycled or, if they are being recycled at the moment, there is not enough money in it to make it viable. If we are serious about stopping landfill—although we have improved a lot in the last few years—and if we are serious about getting the community to recycle and serious about seeing a growth in that industry, there has to be a profitable end use for that product.

I believe that a couple of other issues in the rural part of my electorate need to be addressed by the new council, and I look forward to working with and supporting it in that direction. The first is differential rating. The new council will take in a full, large rural area. I appreciate that it was difficult for the three councils previously to all have a rural differential rating, but that opportunity now exists.

Given our commitment not only to protect but also to see expansion in viticulture, horticulture and rural opportunities in the region which currently exist and which will create jobs for young people and others generally in the southern area, it is important that we show those intents at all tiers of government in terms of differential rating and rating incentives to keep it rural. To that end, I will continue my push to see the whole of my area exempt from the land tax issue.

The other matter of concern is rural speed limits. We have a situation where part of the amalgamated council has been in a municipality and, as a result of that, the rural roads in that electorate have primarily been only 60 kilometres an hour. Many of us who have lived there for donkeys years have travelled along those roads not knowing that you could travel at only that speed. That needs to be addressed as a matter of urgency, because it would be a real impost on my constituents if the police were to start fining them for travelling at 80 or 90 kilometres an hour, the speed at which they are able to travel in parts of the council area. These are just some of the issues requiring attention. I urge the community to give the new council a good go, because it is committed and there will be opportunities arising that will benefit all concerned.

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

Mr LEWIS (Ridley): The first matter to which I wish to draw attention involves the water supply to Monarto. Unlike what the member for Hart put to the House during Question Time, I point out that the water supply to my constituents in Monarto and Murray Bridge has never been filtered. It is potable and will continue to be potable. It has always been chlorinated to ensure that it is safe in that respect. In the near future, having been provided with $3 600, each consumer will be able to either put in individual filtration facilities, which will enable them to receive good water at their homes, or to clean out the gutters on the roof of their home and install a rainwater tank. The total cost of doing that, on a route area sufficient to provide an ordinary household with enough water for cooking, drinking and other potable uses, will be obtained easily.

If one were to invest that $3 600 at 10 per cent, or for that matter even 7 per cent, one would certainly be getting $200 or $300 a year, which would be more than enough to bring in filtered water. Water weighs 62¼ pounds a cubic foot and 10 pounds a gallon, and you would need to bring in only about 4 000 gallons for an average family for essential purposes, with 4 000 gallons of water weighing about 40 000 pounds (20 tonnes). The freight from anywhere in the Adelaide Hills to Monarto would be about $10 a ton: that is $200. So, each year people, if they wished, could afford to bring onto their home sites into the tank they have on the premises a filtered water supply from elsewhere, or bore water from the soft water springs in the Adelaide Hills. I do not have a difficulty with that at all: it seems to be a fair and reasonable way to go.

I do have a difficulty, though, with the charges for the unfiltered, inadequately chlorinated water they would otherwise be getting, as I have a difficulty—as I have put to this House previously—with the Government's and SA Water's attitude over the years to the people of Swan Reach, Lameroo, Pinnaroo and other such places. At Swan Reach there is a filtration plant called Swan Reach, yet the people who live there cannot get access to the water filtered by that filtration plant. In any case, all along the river you do not have to heave the water and the mud it contains up over the hills as we do to get it into Adelaide: we can simply pump it out of the river and into the pipelines through those towns, and it would cost only about 26¢ to 28¢ a kilolitre, not 90¢.

In the Mallee, it is good ground water straight out of the Mallee underground basin (called the Murray Basin) where the cost would be 8¢ to 10¢ a kilolitre, not 90¢. So, if the member for Hart were to have taken up the cudgels on behalf of those people and said that they should have been allowed to obtain the water at cost recovery, he would have been saying something useful in his contribution to the debate.

I now turn to the matter of petrol pricing in the principal town in my electorate, Murray Bridge. I believe it is about time the retailers and/or distributors in that town woke up to themselves and realised that they cannot go on expecting the public to buy their fuel at the exorbitant prices they are charging. They claim that their turnover is insufficient to warrant smaller margins, and it is a self-fulfilling prophesy. At present, people are deliberately driving out of the lower Murray into the Hills, or even Adelaide or across to Strathalbyn, to do their shopping, determined at the same time to fill their fuel tank whilst they are away because they will save themselves 6¢ to 8¢ a litre.

The wholesale petrol price before State taxes for both city and country areas in South Australia in April 1997 was 63.3¢ a litre. Yet, the margin that was charged by retailers was enormous. The retail price was something like a 10¢ difference, and there was no necessity whatsoever for that. The State forgoes its franchise fee in the licensing arrangements. In fact, they get it 4.7¢ cheaper as a result of the franchise not being charged.

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

Mr FOLEY (Hart): I rise this afternoon to speak about a matter of much concern—and it is important that we have debate on these issues in the Parliament—that is, the State and the condition of our economy in South Australia. Despite the consistent rhetoric and almost prerecorded statements that the Premier is shooting off whenever quizzed about the economy, it is very important that we have a close, realistic look at exactly how our economy is performing. A very important report released today does that for us. It is put out by a well respected organisation, whose accuracy and credentials when commenting on the economy is certainly beyond question. The National Australia Bank has released its quarterly details on the performance of the States around Australia. Let us look at what this report says about the state of the South Australian economy. When talking about the various States of Australia, in commenting on the economic conditions in South Australia it states:

The weakest conditions continue to be experienced in South Australia.

That is very concerning and extremely distressing. Then when we look a little closer at this report to try to ascertain exactly what this means, we see a number of very important results from State to State and compare them to the overall health of the South Australian economy. When we look at business conditions—and the ratings are: very poor, poor, satisfactory, good and very good—the State of South Australia on the index is minus 12, the worst of all the States. The next worst State is Tasmania, on minus 3—four times worse on the index for business conditions than any other State. Let us look at profitability, from where all investment eventually will come. In South Australia, the index reads minus 18. The next worst State is New South Wales, on minus 11—so, South Australia is nearly twice as bad as the next worst State. On employment, South Australia is minus 18, compared to the next worst State of Tasmania, on minus 14.

The overall business conditions of our State are abysmal, and they are abysmal by no other authority than the National Australia Bank. When you look overall on a State business conditions chart, South Australia registers on the index minus 13. The next worst State is Queensland, on minus 5. So, we are nearly three times worse, on a comparison of business conditions, than the next State, and we are four times, approaching five times, worse than our biggest competitor State, Victoria.

This has not been an isolated incident. When I look back through the numbers for the quarters going back to December 1995, we have been close to, if not well in excess of, the worst State on the NAB business conditions index. This is a disgrace. This Premier, this Deputy Premier, the Minister for Primary Industries, all other members and this Cabinet are doing nothing to revive this State.

Each barometer as it comes out quarter after quarter, month after month, and week after week shows that this State is in reverse, that it is going backwards, or that it is going nowhere. After four long years, this Government has done nothing to revive business conditions in this State. It has done nothing to provide jobs or to instil confidence in this State. This is a discredited Government, one which is incapable of managing the economy. It has had four long years, but today our State is rated by the National Australia Bank as the worst State for business conditions in the whole of Australia. The worst State! That is an indictment on this Government and an indictment on Premier Olsen. It is a tragedy for this State. It is time that this Government got on with its job, produced an economy that creates jobs, and gave us the business confidence that we need to create investment, to create jobs and to create a future.

The Hon. G.A. INGERSON (Deputy Premier): I stand to mark the passing of one of the State's most respected gentlemen and naval officers. Commander Edward Woodward, who died in Adelaide on 27 May at the age of 86, was one of South Australia's finest citizens. Known to his many friends as Teddy, he found public distinction in the Second World War as a commander of submarines. Commander Woodward was often and justifiably described as a war hero. In the latter part of his life he chose to live in Adelaide, and it was here that he came to be well known as a man of modesty, generosity and good spirit.

Although he had retired by the time he came to our State, he was by no means a retiring character. Teddy was a gregarious, funny man and a wonderful story-teller. During the war he was noted for his humour, courage and leadership. Perhaps he showed us just how closely related those three human qualities are.

Commander Woodward's exploits were remarkable. As the commander of the British submarine *Unbeaten*, he led missions throughout the European Theatre during the years when his country was facing its gravest threat from the enemy. His results were remarkable. The *Unbeaten* was recognised by the British Navy as having sunk a German submarine, an Italian submarine, an Italian destroyer, and seven troopships or weapons-carrying merchant vessels.

Edward Arthur Woodward was born in Buenos Aires on 18 December 1910. He was educated in Dorset before joining the Royal Naval College at 13. He trained on and then served with battleships until 1933 when he volunteered for submarine service. Teddy served in the Mediterranean, China and British stations until the war broke out in 1939. In 1941, commanding the *Unbeaten*, he was sent to Malta in a flotilla with four other submarines. Of the five commanders who were attached to that group, he was the only one to survive the war.

His own sea-going service came to an end with an air raid which bombed the *Unbeaten* in Grand Harbour, hitting the vessel as she lay on the sea floor. The *Unbeaten*, which had survived 111 depth charge hits in the first years of the war, was ordered home to Britain. On the way, Teddy inhaled so much chlorine gas from the submarine's batteries that his lungs were so damaged that he was ordered off sea duty by the Royal Navy. His most rewarding work started soon after, when he trained 75 submarine commanders in battle tactics. He was awarded the Distinguished Service Order and two bars for his war service.

Teddy met his wife Barbara shortly after the war in Majorca, and then later in London. They married and spent the early part of their lives together sailing and travelling the world. He later worked in private enterprise in India and Pakistan before returning to England where he worked on the development of a nuclear submarine freighter project designed to allow submarines to carry freight on routes which went under Arctic ice. It was for his work in these fields that he was made a Fellow of the Institute of Nuclear Engineers.

London's *Daily Telegraph* described him in its recent obituary as 'one of the most successful submarine captains of the Second World War'. In 1968, Teddy and his wife Barbara came to her home city, Adelaide, and settled in Leabrook in my electorate of Bragg. He continued to serve the community, becoming a Knight of the St John Hospitallers—a cause in which he worked with another of Adelaide's great gentlemen, Sir Bruce Macklin. Sir Bruce described his old friend as having 'humour and compassion for his fellow man'. I wholeheartedly agree with Sir Bruce's assessment.

In the 15 years I was privileged to know Teddy I knew him as a man who was always ready to advise but never to hector or browbeat. As a staunch member of the Liberal Party, he was an astute judge of political character and represented the very finest ideals of liberal politics. He was a great story-teller, and his accounts of life during the war years were quite fascinating. He could sometimes be found at the Naval and Military Club where he would begin to recall many of his adventures with: 'I was in a little bar in Beirut. . . ', etc.

Teddy was a mentor and a role model, and I am proud to have called him a friend. His work for the Adelaide community in recent years and his service to protect the free world

during the war serves as a fine example. On behalf of the House I offer condolences to his wife Barbara. Teddy Woodward was a very strong worker for the Liberal Party in the electorate of Bragg, and many of us who knew him well will miss him and his stories in the future.

BANK MERGER (NATIONAL/BNZ) BILL

Adjourned debate on second reading.
(Continued from 4 June. Page 1568.)

Mr FOLEY (Hart): This Bill is to facilitate the merger of the National Bank of Australia and Bank New Zealand. As I have indicated previously, this is the third in a trilogy of such pieces of legislation to facilitate bank acquisitions and mergers with their State operations in South Australia. It is similar in most parts to the Bills which assisted Westpac, Bank SA and Advance Bank. The Opposition supports this move. It is a sensible and necessary piece of legislation. The Opposition is happy for this Bill to go through to the third reading.

The Hon. S.J. BAKER (Treasurer): I thank the member for Hart for his support for the Bill. This Bill is reasonably simple. We have gone through this trauma every time there has been a bank merger, because traditionally it has been required that such mergers be subject to the scrutiny of Parliament. The next Bill will be a generic Bill which will allow necessary amalgamations of financial institutions to occur expeditiously without having to meet the legislative requirements that we are meeting today.

This Bill is simply to facilitate a new arrangement: namely, the merger of the National Australia Bank and Bank New Zealand. This must be done in each State by way of a general piece of legislation, which I understand is law in New South Wales, or a separate Bill. In this case, we have a separate piece of legislation to facilitate the transfer. Agreement has been reached on the issue of taxation. The critical point that everyone should understand is that we need this type of legislation to enable assets held in South Australia to be transferred to the purchasing authority. I thank the member for Hart for his contribution to the debate.

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

BANK MERGERS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.
(Continued from 4 June. Page 1569.)

Mr FOLEY (Hart): The casual observer might wonder why this Bill is being moved when the previous Bill has just passed. After three such pieces of legislation, officers from Treasury and other parts of Government decided that we needed a Bill to facilitate all future mergers so that we would not have to move a separate piece of legislation each time a merger occurs. Obviously with the dynamic changes occurring within the financial system within Australia, and the outcome of the Wallace inquiry yet to be fully decided upon by the Federal Government, in reality, whether or not we like it, there will be further bank mergers or arrangements made between banks over the years ahead. Whether that is good, bad or otherwise for our State, in reality in most cases these issues are of a Commonwealth nature, and those decisions will be taken in most part by the Commonwealth Government of the day, and the States will then be required to have facilitating legislation to enable any such mergers to occur.

One readily comes to mind in Victoria with Westpac making a bid presently for the Bank of Melbourne. Unfortunately, regardless of whether or not the Victorian Government is supportive of that move, once the decision is taken by the Federal Treasurer to allow that merger to occur, it is incumbent upon the State to facilitate that merger. I am not fully conversant. There may be some areas of bank mergers where Governments can intercede, but I suspect that they would be minor.

We acknowledge that it is senseless to continually bring Bills to Parliament for this to occur and that a more appropriate way to do it is to have a major piece of legislation in place to facilitate that. That is not to say that the Treasurer would not consult with the Opposition or that the Parliament would not be made aware of any actions. It is my understanding that there will be regulations under the Act. Parliament will still have to undertake procedures to allow those facilitations to occur. We have one piece of framework legislation in place that will enable that to occur. The Minister may confirm that the Parliament will still have a role to play, albeit minor in part, but at least the mergers will be made known to the Parliament.

Mr LEWIS (Ridley): It is not my belief that template legislation of the kind to which the member for Hart has referred ought to find passage through this Parliament. State Parliament ought to scrutinise each and every merger. The Commonwealth more often than not facilitates mergers based on political expedience that suits its interests and, if any consideration is made of matters outside the Commonwealth Government and its Treasury, they will always be driven by considerations of electorates on the eastern seaboard and will ignore the interests and pleadings, such as they may be, of any of the State Parliaments. This provides us with a certainty that, if we do not want it to happen here, we can prevent it.

Mr Foley interjecting:

Mr LEWIS: What the member for Hart was referring to was template legislation that would simply enable it to all happen without there being any opportunity for debate.

Mr Foley interjecting:

Mr LEWIS: More importantly, I will always raise my voice against the diminution of powers of the State Parliaments, and this one in particular.

Mr Foley: Talk to Stephen.

Mr LEWIS: The member for Hart may or may not talk to the Treasurer. The Treasurer is not necessarily wisdom-embodied on everything. I am simply telling the member for Hart that I do not share his view in a Federal system—

Mr Foley interjecting:

Mr LEWIS: I am telling the member for Hart—

Mr Foley: Tell your boss.

Mr LEWIS: He is not my boss. I am telling the member for Hart that I do not share the view that he has and which other members may have. So long as I remain a member of this place, I will insist that its legislative prerogatives remain so that it can scrutinise what is in the best interests of South Australia. I have no difficulty with this piece of legislation. I merely state again my opposition to the principle suggested.

The Hon. S.J. BAKER (Treasurer): I thank both members for their contributions to the debate. This Bill provides capacity to protect the interests of the State, and I will explain why. The border lines that make up the States are no longer the border lines that dominate the financial institutions, and have not been for the past 50 years. The current situation is clear: there will be changes in the financial institutions, banks, building societies, credit unions and friendly societies. They will be significant over the next few years. New institutions will arise and other institutions will merge with their counterparts. As a State we cannot expect to simply say that, if there is some element within South Australia that is not pleasing to South Australians, we should stop amalgamations that have been negotiated elsewhere. It is not possible to stop the world and get off when the negotiations and final determinations have been made outside our borders.

It was my expectation, as the member for Ridley would appreciate, that when we have a dynamic financial market the States would have had all their powers removed in relation to dealing with these situations. That was my expectation. That is not the outcome because, as the member for Ridley rightly points out, we have had some responsibility for the oversight, although limited, in relation to banking institutions that are in this State, irrespective of whether they be long-term banking institutions or institutions of a more recent nature. Numerous new banks have come across from other jurisdictions. We have the jurisdictions of banks from overseas that have seen fit to set up branches in Australia and South Australia. We should be pleased about that outcome. It shows that Australia is internationalised in terms of its financial institutions.

However, to expect that under those circumstances an amalgamation of institutions should be held up because of some item of interest in South Australia is a difficult and unsustainable position in the circumstances. I can imagine, for example, an overseas bank saying that it wished to amalgamate with another overseas bank in South Australia or with branches in Australia including South Australia. We would not be sending the right signals to anyone concerned if we said in South Australia that we were not too happy about it and that we wanted to stop the amalgamations. We have the vestiges of a State system. If we were setting up a new system today, the States would not even feature in any legislation in terms of control or responsibility for the banks. That is quite clear.

However, here we have a capacity for South Australians and the South Australian Parliament, at least through the regulatory form, to protect the assets and disallow the regulations. We have an enabling Bill, but we still have some responsibility, which is somewhat better than the position in which we would have been left if we had a situation in which we had no say whatsoever. There are provisions in the Bill in which we play a role, admittedly a reasonably insignificant but important role, in terms of the protection of South Australians who invest in banking institutions. With this Bill we are enabling the amalgamations to occur. I assume that there will be other changes as time goes by that effect other financial institutions that will have to be accommodated.

The member for Ridley quite rightly asks why the Parliament should not have the opportunity to scrutinise each individual change. On the other hand, we know with the rapidity of change taking place that South Australia could be dragging its feet in relation to mergers that have to be facilitated for a range of reasons. They could be sound business reasons or protective reasons because some institutions may not have performed appropriately and there is a merger to ensure that an institution does not become bankrupt and affect the people who deposit their money with that bank.

There is a whole range of reasons why we have to be smarter and faster in the way we do business in this State. All States are now looking at generic legislation such as we see here today, simply because the speed and rapidity of change has to be accommodated. We cannot stand out and say, 'Look, we will wait until the next Bill goes through.' Those time lines have shortened. The whole velocity of money, the way that it works and the way that it works through the economy both nationally and internationally, has increased dramatically. It is the same with changes to corporations and business enterprises. The changes have been dramatic and far reaching. So, it is incumbent on this Parliament to ensure that we facilitate those changes and at the same time ensure that the best interests of South Australians are clearly scrutinised in the process. It is an important Bill, which allows the State to more speedily address mergers that are occurring in the market place. However, it does afford some small level of protection for those who are affected within South Australia by those changes.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

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

Page 1—

Line 16—After 'immunity' insert '(including a present or future cause of action)'.

After line 21—Insert:

'cause of action' includes any right to bring, defend or participate in legal proceedings;

Line 25—Leave our paragraph (a) of the definition of 'liability' and insert:

(a) a present, contingent or future liability arising at law or in equity (including a liability to a present or future cause of action)';

Page 2, line 11—Leave out 'discharge of a liability' and insert 'performance of a duty or non-pecuniary obligation'.

We are making several amendments to the Bill. The member for Hart has obviously observed the amendments incorporated in the Bank Merger (National/BNZ) Bill. When we considered this general Bill, we took advice and saw further information in terms of the practicalities of the legislation. Matters were raised with us in relation to the merger before us and, therefore, we made changes to the Bill that we have just dealt with, and we are making consequential changes to the generic Bill we are now dealing with. The first amendment incorporates this change to make it clear that present or future causes of action are to be considered as assets or liabilities in appropriate cases. These changes are consistent with the previous Bill, as I suggested, that is, to ensure that certain actions are preserved under this Bill.

Mr FOLEY: I flag the Opposition's support for these amendments. For someone who may be following the passage of the legislation in *Hansard*, the amendments were, as the Minister has indicated, provided to the Opposition after the original Bill was drafted to ensure that all areas were addressed in the bank mergers Bill. I was advised of such by the Treasurer. We are happy to see these amendments included, and I indicate our support for them.

Amendments carried; clause as amended passed.

Clause 3.

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

Page 3, after line 13—Insert:

(ra) relief from the consequences of anything done or allowed under the regulations;

This is consistent and consequential.

Mr FOLEY: It is seconded.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5.

Mr FOLEY: I move:

Page 4, lines 11 to 15—This clause will be opposed. Insert the following clause in its place:

5.Subject to any specified limitations—

(a) regulations made for the purposes of this Act apply both within and outside the State; and

(b) the regulations apply outside the State to the full extent of the extra-territorial legislative power of the State.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

STAMP DUTIES (RATES OF DUTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 1569.)

Mr FOLEY (Hart): The Opposition supports the legislation. As outlined in the legislation, the critical areas deal with the transfer of property from an official trustee in bankruptcy or registered trustee to the bankrupt or former bankrupt. The stamp duty exemption should be applied there, and I indicate that we support that. I also indicate that we also accept the amendment to better deal with the duty paid on conveyances of property from superannuation funds to pooled superannuation trusts, given the clear consistency in that with the Commonwealth requirement that small funds and trustees are required to have an investment strategy that minimises the risk profile. As it is eminently sensible, we support that, as we do the third element of the Bill, which requires some changes to the stamp duty payable on the transfer of marketable securities by way of gift.

Clearly, an anomaly has occurred between the gifting of marketable securities and the sale of such securities, where the sale of such securities incurred less stamp duty than gifting, which obviously left open the potential for rorting and some unnecessary differences there. The Bill intends to clean that up, and that is eminently sensible. The Opposition has considered it and yet again will support the Bill in its entirety.

The Hon. S.J. BAKER (Treasurer): I thank the member for Hart for his support for the Bill. The member for Hart has outlined the key issues addressed in the amending Bill. They really are to tidy up anomalies. It is appropriate that we continually review our taxation legislation to ensure that there are no inequities in the legislation. We judge that three inequities need to be addressed. As the member for Hart clearly pointed out, they deal with the transfer of property out of bankruptcy; they make life easier for the transfer of superannuation funds; and the anomaly in relation to the duty that applies on the gifting of marketable securities. In each case the Government believes it is appropriate to have the legislation updated consistent with practices across Australia, and I am pleased with the support from the member for Hart.

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

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 1449.)

Ms HURLEY (Napier): This Bill allows for general agreement between ETSA and the council via a technical regulator with regard to management of vegetation around powerlines. In a previous Bill, the Government had been arguing that the councils owned the trees and should, therefore, take full responsibility for the pruning and management of vegetation. The councils were arguing that ETSA provides the power and reaps the revenue from it and should be the one to take responsibility, particularly in view of the safety and technical issues involved. This Bill, after long negotiations with the Local Government Authority and councils, shifts the emphasis back to negotiation between ETSA and the councils in the management of vegetation clearance.

I congratulate the representatives of the local government authority and the councils for their patience in this issue. It has taken many months, if not years, of painstaking negotiation and gathering of information and argument. Both parties have given way on this and reached perhaps what might become an uneasy compromise. However, if the technical regulator is able to achieve negotiated solutions, it may yet prove to be the best way to go. On the advice of councils, the Opposition will support the Bill in its current form.

Mr VENNING (Custance): I rise in support of this Bill as Chairman of the ERD Committee, of which the previous speaker is also a member. The Bill proposes a halfway measure to resolving the issue of vegetation management around powerlines in greater metropolitan Adelaide. It gives the technical regulator the power to try to determine a working agreement where disputes arise with councils and ETSA. This means that ETSA must try once again to negotiate with difficult councils, especially in the eastern suburbs, which the committee inspected. There are beautiful trees in that area but they are growing through the powerlines and are a point of conjecture. It allows up to six months for negotiations and, even then, the regulator may not be able to achieve an agreement.

ETSA would feel that the amendments are a halfway measure to resolving the issue of vegetation management around powerlines in greater metropolitan Adelaide. The amendments give the technical regulator the power to try to determine a working agreement where disputes arise with councils and ETSA. This still means there could be lengthy negotiation periods, causing delays and frustration. I also note that the ability for some streets and not others to be delegated to councils will become costly to administer to ensure ongoing compliance. The positive aspects are the support of the technical clearances and the removal of tree planting controls where councils take responsibility.

I refer to the recommendations of the Environment, Resources and Development Committee—of which, as I said, I am Chair—made in its vegetation clearance regulations pursuant to the Electricity Trust of South Australia Act 1946 inquiry, tabled on 30 July 1996, in which the committee reviewed vegetation management around powerlines in non-bushfire areas. From the outset, the committee identified the following major objectives to determine its terms of reference, being: first, the adequacy of the vegetation clearance

regulations at present; secondly, the liability and indemnity of parties affected by the regulations; thirdly, the adequacy of the present programs of undergrounding and overhead electricity supply in relation to the duties enforced by the regulations; and, fourthly, procedures for dealing with disagreement on vegetation clearance matters between the parties.

In arriving at its recommendations, the committee consulted widely and received evidence from a range of parties, including ETSA, the Local Government Association of South Australia and associated committees, individual local authorities, the insurance industry, local associations, telecommunications carriers and individuals. On any reading of the original electricity Bill as it was introduced here, it is indisputable that the Government acknowledged the good work of the committee by incorporating the committee's key recommendations in part 5 of that Bill. On behalf of the committee, I am satisfied and pleased with that. I refer to part 5 of the Bill, clause 55(1) regarding duties in relation to vegetation clearance and responsibility for same. I refer to recommendations 4, 5 and 6 of the ERD report. Recommendation 4 clearly provides:

> The committee recommends that the 'agreed scheme' provisions in the regulations should remain as a vehicle to accommodate local government with regard to the control of their environment.

Regulation 5 provides:

> The committee recommends that the local councils who desire complete control of tree planting and vegetation clearance should take the normal risk of public liability and the regulations should be amended to provide for an agreed transfer of that responsibility.

That is a clear recommendation. After reading these recommendations, it is interesting to note from the debate in the other place how things can be misconstrued. Recommendation 6 provides:

> The committee recommends that the provisions of the Local Government Mutual Liability Scheme, appropriately structured, could provide indemnity for any member council operating vegetation clearance independently of the Electricity Trust of South Australia or any other supplier.

Throughout the course of the committee's inquiry and in places elsewhere, councils individually or collectively via their association made considerable representations on the issue of vegetation clearance around powerlines.

During the deliberations it was interesting to note how the opinion of councils changed. I had discussed it with several people personally, including the Mayor of Norwood, who initially wished us to give the power to local government, and she initially said they were quite happy to wear the wrap via the council's mutual liability scheme. They were all in favour but, as we went through, they seemed to change their mind. That is why we have a Bill which is not perfect but which certainly goes a fair way.

The constant theme of councils was the desire to exercise control over tree planting and vegetation clearance. That is a desire with which I concur, particularly when I consider the eastern suburbs. Of course, some well known eastern suburbs councils, particularly Norwood and its Mayor, are demanding complete control, and this Bill gives it to them. This Bill certainly offers them this control. However, with control you must take the responsibility, too. You cannot have it both ways; it is basic commonsense.

I turn to the issue of liability. In the evidence provided to the committee, the Local Government Association, on its own admission, submitted that the mutual liability scheme would be the appropriate fund to indemnify its member councils for public liability. However, even they concluded that any 'agreed scheme' that involved an agreement between ETSA and a council for vegetation clearance, with ETSA retaining the overall responsibility, would not be acceptable under the mutual liability scheme, as it would be outside the provisions of 'delegation' under the 1946 Act. If the honourable member reads it, she will see it is straight from the paper.

By way of explanation, I add that this scheme operates as a joint venture between the State Government and local government in this State, whereby councils and members of the scheme pay premiums which are pooled to buy reinsurance through the State Government reinsurance fund. It is the ideal body to give these councils that insurance against indemnity, because the State Government has an interest in it anyway; it is obvious.

May I also add that, contrary to the information given to the other House during this debate, evidence was provided to the committee that councils in New South Wales and Victoria are required by legislation to clear vegetation around powerlines rather than the electricity supplier. That is quite contrary to what was said in the other House.

Evidence provided by the insurance industry to the committee indicated that the risk of fire in non-bushfire risk areas would result in minimal premium increases in local government liability insurance. I also appreciate the other risks mentioned both here and in the other House about outages, flashovers, surges, damages to infrastructure and, of course, death or injury to line workers. That must be considered and it is certainly a big area in relation to litigation.

I remind the House that in Adelaide prior to Ash Wednesday none of the trees, or very few, were cut. It amazes me that we come to a point in time when we see a major overreaction. How many bushfires are started in metropolitan Adelaide? None, or, if any, very few occur there. Using the word 'bushfire' is an anomaly. Certainly, the risk of outages and damage as a result of flashover from high voltage to low voltage is a risk, and appliances in homes can be destroyed. That is a risk, but I cannot understand why we are preventing bushfires in metropolitan area. If a fire began in a tree and dropped down, there is no grass underneath the tree to catch fire in any event; it is usually bitumen or lawn.

On balance, I believe that this Bill admirably accommodates the desires of councils in the area. With respect to procedures for dealing with disagreement on vegetation clearance matters between the parties, I refer to the ERD Committee's recommendation No.7, as follows:

> The committee recommends that the regulations be amended to facilitate a 'compulsory conciliation conference' provision prior to any dispute under the regulations being arbitrated.

The Bill before the House now provides for considerable scope in the handling of disagreements on vegetation clearance matters. However, I am still left wondering what the real concerns of councils are: could it be that the so-called liability issue is a smokescreen to protect a privileged lifestyle enjoyed by some in the eastern suburbs? Certainly, there are wonderful streets and beautiful trees, but you cannot have it both ways, and it is not realistic to expect ETSA to underground all powerlines in a couple of years.

I can only conclude that these are merely delaying tactics perpetrated by those who seek to represent these councils, either willingly or unwillingly or for political reasons. I suggest that this State cannot afford any further delay on the passage of this Bill as not only does it hold to ransom future development in this State but with outages soon becoming

compensable the cost to the State of irresponsible vegetation management is considerable and totally unnecessary.

I also believe—as a result of information I have received, although it is unsubstantiated—that the ACCC is currently assessing this situation. Certainly, big companies which have suffered as a result of outages may be able to sue or be compensated for outages, and that is when it will come down to who caused the outages—whether a council's not pruning trees or whatever. Certainly, it has long-term ramifications.

As I said previously, before Ash Wednesday none of these trees were trimmed; now they have been absolutely cut off, and I am the first to agree with not only those who live in the eastern suburbs but also all members that it was a travesty of justice, a disgrace and a crying shame to see all these trees savaged. I believe, in most instances, there was an over reaction by ETSA, although it could not be blamed because of the threat of legal liability. In many cases, it had no option but to prune the trees a metre from the ground to solve the problem.

I congratulate the committee on the work it did and I congratulate the Government for picking up the recommendations of the committee, largely to the word. It is comforting for members of the committee to see their work taken up in this way. I commend this Bill to members.

The Hon. S.J. BAKER (Treasurer): I thank the members for Napier and Custance for their positive contributions to the debate. I think I am pleased. Certainly, there has been a result and not to have a result was an untenable situation. The directors of ETSA were clearly very upset about their position; they had responsibility for something over which they had little or no control. That matter has been debated and I do not wish to go back over the history of this matter.

Members have accurately outlined the results of the number of conferences between officers of ETSA Corporation, representatives from my department and councils in the form of the LGA. We are seeing a compromise. The member for Custance rightly pointed out that he does not believe that the issue itself was of such moment that we could not have been able to get a cleaner result one way or the other.

However, I believe that the situation has been discussed with a great deal of goodwill. It now depends on how everyone conducts themselves, otherwise we will be back here. As long as the councils and ETSA approach this in good faith and there is strong liaison between the two bodies, it may be a workable solution. I am not sure that the person who is designated as the technical regulator is in a very comfortable position if, indeed, those relationships break down.

It is with some degree of dissatisfaction in relation to what we have here, but a great deal of satisfaction that agreement has been reached at last, that I bring forward the Bill, which has been supported by both sides of Parliament and the Australian Democrats. I hope that this is the final point in this saga. I do not necessarily believe it will be, but at least we can go from here. At least, we have actually reached some points of agreement and I am hopeful that will augur well for the future. I am pleased with the support of both members who presented their case, particularly the member for Napier on behalf of the Opposition. I trust that the Bill will actually work.

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

ADJOURNMENT

At 4.25 p.m. the House adjourned until Tuesday 8 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 1 July 1997

QUESTIONS ON NOTICE

LAND, CONTAMINATED

76. **Mr ATKINSON:** What has the Government done in the past three years to remediate contaminated land in Brompton, Ridleyton and Bowden respectively?

The Hon. S.J. BAKER: The State Government is the owner of a number of parcels of land in Brompton, Ridleyton and Bowden held through the SA Housing Trust (SAHT), Minister for the Environment and Natural Resources, Minister for Transport and the Minister for State Development. With the exception of the Housing Trust land, the remainder is collectively known as the Inner Western Program (IWP) and is being administered by the MFP Projects Board.

South Australian Housing Trust Land

Florence Crescent, Brompton

The Housing Trust owns properties constructed within a residential development, generally bounded by Second, West, Third and Chief Streets. Florence Crescent runs through the centre of the development and connects into Brompton Square.

As a result of investigations into possible soil contamination on Trust allotments, the SAHT has been working with an environmental consultant to identify and evaluate future activities to assess, manage and remediate (if necessary) existing site contamination within the development. The Trust has also engaged an accredited Environmental Auditor for the site, part of whose role has been to review all previous investigations undertaken on the site. Current indications are that there is no immediate health risk to tenants living on the sites and that, where remediation is required, this can be done without demolishing existing dwellings.

Remediation strategies are in the process of being finalised for discussion with tenants affected. It is expected that remediation work will commence early in the 1997-98 financial year once agreement is reached on detailed remediation strategies with tenants and the Environmental Auditor.

Throughout its investigations, the Trust has liaised closely with tenants on the progress of the investigation work. It has met out of pocket expenses incurred by residents in having health tests conducted and relocated tenants who wish to be transferred.

Chief/West Street Site, Brompton

The SAHT also owns a medium density residential development generally bounded by Second, West and Chief Streets, Brompton. The site was investigated for possible soil contamination in 1991 and remediation work (in accordance with SA Health Commission recommendations) was completed prior to the units being tenanted.

In response to tenant concerns (generated by publicity concerning soil contamination of Trust properties within the Florence Crescent Development) further testing was conducted in July 1996. While lead and Polycyclic Aromatic Hydrocarbons (PAH) concentrations above the health based soil investigation levels were detected in the rear yards of two of the fourteen units, a subsequent formal Health Risk Assessment revealed that there were no long term health risks on the site associated with these elevated concentrations.

Inner Western Program

The parcels of land in the IWP are not easy to develop due to environmental and planning constraints. For example, a majority of the remaining sites in Brompton cannot be developed with any confidence until there is a satisfactory resolution on the future activities of a local foundry.

In addition, the IWP consists of a number of small parcels of land with different contamination and engineering characteristics. Consequently, it is difficult to devise a cost effective remediation program that can be applied to all the sites.

Nevertheless, the MFP Projects Board in consideration of the importance of the IWP to the Brompton, Ridleyton and Bowden communities, has initiated the following strategies:

- in conjunction with the City of Charles Sturt, an urban designer has been appointed to prepare an area structure plan for that part of the Bowden/Brompton area where the majority of the IWP land is situated. This plan will form the basis of development and planning decisions in the areas;
- remediation consultants and accredited environmental auditors have been appointed to prepare remediation strategies for a majority of the sites; and
- opportunities will continue to be provided for members of the local community to have a say in the redevelopment of the land.

WORKERS COMPENSATION TRIBUNAL

99. **Mr CLARKE:**

1. In relation to the position of General Manager of the Workers Compensation Tribunal:
(a) when was it established;
(b) under which statute was it established and what is the title of the position under statute;
(c) to which administrative unit is it attached;
(d) was the establishment endorsed by Cabinet and if so, when and if not, why not;
(e) what classification does it carry; and
(f) what salary is attached to it and what, if any, additional benefits does the incumbent receive?

2. How does the General Manager's package compare with that which other Conciliation and Arbitration Officers appointed under the Workers Rehabilitation and Compensation Act receive?

3. Why was the salary which the incumbent will receive not gazetted?

4. Does the position of General Manager have an official PID description and if so, what does it say and if not, why not, what are the contents of the duty statement for the position and what qualifications and experience were required for it?

5. Was the position advertised and if so, where and when and if not, why not and how were persons selected for interview?

6. Was a private recruitment agent used to identify and recommend potential candidates and if so, which agent and how many candidates were recommended?

7. How many persons were interviewed for the position?

8. Were there any criteria for the selection of candidates and was there a selection committee or an interview committee?

9. Did the Minister for Industrial Affairs have any involvement in the selection of the appointee and if so, what form did this involvement take?

10. What is the name, employment history and qualifications of the appointee?

11. To whom does the appointee report, to whom is the appointee accountable, to which administrative unit is the appointee formally assigned and from which budget line is the salary taken?

12. Does the appointee have any personal or administrative staff and if so,
(a) what are their classifications and experience;
(b) were these positions advertised inside or outside the Public Service or was re-assignment made from within the Public Service;
(c) if they were not re-assigned from within the Public Service, what were the terms and conditions under which they were appointed, who made the appointments and to whom are they accountable;
(d) from what budget line are their salaries drawn; and
(e) what is the length of their appointment?

13. Has the position of Executive Officer of the Workers Compensation Tribunal been abolished and if so, when and if not, is it vacant and if so, will it be abolished or will it be filled and if so, in what manner?

14. How many Conciliation and Arbitration Officers have been appointed and what are their names, qualifications, terms of appointment and salaries?

15. Are they currently engaged full-time performing the duties of a Conciliation and Arbitration Officer and if not, what other duties is each such Officer performing?

16. Have those Conciliation and Arbitration Officers appointed so far undertaken a course in Alternative Dispute Resolution and/or Mediation and/or Conciliation?

17. Will all persons appointed as Conciliation and Arbitration Officers be conducting Conciliation and/or Arbitration hearings and if not, who will not be and why?

18. Does the position of General Manager of the Workers Compensation Tribunal carry the 'absolute power' to direct, control and manage Conciliation and Arbitration Officers?

19. Has the General Manager received authority from the Minister or any other person to engage in duties in addition to, or in

lieu of, the duties of Conciliation and Arbitration and if so, from whom was the authority received, why, and by what instrument and if not, why not?

20. How has the Minister ensured that the judicial independence of the Tribunal and the authority of the President can be maintained and that the spirit and letter of the Workers Compensation and Rehabilitation Act is not being compromised by the creation of positions?

21. Does the Minister intend to make amendments to the Act to reflect, sustain and authorise the actions he has taken to date?

22. Has the Minister discussed and/or consulted the Workers Compensation Dispute Resolution Committee on any of the appointments he has made, positions he has created and authority he has bestowed?

The Hon. DEAN BROWN:

1.

(a) The position of Conciliation and Arbitration Officer of the Workers Compensation Tribunal was established on 24 June 1996. The title of 'General Manager' was allocated to Mr Hinton on 9 July 1996 to reflect the administrative delegations conferred on him by the President of the Workers Compensation Tribunal.

(b) The position was established under the Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Act Section 81. The position under statute is called 'Conciliation and Arbitration Officer'.

(c) The position is attached to the Department for Industrial Affairs (DIA).

(d) The establishment of 'Conciliation and Arbitration Officer' was endorsed by Cabinet on 24 June 1996.

(e and f) The position has an approved remuneration package totalling $95,000 which includes superannuation and provision for a private plated car.

2. At this stage there are four other appointed 'Conciliation and Arbitration Officers' under the Workers Rehabilitation and Compensation (Dispute Resolution) Act. Total remuneration packages are $67,000. Review Officers from the Workers Compensation Review Panel are also undertaking conciliation and arbitration work, pursuant to section 17 of the Workers Rehabilitation and Compensation (Dispute Resolution)Act, and are appointed by Cabinet pursuant to section 77B of the Workers Rehabilitation and Compensation Act. Total remuneration packages for Review Officers are $71,372.

3. It is not standard practice to gazette salaries of appointees of Boards, Committees and other Special Act appointees.

4. The position of General Manager does not have an official PID description. Section 80(5) provides that the President may delegate administrative powers and responsibilities. Section 80(6) then provides that a delegation may be made to any person, is revocable at will and does not derogate from the President's power to act personally in any matter. Accordingly the President has delegated the administrative responsibility for the Tribunal to the General Manager. Experience required for the position includes extensive management experience, industrial and workers compensation experience. The position involves undertaking conciliation processes as required and the use of management experience to provide guidance to Conciliation Officers.

5. The position was not advertised. Mr Hinton had previously been engaged in establishing the Workers Compensation Tribunal and it was considered his skills were most appropriate to the position requirements.

6. Private recruitment agents were not used to identify potential candidates.

7. Interviews were not conducted for this position for the reasons as outlined in Question 5.

8. Discussions with Mr Hinton occurred involving Senior Judge Jennings and Mr M. O'Callaghan, Chief Executive, DIA on a number of occasions to ascertain Mr Hinton's suitability for this position. Selection criteria incorporated extensive knowledge of the proposed method of the operation of the Workers Compensation Tribunal, personnel involved in the process and knowledge of the conciliation process itself. Additionally, management experience, industrial relations knowledge and financial management skills were identified as key criteria. Senior Judge Jennings and Mr O'Callaghan formed the selection committee and agreed that Mr Hinton's appointment was most appropriate. Pursuant to section 81(3) of the Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Act, prior to an appointment being made to the position of Conciliation and Arbitration Officer, consultation must occur with the UTLC, SA Employers Chamber of Commerce and Industry, and the President of the Tribunal. This was undertaken prior to the recommendation to Cabinet.

9. The former Minister for Industrial Affairs was consulted in the selection of Mr Hinton and was satisfied with the recommendations made to him.

10. The appointee is Barrington J. Hinton. Mr Hinton was employed in SA St John Ambulance Service as Director of Human Resources then Corporate Services from December 1991 to December 1995. Prior to that, Mr Hinton held a number of positions within the private sector relating to Human Resource Management. He also holds a tertiary qualification in Business Studies.

11. The appointee reports directly to the President of the Workers Compensation Tribunal and is accountable to the aforementioned for the business of the Workers Compensation Tribunal and to the Chief Executive of the DIA for personnel and budgetary matters. The appointee's salary is paid from the DIA's budget provision for the Workers Compensation Tribunal and the Department is reimbursed by WorkCover. The appointee is formally assigned to DIA.

12. (a) The appointee has a Personal Assistant classified at ASO-3 level who has extensive previous experience in such positions. The Workers Compensation Tribunal has a number of administrative staff currently assigned to it. Some have had experience within the Workers Compensation Review Panel. Their classifications range from ASO-1 to ASO-3.

(b) The Personal Assistant is employed on a contractual basis to 25 June 1997 pursuant to section 40(1) and 40(4)(a) of the Public Sector Management Act and has not been employed from within or reassigned within the Public Service. Some administrative staff were transferred from the Workers Compensation Review panel. Other staff have been appointed from within the Public Service. These officers are employed under the Public Sector Management Act.

(c) The appointments were made by DIA in consultation with B. Hinton. They are accountable to the General Manager.

(d) The appointees are paid from DIA's budget provision for the Workers Compensation Tribunal and the Department is reimbursed by WorkCover.

(e) The Personal Assistant is employed on a contractual basis until 25 June 1997. Other administrative staff are permanent employees under the Public Sector Management Act.

13. The position of Executive Officer of the Workers Compensation Tribunal was abolished on 23 June 1996. This position was established to oversight the transition from the previous Workers Compensation Review Panel system to the new system, and it was always intended that the position of Executive Officer would not continue once the Workers Compensation Tribunal was established.

14. At this stage, four Conciliation and Arbitration Officers have been appointed in addition to Mr Hinton. The term of Mr Hinton's appointment is five years from 24 June 1996. Eight Review Officers from the Workers Compensation Review Panel have been transferred to undertake conciliation and arbitration duties as per section 17 of the Workers Rehabilitation and Compensation (Dispute Resolution) Act, however they are not yet formally appointed as Conciliation and Arbitration Officers.

The Conciliation and Arbitration Officers names, their salaries and terms of appointment are:

Nicholas McShane	$67,000 August 1997
David Gribble	$67,000 August 1997
C. Richer	$67,000 August 1997
C. McCouaig	$67,000 August 1997

The Review Officers names, their salaries and terms of appointment are:

Eric Mostowyj	$71,814* September 1998
Frances Meredith	$71,814 September 1998
John Palmer	$71,814* September 1998
Jenny Russell	$71,814 September 1998
Michelle Player-Brown	$71,814* September 1998
Graham Harbor	$71,814 September 1998
Irene Pnevmatikos	$71,814 September 1998
Christine Pope	$71,814 September 1998

Note: the above salaries include 6 per cent contribution to SA Superannuation Fund.

* Have a salary sacrifice for provision of a Government car.

15. The eight Review Officers from the Workers Compensation Review Panel who have been transferred to undertake Conciliation and Arbitration duties, but are not yet formally appointed as Conciliation and Arbitration Officers are currently engaged on a full time basis performing these Conciliation and Arbitration Officer functions, as are the four additional appointed Conciliation and Arbitration Officers. Additionally, Mr Hinton who is appointed as a Conciliation and Arbitration Officer is currently primarily undertaking management functions.

16. All the Review Officers from the Workers Compensation Review Panel including the eight who have been transferred to undertake Conciliation and Arbitration functions, have undertaken a course in alternative Dispute Resolution conducted by either the Bond University or the Victorian WorkCover Authority, with specific reference to the SA legislation, and the role to be played by the Conciliation Officers under the Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Act. These courses were designed in concert with Mr Hinton.

17. Persons appointed as Conciliation and Arbitration Officers will normally conduct Conciliation and Arbitration Hearings. It is envisaged that in Mr Hinton's case a significant portion of his time will continue to be devoted to management functions.

18. Section 80(2) of the Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Act provides that the President is the Principal Judicial Officer of the Tribunal and section 80(3) provides that the President is responsible for the administration of the Tribunal. Section 80(5) provides that the President may delegate administrative powers and responsibilities. Section 80(6) then provides that a delegation may be made to any person, is revocable at will, and does not derogate from the President's power to act personally in any matter. Accordingly even though the President has delegated the administrative responsibility for the Tribunal to Mr Hinton, he does not have 'absolute' or sole power.

19. Mr Hinton has been delegated by the President to undertake administrative responsibilities in the Workers Compensation Tribunal as per section 80(5) and 80(6).

20. The Minister is satisfied that the Judicial independence of the Tribunal and the authority of the President has been maintained at all times, and that systems already exist to ensure that the judicial independence should not be confused with the Government's commitment to ensure that this Tribunal and all other Public Service provisions operate to a maximum possible level of efficiency. The Minister is satisfied that the positions that have been created do in fact have a statutory basis and reflect both spirit and the letter of the Workers Rehabilitation and Compensation Act.

21. No actions have been undertaken outside the scope of the Act.

22. There is no Workers Compensation Dispute Resolution Committee.

HUDSON AVENUE RESERVE

106. **Mr ATKINSON:** Does the Government intend to sell the Hudson Reserve at Croydon Park and, if so, why does the Government not regard itself as bound by the terms of its 1982 agreement with the then City of Enfield not to sell the reserve?

The Hon. D.C. KOTZ: I have been advised that all facilities currently utilised by the Croydon Park Primary School, including the Hudson Avenue Reserve, will be required until the closure of the school at the end of the 1997 school year. No decision has been made at this stage regarding the future use of the school site or the Hudson Avenue Reserve. The lease agreement which currently exists with the former City of Enfield will be taken into account when a decision is made regarding the Hudson Avenue Reserve site.

SCHOOL SPEED ZONES

108. **Mr ATKINSON:** Does the Government intend to investigate whether the 25 kph speed limit signs outside schools are a sufficient size to attract the attention of approaching motorists and, if not, why not?

The Hon. DEAN BROWN: The signs used for school zones in South Australia comply with the Australian Standard—Manual of Uniform Traffic Control Devices on Pedestrian Protection and Control. This standard sets the letter height, width, spacing and colour, as well as the border dimensions—and the background colour and material of the sign.

The signs used for school zones are available in two sizes. The overall size of the signs used at the start of the school zone are either 450mm wide by 1,200mm high (local roads) or 600mm wide by 1,600mm high (arterial roads). These sizes are sufficient when used for particular types of roads and when the signs are placed in locations where drivers can readily see them.

Experience highlights that the placement of school zone signs is more important than the size of the sign. For a sign to be effective, it must be located where it will attract the attention of the approaching driver. The replacement earlier this year of the previous signs used at existing school zones has identified a number of inadequate sign locations—and at such sites the signs are now being re-located by the respective local councils. To assist Councils in this matter guidelines have been prepared and circulated by the Department of Transport (DoT).

In the meantime, in respect to roads for which it is responsible, DoT is now installing the larger signs on both sides of the carriageway. These roads are generally wide and multi-lane, are used by a higher proportion of larger vehicles and typically have higher traffic speeds and volumes.

METROPOLITAN FREIGHT NETWORK

109. **Mr ATKINSON:** What has the Government done to publicise the outcome of the Value Management Study on the Metropolitan Freight Network?

1. When will the Minister make a decision on the route of National Highway One through metropolitan Adelaide?

2. What is the current route for interstate semi-trailers and B-doubles recommended by the Department of Transport and has this changed in the past two years?

The Hon. DEAN BROWN:

1. A report on the outcomes of the Value Management workshops has been distributed to all participants of the workshops and is available upon inquiry. The Metropolitan Freight Network Study will be published when the work has been completed.

2. No decision is required on this matter. The National Highway Urban Link through Adelaide was determined in mid 1993 when the then State and Federal Labor Governments agreed that Portrush Road (linking the National Highways of Mount Barker Road and Port Wakefield Road) would be transferred to the Federal Government for all future funding purposes. This determination, made without any community consultation at the time, will remain irrespective of the fact that the Value Management workshops, initiated by this Government, have recommended an alternative preferred route for heavy vehicles - the inner ring route around the parklands.

3. Since the last State election (December 1993) there has been no change in past practices whereby B-Doubles and semi-trailers using Mt Barker Road have been able to elect Cross Road, Glen Osmond Road or Portrush Road to reach their destinations in the Adelaide area. The Value Management workshops were initiated in order to seek community input prior to the Department of Transport confirming a preferred route for heavy vehicles. This consideration should not be confused with Federal funding issues associated with the National Highway Urban Link.

ADOPTION

110. **Mr ATKINSON:** Why does the Department of Family & Community Services require adopting parents to forgo in writing their common-law right to discipline their children physically for wilful disobedience?

The Hon. D.C. WOTTON: Adopting parents are not required to forgo in writing their right to discipline their children.

When an adoption order is granted in favour of adoptive parents, the adoptive parents become equal in law to parents who have formed their family by giving birth to a child. This means that they have the same rights and responsibilities as all parents with respect to the upbringing of the child, including the rights and responsibilities for the appropriate discipline of the child.

Assessment of prospective parents occurs to ensure that children placed for adoption are placed with the child's interest being paramount. This assessment is required under Section 22 (1) (b) of the Adoption Act 1988. Regulation 9(3)(a) to (p) details aspects which must be included in the assessment report. Along with aspects such as physical and mental health of applicants, length and quality of relationship, economic position and financial management, criminal records and motivation to adopt is a part which gathers information

about the applicants' attitude to children and in particular to the discipline of children.

The Department for Family and Community Services has a responsibility to ensure that every child placed for adoption has the maximum opportunity to enjoy a safe, stable and secure family where he or she can reach his or her potential. This is the primary aim of adoption.

RESERVOIR ROAD

114. **Mrs GERAGHTY:**

1. When was the next recent survey of traffic movements along Reservoir Road Modbury undertaken?

2. Was this survey used to determine the line markings for the bicycle lanes along Reservoir Road and Awoonga Road?

3. What is the reason for marking the bicycle lane against the kerb on the eastern side but on the western, marking it to allow for vehicle parking against the kerb?

4. Will residents be penalised for parking in the bicycle lane when parking outside of their homes?

The Hon. DEAN BROWN: The Minister for Transport has provided the following information.

1. The last survey of traffic movements along Reservoir Road was undertaken by the Department of Transport (DoT) in mid 1993. DoT has no plans to carry out another survey at this time.

2. No.

3. The width of Reservoir Road does not allow for bicycle lanes and parking on both sides of the road. The decision to install the parking lane against the kerb on the western side of the road was taken following a consultation process involving the City of Tea Tree Gully, Australia Post and local residents. The decision was influenced by the requirement of Australia Post drivers having to park their vehicles on this side of the road to pick up mail from postal boxes.

4. The bicycle lane on the eastern side of Reservoir Road operates between the hours of 7.30 a.m. to 9.00 a.m. and 3.00 p.m. to 6.00 p.m., Monday to Friday. Any person parking their vehicle in this lane during the restricted hours risk being penalised.

RAPE

118. **Mr ATKINSON:** Has the Government considered legislating for privilege in a rape trial for a rape counsellor's notes and, if so, what was the outcome of that consideration?

The Hon. S.J. BAKER: The Attorney-General has provided the following response:

The New South Wales Attorney-General has kept the Standing Committee of Attorneys-General informed of NSW Government plans to legislate to protect various kinds of confidential communications from disclosure in court proceedings. A discussion paper was released by the NSW Attorney-General's Department in mid-1996 and comments invited. In early June 1997 a bill was introduced into the NSW Parliament which, I understand, protects confidential communications, including rape counsellors' notes, from disclosure in court proceedings by giving the court a discretion to exclude evidence of confidential communications.

The NSW Attorney-General will be providing a briefing on the NSW bill to the Standing Committee of Attorneys-General at its July 1997 meeting.

In a press release in March 1997 the Attorney-General invited public comment on this topic in the context of public meetings organised by the Model Criminal Code Officers Committee on its Discussion Paper, Model Criminal Codem—Sexual Offences Against the Person. The responses to that Discussion Paper and the Attorney-General's invitation are being considered by the Model Criminal Code Officers Committee. A number of submissions have been received by the Committee from across Australia. Many of them are quite extensive. There was considerable discussion of the issue at the public consultation meetings held throughout Australia. The Committee will be reporting to the Standing Committee of Attorneys-General by the end of the year.

The issues involved are not simple and raise questions both of the law of evidence and the law dealing with criminal procedure. There is no clear unanimity on how those issues should be addressed.

Once the Model Criminal Code Officers Committee has reported, the Government will consider its position on this matter.

CRIMINAL INJURIES COMPENSATION FUND

119. **Mr ATKINSON:** Will the Government consider keeping a register of criminal injuries compensation defendants who have been unable to pay compensation with a view to pursuing them for compensation later should they acquire an income or assets?

The Hon. S.J. BAKER: Although not kept in the form of a register the Debt Collection Section of the Crown Solicitor's Office keeps computer records of all persons who have outstanding debts owed to the Criminal Injuries Compensation Fund. One of the first checks made in relation to every new claim is to see whether the claimant has an outstanding debt which can be offset against the new claim. From time to time the list of outstanding debtors is reviewed to see whether either debtors can be located or it can ascertained whether any have had a change in circumstances so as to enable recovery to take place.