

## HOUSE OF ASSEMBLY

Wednesday 8 July 1998

The **SPEAKER (Hon. J.K.G. Oswald)** took the Chair at 2 p.m. and read prayers.

### ELECTRICITY, PRIVATISATION

A petition signed by three residents of South Australia requesting that the House urge the Government to oppose the sale or lease of ETSA and Optima Energy assets was presented by Mr Hill.

Petition received.

### LEGISLATIVE REVIEW COMMITTEE

**Mr CONDOUS (Colton):** I bring up the thirteenth report of the committee and move:

That the report be received.

Motion carried.

## QUESTION TIME

### ELECTION MATERIAL

**The Hon. M.D. RANN (Leader of the Opposition):** Will the Premier give a categorical assurance that no election advertising material used by Liberal members of Parliament was prepared by consultants under contracts with Government departments or agencies?

**The Hon. J.W. OLSEN:** I certainly would have thought so. As I do not know the background or the basis of the Leader's question, I will make some inquiries.

### WINE INDUSTRY

**Mr VENNING (Schubert):** Will the Premier outline to the House why the wine industry strategy is important to the future of this State's wine industry? I understand that today the Premier announced details of the Government's response to the wine industry strategy.

**The Hon. J.W. OLSEN:** The Government today launched a response to the wine industry strategy 2025, which gives direction for the Australian wine industry over the next 30 years, in particular, looking at how we put in place a collaborative arrangement with the Government of South Australia to support an industry that is growing substantially. As the member for Schubert would well understand, the wine industry is fundamentally important to our State's future, and we need to continue to develop the links between industries such as food, tourism, transport, the environment and the wine industry.

Every week, some 2 million bottles of South Australian wine leave our shores for overseas, that is, 400 000 bottles every working day going overseas and supporting an industry in this State. I give credit to the industry for its efforts, particularly over the past decade or so. It is an industry that had a vision, put in place a plan and then proactively pursued the implementation of that plan. It has not been an industry to sit back and wait for someone else to deliver for it. Rather, it has been an industry focusing on how to build on the natural assets and strengths of the industry sector, in particular, in South Australia, to reap an aggressive goal—\$1 billion

worth of exports in the industry by the year 2000 or shortly afterwards.

We have been working cooperatively through the wine industry forum and with the industry to look at how we might, in a collaborative sense, assist it to grow and expand. The industry's increased plantings, record vintages and continued strong growth in exports are an indication of where the industry is going. The industry forum will build on the success of the past. We have given a commitment in the strategy released today how we, the Government, will work with and facilitate the further growth of the industry. For example, how do you manage the finite resource of water, and how do you allocate it in the most advantageous areas for better investment and encouragement of further investment to bring about volumes which then attract investment for processing and manufacturing? We have done that in the McLaren Vale-Southern Vales area.

Over past years, the member for Mawson has been persistent—that does not underestimate the position—in terms of taking the water discharged from Christies into the gulf and redirecting it to land-based discharge. About a quarter of the discharge from Christies, which has had an impact on the environment in the past, is now land-based discharge with a private sector \$7 million pipeline being put in. As a result of that, well in excess of 1 000 hectares of additional vineyards have been established in the McLaren Vale-Southern Vales area.

We have also looked at the spare capacity in the Murray River to Barossa trunk main. We have looked at how we can use that spare capacity in winter months for aquifer recharge. The irrigated water, which has, in part, saline content, is impacting against the premium grape varieties for premium wine which go on to the export market. That capacity availability is there for people to bid for, not only on the Barossa floor for supplementing aquifers for irrigation purposes but also for further plantings and further distribution of the water network on the Barossa floor for expansion of those industry sectors.

We have seen the industry expanding in areas such as Robe and boosting employment in a range of different regions. The South-East is developing industry backed education programs. As I understand it, at Naracoorte there are programs which dovetail into education courses with BRL Hardy for job opportunities when young people leave school from those country communities. South Australia's total grape harvest is estimated to be about 466 000 tonnes, or up by approximately 25 per cent, and South Australia is in line with the national trend.

We are the pre-eminent wine State of Australia. We need to remain vigilant in that. We need to ensure that we maximise our water availability and target it and locate it where there is maximum value adding for investment and the creation of jobs. In a number of regional areas and country towns we are seeing boom times as a result of the wine industry. The crop is up to \$425 million, up from \$330 million last year. That is a very aggressive growth path.

The strategy released today underpins that; it looks at how across whole of Government—no turf wars in departments—we can assist the wine industry to continue to grow. This industry sector is a showcase for this State and this country in the international marketplace, and we as a Government will continue to work consistently with the industry to ensure that it continues to grow and we will tackle those other issues that come up from time to time, including taxation reform and the situation concerning Western Australian wineries that want

a tax base that would very much be to the disadvantage of wine producers in South Australia. We are taking up that issue with the Federal Government to ensure that there is no tax impediment in the industry in the future.

Again, I commend the industry for its 2025 strategy. I acknowledge the work undertaken by a whole range of public servants and different Government agencies and departments to prepare a strategy, a plan, where cooperatively we can ensure that we continue to be the wine State of Australia.

**The SPEAKER:** Order! The Chair has been advised that questions directed to the Minister for Human Services will be taken by the Minister for Government Enterprises and questions directed to the Minister for Environment and Heritage will be taken by the Deputy Premier.

### ELECTION MATERIAL

**The Hon. M.D. RANN (Leader of the Opposition):** My question is directed to the Minister for Government Enterprises representing the Minister for Human Services. Does the Minister stand by his statement made on 19 September 1997 that he personally paid for a pamphlet about hospital waiting times circulated by him during the election campaign in his own electorate?

**The Hon. M.H. ARMITAGE:** I do.

### ELECTRICITY, PRIVATISATION

**Mr HAMILTON-SMITH (Waite):** Will the Premier provide the House with details of how many South Australians have used the ETSA-Optima hotline and what the nature of the queries are? I understand the Government has established this hotline to provide information to South Australians about the proposed structure of ETSA and Optima in a privatised industry. I imagine that the hotline provides an interesting perspective on community concerns, and hence my question.

**The Hon. J.W. OLSEN:** Since the establishment of a hotline just over a week ago, some 243 calls have been made to the hotline, 175 of which have been inquiries regarding the announcement. It is interesting to see what kind of inquiries we are getting from the public, because it shows that a section of the public clearly is seeking further information. The majority of calls have related to queries about customer protection and why ETSA and Optima cannot continue to keep supplying power the way in which they always have. At least the public is prepared to ask the questions and listen to the answers. In relation to customer protection, we detailed in the House last Tuesday week a detailed structure that will put in place a whole number of industry sector regulators to protect the interests of consumers and, in addition to that, provide an Ombudsman, where for the first time ETSA customers will have access to legislatively based support mechanisms far in excess of the protection and the provisions currently available to them.

As far as the public is concerned, it is important that these sorts of queries are answered. As to the question of why ETSA and Optima cannot continue in the future as they have in the past, the simple answer is that we are about to embark on a national electricity market, which brings a range of new risks that have not existed in the past. Circumstances will change, and change permanently. It is a matter of how you manage the change to ensure the protection of South Australia's interests in any outcome of those changes. It is not an

option for the Government simply to say, 'Change will occur elsewhere; we will not participate in that change.'

*An honourable member interjecting:*

**The Hon. J.W. OLSEN:** Well, it is, it is the head in the sand option. In 1993 that option expired as a result of the Hilmer COAG principles and reforms that have been subsequently signed off. So, the national electricity market will occur. Under a national electricity market, there will be the option for the 27 largest customers of power in South Australia, who consume 17 per cent of the power and contribute 17 per cent of the revenue, to shift to whomever they wish in terms of obtaining that power. They could go to Victoria where, in some cases, they are getting it 44 per cent more cheaply, or they could put in their own generating plant. They are not obliged to purchase under the transmission distribution system and from our generators. If you take only 27 customers, you take 17 per cent of the sales revenue—you do not actually take out 17 per cent of the cost, but you take 17 per cent of the revenue off the top—and you dissipate the dividends.

Therefore, the dividend flow to which we have become accustomed for decades is no longer guaranteed in the future. If you lose your dividends and your return on your investment, you lose your asset value. So, whilst at the moment we have an asset with some value, within a year or two we will have an asset with a diminishing value. In that case, not only do the dividends collapse but the value collapses also, and that is why, with all those risks, we are taking the hard policy option to protect South Australia in the future. To ignore it would be the easy option, but it is neither the right nor responsible option for South Australia's future. The decision we have made and are submitting to Parliament for consideration is a decision to position South Australia's future. It is as important as that.

### ELECTION MATERIAL

**Ms STEVENS (Elizabeth):** My question is directed to the Minister representing the Minister for Human Services. Prior to the 1997 State election, was DDB Needham Pty Ltd asked to prepare a pamphlet used during the election campaign by the member for Adelaide and the former member for Mitchell under a contract which included DDB Needham being paid a retainer of \$5 000 a month by the Health Commission? The Opposition has a copy of Crown Law advice into contract arrangements for DDB Needham to provide communication strategies to the Health Commission. This advice details five matters which, it says, have the potential to cause political embarrassment if made public. The advice says that DDB Needham undertook work for the member for Adelaide and the former member for Mitchell and that accounts were forwarded to the Health Commission for payment.

**The Hon. M.H. ARMITAGE:** I am not aware of that advice. What I am able to say is that the brochure, which I believe was called 'Delivery', was prepared as a budgetary pamphlet and went through the services that were delivered as part of the State budget, and that that was done under the contract, which is completely and utterly legitimate. I also know that a number of people who saw that pamphlet thought it was extraordinarily good in that it detailed all the things that the then Government was doing. I made a decision to overprint some more of those pamphlets which I paid for myself. I am having my cheque books brought down here at this moment.

*Members interjecting:*

**The SPEAKER:** Order!

### RAILWAYS, OVERLAND

**The Hon. G.M. GUNN (Stuart):** Can the Deputy Premier tell the House what benefits today's announcement by Great Southern Railways to spend \$1 million on refurbishing its railcars will have for Port Augusta?

**The Hon. R.G. KERIN:** I thank the honourable member for the question and acknowledge his vigorous representation of Port Augusta, particularly through the rail restructure program. Today, Great Southern Railways announced it will invest \$1 million in the refurbishment of railcars on the Overland service, and that is not only great news for the tourism industry but also particularly good news for the people of Port Augusta. When Great Southern Railways was awarded the contract for the interstate rail service, it made a strong commitment to this State and to tourism and economic development, which it highlighted. Members will welcome the fact that that commitment has been fully demonstrated this morning.

Great Southern Railways has announced that it has awarded the Overland railcar refurbishment contract to the South Australian based firm, Clyde Engineering. The refurbishment program will be carried out at that firm's workshops in Port Augusta and will mean the creation of jobs for rail workers in that region. It is fantastic to think that the faith that rail workers put in the Australian National reform process has now been repaid by the new private operators; and, of course, that will have a flow-on effect to businesses in Port Augusta.

The refurbishment program involves repainting, roof restoration, new floor and seat coverings, and new table inserts. It will also include the installation of state-of-the-art communications, including a public address system, audio and video systems, room service, and emergency call systems, bringing those cars up to a very modern standard. The refurbishment of the Overland will also involve the removal of all first class seating and the creation of a lounge dining area for sleeper passengers. Once again, this is terrific news for Port Augusta and the region.

### ELECTION MATERIAL

**Ms STEVENS (Elizabeth):** My question is directed to the Minister representing the Minister for Human Services.

*Members interjecting:*

**Ms STEVENS:** Yes. Given that a contract with DDB Needham expired when the Minister for Infrastructure was the Minister for Health, will the Minister explain why the Minister's office recommended that a contract to pay Liberal Party advertising agency DDB Needham a retainer of \$5 000 a month for communication strategies be renewed and backdated by four months? Crown Law advice to the Chief Executive of the Department of Human Services states that the Minister's office wrote to the Chief Executive of the Health Commission on 29 October 1997 recommending the renewal of the contract with DDB Needham. That advice also states that Mr Terry Anderson, the Public Relations and Marketing Consultant for the Minister for Human Services and the previous Minister for Health, subsequently recommended that the Health Commission pay accounts rendered to the member for Adelaide and the former member for Mitchell.

**The Hon. M.H. ARMITAGE:** As I have indicated before, I am absolutely unaware of this having happened. I am confident that I have paid a bill from my printer to overprint the copies which were distributed in my electorate. I am checking that information now. The member for Elizabeth can continue to ask these questions, but I am unaware of this communication.

### ADELAIDE TO DARWIN RAILWAY

**Mr BROKENSHIRE (Mawson):** Will the Premier inform the House of progress on the Adelaide to Darwin rail link following discussions with the Northern Territory Infrastructure Minister, Barry Coulter, yesterday afternoon? Many constituents in my electorate of Mawson have contacted me recently, particularly in regard to the fact that the wine industry wants to see this opportunity created as soon as possible.

**The Hon. J.W. OLSEN:** The Adelaide to Darwin rail link is one of our most important pieces of transport infrastructure. It is long overdue, but it is now on the eve of being put into place.

*Mr Koutsantonis interjecting:*

**The Hon. J.W. OLSEN:** If the member for Peake waits for a moment, he will be given an indication of the sort of commitment that the Prime Minister has given to this project. The Northern Territory Minister had discussions last week with the Prime Minister in Canberra. The Prime Minister has now affirmed that the \$100 million commitment from the Commonwealth Government will be paid in two instalments: the first in June next year, and the second in July next year. So, the \$100 million from the Prime Minister as a commitment from the Commonwealth is now put in place in terms of when it will be passed over. And I am sure the member for Peake, judging by his interjection, will be pleased about that news and to receive that information.

In addition to that, the Chief Minister of the Northern Territory has been negotiating with the Aboriginal land councils, across whose land the route of the Adelaide to Darwin rail link will have to traverse. To date, it is my understanding that an offer of some \$7.4 million compensation has been made in terms of track access, and negotiations are continuing between the Chief Minister and the Northern Land Council to get agreement on track access.

Of course, at the end of the day, the Prime Minister has indicated that the Federal Parliament will legislate to give track access if the matter cannot be resolved by negotiation. I am hopeful that the matter will be resolved in the short term, and not the long term.

During the course of last week, there have been discussions with the three consortia that are bidding, and the indication post the Everal Compton proposal is that the three consortia are continuing to prepare their bids. They are as enthusiastic and excited about the project now as they were on the first day when they were selected as the preferred tenderers.

The best and final offers from these three consortia are expected to be received in November this year, and in January/February those bids we will be able to assess those bids and determine who would be the preferred tenderer, upon which we would then undertake negotiations for contract close.

I am quite confident that sufficient progress has been made on the Adelaide to Darwin rail link that this project will now come to a successful conclusion. We should see

construction work start on that rail link in the second quarter of next year. This project has had across the board support for a long time in South Australia. However, it has escaped our bringing it to this point. We are now in the position—

*Mr Clarke interjecting:*

**The SPEAKER:** Order! Interjections are out of order.

**The Hon. J.W. OLSEN:** I remember Prime Minister Fraser making a commitment to the Adelaide to Darwin rail link in an election campaign which the then Leader of the Opposition Bob Hawke also supported. Upon election as Prime Minister, Bob Hawke then brought in some Eastern States' colleagues to do a report to jettison the project so that they could walk away from it. I am sure the honourable member would well remember that. Unfortunately, in the 1980s, many promises were not delivered. However, there is one thing that Prime Minister Howard has done in this: he has promised it, now he is delivering it, and he has allocated the money to come to the project. We will remain absolutely vigilant on this to ensure that this project's transport infrastructure comes to fruition.

To indicate part of the importance of it, I use the example of the pork industry. Last year I was south of Murray Bridge to open and launch a new investment into pork slaughtering facilities. Previously, all this slaughtering went to Victoria, but now it will be done south of Murray Bridge. The investors indicated to me at that time that the rail link to Darwin would be an advantage to them. At present, they can export only frozen pork via containers through the port of Adelaide. With the rail link in place, they will be able to export chilled pork. Chilled pork instead of frozen pork going to the marketplace will add \$1.50 a kilogram for the producers.

These are the sorts of advantages that we will come from transport infrastructure that we have not had in decades past. The benefit goes down not only to the people employed in the transport industry itself but also to the producers. We are seeking to put this in place, with the airport runway extension which the Prime Minister will be opening within a few days. This infrastructure for heavy containers going out through the port of Darwin will open up export opportunities and transport services to our industries to make sure, first, that they are internationally competitive and, secondly, that we facilitate the delivery of our goods to market. That is in this State's best interests.

#### ELECTION MATERIAL

**Ms STEVENS (Elizabeth):** My question is directed to the Minister representing the Minister for Human Services. Given that DDB Needham rendered accounts to the member for Adelaide for work undertaken prior to the last election under a contract with the Health Commission, did the member for Adelaide and former Minister for Health also pay part of the \$5 000 monthly retainer paid to DDB and, if not, why not?

**The Hon. M.H. ARMITAGE:** I am absolutely delighted that the member for Elizabeth has continued to ask me questions about this matter, because she has gone to the well once too often. This is not the only episode, because I will remember the member for Elizabeth choosing in this House to bring my family into this place in an attempt to damage me. Sir, I cannot tell you how angry that made me. Again, the Opposition is attempting to besmirch and smear—

**The Hon. G.A. Ingerson:** Individuals.

**The Hon. M.H. ARMITAGE:** Absolutely. The Opposition is playing the man and attempting to besmirch individuals instead of worrying about the big issues of the day. I note that, whilst the member for Elizabeth—who is looking rather smug—is smiling, I detect that there are a number of other members opposite who are also smiling, because they know that the member for Elizabeth frequently goes too far.

**Mr Atkinson:** Tell us who they are.

**The Hon. M.H. ARMITAGE:** I am about to. This is another episode, because the member for Elizabeth has gone to the well once too often to ask her third question about this. Let us not leave out the Leader of the Opposition, because earlier today he first set the Parliament down this path of playing the man, of attempting to besmirch individuals, instead of worrying about the big issues for South Australia such as stopping the debt, increasing employment, devising some policy about how the Opposition will get rid of the debt, what the Opposition will do about the sale of ETSA and Optima, when it will tell the people what will happen in relation to its policy free zone, and so on. Does the Leader of the Opposition worry about that for one minute? Not at all.

The Leader of the Opposition, the member for Elizabeth and a few others—and I will leave out a number of those opposite, because they would not sink so low—do sink to that level. They sit in their offices every morning and think, 'How can we destroy the individual?' instead of thinking, 'How can we make this State great and how can we create employment?'

In the time that it has taken the Leader of the Opposition and the member for Elizabeth to ask me these questions I have had a couple of things brought down from my office on North Terrace. The first thing I would like to read is invoice No. 140885 from DDB Needham Adelaide Pty Ltd. It is for the reprint and delivery of 10 000 health delivery brochures on 150 GSM stock at 6 ¢ each—\$600.

Attached to that photocopy is a photocopy of a cheque dated 11 May 1998 made out to the National Bank: 'DDB Needham Adelaide Pty Ltd, \$600'. In my personal cheque book, a cheque butt dated 11 May 1998 is made out to DDB Needham Adelaide Pty Ltd. I must have known that at some stage the Opposition would resort to these sorts of gutter tactics, because not only have I written 'DDB Needham Australia Pty Ltd' but in brackets I put 'Reprint and delivery of health delivery brochures (in other words, immediately paraphrasing what was on the account), \$600'. I have also written, 'Sent during election campaign'. This is personal material which I have paid for from my own personal funds. It identifies exactly the level to which the Labor Party will go to try to smear the individual instead of getting on with the big issues for South Australia.

Frankly, I have to tell the member for Elizabeth and the Leader of the Opposition that I do not mind how much they do it; I really do not care, because I am so used to them doing it. I am almost tempted to let them keep doing it because the public perceive them for what they are, which is lower than low.

#### INFORMATION TECHNOLOGY

**Mr SCALZI (Hartley):** Will the Minister Assisting the Premier for Information Economy advise the House of how the Government is supporting the local IT industry?

**The Hon. M.H. ARMITAGE:** I thank the member for Hartley for his question because it is an important one. It is also particularly timely, given just how much employment in

the information economy sector is booming. The Government is supporting the local IT industry in a number of ways, all of which are assisting the boom in the IT sector. The Department of Administrative and Information Services has an officer dedicated to coordinating activities which support the local IT industry. This IT industry liaison manager makes it easier for existing and potential suppliers to deal with government and, factually, it also provides government with a better understanding of the industry and the climate within which the industry works.

The primary focus at the moment is to help companies within the Playford Centre, dealing with the Government, gain penetration for their products into the Government market. The long-term benefit of this will be that the establishment of working relationships with Government agencies can be used as reference sites for these local companies, when they are successful, to give a reference for even export opportunities. Two local companies—Silver Birch Technologies and Maxamine International—have already benefited from the initiative, and realistic opportunities currently are being pursued for another three companies—Intellecta, Quikdraw and MAPTEK. These five companies have been involved in the development of innovative technologies, which include a number of opportunities for these companies to deal with the Government, to expand their market and to gain a better understanding of how the IT sector can be utilised to leapfrog the economy, and they will all present employment opportunities for the local industry.

In establishing the standard desktop PC contract in 1995 the Government has provided four local companies with an opportunity to grow their business, and that has created a total of 87 new jobs which, with the infrastructure expansion and so on, has resulted in a financial benefit of \$2.67 million to the State. This is real support coming from the Government for a sector which has huge opportunities to grow our economy; and, as I have indicated, the results speak for themselves.

#### ELECTION MATERIAL

**Ms STEVENS (Elizabeth):** Why did the Minister representing the Minister for Human Services tell the media on 19 September that he had paid for the pamphlets when he has just told the House that he paid for them on 11 May, after intervention of a Crown Law officer to stop the Health Commission's paying the account?

**The Hon. M.H. ARMITAGE:** As I indicated to the principals of all the companies, I insisted upon this being a private account and it was; and, as I indicated, I paid for it on my private chequebook.

#### PUBLIC SECTOR ASSETS

**Mr CONDOUS (Colton):** Will the Minister for Administrative Services advise the House of any steps being taken to improve the management and maintenance of public sector assets?

**The Hon. W.A. MATTHEW:** I am pleased to advise the House that in December last year, after an extensive public tender process, the Government approved the contracting out of building maintenance and property sections of public sector agencies in the non-commercial sector, excluding the South Australian Housing Trust and the Health Commission. I am pleased to report to the House—some six months after

the decision was made and some two months after contracts were put in place—that contracts were awarded to three companies: P&O Facilities Management, Transfield Maintenance and CKS Facilities Management, the latter group being a recently formed consortium of Colliers Jardine, Kinhill and Skilled Engineering.

It is worth reflecting that this is a new local company drawing on local expertise and on the local building industry, and through the auspices of this contract it will have the skills and ability to tender for other contracts outside South Australia, drawing on that local expertise. The contracts commenced on 27 April this year and are initially for a period of three years, with two options of a further two years each. Each contractor is responsible for defined works, services and assets in a region of the Adelaide CBD and the Adelaide metropolitan area. Collectively, the contracts are worth over \$30 million annually and, at this time, the Government expects that savings of at least 15 per cent, or \$4.5 million, per annum will be achieved.

By linking fees to performance, the contracts have been structured to generate further improvements and benefits for Government throughout the life of the contracts. The contracts will support building management improvement through the requirement for contractors to update and maintain existing asset management data and to participate in an asset management planning cycle, particularly in the development of annual works and maintenance programs. Importantly, the transition to outsourcing has enabled the establishment of a strategic information system to support asset management across government. This commonsense approach will obviously provide better information on Government utilised buildings and, in turn, we expect that that will enable reductions in long-term capital and recurrent costs of Government infrastructure through better evaluation of capital project work, extension of asset life and the management and deferral of asset replacement and the increased use of preventative maintenance to reduce unplanned breakdowns.

In putting together these contracts, we also ensured that the interests of small business were maintained through a requirement for most planned maintenance and minor works to be tendered out by the contracted companies. Now, more than two months after operation, I can report to the House that the feedback from Government agencies has been positive about this type of contracting out opportunity, the size, nature and diversity of the contracts involved and the number of building sites involved. It was to be expected that some difficulties would occur, and such difficulties were expected. I have to say that they have not occurred, and the contract to date has been implemented smoothly. I take this opportunity to place that on record and to compliment the contractors for the work they have undertaken. It is also important to say that the Government's commitment to important apprentice training and development has been continued by obligating facility managers to comply with the Government's Upskill program.

#### ELECTION MATERIAL

**Ms STEVENS (Elizabeth):** Will the Minister representing the Minister for Human Services explain why the South Australian Health Commission paid DDB Needham two separate monthly retainers of \$5 000 and \$7 800—during the period when the Minister was Minister for Health—without knowing of the duplication and, given that the contract was

being run from the former Minister's office, why records were not kept of the consultancy with DDB? Crown Law advice into the DDB contract says that, even though DDB was being paid a monthly retainer of \$5 000 during 1996-97, Healthplus officers were not aware of the consultancy and paid DDB a further \$7 800 a month for the period 1 March to 31 July 1997. The report also says that no file exists of records, notes of conversations and correspondence about the contract.

**The Hon. M.H. ARMITAGE:** I look forward to providing the detail to the House, but the most important thing about all this is, in fact, an implication that the member for Elizabeth indicated that I had misled journalists. As I sat down from her previous question, I chose not to react to the interjection from the member for Elizabeth that I had lied. I chose not to interject or to seek a retraction at that stage. But, what I did not quote before—and perhaps I should have because it would have indicated that the member for Elizabeth had continued to go to the well too often—was the date from invoice No. 140885 which I quoted before.

The invoice is made out to me, not the Health Commission. It is made out to me—'The Hon. Dr Michael Armitage, MP, Member for Adelaide, 60 O'Connell Street, North Adelaide'. For the information of the member for Elizabeth and those who do not know, that is my electorate office. This account came to me.

*An honourable member interjecting:*

**The Hon. M.H. ARMITAGE:** I am coming to the date. It came to me: it did not go to the Health Commission.

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** That is exactly right. The member for Spence has caught me out. I am guilty of not paying this account for about eight or nine months. I am actually guilty. That is because I clearly believed that I had paid it before.

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** Absolutely, I agree. I repeat that this account came to me. It is a personal account for, I repeat, 'reprint and delivery of 10 000 health delivery brochures on 150 GSM stock at 0.6 cents each—\$600', which, as I indicated, was paid on my personal account several months ago. I forget what date the member for Elizabeth quoted—

**Ms Stevens:** September.

**The Hon. M.H. ARMITAGE:** September, thank you. The date on this personal invoice—not to the Health Commission—is 29 August 1997. It is addressed to me in 1997, and I paid for it with my personal account. The lesson for my colleagues out of all this is: beware, because these people will do absolutely anything rather than focus on the big issues for South Australia.

### MOWCAMPS

**Mr LEWIS (Hammond):** What success is the Minister for Correctional Services having with MOWCAMPS in the correctional services system?

**The Hon. I.F. EVANS:** Last Friday, I had the opportunity to travel to Coorong National Park to visit one of the mobile work camps—MOWCAMPS—which are run under the prison system. I was very impressed with what I saw and I will take the opportunity to bring the House up to date on what happens regarding the MOWCAMPS and how successful they are. They operate for three weeks at a time at the Coorong. The prisoners are out of the prison for three weeks

at a time and return on the fourth week. They actually undertake work in conjunction with and under the supervision of both correctional officers and officers involved in the parks, so that the park itself benefits from the rehabilitation work. The prisoners concerned were involved in clearing some boxthorns and pine trees and, ultimately, will build a camping ground for use by the general community.

The benefits to the prisoners involved in these MOWCAMPS are enormous. It provides a strong rehabilitation focus for the prisoners. On speaking to them, it was quite interesting that they themselves admitted they were far better off by being involved in the program. While they are there, they have to look after themselves as regards household chores such as cooking, washing and ironing. While at the MOWCAMP they have to learn those skills, and they get involved in a work ethic and a regimented daily routine. Importantly, they undertake the same training as that undertaken by the national parks officers: in this instance, they were using chainsaws and had to undertake training for safe chainsaw use.

That is important when they leave the prison system, because they have a training certificate and something to show to a future employer indicating that they have been involved in active work while in the prison system. Already, since January 1996 about \$500 000 worth of work has been done throughout the State's parks, and the Department for Correctional Services and the Department for Environment, Heritage and Aboriginal Affairs, through the Ministers, have signed a three year agreement, so that the MOWCAMP at the Coorong will now continue on a permanent basis. There is about 110 000 acres of park on which these camps can operate.

The prisoners concerned are low security prisoners who go through a very strict selection process before being allowed to be involved in these camps. They need to have no escape record, to be drug free for three months or more, to be involved in no outstanding court or extradition matters, and to require low security. This program was set up in 1995 and I give credit to the former Ministers who were involved in setting it up. It is an excellent rehabilitation program for prisoners, and the Department for Correctional Services is now having discussions with other departments such as the Department for Recreation and Sport as to whether this concept can be used in other areas such as maintenance of the Heysen Trail.

### ELECTRICITY, PRIVATISATION

**The Hon. M.D. RANN (Leader of the Opposition):** Can the Premier explain why he did not show up at today's ETSA privatisation briefing to himself answer questions about the sale; can he explain why key documents about the sale will not be shown to the Opposition or be released to the public despite the Premier's saying that he would not use the excuse of 'commercial confidentiality' to avoid answering questions about ETSA's privatisation; and why the media was not allowed to witness and report the 1½ hour question and answer session when the Premier told the House, 'The Opposition can bring some media along if they want to. If they open this up to the media, that is fine by us'?

At today's briefing, the Government and its advisers refused a request to release the Schrodgers report and the separation steering committee report on the ETSA sale; could not answer questions about the price at which the sale of ETSA or Optima would become budget positive; revealed

serious concerns about the impact of the sale on small business; could not confirm the Premier's assurances about rural power prices or clarify the amount of ongoing Government subsidy needed; and would not answer how much the consultants would be paid or whether or not penalty payments would be made to consultants if the sale did not go ahead or if bonus payments would be paid if they do. I turned up but you did not.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. OLSEN:** First, there was one—Terry Cameron—and then there were two, and I am delighted to say that a number of Labor Party members turned up. The last one to agree to go was the Leader of the Opposition. He had been embarrassed by his colleagues; they broke ranks with him. They were going to the briefing and the Leader of the Opposition would be caught out in a Party room debate, that is, all his colleagues would know more than he because he was not prepared to show up for the briefing.

But, true to style, when the Leader turned up it was not about information gathering but, rather, another political publicity stunt. Media Mike was at his best. In relation to my being there, let me say that I have had the briefing and I understand what it is about. That is why we have made the policy decision. Let me point out to the Leader of the Opposition that I am available here any day in Question Time to answer questions about this matter. The only problem is that the Opposition has not yet asked questions about it. And why does it not ask questions in the Parliament? Because it has no alternative policy to this option. In relation to the debate, for the information of the Deputy Leader of the Opposition, here is a public forum, with the media and the public present: what more open forum for a debate is there than the Parliament?

I am available every parliamentary sitting day during Question Time for the Leader of the Opposition to ask every question he wants, but what he has he done? Look at the track record. The Leader of the Opposition has not pursued these questions, and neither has his front bench, because they have no ideas, no policy alternatives, and they want this whole process to be diverted. They want it diverted away from the substance of the issue because they have no position of substance.

*The Hon. M.D. Rann interjecting:*

**The SPEAKER:** Order! The Leader has asked the question and will remain silent.

*The Hon. M.D. Rann interjecting:*

**The SPEAKER:** Order! I caution the Leader.

**The Hon. J.W. OLSEN:** Because they have no substance, what are their tactics, their strategy? They bring in every diversionary tactic one can imagine. If the Leader thought this question was so important, I would have thought that he would ask it up front, but today he has left it to his shadow Minister, Lea Stevens, to ask questions and, on the basis of the questions from the shadow Minister absolutely bombing out today, we then come back to the political stunt for the benefit of the media tonight. This is the manipulation that we have from the Opposition.

The Leader of the Opposition understands full well why sale price will not be put out into the public arena. It would be like selling your house and saying to the marketplace beforehand, 'This is how much I want for my house.' As if anyone would do that! As if we would be so irresponsible as to compromise what the price might be that we can obtain from the marketplace! We want to keep a competitive

tendering system in place to maximise the price advantage for every South Australian in the future. Small business will be the beneficiary of this sale. Members only have to look at Victoria and New South Wales to see the reduction in the cost of electricity for consumers of power in those States.

I simply ask the Leader to get his researchers (who do not seem to do a lot upstairs) to obtain the supplement issued last Thursday week which looked at the power industry in Australia and the inevitability of change—and, where Governments are moving to put in place that change, who are the beneficiaries?—small and medium business! In relation to the Leader's comment about rural prices, he must not have been listening to the ministerial statement I made last Tuesday week when I detailed a structure that will be put in place as a result of the sale process. That structure legislatively will put in a mechanism by which country and regional consumers of power in this State will have a protection put in place. It is a protection that they have not had in the past and one that will go beyond 1 January 2003 when the ACCC will be the regulator determining the cost of transmission prices. The Labor Party's 'no policy' position gives no-one in country and regional areas any protection beyond 1 January 2003. The Labor Party's policy is to hand this all over to the ACCC to make the decisions. That is where country and regional people will pay a very severe penalty.

This Government has done something about building in protections for country and regional people. The Labor Party's 'no policy' position will leave them to the ACCC and the regulator. Our system will ensure that the maximum variance is 1.7 per cent, which in dollar terms in a power bill is absolutely negligible. In relation to the sale price, as I mentioned, that is something we will not be putting in place. As to what the consultancy cost us, I refer the Leader to the Estimates Committee where the Treasurer detailed that information.

*The Hon. M.D. Rann interjecting:*

**The SPEAKER:** Order! The Leader of the Opposition will remain silent. The member for Stuart.

*Mr Atkinson interjecting:*

**The SPEAKER:** Order! The member for Spence will remain silent as well.

*Mr Atkinson interjecting:*

**The SPEAKER:** Order! I caution the member for Spence.

**The Hon. G.M. Gunn:** If the honourable member wants me to I could ask a few—

**The SPEAKER:** Order! Does the honourable member wish to ask a question? The honourable member for Stuart.

#### GAWLER CRATON

**The Hon. G.M. GUNN (Stuart):** I direct my question to the Deputy Premier in his capacity as Minister for Primary Industries, Natural Resources and Regional Development. What success has South Australia had in attracting a project undertaken under the regional minerals program? As I understand that work has started on a study into the Gawler Craton region of South Australia as part of the national program, I ask what benefits and outcomes that will bring to South Australia.

**The Hon. R.G. KERIN:** The Gawler Craton infrastructure advance planning study is a joint project between ourselves and Senator Parer's department, and with the industry we are also involved through a management committee. The South Australian study is the latest of several regional studies around Australia which have been directed

at identifying the infrastructure needs to stimulate new development or further existing operations of mineral provinces around Australia, and the study covering the newly emerging exploration region in the northern Gawler Craton is under way. The study is basically an advance planning exercise whereby what we are doing is putting together all the data to enable planning and development to proceed in an orderly fashion, so that we do not have the *ad hoc* infrastructure planning of the past. This will allow the various Government agencies interested to understand the industry requirements.

It also identifies opportunities for the joint use by Aboriginal communities, tourism operators and the pastoralists who live in the area, so that the value of any investment in infrastructure is maximised. I need hardly add that an underlying objective is to minimise impacts on the environment through responsible development and to be mindful particularly of the scarcity of water resources, the impact on which is an important aspect of this study. We are convening separate meetings of Government agencies to follow progress and to consider the implications of the findings as they emerge.

First, a short report and a CD-ROM designated as 'An explorer's guide to the Gawler Craton', which focuses on the needs of the exploration companies for information and data, will be prepared, and the second and final report will address the needs for infrastructure to support development. It will cover the obvious hard infrastructure features such as roads, airfields, water supply and power, as well as the soft infrastructure implications on development which include the work force issues such as accommodation standards, training and the skills required. It is very much a strategic planning exercise, so we maximise both the value and the amenity of any infrastructure we have in the area, rather than going into *ad hoc* development based on immediate needs.

#### OPAL MINING SAFETY INSPECTORS

**Mrs GERAGHTY (Torrens):** Will the Minister for Government Enterprises inform the House whether opal mining safety inspectors were instructed not to go on certain mine sites in Coober Pedy in April of this year; and can the Minister identify who or what authority is monitoring the occupational health and safety requirements which regulate opal mining if these inspectors currently do not have access to these mine sites? I have been informed that on 1 April this year 32 improvement notices were issued by two inspectors at Roxby Downs and that these inspectors were called on and directed by the CEO of their department to explain to management why they issued the improvement notices.

**The Hon. M.H. ARMITAGE:** I am unaware of the exercise in relation to any advice that was or was not tendered at Coober Pedy, but I am aware that the inspectors are very keen to ensure, as I indicated in reply to a question yesterday, that companies are providing the safest workplace possible, and accordingly I know that a considerable amount of work is being done—pro-actively—in relation to the Western Mining site that the honourable member mentioned because it is a way of ensuring that, as the mirage in the desert expands, it is done in the safest way possible. However, I will obtain a report for the honourable member.

#### GRIEVANCE DEBATE

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

**Ms STEVENS (Elizabeth):** Today we have just learnt in the furore of answers given by the Minister for Government Enterprises to my questions that he first confirmed that on 19 September he had personally paid for a pamphlet about hospital waiting times circulated during the election campaign. Later he admitted that he did not pay this account until 11 May, and the only reason he did pay this account which had been accepted by the South Australian Health Commission for payment was that the South Australian Health Commission had been stopped by Crown Law advice from proceeding with that payment which had been handled by the Minister's own personal PR and marketing consultant. That was the result of the questions and answers in relation to this matter today.

I would like to recount to the House the story that began on 19 September last year during the last State election campaign when the Opposition discovered that the member for Adelaide (Hon. Michael Armitage) and other marginal seat Liberal members had been distributing in their electorates South Australian Health Commission pamphlets concerning hospital waiting lists as Party political campaign material.

There were two issues involved in our complaint. The first was that this pamphlet showed that hospital waiting lists were going down. This was being produced at the time the Government had banned the publication of official quarterly hospital surgery waiting times which showed elective surgery waiting times going up.

I put out a press release saying that it was totally inappropriate and an abuse of taxpayers' dollars that the South Australian Health Commission material was being used for blatantly political purposes. When the media went to Dr Armitage, the then Minister for Health, and asked him why he was using taxpayer-funded election material, he told the media that he had paid for the printing of the pamphlet out of his own pocket. Of course, he confirmed this early on today. Dr Armitage was so outraged—and we saw some of this again today—with my complaints that he went so far as to ring me at home on the morning of my press release and threatened me with legal action if I continued to pursue the issue.

Today we find it is another story, courtesy of a document leaked to the Opposition—the document is Crown Law advice. What we have found is that the South Australian Health Commission—

**The Hon. M.K. BRINDAL:** On a point of order, Mr Speaker, I have been listening carefully to the member for Elizabeth, and it was established by Mr Speaker Peterson that, in the House, you cannot impugn improper motives to another member of Parliament except by way of substantive motion. I believe that the argument developed by the honourable member is doing that, and I ask you to rule on this matter.

**The SPEAKER:** The former Speaker's ruling is correct in that honourable members cannot impugn improper motives. I am not too sure whether the honourable member is getting to that stage. The Chair will listen carefully to the contribution.

**Ms STEVENS:** Thank you, Sir. What we have found is that the South Australian Health Commission had, on the



recommendation of the CEO and the former Minister's marketing consultant (Terry Anderson), hired the Liberal Party's advertising agency DDB Needham on 2 August 1996 for a 12 month period to conduct strategic communications advice for the commission. The estimated total cost was \$5 000 per month as a retainer to DDB plus the cost of communication projects.

On 30 June last year the 12 month contract between the South Australian Health Commission and DDB ran out. But DDB Needham continued to receive its retainer of \$5 000 per month from the South Australian Health Commission which, of course, included the period of the election campaign. After the election campaign, on 29 October last year, Terry Anderson, now a policy adviser to the new Human Services Minister, wrote to the former Chief Executive Officer of the South Australian Health Commission requesting that the contract with DDB Needham be renewed retrospectively for 12 months from 1 July last year. This is where the picture gets messy.

Crown Law was brought in by the new CEO of the Health Commission in April this year to give advice to the commission as to the validity of the contract with DDB Needham and to see whether any options were available to the commission to terminate the contract early. In May this year, Crown Law advised that there were a number of apparent irregularities with the contract and this had 'the potential to cause political embarrassment if made public'.

Crown Law advised that, first, the contract officer within the department for the contract (that is, Terry Anderson) did not keep abreast of work being performed within the consultancy; secondly, that the contract officer did not properly monitor accounts rendered by DDB; and, thirdly, that the South Australian Health Commission did not keep any files on the DDB contract.

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

**The Hon. R.B. SUCH (Fisher):** Today I would like to refer to an article in this morning's *Advertiser* headed 'Parks poplar purge stumps users of riverbank paths'. Apart from the fact that the subeditors at the *Advertiser* seem to be getting more clever with their words, the substance of the article highlights an important issue in our community, and I applaud the City Council for removing those poplars and replacing them with river red gums.

I am not an absolutist or fanatic on this issue, but the record of South Australians in terms of indigenous flora is appalling. We can talk as much as we like and say we have saved the environment, but the reality is that we have a very poor record in this State since European settlement of doing harm to our environment. As to the trees in the metropolitan area, it is more an amenity or aesthetic issue rather than strictly a conservation issue, but we have seen over time the significant removal of major red gums in the metropolitan area. In my own electorate I have seen people have them removed on Christmas eve, and I see also in the adjoining electorate of Davenport, where I happen to live, that the slaughter of the red gums continues.

I appreciate the fact that people have to cut down some trees: it is inevitable. We need food and places to live, but we still have this paradox with people who seemingly want to live in a Hills environment: one of the first things many of them do is remove all the trees from their block. That does not make a lot of sense to me. As a community, we should be more appreciative of our indigenous flora. As I say, I am not

being fanatical about it. There is a place for exotic trees, but there is also a time and a place where they should be removed.

I applaud the National Parks Service for its efforts, particularly in the location near Gold Escort Ground, where they are removing exotic trees, or 'feral' trees as they call them, from the riverine system of Belair Park. That should continue and, in fact, be expanded. I recently wrote to the Minister suggesting that that program be significantly expanded. I received a reply today which indicated that the service has a strategic plan for that park.

In the end it really comes down to the fact that not all trees are equal. The ideal is to plant or replant trees which were indigenous to the particular location, and if that is not possible to plant other Australian species. However, the first priority should be those which were indigenous to a particular area, and that should not just be limited to big trees. We know from surveys that trees are the most significant aspect of the environment that people relate to, but it is also the understory. What we see, sadly, in the Hills is that many people buy land, leave some of the large trees, which is good, but remove virtually all of the understory, and that then provides little habitat for native fauna. I accept that in some areas we need to retain exotics so that birds such as the blue wren can have refuge in blackberries, and so on, until we can get native species in place. But systematically, and with the support of water catchment boards, we should be returning our riverine systems to something that approximates what should be there, that is, indigenous species.

As I said at the outset, and I emphasise, I am not saying that all exotics or ferals should be removed. Many of them (for example, the sequoias in Belair Park) have some significance. In areas where I grew up, such as Hawthorn-dene, you would not think you were in Australia. You would think you were in some European location because the creek systems are saturated with hawthorn bushes. You can barely see any of what little remains of the native vegetation.

We talk about preserving the environment. As I say, we should give priority to resurrecting and replanting the indigenous vegetation. Adelaide should look like an Australian city, not like some European transplant with boring European trees one after the other down the street. The name 'London plane tree' should be spelt as the alternative 'plain' because, if you have seen one, you have seen them all. We should be creating in Adelaide something that is distinctively Australian rather than having this cringe mentality of copying Europe.

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

**Mr HILL (Kaurana):** Before I begin speaking about the issue that I want to talk about today, I would like to finish the remarks of the member for Elizabeth and put them on the record. The member for Elizabeth would have said:

Crown Law recommended that outstanding invoices which had been recommended for payment by Terry Anderson for work done for Dr Armitage and the former member for Mitchell (Mr Colin Caudell) should not be paid by the South Australian Health Commission.

In other words, the former Health Minister's marketing man had forwarded to the Health Commission invoices for work done for the member for Adelaide and the former member for Mitchell to be paid by the Health Commission after he had arranged for the DDB Needham contract to be renewed retrospectively. This also reveals that in May this year it appears that Dr Armitage had still not paid for work which, during the election campaign, he claimed that he had paid for out of his own pocket. It also appears that, unless

Crown Law had picked up this discrepancy and recommended that the South Australian Health Commission not pay those invoices, it would have paid for the work. This is direct evidence that this Government department had been targeted to pay for Party political campaign material.

That concludes that part of my grievance. Today, I want to speak about the issue of jet skis. On Sunday, I attended a public meeting in my electorate at the Moana Pioneers Hall where 250 members of the Moana community and local suburbs were in attendance to protest against the Onkaparinga council's recommendation to allow the use of jet skis in a limited way on Moana Beach. The residents at that meeting overwhelmingly rejected that recommendation. In fact, there were only two people at the meeting of whom I am aware—both of whom live in Hallett Cove, for the benefit of the member for Bright—

*The Hon. W.A. Matthew interjecting:*

**Mr HILL:** They have jet skis and they cannot use them at Hallett Cove so they come down to Moana. A member of the Jet Ski Association who spoke was very brave and got a good round of applause, but he and his mate were in a minority of two. The fact is that, by and large, the people of Moana do not have jet skis, and the use of them on their beach creates a great nuisance for them on the weekend.

*The Hon. W.A. Matthew interjecting:*

**Mr HILL:** I am not aware of members of Parliament but, speaking as a member of Parliament, I use Moana Beach regularly. In summer when jet skis are in use the tranquillity, peace and enjoyment of the beach for the majority of locals and tourists is disturbed by just one or two jet skis. They are an absolute nuisance.

At the meeting, an officer of the Department of Transport, who is responsible for monitoring and policing the use of jet skis—perhaps I should say 'personalised watercraft' because Jet Skis is a brand name—suggested when he was asked why they could not be banned that it would be difficult if not impossible for the Government to create a law to ban jet skis because if motorised vehicles were banned all motorised boats that are used near beaches would have to be banned. I think this is plainly a nonsense, because you can make laws relating to motor cycles, motor vehicles or other transport vehicles and do not have to make laws relating to all vehicles that use roads. So, there is no reason why the Government cannot make laws relating to particular vehicles which use the ocean.

I have written to the Minister and asked her to consider the desire of my local residents. I am sure that all members who represent beachside suburbs would like to have this law put into place. There should be a law to allow local councils the right to ban the use of jet skis on beaches where the community does not want them. Jet ski users no doubt have some rights, and I would be the first to accept that, but not when the exercise of those rights is incompatible with the rights of the majority of beach users. There should be places up and down the coast where jet skis can be used—I support that as do, I believe, the people who attended the meeting on Sunday—but Moana Beach is not one of those places where it should happen.

In conclusion, I congratulate the members of my community who organised that meeting at very short notice: Ms Jennifer Davis from Moana Heights and Mr John Davis also of Moana—I do not believe they are related—the Friends of Willunga Basin, led by John Lawrie, and, of course, Councillor Richard Peat who chaired the meeting and did a very good job in getting a consensus. The overwhelming

majority of people at that meeting are opposed to jet skis. I call on the Minister to introduce legislation to allow the banning of jet skis. As I said at the meeting, if the Minister will not do this, I will introduce a private member's Bill. I hope all members of beachside electorates will support such a measure.

**Mrs PENFOLD (Flinders):** Sometimes it is necessary to remind one's self of the essential goodness of human nature. I want to relate today a story that illustrates this so well. In 1996, a small fellowship group was established within the Uniting Church in Port Lincoln which became known as 'The Golden Girls'. This friendship group learnt of the special needs of a small girl called Kelly and her family in Adelaide and were moved to express love and support in small ways which then evolved into the compiling of a cook-book. The names of 'The Golden Girls' are scattered throughout the book amongst a circle of contributors which grew wider as friends and families wanted to become part of the project. *Kelly's Cookbook* was the final result of their endeavours.

I will relate a little of Kelly's story in the words of her grandmother to illustrate why these 'Golden Girls' have been so moved by compassion as to establish a benefit fund for Kelly. Her grandmother says:

Kelly's parents and their three children have always loved their annual holiday in Port Lincoln, the home of her father's teenage years (and where his parents still reside). In 1991, after a week's happy summer recreation, on the eve of their return drive to Adelaide, four year old Kelly, their bright, blue eyed, blonde, middle child suddenly became ill with a fever and terrible headache. The next day... without warning, the nightmare began... her first epileptic seizure took them all by storm, as it rolled into another, and another, and then dozens a day, with very few gaps of relief. Hospital sessions and neurologists' attention continued for some months as medication was trialled in a vain attempt to halt the seizure activity. The cause was a mystery—every aspect of her health, her life, and the Port Lincoln holiday was examined, but it is still only speculation that she had been stricken with viral encephalitis.

That was seven years ago. Kelly is now 12, tall, thin and on the edge of puberty. Once an energetic little chatterer, she now sits or paces, imprisoned in her autistic world, protected by a loving family, monitored by her parents 24 hours a day. The insidious brain damage which has robbed her of memory, understanding, language and personality has taken place over many thousands of multi-focal seizures. Kelly's parents have worked through grief, anxiety, expectations and many disappointments as countless therapies have been tried—nearly all the known medications, every alternative they heard of, and even the consideration of brain surgery. The best medicos in Australia cannot name her condition, nor have they offered any hope of improvement. The seizures still continue unpredictably.

Kelly's condition, resulting from seven years of uncontrolled epileptic seizures, has resulted in a gradual loss of receptive and expressive language and understanding. In simple terms, Kelly has lost the ability to understand what people say to her, and also to use or learn words to express herself in return. Kelly's condition is rare, and appropriate, intensive therapy is expensive. A specially tailored intensive therapy trial to be run over the next six months will cost about \$12 000. It is a cost far beyond the means of the family and has only been made possible because of the success of *Kelly's Cookbook* and other fundraisers and donations.

I am constantly amazed and humbled by the ability of my community to provide practical, social and spiritual support to others in times of need. I commend each and every one of 'The Golden Girls' and all who have contributed in any way to the success of this venture. It demonstrates what can be achieved by a community which works together to achieve

an outcome. Compassion with no focus is a wasted force. However, when compassion is combined with a desire to do good it becomes an immutable force and must surely affect the outcome. I sincerely hope that this outpouring of goodwill effects a positive outcome for Kelly, and we can only wish Kelly and her family of supporters well.

**Mrs GERAGHTY (Torrens):** I listened very carefully to the contribution of the member for Flinders, because I know of the difficulties faced by parents with a child who is autistic or who has some other disability and the lack of services that they need. This is a very difficult and trying time for them. We only need to look at the effect that Government cuts are having on our communities as this Government continues to cut into our essential services such as health, education, welfare, and services for the aged, and the selling off of our Government assets such as water and attempts to do so with our energy producing sectors, bringing about increased charges and adding to our unemployment level, to understand why members of the community are pretty pessimistic and full of doom and gloom.

We can also be forgiven for thinking that a lot of people do not think that the Government—in fact, any tier of government—cares about them, whether they be struggling, unemployed or homeless. Even small business operators and farmers—and country members would know about this—who have lost their livelihood are starting to feel that their life standards are being eroded. However, now and again something happens that gives us some faith in a system that, for most of us, appears somewhat unjust. Occasionally, government or one tier of government will make some decisions that have a degree of social justice and compassion.

I would like to share with the House a simple story that shows how desperate one is to find something that is good news. A disabled elderly lady pensioner in my electorate has health and mobility problems which, to some extent, have been caused by a broken hip. A physician in North Adelaide was treating my constituent and, although she could still manage to drive around quite competently, the nature of her injury meant that she could not walk far at all. The only immediate available parking space near her doctor's surgery in North Adelaide was designated as a loading zone. My constituent decided that she should park her car as close as possible to her specialist so she parked her car on Melbourne Street, near the Frome Road end. Unfortunately, when she returned to her vehicle she had a \$23 parking ticket. She explained to me that she would not have parked in the loading zone if any disabled parking space had been available. She also told me that she could not afford to pay the fine, which later ballooned out to about \$55 when she contested it.

On my way back from Parliament one evening, I inspected the area, and I was quite astounded to find that within that region there are no disabled parking bays. This is despite the fact that many medical practitioners, who have incredibly busy surgeries—and, if ever you try to get into them, you find that you have to wait a long time—tenant that section of Melbourne Street. I asked my staff to contact Dr Jane Lomax Smith, the Lord Mayor of the City of Adelaide, and outline to her my constituent's somewhat concerning predicament.

*Mr Atkinson interjecting:*

**Mrs GERAGHTY:** No, not the first time. The Lord Mayor was very compassionate and understanding, and she said that Melbourne Street was not conducive to parking bays because of parallel parking. However, she had the fine withdrawn, and she has given a commitment to investigate

ways to provide disabled parking within the vicinity. That may not sound like a great news story to some but, to people who suffer from any kind of disability or injury and who use the services that the specialists provide around that area, it is very important. On behalf of my constituent and others who find themselves in this predicament, I would like to thank the Lord Mayor, and I look forward to her being able to resolve this problem. I am just waiting to hear further on this matter as quickly as possible.

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

**Mr MEIER (Goyder):** Today I would like to refer to some roads in the electorate of Goyder—

**The Hon. W.A. Matthew:** There are some very good roads there, too.

**Mr MEIER:** Yes. I would like to compliment the Government for what it has done for rural roads in such a short period, namely, the past four years. All members would be aware that one of the first things this Government did on coming to office in 1993 was to promise that all rural arterial roads would be sealed within 10 years. That was a fantastic move. It was a move that we in the rural areas have been awaiting for countless years. Prior to the last election, the area that was included in my electorate, namely that of Snowtown, Blyth and Brinkworth, had two key connecting roads—the road from Snowtown to Brinkworth and the road from Brinkworth to Blyth, both of them unsealed in the main.

In my intense lobbying of the Minister I pointed out that they should be priority roads in the 10 year program, so I was very pleased that most of the road sealing had occurred by the time that the new Deputy Premier took his position. I take this opportunity to congratulate officially the member for Frome on his becoming Deputy Premier yesterday. The Deputy Premier is the member for the area that now includes Blyth, Brinkworth and Snowtown, and I know that he is pleased that those roads are all but completed.

The only work outstanding is a realignment of the road, particularly from Blyth to Brinkworth, and then the connection will be able to be completed. So, that sealing will be finished, too. That is another major achievement. I know the honourable member has been working on that. As he is Deputy Premier, I had better watch out, because he might be able to achieve that just by the quick completion of a signature! However, I know that all of us in the country have to take our turn.

All the arterial roads in the rest of my electorate are bituminised. The problem is that some of them were bituminised a long time ago and now are causing real problems as they require much maintenance and have undulating surfaces. I have been lobbying for one key road for most of the time I have been in Parliament and most of the time I have represented the current area, particularly Northern York Peninsula. Members may recall that Northern York Peninsula—namely, Kadina, Moonta and Wallaroo—came into the electorate of Goyder in 1985. Those towns were not there when I first became the local member in 1982.

*Mr Atkinson interjecting:*

**Mr MEIER:** Yes, as the member for Spence correctly points out, it was in the 1983 redistribution. Since then, I have been lobbying for it. We had some minor—and I emphasise 'minor'—improvements done to the worst section. Unfortunately, those improvements did not last long because the underlying surface moved so much that it has been reported to me that in earlier times when they put in pegs

adjacent to the road surface they moved by up to one foot. I cannot substantiate whether that is true. The pegs apparently moved by up to one foot. That is the type of movement that occurs along that section from Port Wakefield to the Hummocks.

That work needs to be redone, but a simple resealing will not help much. It has to be a decent surface underneath. I am disappointed that in a recent memo to me from the Minister for Transport it was indicated that moneys had not been put aside for this work this financial year. I can assure the Minister that I will continue to lobby hard on this, because it is an embarrassment for people coming into Northern Yorke Peninsula to have to travel over that exceedingly rough section of road. I also acknowledge that the work needs to be done properly.

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

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

*A quorum having been formed:*

#### COMMITTEE REPORTS

**The Hon. R.G. KERIN (Deputy Premier):** I move:

That Standing and Sessional Orders be so far suspended as to enable committee reports set down on the Notice Paper for tomorrow to be taken into consideration after the grievance debate tomorrow.

Motion carried.

#### POLICE BILL

Adjourned debate on second reading.  
(Continued from 7 July. Page 1345.)

**Mr HILL (Kaurana):** I oppose the Bill. I begin by referring to the contributions last night of the members for Mawson and Waite. When I was listening to the member for Mawson I felt that you just had to love the honourable member's contribution to this place. The honourable member is such a loyalist and true believer in the Government line.

**Mr Koutsantonis:** A good soldier.

**Mr HILL:** Yes. If the Minister says it is a good thing, the member for Mawson absolutely believes it. Hand on heart, the honourable member comes in here day after day and puts the case for the Government in the truest and bluest possible way. There are no faults or errors: it is absolutely squeaky clean. The honourable member has a Protestant approach to this in that, if he is seen to be doing good works, he will be one of the elite. The honourable member might be getting closer to his dreams—

*Members interjecting:*

**Mr HILL:** It is certainly a Protestant tradition.

**Mr Atkinson:** Most Protestants wouldn't believe in that.

**Mr HILL:** Not all Protestants.

**The DEPUTY SPEAKER:** Order! I ask the honourable member to return to the Bill.

**Mr HILL:** Yes, Sir. I was commenting on the member for Mawson's strong conviction toward this Bill and to his belief that nothing corrupt could possibly happen under this Bill because the Police Commissioner and the Minister told him so. I think that is a really lovely attitude that makes you feel

soft inside, but it is so far from reality that it should be dismissed absolutely. I also refer to the member for Waite. I had some serious concerns about this piece of legislation, but when I heard the member for Waite's contribution last night I was very worried, because the Member for Waite's attitude seems to be that you find the right soldier, the right commander, put him in charge, stand back and let him command. That might be great for the army when you are under fire and you want to avoid losing a war, but it is certainly the wrong attitude in terms of running a police force.

As the member for Elder detailed in his contribution yesterday, in South Australia we have a democratic system and a system of parliamentary responsibility where Ministers are responsible for their departments. Generally, that is true. The one area where this does not apply so much is in the case of the police because, while the Minister is in charge in the general sense and in terms of ensuring supply, the Minister cannot direct the police. There is a separation of powers between the Police Commissioner and the Minister. There are much greater barriers between the Minister directing his servants than would be the case for the Minister for Health, the Minister for Racing, the Minister for Education, or any of the other departments.

My point is that the commander of the police force, the Police Commissioner, already has a great deal of power; however, this Bill attempts to strengthen that power. In a democratic system, that should not be supported. It may well be that the current Police Commissioner—and I am sure this is true—is a very fine gentleman who is very honourable and noble and who would not abuse any of the powers given to him. However, at some stage in the future there may be a Police Commissioner who has fewer ethics than the current Police Commissioner. Over the past decades we have seen examples of this across Australia, particularly in New South Wales and in Queensland.

In New South Wales in particular, the system did have corrupt police officers. Over a number of decades—and, of course, I will not include this decade—you could count on one hand the number of Police Commissioners who were not corrupt. I grew up in New South Wales, so I know what the Police Commissioner in New South Wales was like. The Premier of the day, Robert Askin (who was also the Police Minister), was corrupt. He was involved in taking money from SP bookies and in every single part of corruption in New South Wales. His Police Commissioner and the Deputy Police Commissioner were corrupt, and they ran the State as though it were some sort of outpost of the Mafia. That is an absolute fact.

In South Australia we have never had that system. As I understand it, we have had a very honest police force. In fact, it is one of the best, if not the best, police forces in Australia. It is considered to be the best; it is considered to be honest; it is considered to be helpful; and it is considered to be good—it is all of those positive things. In fact, when I moved here from New South Wales 25 years ago, one of the first things I noticed (other than the fact that people in Adelaide queued for buses) was how respectful, polite and pleasant the police were when you went to them for help or when they advised you to do something. In New South Wales, they were likely to push you into the gutter and throw you out of the way. We have a very strong tradition in this State in terms of our very good police force. To make the changes that are suggested would mean that the integrity of our police force would be threatened, because it would mean that, if the

commander in chief, the Police Commissioner, were not as scrupulous as the current and previous Police Commissioners, we would very easily have a corrupt system.

Given the relationship suggested in this Bill between the Premier, the Minister and the Police Commissioner, it could very easily lead to politicisation of the police force. I think that is something that we in South Australia should very much oppose. This has been the most non political police force in Australia, and I think we should keep it that way. When I was growing up in New South Wales in the 1960s and 1970s, the police force was very political. It did the bidding of the Government of the day. The police force in Queensland under the National Party was also very politicised and operated in the same way. We have an apolitical police force, and we should aim to keep it that way.

Given the positive things I have just mentioned in terms of the police force, the question has to be asked: what is wrong with the police force that this Bill is attempting to correct? What is the great evil that has to be addressed? All I can get from listening to the contributions of members opposite is that someone or other in modern management requires that there be changes in the way that police are appointed and controlled. It may well be that there are modern management techniques that could be applied to the police force. I have no in-principle opposition to those changes, but they are changes that should come about through negotiation.

In the 1980s I had the privilege of working for the then Minister for Education, the Hon. Greg Crafter, when through a process of negotiation within the Department of Education he changed the basis of appointment, especially in relation to promotions. Until 1986 or 1987 our position was that a person in the education system was appointed to a position of seniority for life. But that created some problems, because you did not necessarily have the best people in the right positions, and it was very difficult to move them about. I understand that that could apply in other Government departments as well, and I can understand why the Government wants the opportunity to make those changes.

In the education system we got that through not by changing the Education Act but by negotiation with the union and negotiation with the key players. It was accepted and it has worked well and is considered to be a good thing. If the Minister wants to get that reform through, he should do it by negotiation and not by legislation, because that would allow the Police Commissioner to be able to make appointments, to terminate contracts and move people about at whim. If the Commissioner were corrupt, he would be able to use that power in a way which would further his corrupt goals.

The other issue I want to discuss raises serious concern about the notion of limited contracts. Clause 23 of the Bill allows appointment of persons outside the police force to positions of senior constable or above in the police force. That is one element of the Bill which causes me considerable problems because it is an effective means of outsourcing or privatising the police force. Members may be surprised to know that already in South Australia the majority of persons involved in security operations—people who carry guns, wear badges and uniforms—are not members of the South Australia police force but members of private security firms. Over half our security services in South Australia have been privatised and are in private hands. When we think about the number of police officers around, there are more than that number of other people who carry guns or implements and who have a security role in our society, a kind of law and

order role, and we should be concerned about that trend. It is an issue that does require some investigation and I hope at some stage during the life of this Parliament that one of our standing committees looks at the issue of private security, because it raises a whole range of serious questions.

Clause 23 would, as I understand it, allow the police—and I would be interested in Committee to find out from the Minister whether this is correct—to license for a short period a range of private security officers as South Australian police officers for particular purposes. For example, it may well mean that, if there is a match between the Crows and Port Power and there is some fear of violence, 1 000 or so private security officers could be appointed as members of the police force for that limited period. That is a great worry—that private security people, with their limited training and different culture, ethics, values and perceptions of what their role is, would be given the mantle of police. What if they did things that our police would not do because of their training? Would the Government and the department then be liable for the damages that might have occurred?

That is just one example, but there may be other more insidious examples. For instance, we have transit police on our railways and buses. It may be that at some stage the Minister for Transport decides that she would like to have regular police on those services and, if the South Australian police department cannot afford or does not have the person power to provide those services, a private supplier is contracted to provide them on the trains and buses to create law and order in those circumstances, enrolled as police, perhaps with limited duties and powers, but certainly under the Police Act. There is a whole range of ways that that provision could be used to effectively privatise our policing. It is something that we should explore deeply. This may not be what the Bill or what the Minister intends and I would like him to address this matter in Committee. As I read it, it is one of the consequences of the Bill: it would allow that extension of privatisation, the transference of police powers, police authority and the police role to persons who are not properly trained and who do not have the background to hold the mantle of police officer in the same way that those who have been through the system do.

In conclusion, like every member in this place, I value the work that the police in South Australia do in our community. Certainly, I value the work of the police officers who operate in the electorate of Kaurana, operating out of the Southern Command. They are particularly stressed at the moment because there are not enough of them providing services in my electorate and they work very hard to provide those services. I commend to the House the work that they do.

**Mr KOUTSANTONIS (Peake):** I rise in opposition to the Bill. One of the most damaging aspects of the Bill is clause 39, because the Government intends taking out 'beyond reasonable doubt' and substituting 'on the balance of probabilities'. A number of police officers have come to my electorate office, people who are not necessarily sympathetic to, or long-time voters for, the Labor Party or, indeed, people who would normally come to see a member of Parliament. These police officers and law enforcers who have been serving the community for 20 years honestly and admirably suddenly find that their Police Minister, a Minister they probably voted for, comes in and says, 'On the balance of probabilities, if we think you have been involved in misconduct, you can be fired, rather than it being proven beyond a reasonable doubt.'

I believe that the South Australian police department is probably the best police department in the country. It has an excellent record: we do not have the problems of corruption that they have in Queensland and New South Wales, and we do not have the number of police shootings that they have in New South Wales, Victoria and Queensland. Generally our police force is well respected in the community, and I know from my visits to schools that children have a great respect for the police force. From speaking to my interstate colleagues, I know that many school children, particularly secondary school children, have some disrespect for police officers, but here in South Australia the respect that is evident is quite healthy. It is something that I want to see entrenched in our community, as I am sure do all members, but I can see the police being compromised under this legislation.

No-one is saying that Commissioner Hyde is in any way corrupt or not an honourable man, but the Bill leaves the gate wide open for a police commissioner, if he or she chooses to be corrupt or act in a way not in the best interests or traditions of the police department, to be so empowered by the Minister. This is why we are here—to be eternally vigilant. The police department must remain accountable to the Parliament. However, I am concerned that we will have a police department too far removed from the people, too far removed from the regulation and scrutiny of this Parliament. It is our duty to our constituents to make sure that we provide them with the best police department in Australia. In recent times, especially before the State election, we saw much strategic moving of the police department and police resources into marginal Liberal seats, away from marginal Labor seats, to try to shore up the Government's vote. I found this to be the most scurrilous and outrageous form of police deployment. In fact, in the western suburbs we were gutted.

**The Hon. I.F. EVANS:** Mr Acting Speaker, I rise on a point of order. The honourable member is reflecting on Commissioner Hyde and essentially saying—

*Mr Koutsantonis interjecting:*

**The ACTING SPEAKER (Mr Brokenshire):** Order! The Minister is speaking and the honourable member will resume his seat and please listen. The honourable Minister.

**The Hon. I.F. EVANS:** Commissioner Hyde heads the police force, and the honourable member is reflecting on Commissioner Hyde.

**The ACTING SPEAKER:** There is nothing to stop the honourable member from so reflecting, but I suggest that his remarks are verging on the edge and that he come back to the Bill.

**Mr Atkinson:** The edge of what?

**The ACTING SPEAKER:** The edge of the debate, when it comes to talking about particular scenarios that might potentially reflect on a person.

**Mr ATKINSON:** Mr Acting Speaker, on a point of order, is it your ruling that the member for Peake may speak about Commissioner Hyde but he has to be relevant to the debate? Is that your ruling?

**The ACTING SPEAKER:** That is my ruling but, nevertheless, you are also reflecting on individuals who cannot reply, so I ask you to bear that in mind.

**Mr ATKINSON:** Sir, is there a Standing Order which prohibits us from reflecting on members of the public who cannot reply?

**The ACTING SPEAKER:** I am not ruling that way. I am simply asking the member for Peake to bear in mind that the person about whom he is speaking cannot reply to the points

the honourable member is raising, so I am bringing it to his attention. I say it to any member in this Parliament.

**Mr ATKINSON:** A Government member.

**The ACTING SPEAKER:** Any member in this Parliament.

**Mr ATKINSON:** I will hold you to that.

**The ACTING SPEAKER:** I suggest that the member for Spence listen to the debate, and I call the member for Peake.

**Mr KOUTSANTONIS:** Thank you, Sir, and I will try to keep my remarks relevant to the Bill. First, I will address what the Minister just said. I am in no way reflecting upon the Commissioner or the police department: I am reflecting on the Government of the day, the people who have used the police department for political ends. The Government has deployed police officers for political gain. This is what I am talking about. If the Minister cannot cope with that and tries to put the blame on the police department and the Commissioner, then it is his bad luck.

The police department does not like being used as a political tool and does not like being deployed for political gain. It wants to be deployed where the crime rate is. It wants to do its job. As a result of this Bill, we could have a partisan Commissioner—not that we have one now. I think that Commissioner Hyde is an upstanding citizen of South Australia and an excellent recruit from Victoria. He is an excellent Commissioner, and in no way do I reflect on him. Nor am I reflecting on the current Minister. I repeat that I am not reflecting on either the current Minister or the Commissioner.

I think the Minister is doing his best, but he is a little misguided in this Bill, and that is why we are trying to point out the error of his ways—and I am sure he will come to that conclusion when the Bill reaches the Committee stage. I have no doubt that the Minister is doing his best. But, it is my duty to remind the Minister that if we have a Commissioner who is politically motivated we could see police stations and police deployment used in a way which is detrimental to the people of South Australia but which is to the electoral advantage of a certain political Party.

I want to see that situation avoided. The fact that the Commissioner could employ people who have not been trained as police officers to come in at the rank of senior constable to perform police duties is something which is not in the best traditions of SAPOL. There have been examples. I believe that certain press officers are now performing duties that have been outsourced from the police department. I believe it is the press release officers, although I am not quite sure of the names of the people concerned. They have sent out press releases prepared by people who have already been outsourced, and they have acted in a way that has brought into disrepute some of the actions of the police department. They have sent out press releases which include the names of suspects.

We need police officers who are trained as police officers doing their job. We cannot afford to have services that are outsourced being brought into the police department. The member for Elder, the shadow Minister for Police, eloquently said yesterday that South Australians turn to police officers when they can turn to no-one else. When a member of their family passes away in their home, they call the police. If they are attacked, they call the police. Many women in our community turn to the police in times of need. Police are respected within our community.

The last thing I want to see is our police department outsourced and these services being given to contractors. One

of the worst jobs police officers have to do—and I know this from personal experience—is to knock on someone's door to say that a loved one has passed away. I am not saying the police are perfect at this job, but they do it in a compassionate and caring way and should be commended for it. Some might say it is not a role for the police, but this Government has slashed our services in the past four years, and in the circumstances the police have done an excellent job. I would hate to think that that duty would be outsourced to a security guard who, holding a German shepherd, would knock on the door to say, 'By the way, your brother just died.' I want to see the police department continue to carry out its present services, to be strengthened, and to be given every resource it needs.

At the last election, the Labor Party stated that we want to equip our police department, we want to staff our police department and we want to deploy our police department where it is best needed—not for political gain. We do not believe that a certain police station—

*Mr Brokenshire interjecting:*

**Mr KOUTSANTONIS:** The member for Mawson interjects that because of the growth rate in the south more police are needed. I agree, but does that mean you transfer them from the areas that have the highest crime rates in South Australia to the areas that have population growth? Or do we address the crime rate? The CBD has the highest crime rate in the State; the second highest crime rate is in the north-western suburbs; the third is in the western suburbs; and the fourth is in the southern suburbs. Yet, this Government saw fit to take away police officers from the north-western and western suburbs and send them to marginal seats down south—to save your skin! They could not save the former members for Kaurua and Reynell, and the Government surrendered Hanson, Elder and Peake to the Labor Party.

That is a most grotesque abuse of any Government's deploying of police officers. The Government is now using this managerial jargon about outsourcing, best management practice, etc. To my way of thinking that means shop front police stations where a shop front has a big sign saying 'police department'—no patrol cars; a cadet taking complaints; and that would be it. The police department, by instruction of the Minister, would be deployed where he feels it is best suited—not necessarily where the police department feels it is best suited, but where the Minister thinks it can do the best job. That is what I am against. I am against too much of a separation between Minister and Commissioner, because this leaves open the Commissioner—

*Mr Brokenshire interjecting:*

**Mr KOUTSANTONIS:** Have you been listening? That's a change.

*Mr Brokenshire interjecting:*

**Mr KOUTSANTONIS:** In no way would I ever reflect on this current Minister. I think this Minister is trying his best. What I am saying is that in the past Ministers have used the police department for electoral gain. They had to set them up to save your skin—

*Mr Brokenshire interjecting:*

**Mr KOUTSANTONIS:** No, not Labor Ministers. We do not close police stations. We do not have increases in the crime rate like this current Government has. We do our best to minimise the crime rate, because we believe that South Australia deserves better, and community safety is our No. 1 priority.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr KOUTSANTONIS:** Thank you for your protection, Sir. The greatest tragedy of this Government's election in 1993 was stopping the intake of police officers for four years. But before an election campaign, lo and behold, it takes in 100 police officers. The Government spent \$7 million on separation packages in an election year rather than policing properly for four years. Instead, it thought it would pork-barrel in the last year. It is an absolute disgrace. Who loses out? The western and north-western suburbs lost out but the southern suburbs won because they had marginal seats.

**Mr Brokenshire:** Growth.

**Mr KOUTSANTONIS:** Growth! The member for Mawson believes that police performance should be on growth alone. He does not agree with the Minister or SAPOL; he believes it should be on growth and not on the crime rate. He thinks, 'If the crime rate is low in a sparsely populated area, move the coppers out and put them in a high growth rate area where there is a low crime rate.' Good thinking! No wonder the honourable member is still on the back bench. The fact is that I was about to compliment the member for Mawson. He did his job as a politician; he kept his police stations open down south at the expense of other suburbs.

**Mr Brokenshire:** My job.

**Mr KOUTSANTONIS:** He says, 'My job.' That is exactly what this Bill will allow the Minister and the Commissioner to do over and over again. We are not saying that the current Bill is perfect: it needs improvement. However, what the member for Mawson admitted to is the fact that police deployment is being used for political gain. That has to be stopped. We need this Act to be changed properly to ensure that the police are being used—

*Mr Brokenshire interjecting:*

**The DEPUTY SPEAKER:** Order, the member for Mawson!

**Mr KOUTSANTONIS:** Thank you, Sir; it is often hard to—

*Members interjecting:*

**The DEPUTY SPEAKER:** The member for Peake.

**Mr KOUTSANTONIS:** Thank you, Sir. What we need in this State is a police department such as the one we have now; that is, one that is non-political. I am scared that, in the future, this Bill will facilitate political appointments and will enable the Commissioner of Police to make political decisions—not necessarily corrupt decisions, although that is a possibility in the way in which the Bill has been drafted. As I said in my opening remarks, to remove 'beyond a reasonable doubt' and introduce 'on the balance of probabilities' is a disgrace. I am not a lawyer, but it seems to me that it means that, on the balance of probabilities, you probably did it: it cannot be proved beyond a reasonable doubt, but 'you still did it because we changed the laws from underneath you.'

*An honourable member interjecting:*

**Mr KOUTSANTONIS:** What about the coppers—

**The Hon. I.F. Evans:** You just used both groups there in one sentence.

**Mr KOUTSANTONIS:** Thank you.

*Mr Scalzi interjecting:*

**Mr KOUTSANTONIS:** The member for Hartley interjects and says, 'What about teachers?' The fact is that we are discussing the police bureau now. I have to say that this Police Bill, although it is a bold effort by the Minister who is trying to be a tough young Minister and who is trying to impress his mates on the Executive Council when they let him sit in on it—

**Mr Conlon:** A future leader.

**Mr KOUTSANTONIS:** Future leader—in fact, without reflecting on the current Deputy Premier, the current Minister would have been a very good choice for Deputy Premier. He is young, energetic, willing to listen and a solid supporter of the current Premier. There is nothing wrong with being ambitious, as is the Minister. However, I must say that in relation to his attempt at this Bill either he has been completely had by the current Commissioner or he has not taken control of his ministry properly, which is something I do not believe to be true. However, perhaps the Minister should go back and talk to the Commissioner of Police and say, ‘What exactly have you committed me to doing here; how much power am I giving a non-elected public servant?’ That is the scary part of this.

The Minister is responsible for the police, not the Commissioner, and we want the Minister to do his job. I remember hearing these arguments in relation to the State Bank—and I know the State Bank is a sore point for many people. The fact is that the Government did not have enough hands on control and we saw a few individuals ruin it for everyone. This could happen here as well. We need to ensure that there are Government controls on the police department and that we do not have a Commissioner who is all powerful. We need also to ensure that the Minister and the people of South Australia have a say in the running of the police department, not an unelected public servant, which is the scary thing.

We understand with all other ministries that there is a certain separation between the Minister and the Public Service. For obvious reasons it should apply even more so with the police. We do want corruption and we do not want politicians influencing police decisions. However, I believe that in the next 20 years, if not straightaway, this Bill will begin a culture where it can be abused and maybe even create a culture of corruption, which we do not have in this State. That is of what I am afraid, and I think all members would share the view that we do not want our police corrupted.

I am not saying that members opposite are doing this intentionally to make the police department corrupt. No-one enters this place to try to alter something for the worse. I believe that members opposite believe they are doing the best thing for the State, but as a constructive Opposition which has supported nearly 90 per cent of the Government’s legislation we are saying that this time members opposite are wrong. We want to talk about it and help the Government work this through.

*Mr Brokenshire interjecting:*

**Mr KOUTSANTONIS:** Well, that is a point, because I went to the election campaign—

*Mr Brokenshire interjecting:*

**The DEPUTY SPEAKER:** Order, the member for Mawson!

**Mr KOUTSANTONIS:** Thank you very much, Sir. In closing, I say that the Opposition cannot possibly support this Bill. We would like to speak to the Minister about it. Our shadow Minister is prepared to talk and listen, as always. We want to be constructive, not obstructive. We are doing our best, but this Bill should not be passed. The Police Association and ordinary police officers do not support it. The only people supporting it are the Commissioner, the Minister and this Government.

**Ms KEY (Hanson):** I will address a number of issues this afternoon mainly about the industrial relations aspects of the Bill. I believe that we need to look at the Bill as a document that has the possibility, through the Police Commissioner, of

employing a number of professional people who choose to make the police force their career for life. I believe that as the Bill stands at the moment there are a number of issues relating to the employment of workers, namely police officers, that are totally inappropriate. I noted the comments made by our shadow spokesperson in this area, and he addressed a number of the general concerns that the Opposition has in relation to this Bill. However, considering the amount of downsizing within the police force and also the long campaign that the police force in this State had to endure to get reasonable (although I do not think they received exactly the claim they made in their enterprise agreement) wages and conditions, I believe that this Bill undoes all the negotiations that have taken place in recent times in this area.

As with other workers in South Australia and on a national level, I think the police force will become victims even more of the industrial relations agenda that the Liberals seem to be running both on a national and State level. We have all heard about attacks on the rights of workers. I believe that this Bill goes backwards. It does not embrace modern industrial relations or management practices, as we were told last night by the member for Waite or the member for Mawson. In fact, what is being proposed in this Bill is that workers will work as directed by the Commissioner without any question. They must take orders and are not even able to make any comments about the orders they are given. This seems to be a very hierarchical proposal.

The issues of equal opportunity, promotions, the right of redress, appeal, occupational health and safety, the rights of transfers, workers’ compensation and all industrial relation issues are issues about which I am concerned in this Bill.

The member for Kaurna talked about the problems in sections of the Bill, particularly in the outsourcing area, and asked what would be the rights of members of the police force in relation to particular work. My experience with the police force has been very positive—and I am not just saying that because I see that a number of members of the Police Association are present. Through my life as a trade union official the police force has been extremely helpful, particularly in vigils, strikes and demonstrations, and they have played a reasonable and fair role in assisting the public as well as workers with a grievance in those situations. So, I have a very positive view of the police.

I must also say that the concern I raise today is based on the fact that the Police Association, and many of its members, have real concerns with this Bill. Perhaps the Minister will enlighten us at the Committee stage about consultation he may have had with the Police Association. However, from an industrial relations perspective, I have real concerns if the union representing these workers also has concerns. That may sound like a very basic point to make but, if this was any other group of workers—for example, teachers, nurses or any other public servants—normally the relevant trade union or unions’ position would be taken into consideration regarding the industrial rights of the workers in that situation. I do not believe that these have been taken into account in the debate so far, except from our side.

I want to return to the point of modern management practices. As I said, I find this an interesting concept, especially having just received information with regard to the wash-up of the MUA dispute and also the two big current South Australian disputes, where workers’ rights are continually attacked. That position has certainly been supported consistently by this State Government in its industrial relations practice.



There has been the suggestion in debate that perhaps regulations under this Act will provide for the workers covered by the Act in an appropriate way. My short experience as a member of Parliament has been that regulations seem to be brought in overnight. In relation to the unfair dismissal regulations, for example, they are brought in overnight and basically the Opposition is in a position of having to ask for those regulations to be disallowed. Is this the agenda we will have before us for regulations that will be associated with the Police Bill and also with the other Bill listed for debate, the Police (Complaints and Disciplinary Proceedings) (Miscellaneous) Amendment Bill? If we are looking at the industrial relations conditions, and certainly the conditions of work for people who would be covered under this Bill, we need to be very clear about what the sections of the Act actually mean. One section in particular to which I refer members is section 8, which provides:

No ministerial direction may be given to the Commissioner in relation to enforcement of law. . .

Clause 7 provides:

Exclusion of directions in relation to employment of particular persons.

No ministerial direction may be given to the Commissioner in relation to the appointment, transfer, remuneration, discipline or termination of a particular person.

Then clause 8 provides:

Certain directions to Commissioner to be gazetted and laid before Parliament.

This means that the Commissioner, under this Bill if it becomes an Act, will be able to develop a whole lot of directions and we might find out about them if we read the *Gazette* regularly. It also provides:

The Minister must cause a copy of any direction given to the Commissioner in relation to enforcement of a law or law enforcement methods, policies, priorities and resources to be—

(a) published in the *Gazette* within eight days of the date of the direction. . .

I do not consider this to be a reasonable way for workers in the police department to find out what the directions are in relation to their employment or in relation to other priorities. There is also a resource question raised here. We have just been through an Estimates Committee procedure following receipt of the State budget and also debating a Supply Bill, so why should the Police Commissioner have powers and resources that do not seem to be related to the lines for the Police Commissioner?

Under this Bill, the Police Commissioner can make decisions about the number of employees that are to be employed, and how many Commissioners, Assistant Commissioners or Deputy Commissioners can be employed. There does not seem to be any reference in the budget to any of these things. I guess I can ask this question in Committee, but I wonder what sort of budgetary powers the Police Commissioner will have.

We also find that the Commissioner, under clause 9, is responsible for the control and management of police cadets and police medical officers. When I go through the Bill, hoping anxiously that there will be some standards, criteria or outcomes that we have seen in other parts of the budget and other parts of the Public Service, this seems to be a very inept piece of legislation in terms of reassuring me that any of these issues are particularly covered. It seems more that the Commissioner can make up as he or she—probably he for the time being—sees fit in relation to performance standards, and certainly in relation to his own appointment and total

remuneration package. Although the Minister can look at varying the performance standards, I will be interested to know what they are and how they will actually be implemented.

*Mr Conlon interjecting:*

**Ms KEY:** It does not seem as if the Minister has a very big role in this police force. I have had the pleasure of meeting the Police Commissioner once, and I am sure he is an excellent officer, but I do not know why one person would have this much power. And I do not know why, certainly in his absence, the Deputy Commissioner, whose provisions, performance standards and outcomes are even more vague, should have that amount of power either. I will be interested to be convinced, I hope, that these provisions are made available.

There are also some concerns—and this again relates back to the industrial relations aspect of what happens to the workers in the police force should this Bill become an Act—as to clause 46, ‘Unsatisfactory Performance’. Having been an industrial advocate for a long time, I want to know what that means. What is ‘unsatisfactory performance’? Is it like the experiences I have had in representing people in unfair dismissals, the fact that they have blue eyes and not brown eyes or they did not wear lipstick or they were rude to someone who was rude to them? I would like some details on that question, because that is particularly vague.

Clause 20 refers to appointment. The all-powerful Commissioner can appoint commanders, superintendents, inspectors and other officers as the Police Commissioner thinks necessary. Again, I ask what the budget implications are of that, and does the Minister have some sort of parameter around which the Police Commissioner can actually appoint all these people? Clause 23 has already been referred to with respect to term appointments for certain positions. It provides:

(1) An appointment of an officer, or an appointment of a person who is not a member of SA Police to a position in SA Police of or above the rank of senior constable, may be . . . required. . .

Just looking at this from an industrial relations point of view, it seems to be a very inadequate provision with regard to term appointments. I wonder, as with other workers who are on term appointments, what are the implications for workers and their families with regard to their ability to get a home loan, for example, because they are on such a short contract? What does it mean as far as their particular living conditions are concerned when they are not sure, especially when we do not know what the criteria are for their satisfactory performance, how long they will have a job? It seems to me that this is a very poor way of encouraging people to take on the career of a police officer, and I know a number of people already in the force who do see it as a career. They see it as a professional position and make big sacrifices to actually carry out that job.

Moving through the legislation, we get to probationary appointment. Again, I want to know what this means in relation to someone who has been in the force for a long time and who is in a position where they are on a contract. Section 27 provides:

Subject to this section, a person’s appointment to a position in SA Police will be on probation for such period, not exceeding two years, as the Commissioner—

the all-powerful Commissioner—  
determines.

Usual industrial relations practice is that you do not have probationary periods for up to two years, and I would like

more information about the justification for going against industrial relations best practice which does not support two year probationary periods. There are a number of other issues—

*Mr Conlon interjecting:*

**Ms KEY:** We do not know what unsatisfactory performance or conduct is. That is the first point. We do not know what the regulations, outcomes or performance indicators are, and we do not know how they will be introduced, because they are certainly not clear in the Bill. It is quite likely that they will be introduced in the middle of the night by regulation in the *Gazette*, so that the Police Association or members of the police force might just happen to read about the latest provisions related to their work.

*Ms Thompson interjecting:*

**Ms KEY:** Yes, certainly. I have tried to keep an open mind about the need for a new Police Act. I understand that the current Act has been around for a long time. Therefore, it may be necessary to look at the legislation of 1952. However, I do not really see how comparing the 1952 Act with the provisions of this Bill will improve the life and dedication of workers already in the police force. As I said, I think this legislation fits in with the poor industrial relations policy of this State Liberal Government, and it certainly fits within the parameters of the Federal industrial relations philosophy where workers have as few rights as possible and only work under direction. Their lives are so insecure that they have to be sure to please their superior so that their contracts are renewed and they can get on with their life and do the things that most families do such as buying a house and a car or putting their kids through school with some amount of security. This legislation seems to fit in with the poor practices that we have in this State concerning the rights of workers, their wages and conditions.

I want to compare this Bill with the Police (Complaints and Disciplinary Proceedings) (Miscellaneous) Bill. There is plenty of rhetoric about the police force in South Australia. I have no way of judging whether we do or do not have the best police force in Australia. I am told that we do and, as I have said, my experience of the police force is very positive. However, I wonder what police officers in this State, who in my view are very professional and dedicated, have done to deserve this dog's breakfast in industrial relations terms. Why are they being offered such poor legislation in terms of their conditions of work, and why must so much power be given to one person: the Commissioner?

As I said before, in a normal industrial workplace setting there would be real concerns about having an all powerful CEO or head manager. If we are going to talk about modern industrial relations practices, we must talk about consultation, and about people sitting down and working out the best way of delivering services and doing the work in front of them. We must not put the power into one person, with perhaps an assistant, under these very inadequate provisions that do not assure me that this Bill is warranted. Presumably we make laws to improve situations, but I fail to see how this legislation, except perhaps in the area of the community constable, improves the 1952 Act in any way. For those reasons, unless I can obtain some better information from the Minister in Committee, I support my colleagues on this side of the House in opposing this Bill.

**Ms WHITE (Taylor):** I want to make a brief contribution to the debate on this legislation, which is very important because it deals with one of the most basic tenets of our

society: the community's desire to have a properly constituted and operational body of policemen and policewomen. I oppose the Bill as do my colleagues on this side of the House for several reasons. I do not oppose the fact that the Minister has brought forward this Bill, because the current legislation under which the police force operates was put into place in 1952 and has not seen much amendment since. So, the legislation was due to be looked at again.

I support the Police Minister's agenda to look at the police legislation, but I am disappointed at what has eventuated. Clearly, in the light of the volume of correspondence and personal representations that members of the Opposition have received from the community and the police force, this Bill is not accepted by the community. The Minister has not consulted properly, adequately or effectively, if he has consulted at all. He may wish to comment on that in his second reading reply. This Bill is not accepted by the community or the Police Association or members of the police force, so it fails the basic test right from the start.

The motivation for this legislation is interesting. The Minister's second reading explanation, which has been reiterated by many backbenchers of the Liberal Government, states that the motivation for this Bill is to introduce 'modern management structures which establish a basis for performance management.' In other words, this Bill is about creating a modern structure and improving the performance of the police force. We all agree that the people of South Australia need and deserve an effectively performing police force, but what about a modern structure? A modern structure is a good thing if it works and if it is appropriate, adequate and effective. This is where I believe this piece of legislation fails.

In his second reading explanation, as part of the overall justification for this Bill, the Minister states:

It is difficult to see why the Commissioner of Police should not be responsible to the Minister for the management of the South Australia Police in the same way as public sector chief executives are responsible to their Ministers for the management of their departments.

That seems to be the justification for this Minister taking it upon himself to introduce a range of measures which greatly widen the powers of the Commissioner of Police. What the Minister has said contains a basic flaw which is underpinned by what appears to be a basic Liberal tenet that Government departments or arms of Government should operate like normal businesses. That seems to be a common theme of this Government, and obviously it is flawed. The functions of the police department are not those of a regular business and should not be treated as such.

This Bill strengthens the powers of the Commissioner. Obviously, the police must adhere to their oath to uphold the law. They must investigate and prosecute breaches of the law above and beyond any responsibilities that they may have or judge themselves to have to any political process or whim of a Minister. In his rush to prove himself as a new Minister, to make his mark, this Minister has gone well beyond widening the powers of the South Australian Police Commissioner. The police force must be responsible to the Minister, but when you start to mess with the integrity of the police force and separate its powers from other arms of government you open the way for corruption and politicisation which are possible effects of the changes proposed in this legislation.

I draw an interesting analogy with what has happened recently in this Parliament regarding the performance of the former Deputy Premier in relation to his departments or

statutory authorities in the racing industry and the tourism industry. We have seen instances in this Parliament of the former Deputy Premier interfering in the workings of those bodies, and one particular interference—

**Mr BROKENSHIRE:** I rise on a point of order, Mr Deputy Speaker. I believe the member for Taylor may be starting to cast aspersions on the Minister for Industry, Trade and Tourism when a privileges committee is currently in place to deal with that matter. It is not appropriate for the member for Taylor to dare to raise this issue at this point.

**The DEPUTY SPEAKER:** I uphold the point of order. There is a privileges committee in place and it is inappropriate to raise that issue at this stage.

**Ms WHITE:** I dare to point out to the House that it is possible for a Minister to interfere in his or her agencies.

**The Hon. M.K. BRINDAL:** I rise on a point of order, Mr Deputy Speaker. The matter is before the House and it is of the highest weight, so the honourable member should not allude to it as it is against Standing Orders.

**The DEPUTY SPEAKER:** Order! I have suggested to the member for Taylor that it is inappropriate that she refer to a particular Minister. The member for Taylor has referred to Ministers not in person but in general, so there is no point of order.

**Ms WHITE:** There have been instances where Ministers in charge of their agencies have interfered and, when brought to account by the Parliament, have been able to stand up in the Parliament and say, 'I take a hands-off approach.' We have seen that sort of thing in this State, and my fear is that this legislation will enable that sort of behaviour to continue. That is one of the reasons why the Labor Opposition opposes the measure before the House. Corruption and nepotism can be bred when things such as the job security of public servants, servants of Government or servants of the police force is tied to the whim of a single office holder who has sole power over appointments, sackings, disciplinary procedures, and so on.

If the integrity of the police force is to be maintained, staffing matters need to be handled with transparency. That is clear, but it is under threat in this legislation. A couple of provisions of the Bill are a step forward, but they are small compared with the damage that is done. The removal of the word 'force' from 'police force' and the introduction—

*An honourable member interjecting:*

**Ms WHITE:** That is a generous concession, as the Minister acknowledges. I said they were minor compared with the Opposition's objections to this legislation. The introduction of the community policing concept into the legislation is a move in the right direction. It is a move from an era past where confrontation was what the community viewed—and perhaps it was even in the thinking of the legislators of those times—as being appropriate for the police body. The legislation has moved more towards placing the emphasis on the police being in an assisting role in the community and playing the good role that police play in the life of local communities.

Most members of this House can get to their feet and talk about the good work of local police officers in their regions, whether it be by way of policing their beats, undertaking community or Neighbourhood Watch activities, promoting the concepts of safety and wellbeing of people in the community, taking an active role in averting incidents and breaches of the law or defusing situations. That modern concept of policing can be reflected in this legislation. Those

two small changes I mentioned do that, so I acknowledge those.

Overwhelmingly, this Bill must be opposed, and I ask the Minister to withdraw the Bill so that he can come up with legislation that not only will be accepted by the community and members of the police but also will be respected generally and will ensure that the type of police force that the public of South Australia expect and want to trust will—

*An honourable member interjecting:*

**Ms WHITE:** Yes, we have a good police force.

*Mr Condous interjecting:*

**Ms WHITE:** The member for Colton said, 'The best in the country.' Indeed, the budget papers, which were brought down in May, refer to the excellent work of our police force and the excellent standing in the South Australian community of the South Australia Police. One must ask why, after having acknowledged only in May the good standing of our police, the Minister felt it so necessary to undermine that and risk that standing by—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Ms WHITE:**—introducing legislation that can undermine the professionalism, integrity and impartiality of our fine South Australian policemen and policewomen.

*Mr Condous interjecting:*

**The DEPUTY SPEAKER:** Order!

**Ms WHITE:** It does not matter what the members for Colton and Mawson interject, they support this legislation, and they must go back to their electorate and to their own members of the constabulary in their electorates and justify that decision. Whatever they do—

*Mr Brokenshire interjecting:*

**The DEPUTY SPEAKER:** Order!

**Ms WHITE:** That is an indication of the member for Mawson's political nous.

*Mr Brokenshire interjecting:*

**The DEPUTY SPEAKER:** Order! The member for Mawson.

*The Hon. M.K. Brindal interjecting:*

**Ms WHITE:** Political mouse, as well; I thank the member for Unley.

**The DEPUTY SPEAKER:** Order!

**Ms WHITE:** Whatever the interjections, the fact remains that this piece of legislation takes the South Australia Police backwards not forwards, and it opens the door for possibilities of corruption and nepotism in the future—

*Mr Brokenshire interjecting:*

**Ms WHITE:** Exactly!

*The Hon. M.K. Brindal interjecting:*

**Ms WHITE:** There is a very good come back to that, but I will share it with the member for Unley privately. In finalising, I point out that many concerns have been raised with the Minister. It would be prudent for the Minister to take them into account and to answer them.

Will the Minister say what is so wrong with the police force that he finds it necessary to make these changes? All I can see in the Minister's second reading explanation is reference to a need to introduce a modern management structure—whatever that means. Is there no more justification than that? Are there examples of mistakes within the police force that the Minister wants to correct? If so, this is the Minister's opportunity to indicate that because, if he cannot justify the need for change when at the same time he is challenging the integrity of our police force, obviously the Opposition cannot support the Bill.

**The Hon. M.K. BRINDAL (Minister for Local Government):** The *Oxford Concise Dictionary* defines 'opposition' as 'a relation between two propositions with the same subject and predicate but differing in both quantity and quality or both'. It also defines 'opposition' as 'antagonism, resistance and being hostile'. Those members here who have witnessed the proceedings in this Parliament will not be in much doubt about which definition applies to the Opposition in this Chamber. A few pages in the dictionary before 'opposition' is the word 'omission'. Members opposite know a lot about the word 'omission'. It is defined as 'omitting, non-inclusion, non-performance, neglect, and duty not done'. I would say that members opposite are experts on that subject.

**Mr Scalzi:** Nepotism.

**The Hon. M.K. BRINDAL:** As the member for Hartley knows, nepotism arises from the fact that in medieval times certain Popes used to give jobs to their nephews, and that is where the word comes from. So, there is a breeding concept in nepotism.

*Mr Scalzi interjecting:*

**The Hon. M.K. BRINDAL:** You had better take that up with your bishops. Nothing could be closer to the truth about the Opposition than the way it handled itself in this debate. Clearly, the Opposition has omitted facts in this issue. It has not included any logic in its contribution to the debate and it has not performed in anything like the manner the people of South Australia should expect of their elected members. The Opposition has neglected its real responsibilities as an Opposition and it has demonstrated that it has not done its duty. If members opposite expect the perfect Bill in this Parliament, past or present, they will be waiting for a long time. I doubt that any Parliament has ever passed the perfect Bill, but this Minister has presented what he hopes is a good effort. As a Government we would hope for the Opposition to add constructively to the debate and to improve the Bill—not sit there and do nothing but carp, grizzle and criticise without making any constructive comments or adding to the substance of the Bill currently before the House.

The Leader of the Opposition has forgotten that his days as a press secretary are over. The Leader comes over all warm and clammy at the chance to get in front of the cameras and microphones again. This morning, the Leader was on radio claiming that this legislation will lead to corruption in SAPOL. In this morning's newspaper he also said that this legislation will create corruption and cronyism within the police. Indeed, the member for Taylor claimed the same thing. The Leader says that the Labor Party will oppose the Bill; the member for Taylor says that the Labor Party will oppose the Bill, and they both say that they have not taken the step lightly. If members of the Opposition had taken this step any more lightly, they would have floated away with the butterflies. The member for Elder was not prepared to listen to what the Police Commissioner and the Government had to say about this legislation.

**Mr Koutsantonis:** Rubbish.

**The Hon. M.K. BRINDAL:** I listened to the member for Peake's contribution and I would say 'Ditto' to his contribution. I have rarely heard so much rubbish in this Chamber. The member for Elder did not accept an invitation to be briefed on why these changes are necessary and how they compare with what applies elsewhere in Australia. Members opposite were happy to listen to one point of view but were too busy to listen to any other side of the story. You can say what you like about the Democrats, but at least they appear to have given the Commissioner a hearing. The Leader of the

Opposition says that this Bill shows extraordinary contempt for the best police force in this country. From where I stand, the Leader of the Opposition is showing extraordinary contempt in this instance. The Leader was too busy rushing off to the media—

**Mr KOUTSANTONIS:** I rise on a point of order, Mr Deputy Speaker. The member for Unley is not discussing the merits of the Bill: he is simply attacking the Leader of the Opposition.

**The DEPUTY SPEAKER:** There is no point of order.

**The Hon. M.K. BRINDAL:** The Leader was too busy rushing off to the media to display his antagonism, resistance and hostility to bother considering the facts.

**Ms White:** Okay, you don't like us; now talk about the Bill.

**The Hon. M.K. BRINDAL:** I have 15 minutes not to like you before I talk about the Bill. The Opposition asks why this Bill is necessary. I can understand that among some serving police officers there is some concern, because the Minister is proposing a change to management structure, a management structure which has existed relatively well for many years. The member for Taylor asks, 'Why?'

*Ms White interjecting:*

**The Hon. M.K. BRINDAL:** If the member for Taylor listens, she will probably find that I know a little more about the Bill than she knows.

**The DEPUTY SPEAKER:** Order! I wonder whether the discussion between the Minister and the member for Taylor might cease. Supposedly, the Minister is making this contribution, and I would like him to continue.

**The Hon. M.K. BRINDAL:** The member for Taylor asked why the Minister introduced the Bill. Clearly, the Minister has said that it will bring management practices in the South Australian police force into line with the best practices elsewhere.

**Mr Koutsantonis:** What's wrong with the current ones?

**The Hon. M.K. BRINDAL:** If we have, as we do, the best police force in this country, they deserve the best conditions and the best legislation within which to work. I would suggest that, rather than prattle on in this place about what is wrong, the honourable member should talk to a few serving officers about the way in which they can get or cannot get—

**Mr HANNA:** I rise on a point of order, Mr Deputy Speaker. We do not normally have the three stooges sitting together on the backbenches opposite. The member for Colton is interjecting whilst being out of his seat.

**The DEPUTY SPEAKER:** That is a point—

**Mr SCALZI:** Mr Deputy Speaker—

**The DEPUTY SPEAKER:** Order! The member for Hartley will resume his seat. I uphold that point of order. The member for Colton has been interjecting whilst being out of his seat, and I am pleased that he has now returned to it.

**The Hon. M.K. BRINDAL:** When a serving police officer in this State seeks either a promotion or a transfer, the member for Peake should understand the absolutely convoluted process and even the time it takes for an officer to shift from one country station to the next country station, for example. If the member for Peake does not believe that seven, eight and nine months involved in an intricate process over a transfer is not a waste of police resources, police time and human effort on the part of families of police officers and those police officers, I suggest that he get into the real world.

There is much that is good about the current practice, but there is much that could be improved—and this Minister is

seeking to do that. I can understand that in any service in which there is change there is apprehension: that is natural. But the point is whether the change is worth while and whether the change will assist the police in doing a better job. It was not a Liberal Government that ever countenanced getting rid of a Police Commissioner. It is not a Liberal Government that has ever suggested any corruption in the police force of South Australia.

*Mr Koutsantonis interjecting:*

**The Hon. M.K. BRINDAL:** If we listen to Opposition contributions in this debate, they clearly imply that the only reason—

*Members interjecting:*

**The Hon. M.K. BRINDAL:** The Leader of the Opposition, the member for Elder and others believe our police are honest and respected only because the existing legislation does not let them cheat. Clearly, if we get this new legislation, somehow they are all going to become nepotistic, corrupt and open to becoming the worst sort of police force in the nation. The argument does not hold water. At least members who went to the briefing on ETSA today are to be commended for one thing. I believe seven went—

**Mr KOUTSANTONIS:** Mr Deputy Speaker, I rise on a point of order. As to relevance, the briefing on ETSA has nothing to do with the Bill now before the House.

**The DEPUTY SPEAKER:** The Minister has only spoken briefly about another piece of legislation. There is no point of order but I ask the Minister to come back to the Bill.

**The Hon. M.K. BRINDAL:** I was referring to it only because I believe that this Minister offered a similar briefing to members opposite and not one of them accepted the proposition that they should be briefed on the Bill.

*Members interjecting:*

**The Hon. M.K. BRINDAL:** I apologise to the two members opposite who were not invited, but those who were invited did not attend in droves. I apologise if you were not invited. The Leader of the Opposition continues to fall back on the habits of the past by pontificating about taking the politics out of politics, while in fact including them, and continually saying that he wants to work with the Government for the good of the State but does nothing about it. Has he threatened on this Bill to toss any of you out if you support this legislation? You make much of members on this side of the House having a conscience vote on most issues, but it appears that, if members opposite even attempt to support us in reasonable legislation, they are threatened with expulsion. I point out to members opposite that that is coercion of a member of Parliament in the performance of his or her duty and, if any member opposite has been coerced or forced into this vote, they should say so and the House will take appropriate action, because it is entirely inappropriate and illegal in the parliamentary forms that we have and hold dear. The Deputy Leader of the Opposition fell into line pretty quickly when speaking to the Bill yesterday; she said:

I am very disappointed with the Government contributions. We always hear about the Liberals not being bound by Party policy. They claim to be independent and ever ready to cross the floor in the interests of their electorates and constituents.

But where are members opposite when it comes to crossing the floor or exercising due diligence and conscience on such matters? It is all right for them to talk about our crossing the floor, but ask one of them to cross the floor and see what happens. Let us see the Leader of the Opposition, the Deputy Leader of the Opposition or any one member opposite at any time cross the floor for the good of the State, either on this

Bill, the ETSA Bill or any other legislation before the House in this session. If I were a betting man, I would lay money on the fact that it would never happen.

Yet the Deputy Leader of the Opposition has the gall to sit over there and harangue members on this side of the House and suggest that they should stand up to their leadership. She wants us to stand up to her leadership; if they want us to stand up to our leadership, she should let members opposite have the guts to stand up to theirs. Do as you say! For once, I am willing to follow her example. The Opposition's opposition to this legislation is just like the opposition they take to every key issue facing South Australia. It is based on the quick chat, in this instance, with the Police Association and a glance at the misleading advertising over the past few days. Consideration of the truth is not a consideration for the Opposition Leader and his colleagues. The Leader said:

The legislation will pave the way for corruption and cronyism.

That is what the member for Taylor also said, in so many words. 'The Commissioner is beyond reproach', the Leader of the Opposition says, but then he gives the implication that, if the Commissioner has more power, then this person beyond reproach who is given more power will not be able to be trusted.

You cannot have it both ways. The facts are these. The Commissioner's powers to appoint constables, senior constables, sergeants and senior sergeants as proposed in this legislation are exactly the same, I point out to the member for Taylor, as in every other State and Territory of this country.

*Ms White interjecting:*

**The Hon. M.K. BRINDAL:** I would like that on the record. The member for Taylor implies that, with the exception of South Australia, every other State and Territory in Australia has a corrupt police force. The member for Taylor interjected to that effect and, if that is what she wants to say, let her be on the public record saying that. Some of the other States and Territories would not be terribly impressed. The fact is that the Commissioner's power to terminate constables, senior constables, sergeants and senior sergeants, as proposed in this legislation, is—guess what—exactly the same as in every other State and Territory in this country. The Commissioner's power to terminate officers is exactly the same as in every other State and Territory, except Western Australia and Tasmania, where the Governor has that authority.

The Commissioner's power to transfer members of the police force under this legislation is exactly the same as in every other State and Territory, and the suggestion of the Police Association, which has been lovingly embraced by the Opposition, that employment conditions for the police are under threat because of a proposal to offer term appointments is just nonsensical, as is most of what we heard from the Opposition during the debate.

*Mr Koutsantonis interjecting:*

**The Hon. M.K. BRINDAL:** The member for Peake seems to think that, because he says so, it makes it so. I have news for him: a number of us have been here a lot longer than he has and we have the ability to assess performance over many years. Compared to some who have sat in his place before him, he is not quite yet up to standard. We hope that he improves.

*Mr Koutsantonis interjecting:*

**The Hon. M.K. BRINDAL:** You have to have a brain to have a headache.

**The ACTING SPEAKER (Mr Brokenshire):** I ask the Minister to get back to the substance of the debate.

**Mr BRINDAL:** The proposed changes to the Police Act simply mean that some people may be employed on contract for specific tasks to be conducted over specific periods. The Government is not talking about putting the entire police force on contract, and I would hope that the Police Association would know this and should not suggest otherwise. The member for Elder waxed lyrical about the community's confidence in the South Australian police and the way it performs. In his next breath he talked about the sorts of corruption we have seen in New South Wales and Queensland in recent years and implied that it could be repeated here in South Australia. The Leader of the Opposition is saying the same thing; so is the member for Taylor.

*Mr Koutsantonis interjecting:*

**The Hon. M.K. BRINDAL:** And the member for Peake. We have the entire orchestra playing the same tune over there and that is to be expected.

**Mr Koutsantonis:** Unity!

**The Hon. M.K. BRINDAL:** Yes, unity. I have also heard about the light on the hill, which seems to have dimmed lately to a glimmer. I am sure that the police in this State will be delighted to hear that the Leader and every member opposite are basically implying that the only reason they are honest is the existence of the current legislation. If we pass this Bill, we will be as proud of our police force under this Bill as we were before. They will be no more corrupt but they will have better management practices to serve them into the next century. They will have better powers of transfer, appointment and a whole host of other things. The Minister introduces the Bill not to hinder the police force of South Australia but to help it. If the Opposition is genuine about the betterment of this State, it will contribute to the debate and constructively add to measures that the Minister has before the House.

If they want to be negative and carp, let them be. If they want to be as destructive as they have been over the past four years, let them be. But, one day in 20 years or so they, too, might find themselves in Government and they might learn that Government has its responsibilities, and its responsibility is to do the very best it can. The Opposition can criticise or get out of the way of the debate. From what they have done thus far, I suggest that they get out of the way of the debate and let the Government get on with the business of trying to improve conditions for the police force in South Australia.

**The ACTING SPEAKER:** Order! The Minister's time has expired.

**Mr HANNA (Mitchell):** The theme of the Opposition's contribution in respect of this Bill has, I think it is fair to say, been the risk of corruption and cronyism creeping into our excellent police force. When we talk about these extreme words such as 'corruption', we need to take a balanced view of our force and, indeed, other police forces in Australia. Our force is exemplary. We have an excellent police force with an excellent record and a particularly fine culture in which corruption and that sort of thing is positively discouraged.

Unfortunately, the police force cultures in New South Wales and Queensland, being notable examples, have been very different. We know there have been investigations and reforms in those other States in respect of those other police forces but, undoubtedly, historically, there have been problems and they can be traced back to a widespread culture in which petty corruption grows into major corruption and

grows into a network of corruption throughout the force. We do not want to see that happen here. It certainly does no good for Government members to point to the legislation in other States to say that we can be as good as the police forces in other States. I certainly will not wear that argument, and I do not think our South Australian police force members, on the whole, would appreciate that sort of argument being put by the Government.

**Mr Condous:** It is the best police force in Australia: it is on the record.

**Mr HANNA:** In respect of our own police force, we should be balanced about it. I do not think we should pretend that every single individual in the force is an angel. There are temptations in that job because there is a lot of power attached to the position of a police officer. That is the way we want it to be. That is why in a democracy we need fairly firm constraints on that power. Part of our network of democratic structures in South Australia includes the Police Complaints Authority and the Internal Investigation Branch, which is a compulsory feature of our police force according to our legislation.

Our system of overview by the responsible Minister is an essential part of that network. It is the beginning of stepping down a slippery path when the Police Minister starts to take a hands-off approach to the police force, gets submissions from the Police Commissioner about what would be a wonderful Bill that would enhance the Police Commissioner's power, and then endorses everything he is told without consulting properly with the members of the force and without thinking through the implications of the measures contained in this Bill and the accompanying Bill which deals with police disciplinary matters.

In South Australia, as I said, if we bear in mind these two facts that, on the one hand, we have an excellent force not just in Australian terms but in world terms in respect of the culture of our police force, and if we keep in mind also that other factor that there are some individuals who will be tempted by the opportunities for wrongdoing that they have in their special privileged position, then we can look at historically what has happened when individuals have stepped out of line.

We need to bear in mind the history. For example, in 1982 I believe there was an inquiry into alleged corruption within the force and the force came out of it very well. There were some problems but they were not major problems. There was no network of corruption as there has been in the New South Wales and Queensland forces in particular. A few years ago when I was practising law, being one who did a fair amount of criminal defence work, I had a bit to do with police prosecutors at different times. I recall very well in the early 1990s, I suppose, when a number of police officers, particularly those in the southern region, had been accused of a number of crimes. I can testify to the fact that they were treated as fiercely and as harshly as our laws and disciplinary system would allow. In those cases where wrongdoing was established, the system, so to speak, came down on them like a tonne of bricks. That is the way it should be. No-one is here to defend those police officers who overstep the mark.

What then leads to corruption? We all know that as human beings we are civilised but also tempted very often to seek gain for ourselves as individuals, whether it be power, money or something else, at the expense of other people and at the expense of the rules, the norms and the laws of society. History has shown that corruption has its best breeding ground where power is concentrated. At the moment, as I

have pointed out, there is a network of democratic structures in and surrounding our police force which militate against the widespread growth of corruption that we have seen in the interstate police forces. I do not want to see that feature of our force undermined in any way.

The problem with this Bill is that—and it has absolutely nothing to do with Commissioner Hyde who currently has the job: nobody is making any aspersions against him in particular, but we speak in general terms—the Commissioner from time to time, under the provisions of this Bill, will have more power concentrated in his or her person to run the force. Every manager and every leader perhaps dreams of having absolute power so that every whim and every inclination can be followed through without impediment. That is very nice. The ego likes to fantasise about these things. But in a democracy that is just not possible. We have to have proper and firm constraints when it comes to people who naturally have power by virtue of their position.

In other words, when speaking of police officers who have the power to take away people's liberty, who have the power to confiscate items of immense value—hundreds of thousands of dollars worth of cars, furniture or drugs—we are talking about individuals in whom we must have complete trust, but at the same time we are talking about individuals who need to be subject to appropriate constraints to ensure that the temptations I have talked about are not given any play whatsoever.

The problem with this Bill, essentially, is that it does concentrate the powers of the Police Commissioner with respect to the lower orders in the police force. There is a side issue about the hierarchical structure of the police force and the way it is still largely run like a military organisation. I am not sure that is appropriate for the twenty-first century. The member for Waite clearly thinks it is and from his background in the defence forces he probably thinks that is the ideal structure, perhaps not just for the defence force but for political Parties and maybe the nation as well.

**Ms Thompson:** Families.

**Mr HANNA:** Certainly families, as the member for Reynell points out. It is a problem when a Commissioner, as under this Bill, will be able to reward those whom he prefers and positively discourage so easily those for whom he has some negative regard and with such little potential for the Minister to negotiate and perhaps limit what the Commissioner is doing in that regard. It may be a little bit unkind, but I tend to think of this as the 'Terry Lewis Bill', because the Commissioner of the Queensland Police Force in the 1980s, who was proven to be corrupt and criminal, would have loved to operate under a Bill such as the proposed legislation. It was one of the striking features of corruption, as it was practised in the Queensland Police Force, particularly in the 1980s, that, if you were in on the joke—as described by the shadow Minister for Police, the member for Elder—then you could be rewarded so easily—and you were—through the promotion system and the transfer system that operated.

It is a system reflected in the Bill before us where there is almost total control held by the Police Commissioner about who will be promoted, who will be moved, who will be in charge of what branch and so on. True it is that under our present Police Act a great deal of control is held by the Commissioner, and that is understood: that is to be expected. But this Bill takes it that much further. In dealing with corruption as a whole, it has to start somewhere. As I have said, our police force has a culture at the moment where, if there is any sign of it, it is stepped on quite heavily. However,

the problem is that in five or 10 years—and God forbid—a few individuals might start to group together and practise their policing corruptly, perhaps taking benefit from the so-called massage parlours around town or from the drug trafficking that goes on in our State. We would not want to see this Bill operating because, should we get to the point where we have a bent Commissioner such as Terry Lewis in Queensland, the Commissioner will have more power than the Commissioner currently has under the current legislation—and I would say too much power. That is really the thrust of the arguments that have been put by the Opposition in respect of the Bill.

I am not saying that in Queensland it was just one person, just one Commissioner, who was responsible for what went on. If members look at the history, they will see that in 1957 Commissioner Bischof was appointed Commissioner of the Queensland Police Force—and he seemed all right at the time. I believe he was a Labor appointment. He had a fine record. It did not come out until many years later (from the mid 1960s onwards) that he was involved in a number of dubious activities, together with a number of junior police whom he favoured and who later were discouraged or put to one side by that great Police Commissioner, Commissioner Whitrod—and I remind the House that he was a great South Australian. However, those same corrupt police officers at junior level under Commissioner Bischof in the 1950s and 1960s, who had been put in their place to an extent by Commissioner Whitrod in the 1970s, re-emerged and were rapidly promoted in the late 1970s and the 1980s when Commissioner Lewis appeared on the scene.

The sorts of things that happened were, for example, in the licensing branch, which was the biggest money making machine in that Queensland Police Force and from which hundreds of thousands of dollars could be syphoned off for payment to Commissioner Lewis, to his mate Assistant Commissioner Parker, and the others at the lower order who were in on the joke. The Queensland Police Force did have, as we have, an internal investigation unit. However, one of the first things that Commissioner Lewis did was to appoint one of his mates as the head of the CIU, which was the unit primarily responsible for looking at police indiscretions. There was another internal review agency but Commissioner Lewis made sure that someone was appointed but without any power. Later, when testifying before the Fitzgerald inquiry about the power of that internal investigation unit, the officer—I cannot recall his name at the moment—when asked about the resources he had to investigate corruption, said, 'There was another police officer down the corridor with a secretary, but I am not even sure what they were doing.'

So, you can very quickly turn around the culture of a police force once things start to snowball, and even those democratic constraints, in terms of the Police Complaints Authority, the Internal Investigations Branch and so on, can be turned around within a few years if sufficient power is concentrated in the one who is to appoint the key figures to these various institutions. There is the political side of it, and I am glad to say that we do not have much corruption on the political side in South Australia either. I will not say 'None' but I will say 'Not much', and the same thing in the police force. We do not want to see too much power concentrated in the Police Minister, in the Commissioner, or in any one unit within the police force structure or the parliamentary structure. That is one of the essential frustrations but also one of the essential safeguards of democracy.

I turn to a couple of problems with the Bill and maybe these will be the subject of questions in Committee, if it gets to that point. For example, I was disturbed to see the reference in clause 5 to the police force's function to reassure the public. Well, excuse me, but I believe that reassuring the public is a political function. Protecting and policing the public is a police function, but reassuring the public is something that politicians try to do. If there is a great crime problem, whether it is in a geographical area or a particular area of crime, then it is not necessarily the police force's role to reassure the public. It may be in certain circumstances, but it should not be written into legislation that the police force's function is to reassure the public. Let us give the police sufficient resources to do their job well and the appropriate legislative framework, then it will be up to us, whether it is Government or Opposition, to reassure the public, if indeed reassurance is appropriate.

I am also disturbed by the phrase 'not excessively formal' which appears in clause 10. In that context, the Bill and therefore the Minister seem to be saying that we should have a police force which is not excessively formal in the way it runs. Excuse me, but there are a lot of things in the operation of the police force, a lot of management directives and human resources practices, which need to be formal. I am worried about the idea of the Police Commissioner from time to time calling in various officers to say, 'This is what you have to do. If you do not do it, you will be transferred to Marree on mobile patrol without a motor bike quicker than you can blink, and I will not put this in writing because we are not operating under a system which is excessively formal.' There are some particular choices of wording which reflect a particularly hands off approach and which give rise to a lot of concern.

One of the other issues—and there are many but I will just pick up a couple of them—is the threat to public comment whereby police in future can expect there to be regulations and Police Commissioner orders inhibiting police on pain of suspension without pay and similar punishment from making any sort of public reflection about the workings of the police force or particular crimes. I think that a heavy-handed approach in that regard will lead to a stifling of democracy rather than bettering the management of the police force. There are a number of other matters that the shadow Police Minister has pointed out as deficiencies in the Bill, but I have highlighted a couple of those which should be of general concern.

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

**Ms THOMPSON (Reynell):** My contribution to this debate will be brief, but it is informed by my experience of having a family member as a member of the police force for 20 years. My brother is an ordinary constable, not rising to any dizzy heights within the police force but one of the many ordinary constables who goes about their job day in, day out, putting their lives on the line. With many family members of police officers, I have had the experience of having my heart go cold and my stomach get a horrible knot in it every time I hear of an injury or death to police officers in the course of their duty.

My contribution is also informed by many years as the secretary of a public sector union in which I advocated for the rights of people who were at times deservedly—and at times undeservedly—disciplined, transferred or in other ways had their career affected by an individual officer. As the sister of

a police officer, I have had many discussions with my brother and his friends over the years. What they said was similar to what ordinary police officers in my electorate have told me. The biggest difficulties they have at the moment are not being clear about what the guidelines are, not being clear about when they will be backed up for one of the many decisions they make on the spot every day, and also seeing that they do not have much of a future in terms of promotion throughout the police ranks.

Like many others who have made contributions in this debate, I am proud, as is my brother and his friends, of the record of the South Australian police force. It is excellent not only in the Australian context but within the world context. There is one matter on which I agree with the Government, and that is it does not mean we cannot do better. There are ways in which we can do better: through the provision of training, clear guidelines and the introduction of modern management practice to the police force. Like any organisation, be it BHP, IBM or the village deli, it can always improve. However, improvement does not necessarily mean a narrow notion of managerialism where you put all your faith in one person and hope for miracles.

I would have thought that the experience of this State over the last 15 years has told us very clearly that we should not be putting so many eggs in one basket, or so many dollars, lives and hopes in the hands of one person. What police officers on the ground need to know about is just when they will be supported in disciplining or taking action, and how they will be supported in developing a wider range of skills to undertake the increasingly difficult tasks that they have to do.

When my brother went on holidays sometime ago and was asked what he did, he said he was a storeman at the Myer bulk store. He did not want to acknowledge that he was a member of the police force because, despite the high reputation that our police force has, members of the police force who have to live with it day in and day out—because it is a way of life: it is not just a job—get very tired of having to live with that job the whole time.

They do give extraordinary commitment to their jobs, as do their families. This commitment should not be rewarded by their having to be put on contracts, or by their having to worry about whether their boss's contract will be renewed or whether they have to act when they are out on the job in a way that will meet some capricious or non-capricious performance target of their boss. They have to act in a way that is responsible to the community and to the law.

Having heard about the police force from that side, and having had the opportunity to spend time on patrol with some excellent police officers in my area, I find it interesting to contrast the way the police think of themselves and their duties with the way so many members of my electorate think about the police and their duties. The electorate generally sees the police as being all powerful, omnipresent—a bit like the Pope or God—and able to intervene in any situation. We know that that is not the case and that it is that discretionary role of the police force that makes the job so difficult.

I was particularly disappointed to not find in the Bill any indication of the way the police should be relating more comprehensively to the community. Clause 5 attempts to address this matter and, apart from the already indicated aspect of whether it is the job of the police to reassure the community or simply to protect the community in relation to crime and disorder by the provision of services to uphold the law, preserve the peace, prevent crime, assist the public in



emergency situations, coordinate and manage responses to emergencies, and regulate road use and prevent vehicle collisions, the inclusion of this clause is an improvement in that it does attempt to define the purpose of the police. However, it does not really define its relation to the community and the way it would seek to improve its delivery of service by relating much more closely to the community it serves.

But this is happening. In my electorate, despite the fact that we have had a constant turnover of police in charge of the South Coast Division through fortunate or unfortunate circumstances, we have had some grass roots policing. When I raised the issue of a street where the residents were constantly complaining about what we might call hooliganism or vigorous behaviour and the very loud use of motor vehicles, which disturbed them and caused them to fear for their safety, creating an unsafe environment, the local police took the novel course of action of letterboxing all the nearby residents and indicating that they would be very pleased to respond rapidly to any notifications of this sort of conduct in the area. That is an initiative to be praised and supported.

I was also recently contacted by a constituent who has consistently had trouble with neighbours and who has asked me to see whether I can ask the police to explain to their neighbours their right to a peaceful environment and some of the laws relating to noise and projectiles coming over the fence. It is difficult in these areas of general disorder to find an effective way of policing, yet the community is becoming more and more afraid and less prepared to tolerate disorder. The way in which to address these sorts of issues is by working with the community. I repeat that I am disappointed that this Bill does not contain any attempt to define a closer role between the police and the community which it serves.

Another area in which the police force, admirable as it is, has room for improvement is the integration of women. It appears from some of the comments that we have heard from the other side during this debate that at least one Government member is not aware of the extent to which there are women police officers in this State or in any State. I am aware that the turnover rate of women police officers is higher than for male police officers and in excess of that which exists in normal industry and professions including the Public Service.

The turnover rate of women in policing is not related simply to domestic responsibilities as has often been asserted. I have been involved in addressing seminars of women police officers to assist them to identify factors in their environment which prevent them from being comfortable in their work and becoming fully participating police officers. At times, they find it difficult to be full partners, because there is still an atmosphere in the police force of male dominance. Many male police officers recognise this to be a problem and seek to change it, and the Police Association has been involved in programs to assist in such change.

Whilst there are provisions relating to equal opportunity and the desirability of using the diversity of police officers, this issue has not been comprehensively addressed by the Bill. I do not see how the provisions of the Bill, particularly in the light of the uncertainty and insecurity that it will produce if enacted, will assist in changing that culture so that police officers respect each other regardless of sex, race, creed, height, speed, weight and all sorts of other issues. The sorts of changes that are required in the police force in this respect will emanate from an atmosphere of certainty, security, clear rules and emphasis on procedures and

processes rather than individuals having to behave something like the Pope on all occasions.

My concern with the Bill is that it is not really about modern management practices. It goes back to the days of paternalism, patriarchy and hierarchical structures. It does not do anything to involve ordinary police officers to a greater extent in the decisions that affect their careers. In fact, it takes away some of their existing rights. It does not do anything to formalise the growing relationships between the police and the community which they serve in a way that has been shown to be very effective where it has been initiated in this country and through the more systematic implementation of community policing overseas. It places too many eggs in one basket. Overall, despite a couple of positive initiatives, it is a regressive Bill and, therefore, one which I cannot support.

**Ms STEVENS (Elizabeth):** Many speeches have been made by members in the debate on this Bill, and I would like to add my comments in support of the Opposition's decision to reject it. My remarks centre on four main points. The first point involves the importance of having in a democracy a police force with a high morale, one which is well trained, adequately remunerated and which is supported by and has the confidence of the community with which it works. I cannot emphasise how important those things are and how important it is in examining and debating a Bill such as this that members of Parliament take those factors into account.

My second point relates to the confidence that most members and I have in the South Australia Police. I feel very proud and thankful that some of the things that have happened in other States involving corruption and police shootings and the general management of communities do not happen in South Australia. I have been particularly proud and pleased recently when there have been large demonstrations in Adelaide to note the good natured police presence and the careful way in which they relate to the crowd. There is an air of give and take and obvious confidence by the community in its police officers. I have also been impressed with the way in which our police officers have handled stressful situations calmly and with humour and how they have been able to diffuse potentially serious situations.

In my electorate I have a good working relationship with the police at the Elizabeth Police Station. I am aware of many of their activities. Occasionally, there are issues I need to take up with them in relation to matters that constituents bring to me. They are always keen to sort through issues and to negotiate a solution, and I am pleased to say that I am confident in being able to do that with them on any matter. I am really impressed with the activities carried out at Elizabeth in a number of areas. Our blue-light discos are the biggest in the State. I generally try to call in, but I can stand being there only for five or 10 minutes, because the noise is so loud in the Octagon. Our discos are a huge success in Elizabeth and, as I say, they are the biggest in the State. The police attend these functions after hours, and it is good to see them relating to young children in that way. I have worked with the police on the Together Against Crime and Neighbourhood Watch committees.

Earlier this week, at a Rotary changeover dinner, a sergeant at the Elizabeth Police Station, Sergeant Karen Robinson, was presented with a Paul Harris Fellowship, which is the highest achievement for a Rotarian also presented by Rotarians to somebody who has been of exemplary service to their community. Sergeant Karen Robinson works with Ms Barbara Pinson from the Department of Employ-

ment, Training and Education to provide and run a program called the Blue-light Living Skills Program in Elizabeth. That program is for young people at risk in the northern suburbs. It has been going for 18 months, and 72 young people have passed through it. On Monday night, Karen told us that none of those 72 young people—all of whom were chosen because they were at risk—has been brought to the attention of police for offending, and the schools that those young people attend have also said that there has been a significant decrease in truancy. I want to congratulate Karen Robinson; she is extremely highly regarded in our community. I was at that dinner and witnessed the adulation and compliments that were passed on to Karen from members of the Elizabeth community, and I can assure members that it was fully deserved. She is the most recent example that has come to my attention of a very talented police officer working in our community.

I refer to the issue of management, because that is what the Bill is about. Prior to this job, I was employed by the Education Department as a school principal. About 10 years ago, I remember that quite significant changes were made to the way the Education Department was run. Leadership positions throughout the department were changed, and the methods of selecting those people were changed to build in flexibility and to enable schools to mix and match in order to come up with the required blend of school leadership positions. In that process there was an agreement between all the parties. When the solution was brought forward, there was an understanding between the parties. The thing that concerns me most about the matter before us tonight is a letter I received at the beginning of this week from the Police Association which states that the association has significant difficulties with this Bill. If you are faced with a Bill in which the representative body of your workers states that it has significant difficulties—and the Minister and the Commissioner are faced with such a Bill—and a letter (which I am sure the Minister has seen) that outlines several major categories where the association has difficulties, quite clearly the message is, 'Take it away and work it out.' That letter, in part, states:

The association supports the opportunity to amend the Acts in more constructive, forward looking ways. This can be done by simplifying legislation that is currently overly complex and ambiguous, developing more reliable and transparent processes of review and accountability, and enhancing participation and feedback in decision making processes.

The Police Association stated that it is anxious and eager to be part of the process of working out the future of this State's police department in relation to this legislation. This Bill needs to be taken away, redrafted and brought back to this House with the confidence of all the stakeholders. You may be able to put up some legislation and use the numbers to ram it through Parliament. However, if you have major difficulties with the people who have to do the work, then you will have trouble. That is just the way it is. I hope that the Minister hears this and acts on it, because it is just too important for us to come out of this process in this Parliament with something that the workers have major problems with.

I hope that I will be able to make further comments on the detail of the Bill in Committee. I would like to reiterate comments made by my colleague the member for Reynell. The relationship of the police force with members of the community is a crucial, critical aspect of policing. I would like to see in this Bill some suggestion of a vision that incorporated that aspect. We talk about that as being an

important aspect, but the flavour of this Bill is that of a managerial document rather than something that provides and promotes this vision. Perhaps that is something that can be taken on board. I also agree with the member for Reynell's comments on the gender issues in the police force. The women police officers play an important role alongside their male colleagues in ensuring that a culture exists within the force that encourages both genders to be able to work and perform to their full potential. I support the Opposition's position to vote against this Bill. However, I hope that the Minister will take on board my comments and those of others, take the Bill away, do some more work, and come back with a document that we can support.

**Mr WILLIAMS (MacKillop):** I do not intend to speak for long on this Bill. However, I was surprised—to put it mildly—by a couple of things that have been said in the debate. I agree with some things that have been said by the Opposition, particularly that which the lead speaker, the member for Elder, mentioned in his speech—that this is an important piece of legislation. He tended to suggest that it was the most important piece of legislation this Government would bring to the House. He is overstating the case a little there, but it is nevertheless an important piece of legislation. I applaud the fact that most of the speakers who have spoken for or against this Bill have picked up on the point that corruption in the police force is something that everybody in this place wants to avoid. Any management system that operates to control our police force should prevent rather than promote corruption, and this is something other jurisdictions in this country have found to be a difficulty in recent times. Of course, it is something that has caused many police forces problems, and I am sure the South Australian police force and the fine men and women in it are well aware of that.

I take this opportunity to add to what other members have said—that the work of the police officer has been immortalised in the words, 'The police officer's lot is not a happy one.' Virtually all police officers who serve in the South Australian Police Force started at the bottom and worked their way up through the ranks. At the bottom, as well as a fair way through the career structure of the police force, many police are not happy with their lot in terms of dealing with some very unfortunate situations. I have a great deal of pride for the men and women who have performed those duties. I am friendly with some people who have performed those duties; in fact, I have relatives who have worked for the South Australian police force. So, I have some knowledge, albeit small, of the workings of the police force.

Let me return to the substance of my contribution. We keep hearing a statement which has become very popular in the last few years, namely, 'If it ain't broke, don't fix it.' I suggest that that is arrant nonsense. Just because something seems to be working it does not mean that it is working perfectly. For many thousands of years we have had civilised societies, but we still do not get management systems correct, particularly in organisations such as the police force. Even though we have worked on them for tens of thousands of years, we do not always get management systems correct. It is arrant nonsense for people to say, 'If it ain't broke, don't fix it.' In many other facets of human endeavour it has been proved time and again that if you keep amending you can indeed keep improving. Even though it is very popular in South Australia to say that we have the best police force in the nation and that we are rightly proud of our police force,

it is nonsense to say that it is perfect. It is nonsense for us to stand here and think that we may not be able to improve it.

There are some inadequacies in our police force, and I believe that in this Bill the Minister has tried to address some of these. I tend to agree with the broad thrust of what the Minister is endeavouring to do with this Bill. Last week, I had the opportunity to be briefed by the Minister and indeed the Commissioner of Police on what is the broad thrust of the Bill. We had the opportunity to question the Commissioner and to receive some answers on the provisions that this Bill intends to introduce. I must admit that, by and large, the Bill does not tend to change the powers too dramatically; in fact, as the Minister said, it brings the management of the South Australian police force up to date and streamlines it.

Some of the things that members of the Opposition have said do not seem to make too much sense at all to me. I am a little disappointed that they stood up one after another and suggested that this Bill should not proceed any further. The member for Elder began his contribution by saying:

Most members would acknowledge that the community has confidence in the police force in South Australia. I would go so far as to say that the community now has far more confidence in the police force of South Australia than it does in this Government.

I suggest that, in saying that, the honourable member not only meant this Government but Government in general. Yet most of the Opposition speakers seemed to say that they do not trust the powers the Police Commissioner would be given by this Bill. They seem to be saying that they want the Government or the Minister of the day to have some overriding control. The member for Elder went on to say:

Plainly, the Parliament and the Minister should not interfere too much, but they should not interfere too little.

Again, there is a bit of nonsense in that. I do not think that members of the Opposition are quite sure of exactly what they wanted to say about this Bill, but they had certainly made up their mind that because the Government introduced it they would not support it.

**An honourable member:** That's not true.

**Mr WILLIAMS:** I must admit that I spent some time listening to and examining some of the lengthy speeches of members of the Opposition. The things that they said do not seem to add up and do not seem to have any factual evidence behind them. In her contribution to the House earlier, the member for Taylor complained about this Government expecting Government agencies to act like businesses. I ask members of the Opposition: how do they expect Government agencies to act?

**An honourable member:** To provide services.

**Mr WILLIAMS:** Certainly. The police force is one of those Government agencies which the people of South Australia expect to provide a service; but, in providing such services, surely those agencies and their management should act in some sort of business-like manner. They should be responsible to the taxpayers of South Australia to ensure that taxpayers' money is used in a worthwhile and prudent manner. I suggest that that is acting in a business-like manner. For anybody to suggest that a Government agency—and purely because it is a Government agency and purely because it is providing a service—should have no heed for operating in a business-like manner or for the way that it utilises taxpayers' funds is an absolute nonsense based on ideologies and nothing else.

The member for Taylor also referred to the separation of powers between the Minister and the police. To be quite honest, I was totally lost with what the honourable member

said, because in my view what she said supports what the Minister is trying to do. The honourable member talked about separating political power from the police and about ensuring that persons in high political positions would not have influence over the police force of this State. However, when I studied the Bill in the briefing last week, that is what I thought the Bill was trying to achieve.

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

**Mr WILLIAMS:** The Opposition's performance over the past few days in talking about our wonderful police force has begged the question of why we should not be able to improve the management of our police force. The Opposition, through the various speeches and indications that it is to oppose the Bill, seem to be frightened of performance based standards.

**Ms Key:** We want to know what they are—

**Mr WILLIAMS:** The Opposition seems to be frightened that any employee should be required to justify to their employer that they are doing what they are employed to do. I find it rather startling that they would expect South Australian taxpayers to employ thousands of people and not expect to be able to question whether they are performing what they have been asked to do. From my briefing on the Bill, that is what it is all about. This Bill is about ensuring that the standards asked of our police force are met. Plenty has been said about giving certain powers to the Commissioner of Police and the Opposition has questioned the giving of those powers.

I do not know whether Opposition members know anything about management. I suspect that they do not: most of them, I suspect, have had little to do with management. One of the problems with the Labor Party *per se* is that Opposition members have had little to do with managing or running a business, which is why they have a very limited understanding of that aspect of life. When one tries to manage any sort of system, you go and get the best possible people to undertake that management. You pay them well but you have a great expectation that they will manage to the standard of world's best practice. Again, that is what this Bill is all about. It is about the State, the people and the taxpayers of South Australia being able to go out into the big wide world unfettered by this Parliament or the Minister of the day and employ the best possible person to manage our police force.

In doing so, I believe, along with most South Australians, that having employed that person you stand back and let them manage the police force. Hopefully and supposedly the Commissioner of Police in South Australia—because this is what he has been employed to do—is the best expert in policing matters in South Australia. So why should he be fettered by a Minister or a Parliament? Having employed the Commissioner of Police who is an expert in his field to run the police force in South Australia, why should we make him come back to the Parliament every time he wants to do something? Why should the Commissioner of Police have to come back to the Minister every time he wants to put on another commissioned officer? The Commissioner of Police should be given a brief and a budget to work within. He is the best expert in South Australia to perform the function that he has been employed to undertake.

*Ms Rankine interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** The interjection from across the floor just proves the point that I made about the lack of understand-

ing of both management and running a business by the Opposition.

*Mr Conlon interjecting:*

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

**Mr WILLIAMS:** The taxpayers of South Australia expect their dollars to be spent in the best possible way and we must apply the principles of business in spending those dollars. That is the problem that the Opposition has failed to grasp in this and many other matters that it faces. I believe that this Bill gives the Commissioner of Police the powers that he needs to carry out his functions to the best of his ability and that, after all, is what he is employed by the taxpayers of South Australia to do. The Opposition has talked about various incidents that have occurred in police forces in this country over recent times and about the Queensland and New South Wales situations. However, no-one on the other side has mentioned the situation that occurred, probably the darkest day for the South Australian police force, when there was a conflict between members of this Parliament and the Commissioner of Police. I am going back quite a way, but I am sure members opposite remember it: the Salisbury affair was the darkest day in the history of the police in this State, I would say.

History has shown that, if you have too much interplay between the politicians of the day and their agenda and the police of the day who are trying to do their work for the people of South Australia, unfortunately, the politicians will generally win the day, and I do not know that that is in the best interests of the people of South Australia.

I said I would not speak for very long and probably I have gone a little longer than I intended, but as a result of listening to some of the nonsense that has been coming from the opposite side of the House I felt impelled to say a few words on this matter. I implore the House to support this Bill.

**Mr WRIGHT (Lee):** I thought I would make a few comments in relation to this Bill because, certainly, the Minister has not had very much support on his side of the House—not that he will get it from me. However, certainly the Minister would not get any comfort from some of the contributions that have been made by members on his side of House.

*An honourable member interjecting:*

**Mr WRIGHT:** Well, the member for MacKillop really takes the dandy of the lot! Today, he has even been able to outstrip the member for Unley, and that is some performance in its own right. To be able to go past the member for Unley in nonsensical comments is a grand performance of the highest degree, and I congratulate the honourable member for that.

To say that there is very little difference between this Bill and the existing legislation is absolutely ridiculous. I will summarise a few of the comments that have been made because my colleagues on this side of the House have certainly spoken in some detail about the components of the Bill. This Bill provides for the concentration of the powers in the Commissioner being increased dramatically. It provides for an increase in the number of things for which police can be dismissed; radical reductions in the quality of the appeal process; and all officers being liable to be put on contracts, and that, of course, leads to outsourcing as well.

To say that there is very little difference in this Bill from the current legislation is absolutely ridiculous and has no merit whatsoever. It is disappointing that the honourable

member would make contributions with regard to that. Then the honourable member belittled himself even further by starting to talk about management. If he had any character whatsoever, the honourable member would have to look no further than his side of the House and the performance of management of his side of the House in trying to govern this State.

**Mr Venning:** Who are you having a shot at?

**Mr WRIGHT:** You. Who else would I be having a shot at? The Bill that is before us is very disappointing. The contributions that have been made by members on this side of the House have gone into a lot of detail as to the lack of merit in the Bill. It is fair to say that members on both sides of the House have very strongly recognised and congratulated the South Australian police force, and I think that we have common grounds with respect to that. We have common grounds in identifying and recognising the South Australian police force as the best police force in the country. We are all proud of that, no matter which side of the House we are on.

Some sensible contributions have been made with regard to the fact that, by and large, we welcome a Bill coming before Parliament, but we are very disappointed with this Bill for many reasons, some of which I have already outlined. We take great comfort that the police force in South Australia, the best in the country, enforces the laws and keeps the peace. We also recognise jointly that one of the critical elements of the police force is the community standards that it meets and the confidence that it has within the community and throughout the community. Another reason for many of our concerns with respect to this Bill is that of the morale of the police force and what confidence the police force will have in going about its duties. It is a further example of hitting in, doing away with and reducing the morale of the police force. That is what this Bill does, and there is no doubt about that.

I acknowledge the role that the Police Association is playing in this debate and I congratulate it on its efforts. I would be disappointed if it did not get involved in the debate. It has to represent its members and it is doing so earnestly. The association is sending a loud and clear message that the rank and file police officers of this State are not being listened to, and that is not good enough. We have to maintain the high standard and the integrity of the police force, but this Bill does not do that.

In all seriousness, I think that the junior Minister should be a senior Minister. I do not know whether that is a rap for him because the calibre of the senior ministry—and I note that the member for Mawson is nodding his head in agreement—is very ordinary, to say the least. The other day there was some speculation that the junior Minister was to be our next Deputy Premier, and he might not have been a bad choice. There was even some speculation that the member for Mawson was to jump into the queue and go into the ministry.

**The SPEAKER:** Order! The honourable member should come back to the subject of the debate.

**Mr WRIGHT:** I think that he should, too. I agree, Mr Speaker.

**Mr BROKENSHIRE:** I rise on a point of order, Mr Speaker. The member for Lee, who told my constituents about four years ago that he was going to look after the south and now he is the saviour of the west—

**The SPEAKER:** What is the member's point of order?

**Mr BROKENSHIRE:** My point of order, Sir, is substance. I do not believe that the member for Lee is sticking to the substance of the debate.

**The SPEAKER:** Order! The member was not listening. The Chair has already made that remark and ruled accordingly.

**Mr WRIGHT:** Thank you, Mr Speaker; I appreciate your guidance. We certainly do not need any rabbiting on from the member for Mawson, not when we have a very experienced Speaker like yourself. I appreciate your advice and I will be guided by it, Mr Speaker.

**Mr Conlon:** Now you have lost your train of thought.

**Mr WRIGHT:** Yes, I have lost my train of thought. My colleagues are trying to pull me down now, as well.

**The SPEAKER:** Order! The member does not need assistance from members on his left.

**Mr WRIGHT:** Thank you, Mr Speaker. The ones on this side are worse than the member for Mawson!

*Members interjecting:*

**Mr WRIGHT:** You will, too. This is a disappointing Bill and I would have thought that the junior Minister would do better than this because he is better than this piece of legislation. The police have enormous respect and they also have enormous responsibility. We have to ensure that we maintain the high standards. We have to be vigilant in ensuring that we do not go down the track, potentially, that Queensland took in previous years. We have to ensure that we maintain the highest standards, and that is why I am concerned about the concentration of powers being placed in the Commissioner. We should all take that very seriously.

We should also take the role of the employee in this situation very seriously. I do not want to see a situation arise where we will be putting people on contracts and, as a result, being subjected to being told how to behave, which may have nothing to do with the quality of their performance as officers in respect of what role the Commissioner—that is, any Commissioner: I am not talking about this particular Commissioner—may play in the future of their employment. Putting these people on contracts is a negative way to go and it certainly does not do anything for their confidence or long-term employment.

We must ensure that we maintain the high morale of the police force in South Australia: that is particularly important. To widen the Commissioner's powers and increase informal processes will cause problems. To allow the Commissioner to determine the number of sergeants and constables who are appointed without ministerial approval is also a concern. I have talked about the contract situation. Disciplinary processes is another area about which we must be mindful and very careful. Giving the Commissioner new powers to dismiss officers is another area about which we must be very careful because it sends some dangerous signals.

I wind up by saying that this Bill contains a number of dangers. Many of those dangers have already been addressed by some of my colleagues on this side of the House. It is beholden upon all members to ensure that we look at these matters in Committee and address them seriously as a House. It is regrettable that before the dinner adjournment the member for Unley said that the only reason why the Opposition was opposing the Bill is for political reasons. One could say exactly the same about the Government, but we have not thrown that cheap comment across the floor. We have looked at this Bill very seriously, led by our shadow Minister. We have talked to the practitioners in this industry and these are some of the comments and judgments that we have come up with, and they need to be treated very seriously.

I might say that—and the Minister may even acknowledge this himself, but perhaps not publicly—when the member for

Unley said that the Minister comes in here and 'hopes for a good effort with a Bill', that is simply not good enough. I would expect that all Ministers would come in here, perhaps not necessarily expecting a perfect Bill as the member for Unley said but certainly wanting to produce something a bit better than simply a good effort. We want to achieve a good piece of legislation that is good for the police force and for all South Australians. That is what we are about.

This Bill does not do that, it cannot achieve that and, therefore, this Bill must be changed. This Bill must be changed for the benefit of all members of the police force, including the rank and file members, who must be taken as serious contributors in this debate, and for all South Australians. We have to have a better Bill than this if we are to maintain the high standards which our police force has set for us over many years and of which we are all proud.

**Ms RANKINE (Wright):** In a previous debate I followed the member for McKillop's contribution and I mentioned then that I was gobsmacked by his contribution. Well, the honourable member has managed to do that two nights in a row. I place on the record my particular and personal interests in this Bill—a Bill which, if passed, will have historical impact on our South Australian police force as we know it. Make no mistake, this is the police force, as members opposite have gone to such pains to remind us, which has the highest community approval of any police force in Australia.

Never has our police force been subjected to the intolerable allegations of corruption experienced in other forces in Australia. We have had the odd hiccup from time to time—the odd copper does not do the right thing, and no-one shrinks from that, most of all members of our police force. Our community deserves and has always demanded a police force free of corruption, a police force that, whilst fiercely independent, is at all times accountable. So, here we have a Bill that will fix what is not broken. Why? I sat here last night and, try as I might, all I could see is that the arguments put forward by members opposite absolutely defy logic. Why are we changing the very structure—not a few side issues—of a highly regarded and highly esteemed police force?

The reason, according to the member for Mawson, is to give these dedicated and committed officers a chance of a real career and to ensure promotion on merit rather than seniority. Last night the member for Mawson told us that he had spoken to a number of officers and they supported this Bill. Quite frankly, if the honourable member is getting his information from police officers, I can only suggest that they retired a very long time ago. For the information of the member for Mawson, under the current Act—the Act under which the police have been operating since 1952—merit, not seniority, is the principal criterion for promotion.

This new Act, however, will wipe out merit as a basis for appeal. Under this Bill, if an officer misses out on a promotion, despite being the best person for the job and despite having the most appropriate skills, he or she will have no right of appeal. Under this Bill merit is wiped out. The only grounds of appeal under this proposed Act will be an appeal about processes. The Commissioner already has the ability not to approve a promotion. So, people can go through a range of assessments, written tests and gruelling practical exercises and pass them all, but the Commissioner already has the ability not to recommend that promotion.

Perhaps the member for Mawson has not spoken to as many current police officers as we may have been led to believe. In fact, just today, telephoning a few electorate

offices indicated overwhelming, unsolicited support for Labor's position in opposing this legislation. These people, once the Liberals' natural voting constituency, have been phoning our offices saying 'thank you'.

We had the member for Waite also praising our force and acknowledging its commitment. The honourable member said:

Policing and being a member of the police force is simply not just a job. Being a policeman and being part of a police service is not just a career. In fact, it is a way of life.

The member for Waite goes on to talk about commitment and the effect this job has on a family. Quite rightly he talks about the commitment of police officers to high standards of performance and conduct; about their commitment to high standards of achievement; and their commitment to ensuring that our police force continues to hold its high status. First, I point out that, unlike the member for Waite, the police force has finally entered the twentieth century and women are also employed within the police force and, as difficult as it often is, they continue to struggle for equal status and opportunity within our police force. We now have policewomen as well as policemen; they are known as police officers.

**Mr Wright:** Are there any in the army?

**Ms RANKINE:** Very few. Secondly, let us explore what this Bill will do for those who do want their life's career to be within our State police force, for those who commit their lives and that of their families to ensuring we all enjoy the benefits of a safe community. What it will do is provide our hardworking men and women with the very same job insecurity now felt throughout every section of our Public Service. What this will do is change their focus from career prospects, from improving their skills in whatever area of the service they choose, to ensuring that they get their contract renewed. Their focus will be about not rocking the boat, not upsetting anyone, particularly those who have control over the renewal process. But I will return to that in a moment.

The member for Waite was right. The police force is a way of life and, as the member for Schubert mentioned, that is particularly so in country areas where the police and their families are under constant scrutiny, where policing is quite unique. Will the Commissioner's performance standards reflect this uniqueness? There is nothing in the Act to show how performance in the country will be measured. Will it be the number of pinches or will it be the quality of those pinches?

Will our country police be required to get out in his or her community and apprehend every person who, often inadvertently, commits some minor offence, offences in relation to which officers now have discretionary powers to issue warnings, or will they be assessed on more serious crimes they solve? Will an officer who gets 20 to 30 minor pinches a week be seen as the star performer against the officer who apprehends someone, for example, who has committed a series of break and enters with maybe 10 traffic infringements and a few warnings? Will the police officer who takes the time and trouble to prevent a person affected by alcohol from driving his or her vehicle be rated as a non-performer compared to the officer who allows them to get behind the wheel and then pinches them?

On the other hand, what officer with three months, six months, 12 months or even a five year span to go for their contract renewal, will take the chance of upsetting anybody? Who will take the risk of incurring a complaint against themselves particularly when we take into consideration the other Bill this Government wants to pass which removes the

onus of proof in relation to a complaint against a police officer? Who will risk doing their job?

What will happen to those who challenge? Will those who strive to make their force more efficient, more accountable, a force of greater fairness and equity, have their contracts renewed, or will it be those who have done as they are told, looked after and not criticised their bosses? Will they be the ones who will benefit? Are we going to continue to have police officers able to express their views about the policing of their force in issues such as Focus 21, industrial issues, the processes of enterprise bargaining, etc? Will officers such as Bernadette Zimmerman, a regular contributor to the *Police Journal*, and often a critic of focus 21, and a critic of the new rostering system, continue to have her contract renewed? Will her partner, also a police officer, be guaranteed to have his contract renewed?

Already the Police Association has received a letter from the Commissioner of Police complaining about officers using the *Police Journal* to express their concerns about current police issues. Under this Bill, they will be damned if they do their job and damned if they do not. We will end up with either an aggressive, uncompromising police force or a force too timid to move. As for their careers, they will be well and truly shot to pieces. Like I said, their focus will be about keeping their job to ensure they can maintain their families. Members opposite claim that we need a force that has flexibility. What this means is giving a Police Commissioner, whoever that is, the legislative right to do whatever they want, to whomever they want, whenever they want.

**Mr Conlon:** That's very flexible.

**Ms RANKINE:** Very flexible. So, let us look at the position of the Commissioner of Police. This is a vital aspect of this proposed legislation. After all, it is about giving this person total control over our police force. Our community—and, it seems, a number of MPs—hold this position in some awe, and I believe that the respect which past Commissioners have been afforded in some way is responsible for this. But let us not forget a few things. The position of Commissioner of Police is, in reality, the position of a chief executive officer. He is the head of a Government department. Nothing about this position makes that person all wise and all knowing. They are human like everyone else, they are fallible like everyone else and, like everyone else, they make mistakes.

Nothing about this position quarantines the Commissioner of Police from corruptive influences—we have seen the examples, and people mention the Queensland situation time and again. It is very important that we remain aware of this and protect South Australia and South Australians from this kind of thing. The Police Commissioner needs to be open and subjected to public scrutiny and accountability. The public of South Australia deserves to be assured the public integrity of this position is maintained. It also provides a protection for the Commissioner of Police: it protects him from allegations of nepotism and cronyism.

The current Commissioner was appointed via a contract. He is a political appointment. Where is the separation between politics and our policing? No-one denies that certain things can be done better: that efficiencies can be gained and that better management practices can be implemented. But there are already processes in place through which these aims can be achieved. Has this Government not learnt anything? Has it not taken notice of what has happened interstate and overseas? What we will end up with here is a brown paper bag mentality to promotion.

The police in this State and their families deserve to be appreciated. This is not the way to do it. I have mentioned the *Police Journal*. What we will be subjected to is nonsensical drivel such as that which was in the latest edition of SAPOL. We will end up with no *Police Journal*, just the Commissioner's glossy, colourful booklet telling us about wonderful things that are happening and about how well the roster system is working. Yet talk to any police officer who is working under that roster system and they will tell you that it is a disaster. Governments time and again have regarded the contribution and the suffering of families as being of absolutely no value. They do not place any value at all on the contribution that these people make, whether it be in country or city postings.

Again I return to the basics and ask why. What, for example, will contracts give us? Contracts under this Bill have no limits. The Bill doesn't limit contracts to specific areas—like helicopter pilots, for example—anyone above a certain rank, anyone, can be put on a contract if the Commissioner so desires. So, I must ask again: why? Either this Government wants a hands off role—it does not want to govern; it wants hands off in relation to our power, our water, our hospitals and our buses—or it wants to bring our excellent police force back to the national average, back to everyone else's grade. Everything else has to be average, so why not our police force?

*An honourable member interjecting:*

**Ms RANKINE:** The Minister needs to be very careful, because he will fast make himself redundant. Either that, or we will have a Commissioner who simply wants to run a military style organisation and have total control over what is supposed to be an independent police force. Neither of those options are acceptable. They are not acceptable to me or my constituents, and they are not acceptable to the police force—to those men and women who daily put their lives on the line; those police who live in my electorate, and those whom I have known personally for many years.

**Mr SNELLING (Playford):** It would seem that the Government presumes that the Commissioner of Police is endowed with special protection from the human weaknesses and foibles to which the remainder of us are subject and that he does not require the usual checks and balances that are required by a Westminster system of government. Fundamentally, this Bill comes down to the separation of powers doctrine. Checks and balances should exist between the Executive and the Parliament to enable the Parliament to monitor what is going on in the Executive wing and, if necessary, to intervene.

The Bill has serious shortcomings which I will address. I foreshadow that I will also address the serious shortcomings in the partner Bill on police disciplinary procedures. The Bill allows police officers to be subjected to a five year contract. Coming from a union background, I have seen how these contracts have worked in other areas, particularly the retail industry. In the retail industry, any prospect of choosing retailing as a career has been eliminated because of the proliferation of casualisation in that industry through contracts. There are no careers in retail any more, and I believe that this is likely to happen in the police force if this Bill passes.

Now more than ever we need career policemen and policewomen. All employees have a right to know that when they start a job there is the opportunity of a long-term career. Police need job security to be able to do their job properly.

I suggest that if this Bill passes significant pressure will be placed on whistleblowers within the police force to blow their whistle knowing that they are on a contract which will end after five years and which will not be able to be renewed and in respect of which they will have no redress.

The Bill goes against all other areas in both the private and public sectors. When everyone else appears to be improving their appeal processes—the process by which people against whom decisions are made are given proper redress—this Bill goes backwards and takes away that right of appeal, which is the natural right of all employees. Indeed, the Bill expressly forbids the Minister to intervene in such circumstances. The Bill does not define 'unsatisfactory performance'. This is left entirely to the Commissioner to determine and, according to the Bill, it must be done without any parliamentary scrutiny.

So, the Commissioner makes up the rules about how to determine what is satisfactory performance, and makes these decisions without any scrutiny. If a police officer's performance is found to be unsatisfactory, they have no proper redress. As my colleague the member for Wright suggested, could an officer not reaching a certain quota of traffic infringements be perceived as having an unsatisfactory performance? The Bill goes in quite the opposite direction that we are taking in so many other areas of life, where proper procedures are being put in place for redress for those people who are dissatisfied or feel that they have been dealt with wrongly.

I would like to draw the House's attention to clause 47, which is typical of this Bill. Clause 47(4) provides for the grievance procedures for a member of the SA Police if they are transferred and they believe they have been transferred unjustly. It provides that, if they are transferred, they are able to have some sort of appeal process. However, that appeal process is to be specified in the general orders of the Police Commissioner. So, you have the Police Commissioner making the decisions in this Bill, then the Police Commissioner also sets down the rules for how those decisions are to be reviewed. I wish it were so good in other areas of public life: that I got to set down the rules for how any decisions I made were to be reviewed. When we move into Committee, I will ask the Minister about that; that is certainly my reading of it.

I listened carefully to the member for MacKillop, and I noted that he falls into the classic trap of liberalism; that is, that Government intervention is of itself an evil and that we should take a hands-off approach at all times. It seems to me that he is reneging on his responsibilities as a member of this place. My reason for being elected was to interfere, to get involved and to apply scrutiny, but it would seem that the member for MacKillop has the opinion that we should leave this place and contract out our law making and government to other sources to make the decisions for us. Why not just employ consultants to make our laws and to run the Government for us? Sir Humphrey Appleby would be very proud of the member for MacKillop. Our job is to interfere, and that goes to the heart of this Bill. That is why the Opposition opposes it so strongly.

I was also happy that the member for MacKillop raised the issue of the Salisbury affair. From my understanding of the Salisbury affair, it would seem that it was a perfect example of where intervention was necessary and where the Parliament did apply the necessary scrutiny to the police force. It was a case in which the special branch of the South Australia Police had become very much a law unto itself, and it was

necessary that the Parliament apply the scrutiny that this Bill removes.

**Mr De LAINE (Price):** I oppose this Bill. I agree that the police department—or SAPOL as it is called (although I prefer to use the term ‘police force’)—is one organisation in South Australia that works well and has done so for many years. In fact, it has been agreed by both sides of this House that the South Australian police force is the best in Australia, and even has a top reputation overseas.

The main reason that the South Australian police force is held in such high esteem and performs so well is because of the current legislation and because of a system that evolved over many years by various Governments, both Labor and Liberal, which put in place checks and balances that made sure that corruption, as we have seen in some other States, was not sustainable in the force. That situation has continued and is the main reason why the police force enjoys that well-earned reputation.

This Bill is unnecessary, and the changes are quite dangerous. We are giving too much power to one person: the Commissioner. This in no way casts any aspersions on the current Commissioner or the previous Commissioner, both of whom are excellent people. Nevertheless, if the Parliament passes this legislation it is possible that at some time in the future we could be in a position similar to that of Queensland where someone such as Terry Lewis attains the position of Commissioner and there would be all sorts of problems.

Mention has been made of the Harold Salisbury affair. Being older than most members in this House, I can quite vividly remember that situation. There were the files and so on, but as you, Mr Deputy Speaker, would no doubt remember, the crux of the matter was that former Commissioner Harold Salisbury was sacked because he refused to recognise the fact that he was responsible to this Parliament. Harold Salisbury claimed that he was responsible to the Queen, in a faraway country where he came from, and would not recognise the fact that he was responsible to this Parliament, and he was dismissed.

If this Bill is passed, it will give to this Commissioner and to future commissioners the very powers that Harold Salisbury sought, wanted and was denied. I think it was a very good move at the time; it kept things in check. Had the then Government given way to that Commissioner, things would be entirely different now and maybe we would have gone down the Queensland path. That is not to say that Harold Salisbury was not a fine gentleman, an excellent policeman and an exceptionally good Commissioner, but the point was that he would not recognise his true position of who he was responsible to. We cannot allow that situation to occur again. If this legislation is passed, it will enable that very thing to happen.

Over many years I have had a lot of contact with police at all levels and at all ranks first as a private citizen and in the past 13 years as a member of Parliament. In all those years I encountered rude and aggressive police officers on only two occasions. Two occasions in something like 46 years is an exceptional record. In all ranks I have found them to be entirely cooperative and polite. When I have had to take a breathalyser test they have always been exceptionally polite and courteous. Police officers work extremely hard in the community to uphold the law on behalf of all law-abiding citizens in South Australia. By and large, they are a very committed and dedicated group of people who do a great job.

Why should they be treated as second-class citizens when they are in need of a bit of natural justice themselves?

Sometimes police officers are involved in sensitive areas of work where they are particularly vulnerable as individuals to accusations being made against them. Most of these accusations are made by people who are criminals or people who are scum of the earth rating who have grudges against certain police officers perhaps because they have been arrested by them in the past or because they want to get even. This happens on a regular basis to police who work in those sensitive areas of drugs and prostitution in particular. Under this new legislation these police officers, most of whom would be innocent of false accusations, would be very much at risk of being judged and sacked by one person, the Police Commissioner. This is one area that does concern me, namely, the denial of natural justice to these hard-working police officers.

There are other areas that also concern me, but they have been covered adequately by our shadow Minister, the member for Elder. There are some clauses in the Bill which are worthy of support and which should probably be brought in as minor amendments to the current legislation. I believe that if this Bill passes it would repeal the old Act and would give the Police Commissioner too much power. As I say, it would undermine a system which we have built up and which has given South Australia Police the best reputation in Australia. I strongly oppose the Bill in its entirety.

**Mrs GERAGHTY (Torrens):** I wish to make some comments on this Bill. I have a very good working relationship with Holden Hill Police Station, which is in my electorate, and particularly with its officers. I see many of these officers at local functions, at Neighbourhood Watch meetings and at various sporting events within my electorate, and on many occasions I have actually had to liaise with officers on issues that have required a compassionate, understanding and caring attitude to deal with some of the difficulties we have had within the electorate. I personally have had to enlist the support of the police to deal with some situations in which police officers have gone to a particular house knowing that they were going to be at risk, but they have gone there because the welfare of the residents has been their first concern, since they are acting in their protective role in our community.

I do not think that this Bill recognises the role that our police officers play within our communities. People in my community do, because we are constantly in contact with the police owing to some of the difficulties that we have experienced with the closure of Hillcrest Hospital. People have lost many of their support services and have required a very caring and compassionate handling of their situation. The officers have enhanced their own reputation within the community by their personal commitment. As I said, they attend Neighbourhood Watch meetings and many other events, are actually very well known throughout the community and are very well respected. My concerns about this Bill are many, but they have been canvassed by my colleagues, so I will not go over them again.

The issue of job contracts concerns me, because job security is a matter of great concern to many people within our community. We know that outside the police force many people are very concerned about whether they will have a job tomorrow, next year or the year after that, and I have raised that issue on many occasions.

**Mr Conlon:** The member for Mawson, for one.



**Mrs GERAGHTY:** Yes, the member for Mawson, and I would be very concerned if I were he. Many people are concerned about the tenure of their job position and have left this State, which has meant that we have lost families, and that includes children in our schools and that sort of thing. That must surely have an impact on the morale of our police force. As we rely on our police force to maintain order within our community, and particularly to give guidance and assist us during some difficult times, I have great concerns about job contracts.

I do not think that being a police officer is a job that suits everyone in the community. I am sure it is not a job that I would want to take up, because often police place their own lives at risk and I am not sure that many of us in the community would be willing to do that. That is an area where the Bill fails, because it does not give credit or recognition to the role that police officers play in our community. It is fair to say that a morally healthy police force is important. Certainly, it is important to us on this side, and I find the Bill somewhat offensive to the integrity of police officers. In this case we are talking about police officers, but if any workers have concerns about job security it has an enormous effect on the community, on (in this case) officers' morale and on our economic situation. It has been said by all of us on many occasions that, if workers are not confident about their positions or not happy in their jobs, they do not spend money. If they do not spend money, the economy and the community fail as a result. I can only say that this is a bad Bill and it is bad in many respects.

*Mr Hamilton-Smith interjecting:*

**Mrs GERAGHTY:** It is a bad Bill. Where has there been proper consultation? What is a better term than 'bad'?

*Mr Snelling interjecting:*

**Mrs GERAGHTY:** A disgraceful Bill. I will call it a bad Bill. If there were any consultation processes, they were obviously not good; there was no listening or consideration of the workers involved. That is an area where the Government has failed in many respects because it implements policy and brings Bills into the House but it does not take workers into account. In this situation we are talking about police officers, and we cannot live without them. Police officers fulfil an important function in our community; without them, members of the public would have genuine concerns. Police officers maintain law and order and they are there to protect us. As much as we complain from time to time when they pick us up for speeding and the like, police officers play an important role and provide stability in the community.

This is a bad Bill and it would be best if it were taken away and rethought, with much more consideration and discussion taking place before an arrangement is implemented that really recognises the role of the police force in the community and the commitment that the community has to the police force, because we do have a great commitment to our police officers. The best I can say to the Minister is that he should take the Bill away and bring something else back, because this Bill is no damn good.

**Ms BREUER (Giles):** I wish to speak only briefly on the Bill because my colleagues have said it all. I do not support the Bill for many reasons, but I point out particularly that we are being asked to put on contract members of the police force and destroy the existing conditions of officers of the highest calibre. Would members put their life in danger and their family's security in danger for a five year contract? I

want to talk particularly about a project involving officers who contribute above and beyond the call of duty. Just out of Whyalla and Iron Knob we have Errappa Youth Camp, which is a small camp but a wonderful example of the work that police do in our community without a lot of recognition.

Recently, I tabled a petition in the House containing something like 1 200 signatures, and it is good to get that number of people from communities such as Whyalla and Iron Knob requesting that the camp be kept open and the wages of the police who run the camp continue to be funded. It was a concept that was dreamed up by a young police officer from Whyalla, Rick O'Dea, who saw an opportunity at Iron Knob, a town which is dying because BHP will move out shortly.

A lot of quarters and houses were in the town and, in particular, single men's quarters were available. Rick saw this as an opportunity for a camp for young people where they could develop their full potential, build their self-esteem, look at behaviour and anger management, and all those issues which are important to young teenagers. He pursued this dream and was able to make the camp become a reality with the help of fellow officers and members of the police force in Whyalla who saw the potential in the camp, saw the potential in the place, worked very hard for a long time and made the dream become a reality. Church groups, school groups, Camp Quality, Canteen, and groups of young offenders now stay at this camp. Many young Aboriginal offenders are also able to go to the camp to build their self-esteem. Through programs of physical education, motivation courses and self-help courses they are able to build their characters and develop their self-esteem.

For the Iron Knob community, it is an incredible camp. Approximately 12 part-timers work there. Iron Knob has very little employment, so it is important for that community and for the 12 part-timers. They have one trainee, a young person aged 18 who is from Iron Knob and who works full-time as a facilitator. Two paid police officers are seconded from the police department to work full time at the camp. Everyone else who operates and runs the camp is a volunteer. They are all police officers who come from Whyalla and surrounding areas. They are prepared to put hours of their own time into this camp. They work on their days off, weekends and public holidays doing voluntary work in this camp.

The camp is fully booked for about the next 18 months. It has bookings for every day of the week and every weekend, and these police officers are prepared to do the work and run the camp in their own time. How many of us would be prepared to do that? It is an incredible place and an incredible effort being made by the police officers and, in particular, the two officers who run the camp. It is an example to me of police dedication and of community work which is not recognised by the great majority of people. Yet, this Government wants to put these people on contracts. It wants to remove their security and their conditions of service to put in these conditions. I ask the Government why it is doing this. Has it thought it through?

**Mr FOLEY (Hart):** I rise tonight with my colleagues, and I assure the Minister that I will not be speaking very long except to put on the public record a number of important points. The shadow Minister, the member for Elder, has clearly articulated at some length the full breadth of the concerns of the Opposition about this legislation. Many of my colleagues have been involved with the debate and have put forward a raft of Opposition concerns.

It is very interesting to note that in my short time in this Chamber—and, like the Minister, I was elected back in 1993—there have been very few Bills that have seen the level of participation in debate, certainly from the Opposition. I accept that not many Government members have contributed but, in most part, a large majority of Opposition members have spoken on this Bill. That does not happen often. Often there are very few speakers on legislation unless that legislation is of such importance that it compels many members to speak. However, a number of members have spoken on this Bill and that means that, unlike very few other Bills in the course of the past four or five years, it has aroused the passions and views of members, and that is an important point to note.

*Mr De Laine interjecting:*

**Mr FOLEY:** The member for Price is correct in saying that not many Government members have spoken, but we understand how this Government operates once it has taken its Party position on legislation. This Government has seen the administration of our State's police force as one of constant turmoil, argument and conflict. From memory, I think that it was my colleague the member for Ross Smith who said that, in an almost macabre way, this Government has turned what was historically a Liberal-leaning group of people into a group which is at the very least more objective about its politics and which feels disappointed and let down by this Government. For a Government to be in a constant state of conflict with the state's police force is not clever policy, and it is not particularly good government. However, when it comes to good government, there is very little that this Government does which fits that category.

Many members have spoken in detail about this legislation, and I have listened to much of that debate. I listened to a very lengthy presentation by the shadow Minister to the shadow Cabinet and to Caucus as, line by line, he went through his assessment and the implications of these changes.

**Mr Conlon:** Are you having a go?

**Mr FOLEY:** No, I thought it was a very detailed and lengthy briefing. As one who is often criticised by some members for his lengthy contributions to Caucus, I think it should be noted that it was as long as any that I have given, and the member for Elder needs to be reminded of that.

It would be a fair call to say that this is probably the most significant piece of policing legislation that I have had to deal with, and I suspect that it is the most significant that this Parliament has had to deal with for many a decade. The powers that this Bill seeks to give our State's Police Commissioner are extraordinary. One of the pluses of Parliament comes into play when we have the opportunity for lengthy debate and we can go through legislation line by line. We are talking about a revolution within the police force in the way it is staffed, in the way Parliament allows the police force to be employed and ultimately about how we manage the police force.

We know that this Government is very comfortable with the notion of outsourcing and, as my colleague the member for Elder said very eloquently (and no doubt he used many a long word that I will not attempt to compete with), this Government has ceded powers right across its administration by outsourcing our water and our computers, by selling our assets and by the loss of our taxation powers. Having got rid of most things that the Government or Parliament used to do, we might as well outsource our police force to the Commissioner of the day. That is enormously significant when it comes to the administration of the police force.

I will not go through all the great things that our police force does. Much of its work is of a high standard and much has been said already about that, so I do not need to repeat it. However, tonight we are debating whether our police force is the best in Australia, how this Government thinks it can improve it and how we as an Opposition can ensure that we defend its quality. It is fair to say that we are not in here debating whether we should have an ICAC or a Fitzgerald inquiry. We should briefly reflect on how we would be debating this Bill or the issue of the police force if we had to deal with a situation similar to that which obtains in Queensland. I would hope that—

*An honourable member interjecting:*

**Mr FOLEY:** Yes.

*An honourable member interjecting:*

**Mr FOLEY:** I think he has picked the wrong debate to make a scene. At the end of the day, if we were in Queensland, we would be debating serious matters, and imagine how we would be if this was the New South Wales Parliament and we were having to deal with the horrendous problems facing the Government and the Parliament of New South Wales. Not for a moment am I suggesting that we are in any way comparable with those States, but when members look at the police forces of this nation, they see that Parliaments of this nation have horrendous problems with which to deal. We do not have that in this State, and that is a credit to both sides of politics, to this Parliament and, most importantly, to our police force.

I hope that our Police Commissioner reads *Hansard*: I suspect he does. One of the things that has disappointed me tonight—and last night—is that this is the most significant reform of policing legislation that this State has seen for many a decade: certainly, it is the most significant legislation that I have seen in five years as it is about giving power to the Police Commissioner—whoever he or she may be at any time in the future—but the Parliament does not have the presence of the Police Commissioner tonight—or last night. I find that significant, and in no way am I wanting to cast aspersions on the advisers the Minister has here tonight.

However, when we are debating the providing of powers to a Police Commissioner, and Mr Hyde does not have the decency to be here—and this Government does not believe it of significant note to have that Commissioner here whilst this Bill is being debated—I find it offensive. And I will go a little further. If this Police Commissioner was serious about wanting to change significant law in this State about the powers he should have, he should have had the decency to approach the shadow Cabinet and Opposition members, not just the shadow Minister. I would have liked the Police Commissioner to have approached me and the Leader of the Opposition and to have come to a Labor Party Caucus to talk about why he thinks he (or future successors to his position) need these powers. That has not happened.

More importantly, I would have liked the opportunity in Committee tonight to question not just you as the elected member of this Parliament with ministerial responsibility but I would have thought that the Police Commissioner would believe this is of such serious note that he would have given us the courtesy of being present when the Bill was being debated. He has not—

*Mr Hamilton-Smith interjecting:*

**Mr FOLEY:** Of course he is responsible to the Government.

*Mr Hamilton-Smith interjecting:*

**Mr FOLEY:** No, we are not the Government. The member for Waite is dead right: we are not the Government. But this is about a parliamentary process. I have had a little to do with Police Commissioners in a previous existence and I think Police Commissioners have a very important role—and I have no doubt that this Police Commissioner is a very fine officer. I would have thought that it was appropriate, and indeed not bad politics on his behalf, first, to have approached the Opposition in terms of having a wider dialogue and being prepared to approach us. He does not need the Minister's permission.

Let us understand the position of the Police Commissioner: he does not need the permission of the Minister—unlike the Under Treasurer or other public servants—to enter into dialogue. However, even if he did not want to do that—and perhaps I am being a tad too precious and perhaps I am over inflating my own worth or that of my colleagues—I would have thought that at least we would have the Police Commissioner of this State gracing the floor of this Chamber as we debate how we will increase his powers.

It is worth putting on the public record that I do not think that is particularly appropriate, or particularly well thought through, from the point of view of Mr Hyde. He may not like my saying that, but I do not particularly care. I would be more than happy to discuss this matter with Mr Hyde. I would have thought it appropriate for him to be here tonight. Certainly, as the Opposition's Treasury spokesperson and as the shadow Treasurer, if I was debating legislation tonight that was about delegating to the Under Treasurer quite wide powers to the extent that we are taking about giving to the Commissioner of Police, trust me, I would have the Under Treasurer sitting next to me as the Treasurer. First, I would want him to hear what the Opposition and Government members had to say, but, secondly—

**Mr Clarke:** He is only a junior Minister.

**Mr FOLEY:**—I would want him here to advise me. The member for Ross Smith has raised a very important point. Whilst I have the utmost respect for this Minister, who I believe is a very sincere and decent politician, he is a Minister without Cabinet rank. Here we are, debating the most significant reform to policing legislation the State has seen for decades and we have a Minister without Cabinet ranking, and without the Police Commissioner. At the end of the day that really is poor form when it comes to the very serious nature of this legislation. But, enough said.

I suspect that I have done enough to earn the wrath of the Police Commissioner, but perhaps if he does read *Hansard*—and no doubt he will read this particular excerpt—he should at least take on board the views. If he does not agree with my views, he can pick up the telephone and give me a call. At the end of the day, the heart of democracy is about the fact that we can rise in this Chamber and be critical of our Police Commissioner and, when circumstances permit, of our police officers, and that is a very healthy situation.

At the end of the day I know one thing: the police force as we have it structured, in most part, is free of political interference; it has a structure that has served this State very well; and, as the old saying goes, if it ain't broke, why fix it? We do not have a New South Wales or a Queensland situation. And that is not, for one moment, to suggest that there are not problems within our force: of course, from time to time there will be situations. But, in the main, we have a good police force and we should not be tampering with it. But, if we are going to tamper with it, show us some respect in this Parliament. Give us a Minister with Cabinet ranking;

give us the Police Commissioner himself. But let us not play with something. If we get it horribly wrong, we as a community will suffer the consequences, and we know the consequences of a police force that is unmanageable and a police force that has lost the respect of the community. We want one that is properly managed, beyond any form of political interference and beyond any question that a police officer in senior ranks is able to manipulate or corrupt officers around him.

Only a year or two ago we introduced into this Parliament legislation to give contract employment to the first level of management down from the Police Commissioner and the Assistant Police Commissioner. As an Opposition we supported that, because we felt that that gave the Police Commissioner of the day the appropriate management flexibility in the top level of management. At that time the Government believed enough was enough. We felt enough was enough. There is no justifiable reason to take it down to the rank of senior constable. Minister, withdraw this Bill; rethink and consult on this Bill; and give us a Bill which we, as a Parliament, are prepared to accept and which will give us a police force that we deserve.

*Mr Clarke interjecting:*

**The SPEAKER:** Order! The member for Ross Smith will come to order.

**The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services):** I will not detain the House for long so we can move into the Committee stage, if need be. I want to reinforce the comments made by all members about the South Australian police force. All members recognise that we do have one of the best police forces in Australia. That does not mean that, like any organisation, improvements cannot be made, and that there are not ways that the organisation cannot be progressed.

It is with that philosophy that this Bill is brought to the House in an endeavour to improve what is already a good police organisation and try to improve the management and human resource side of the police force. We recognise the comments made by all members in regard to the various police officers in their electorates and how good a relationship the police force and the police officers have with the community and MPs in general.

I was not going to raise the Fitzgerald inquiry during the debate. However, the Opposition has spent sometime discussing the Fitzgerald inquiry. If they researched what the then Labor Government did in Queensland following that inquiry, they would find that the Queensland Government at that time went down the path of giving the Commissioner more flexibility in the management of the police force. It went down the path of giving the Police Commissioner more powers in line with the CEOs of the public sector. That is exactly what it did in relation to the Terry Lewis exercise.

*An honourable member interjecting:*

**The Hon. I.F. EVANS:** It was not something that brought on the corruption—it was something in response to it. Members need to go and read the Fitzgerald inquiry and the response to it from the Queensland Government and what it actually did. It was Fitzgerald who called on the need for contracts within the management levels of the police force. It was Fitzgerald who suggested contracts for employment for senior police in the same manner as that applying to the rest of the Public Service. The purpose was to ensure that the leadership of the police force in Queensland could be

reviewed effectively at the end of each officer's contract period. *Hansard* went on to record:

Mr Fitzgerald concluded that the contracts for senior officers would be better than tenured employment especially considering the problem of corruption which developed under the tenure system.

I am saying that it was Mr Fitzgerald who brought in the concept of contracts to the debate about police management. It is important that the Opposition appreciates that point. He also raised the benefits of lateral entry into the police force in Queensland. He talked about merit-based promotions. He also talked in general about the need for communications between the Minister and the Police Commissioner to be public, and a register was developed that had to be tabled in the House, so it was a very public process. That is the broad principle we have adopted here. If members opposite follow the path of the Fitzgerald inquiry, they will see some of the principles picked up in the Bill that we are debating are not so different from some of the principles put forward in the Fitzgerald inquiry.

In regard to the consultation process, I make the point—and I am sure that the shadow spokesperson will agree—that an offer was made for a briefing with the Commissioner. If the Opposition wanted a briefing from the Police Commissioner, just as the member for Hart suggested the Police Commissioner could have rung him, I suggest there was ample opportunity for the Opposition to pick up the phone and speak with the Police Commissioner and ask him if he would give them a briefing. I am sure he would have obliged. He would still oblige, I am sure.

We have had discussions along the way with the Police Association, and we had further discussions again this evening. We will have further discussions with the Police Association. We intend to proceed with the Bill through this House, but we have given a commitment to the Police Association that the Bill will not be debated in the Upper House until negotiations with the Police Association continue. Those negotiations are in relation to four issues: contracts for non-commissioned officers, the onus of proof provision, the unsatisfactory performance provisions, and promotions and transfers. We have given a commitment to ongoing meetings with the Police Association with regard to those issues.

If members look at the second reading explanation, they will see that we have always been open to suggestions. That is stated in the second reading explanation. We are happy to meet with the Police Association over the next week or so before the Bill gets into the Upper House so we can hopefully reach a resolution on those sticking points. We look forward to full and frank discussions with the Police Association in regard to those points. With those comments, I thank members for their contributions.

The House divided on the second reading:

AYES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Condous, S. G.
Evans, I. F. (teller)	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

NOES (18)

NOES (cont.)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F. (teller)
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

PAIR(S)

Brown, D. C.	Hurley, A. K.
Buckby, M. R.	Geraghty, R.K.
Lewis, I. P.	Rann, M.D.

Majority of 4 for the Ayes.

Second reading thus carried.

Clause 1 passed.

Progress reported; Committee to sit again.

### PRIVILEGES COMMITTEE

**The Hon. M.K. BRINDAL (Minister for Local Government):** As Chairman of the Privileges Committee and pursuant to an instruction of that committee, I seek leave to report progress.

Leave granted.

**The Hon. M.K. BRINDAL:** The Privileges Committee has asked me as Chairman to make an interim report to the House. I advise that the committee has met on three occasions and has made considerable progress. The committee has reached the stage where it is conferring with the Minister for Industry, Trade and Tourism and will provide a further report on the next sitting Tuesday.

### TECHNICAL AND FURTHER EDUCATION (INDUSTRIAL JURISDICTION) AMENDMENT BILL

The Legislative Council agreed to the consequential amendment made by the House of Assembly without any amendment.

### POLICE BILL

In Committee (resumed on motion).

Clauses 2 to 4 passed.

Clause 5.

**Mr CONLON:** I have a number of concerns about this clause. In March this year it was reported in a newspaper that an Assistant Police Commissioner expected that, as time went by, more and more areas that were considered to be traditional policing areas would be undertaken by private security firms. Also over the past few years in Victoria there has been an attempt to identify what is considered to be core policing work, which is to be kept with the police, and non-core policing work, which is apparently free to go to whomever chooses it. Given the general tenor of that and this being a new provision which does not exist in the Act but which is to be included to enumerate the purposes of the police, is this some attempt to identify the core functions of the police? Will it be used to aid the outsourcing of what are considered to be non-core functions of the police?

**The Hon. I.F. EVANS:** The member for Elder raised this issue during the Estimates, and I refer him to the answer

given in Estimates regarding security firms. This is an attempt to identify the purpose of the police within the Bill. It does not, as the honourable member might suggest, have some motive further down the track to try to promote the use of outsourcing. That is not the motive for including it at all.

**Mr CONLON:** In the past, I am aware of police undertaking a number of duties that would not necessarily fit easily into any of these categories, and I refer to the past practice of the police assisting in post-mortems. I would not have thought it fitted into any emergency service, and I cannot imagine that being dead is necessarily a crime anymore. By way of example, in the past the ambulance service has refused to carry dead bodies and it was put upon the police to carry out that function. Having reached that sort of temporal state, I would hardly think that it could be considered an emergency—other than a health one—to move people about. Will the non-appearance of those sorts of activities or their not fitting in with any categories for the purposes of the police give the Police Association the opportunity to say, when any of these onerous duties come up, that they do not have to carry out these functions as they do not fall within the purposes of the police?

**The Hon. I.F. EVANS:** As I stated earlier, clause 5 is really just a broad statement about the purpose of the police. The Opposition spokesman's example could have easily fitted under subclause (a) with regard to upholding the law. I do not quite understand the point the honourable member is trying to make. It is not meant to be prescriptive right down to the last dotting of the 'i' or crossing of the 't'. It is not exhaustive by any stretch of the imagination. It is a just a broad statement of the broad purpose of the police.

**Mr HANNA:** Will the Minister confirm that he considers that list to be open ended and just indicative of the sorts of activities the police might carry out given that its drafting provides that the purpose of the police is X, Y and Z, yet no part of that clause suggests that the police are there to carry out similar duties, related duties and so on? It is a clause that appears in the objects of many companies and associations, for example.

**The Hon. I.F. EVANS:** As members opposite have suggested in their second reading speeches, the purpose of the police is broad. I have already given a commitment to the member for Elder that this is not meant to be an exhaustive list. It is simply a broad statement of the purpose of the police. Everyone realises that the police have a purpose. If you try to describe every single issue that the police would be involved in, it would be longer than the legislation. It is simply not meant to be an exhaustive list. It is meant as a broad statement of the purpose of the police.

**Mr HANNA:** It may not be intended to be an exhaustive list, but on the face of it that is exactly what it appears to be. In relation to that wording concerning the purported role of the police to reassure the community, what specifically does the Minister have in mind when he insists on that wording being in that clause? For example, does it mean that it will be the Police Commissioner's role to issue press releases to reassure the community? What does the Minister have in mind?

**The Hon. I.F. EVANS:** That would depend on the circumstance, but it is the Police Commissioner's role, for example, to reassure the community about emergency situations. For example, during a State disaster such as Ash Wednesday where the Police Commissioner is in charge, it is his role to reassure the public about the status of the disaster, what services are available or how they will assist

the public in an emergency situation. Clearly, it is the Police Commissioner's role to be involved in reassuring the public about certain circumstances that might exist. From time to time, the police have reassured the community about the tactics involved in chasing a certain serial killer, robber or whatever. So, there is a role for the police to play in reassuring the community.

**Mr HANNA:** I appreciate that at various times in relation to particular crimes, suspects or emergency situations the police advise and alert the public and so on, but what about the broader issue? The Minister would be aware of the ongoing 'law and order' debate. In other words, we have some members of the community and some politicians on both sides scaremongering and saying that there is a burglar down every street and that there are people ready to bash you if you go out shopping; therefore, we need draconian powers to crush crime, and so on. That does seem to tap into a lot of community fears and is seen as politically advantageous by some politicians, radio announcers and so on. But at the same time there are those members of the community and politicians, for example the Attorney-General, who repeatedly come out with the objective statistics which show that in most categories there has not been any dramatic increase in crime over the past five, 10 or 20 years. In the context of that ongoing debate—and it will intensify as we get closer to an election—does the Minister think that the Commissioner will have a role in that debate to reassure the community that there is no broad increase in crime about which the community should be concerned?

**The Hon. I.F. EVANS:** At the end of the day it will be up to the Commissioner of the day and whether he or she wants to enter a public debate at any one time. If a member of Parliament makes a statement which the Police Commissioner of the day thinks unfairly reflects on the police, I expect—and I think the police officers would expect—the Police Commissioner to reassure the public that that statement may not be correct. Certainly, on occasions the Police Commissioner would want to reassure the public on certain issues, but I do not think the Commissioner would enter into the political debate. My experience with Commissioners is that they are very sensitive to being involved in what we call 'political issues' during election campaigns. It would be only if a statement unfairly reflected on his or her police force that they would enter the fray to correct the facts. I do not think they would initiate the action: I think they would react only by way of reassurance.

Clause passed.

Clause 6.

**Mr HANNA:** This is a general clause and nobody is arguing that the Commissioner is there to control and manage the force in a general sense, but I do have a question about the circumstances surrounding this Bill coming before us. The information I have is that the Commissioner had sought advice and prepared material from the Strategic Development Branch of the force in relation to this Bill in terms of some package which could be put out publicly, and I have been told that in fact the material that was prepared was rejected and the Commissioner resorted to external consultants to get a job done that he was satisfied with. Can the Minister confirm whether that is correct?

**The Hon. I.F. EVANS:** I am not sure of the internal workings of what actually happened within the police area itself, but in relation to the Police Bill I understand that there are some external consultants that may be giving some advice; but the internal workings as to how that came about

I am not sure of. I also take the opportunity to notify the Committee that in the Upper House we will be moving an amendment to put the word 'written' in front of directions so that the directions are written directions. We are looking at moving that amendment in the Upper House.

**Mr HANNA:** Will the Minister come back to the House at the earliest opportunity and provide details of material that was prepared internally for the Commissioner in relation to this Bill and its public exposure and, secondly, details of the reasons for the Commissioner going to external consultants, and of how much those external consultants cost?

**The Hon. I.F. EVANS:** I will seek the information on the details on the costs and the nature of the consultants for the honourable member.

Clause passed.

Clause 7.

**Mr CONLON:** Minister, this clause would appear to prevent you interfering in any way with the appointment, transfer, remuneration, discipline or termination of a particular person. Should the Minister make an appointment or promotion, say, as an example, as Terry Lewis did in making Inspector Parker Deputy Commissioner Parker, an appointment which is egregiously wrong, absolutely wrong, which is wrong to everyone and is scandalous, what, short of terminating the contract of the Commissioner, can you do about it as Minister?

**The Hon. I.F. EVANS:** The honourable member needs to appreciate, of course, that the Commissioner has certain legal liabilities under the Act and also under his contract. Obviously, he has to manage the force in accordance with the law. At the end of the day this will come down to a debate about whether the Minister of the day should actually be involved in directing the Commissioner in relation to the appointment, transfer, remuneration, discipline or termination of one particular person.

I think it is a very dangerous circumstances where, if you reject this clause, and taking the other argument, a Minister could influence the Commissioner in relation to the termination or the transfer or discipline of a particular person. It was one of the Opposition members who gave the classic example of the Russ Hinze exercise where, on my understanding of the story, he was picked up for some traffic offence and basically rolled out a map of Queensland on to the bonnet and said, 'Where do you want to go?', and it is exactly for that style of reason that we are trying to keep the Minister out of this area in relation to a particular person. This comes down to arguments about what power the Minister should have in relation to individuals, and we would see this clause as appropriate.

**Mr CONLON:** The Minister has not answered my question or cleared up my concerns. If this Bill becomes law and the Commissioner makes an egregiously wrong appointment to a senior position, what steps will you take to remedy it? As Minister, what steps will you be able to take to remedy it? I will be asking this question later. I understand that the Bill in a number of places states that the Commissioner must act in accordance with the Act, and the Bill also provides the ability to make contracts which exclude provisions of the Act. I will be talking about that dangerous aspect in a moment. Short of some nebulous ability to take what I imagine would be a judicial review of a decision of the Commissioner, as Minister what will you be able to do if the Commissioner appoints Humphrey B. Bear, for example, as Deputy Commissioner?

**The Hon. I.F. EVANS:** We have to consider this debate in the context of the rights and responsibilities the Commissioner has under the Act. Ultimately, if he appoints Humphrey B. Bear, one would have to ask why the Commissioner would appoint someone which would put his (the Commissioner's) job at risk. If the Commissioner starts appointing people without the proper skills and abilities, ultimately that puts the Commissioner's job at risk. That would be brought to the notice of the Police Minister or the Parliament; ultimately the Police Minister of the day would take up the matter with the Commissioner and, if the Commissioner did not act and the Police Minister thought—

*Mr Conlon interjecting:*

**The ACTING CHAIRMAN (Mr Brokenshire):** The member for Elder can have his turn in a minute.

**The Hon. I.F. EVANS:** You cannot direct, but you can certainly discuss, so you would discuss concerns you might have that had been brought to your attention. That would seem proper to me.

**Mr CONLON:** I will ask questions about this clause in conjunction with a couple of other clauses in the Bill. Section 24A of the current Act has a provision preventing arbitrary transfers, and I assume that provision was actually inserted as a response to the Fitzgerald inquiry findings concerning the dangers of arbitrary transfers. That situation has been wound back so that a review no longer lies with the Police Disciplinary Tribunal but with procedures determined by the Commissioner. As Minister for Police, what will you be able to do if the Commissioner commences a series of transfers which are arbitrary and not undertaken for proper purposes but which are given a clean bill of health by a process set up by the Commissioner himself under the Act? What will you be able to do to prevent the Commissioner engaging in making arbitrary transfers on a regular basis?

**The Hon. I.F. EVANS:** Ultimately, I would be in a position similar to that of other Ministers in control of areas of the Public Service. You would take it up with the CEO of the organisation, in this instance the Police Commissioner. If there were an issue in relation to transfers that was brought to your attention, you would take it up with the CEO, the Police Commissioner. This argument comes down to what management powers the CEO should have in relation to the work force and, if an issue arose, as Police Minister I would have to discuss it with the Police Commissioner of the day.

**Ms KEY:** I notice that there is no definition of 'Minister'. I am assuming 'no ministerial direction' is referring to the Minister for Police. Is that the case? Is it the Minister for Police, or is there no ministerial direction whatsoever?

**The Hon. I.F. EVANS:** I am advised that the Administration of Acts Act defines who the Minister is in this respect, and it is the Police Minister.

**Ms KEY:** Is this referring to the Police Minister?

**The Hon. I.F. EVANS:** Under the current arrangements, I am advised—

**Ms KEY:** I have not finished my question. Is any other Minister of the Crown, including the Treasurer, able to give any direction to the Police Commissioner?

**The Hon. I.F. EVANS:** My advice is that the Administration of Acts Act defines which Minister is responsible for which Act. I need to correct the position and point out that under the current arrangements it is the responsibility of the Minister for Justice who delegates to me as Minister for Police.

**Ms KEY:** In the contribution that I made earlier I expressed concern about industrial relations and wage rates.

What does 'remuneration' mean in this clause? Does it include, for example, the wage rates or remuneration of police officers within SAPOL, and would that mean that the Commissioner would have total control over negotiations with regard to enterprise agreements or enterprise bargaining and also the award? Where does the award sit if the Commissioner has control over remuneration?

**The Hon. I.F. EVANS:** The Commissioner needs to work within a budget framework. Ultimately, the Government sets a budget for the police and the Commissioner as CEO, in effect, has to work within that budget framework. Ultimately, remuneration, etc., will sit with the Commissioner.

**Mr WRIGHT:** What would the Minister do if the Commissioner terminated the contract of the Deputy Commissioner and it was clearly a wrong decision of the Commissioner?

**The Hon. I.F. EVANS:** The Opposition comes up with theoretical circumstances. If the Opposition is saying that a decision is clearly wrong—and it is hard to define 'clearly wrong', but ultimately—

*Members interjecting:*

**The Hon. I.F. EVANS:** If he is sacked outside of the proper process or for the wrong reason, ultimately the Commissioner would be involved in a wrongful dismissal action. If it is done in accordance with the law, then ultimately that is the right of the Commissioner of the day, as it is with any other CEO. Ultimately, they have a role to play.

**Mr WRIGHT:** If those avenues were not available or were not utilised, what would the Minister do?

**The Hon. I.F. EVANS:** My understanding of the question was that if the Deputy Commissioner were sacked and did not have the capacity to sue, what would I do. I assume the honourable member means that there was not a case for the person concerned to sue. If that person does not have the right to sue because he or she was dismissed in accordance with the law, ultimately that is the Commissioner's right.

**Mr WRIGHT:** I want to explore that issue. The member for Mitchell interjected correctly, and this is why I deliberately phrased my question in the way I did. Because of the level of income of the Deputy Commissioner, he would not be able to explore unfair dismissal through the industrial avenues available to some employees. That being the case, what action would the Minister take if the Commissioner clearly made an incorrect decision in dismissing the Deputy Commissioner?

**The Hon. I.F. EVANS:** I would bring it to the Commissioner's notice that under the Act the Deputy Commissioner can only be dismissed by the Governor of the day.

**Mr HANNA:** I want to put a scenario to the Minister, but first I make the comment that it is not only disappointing but it is really quite surprising from my point of view and that of others to hear the Minister talk of the police force and the Police Commissioner as if it is just another Government department with a CEO. The fact is that the police force has a very distinctive role and distinctive powers in our society, and the Minister can respond to that if he wants to.

The scenario that I want to put to the Minister is this: what will happen if this Bill passes and in a few years a young police officer goes to the Minister and says, 'I live with my family in the southern suburbs. I am quite happy carrying out my duties at the Sturt Police Station but I have just had a letter from the Commissioner saying that I am being transferred to Ceduna for no good reason except that I know that I upset the Commissioner with certain behaviour of mine.' It might be that this young police officer stopped the Police

Commissioner's car in respect of an alleged traffic offence. It might be that there are personal issues between the two because they live next door to each other. It could be anything, but the young police officer says to the Minister that there is absolutely no good reason for this transfer.

What will the Minister say to that young police officer? Will he say that section 41 in the Act concerns arbitrary transfers and that the officer has the Government's protection? The police officer might respond by saying that all that section does is allow the Commissioner to put in place processes for people who are aggrieved in respect of their transfers. Under the Commissioner's orders that process might simply be recourse to the Commissioner's office or a panel of people who are hand-picked by the Commissioner, thereby making it a closed circuit without any meaningful review.

So, the young police officer might say to the Minister, 'Well, I have been through that process. It was a phoney panel. The Commissioner said that I could go along under the orders issued by him to his delegate, and the delegate simply confirmed the Commissioner's transfer decision without really looking at the merits of the case.' Will the Minister say to that young police officer, 'I am sorry, my hands are tied; I am just the Police Minister. If the Police Commissioner wants to set up a phoney grievance procedure and transfer people whom he does not like to less than pleasant parts of South Australia, he can do it.'? What happens if it is not just one person but 20 police officers who come to the Minister in that situation?

**The Hon. I.F. EVANS:** This raises the question whether we should go the other way and have a system where the Minister can interfere. Instead of going to the Police Commissioner, that officer could go to the Minister and say, 'Hey, mate, I have been transferred to Ceduna, but I do not want to go. Fix it.' So, the Minister would then be interfering. Is that ultimately the process that we want to have? I do not think so. The Opposition spent many hours in the second reading debate talking about the Fitzgerald inquiry, and what did that tell us? The Fitzgerald inquiry told us that the Commissioner's powers should be similar to those of other chief executives.

This is one of those situations. The Police Association has raised this with me and I have given a commitment to the House and the Police Association that we will have more discussions over the next week or two to try to resolve the safety net issue. I think that is where the honourable member is coming from; that is, what is the safety net and what is the catch for this member? I understand the issue and I have given a commitment to the Police Association to discuss this issue. However, I come from a position where I believe that the chief executive of the police force needs the power to be able appropriately to manage the police force. I guess it comes down to what is 'appropriately manage', and that is a question that the Police Association has raised with me in relation to transfers.

We have given a commitment to further discuss this issue before it is debated in the Upper House. I am happy to discuss the concept of what sorts of options members might come up with regarding safety nets on that issue, so that the Police Association and I can discuss it. I am aware of the issue, but I make the point that, if we do not have a system where the Police Commissioner has the power to do it, I would certainly not support a system where the Minister was involved. I think that opens it up even further to political interference, and

there is a greater risk of political interference than necessarily the Commissioner's position being corrupt.

**Mr HANNA:** There is an obvious logical fallacy in what the Minister has said in his response. Of course, it is a question not of the Minister's having complete discretion in these matters if the Commissioner does not. The whole point of what Opposition members have been trying to get across throughout this afternoon and this evening is the fact that there should be a check and a balance. In other words, when the Commissioner acts with the wide discretion that he will have, there should be a Minister who is not only able to look over their shoulder but also, if things go wrong, intervene.

**Mr CLARKE:** The point that the Minister makes is a valid one in terms of political interference from a Minister and of being able in a sense to override a Police Commissioner as well, because it could be a bent Police Minister such as Russ Hinze over Ray Whitrod of the Queensland police force in respect of transfers. The issue which the Minister rightly identified and which this Government seems incapable of resolving is the fact that the existing legislation, in the case of transfers, allows for them to be reviewed by an independent body, namely, a police disciplinary tribunal. I do not believe that any member of the Opposition wants a Minister to be able to override a Police Commissioner to transfer a police officer to Timbuktu (or vice versa) unless there is an independent disciplinary tribunal with the powers to do it. All I simply ask is that the Minister get off his high horse and agree with the Police Association on that point.

**The ACTING CHAIRMAN:** Before the Minister answers, I do not think the member for Ross Smith needs to put the proposition in the way that he did.

**The Hon. I.F. EVANS:** I do not know where the honourable member has been, but in the past 1½ hours I have said four times hours that I am meeting with the Police Association over the next week or two to discuss this issue. We have nominated the issues. We have come to an agreement on the issues and we will not be debating the Bill in the Upper House until we discuss those issues. I understand the point that the honourable member makes, that is, that he wants a safety net. The Police Association and I have already come to an agreement that that point needs to be discussed. If the honourable member wants to speak with the Police Association about the other three or four points, that might save other comments being uttered down the track.

Clause passed.

Clause 8.

**Mr CONLON:** I think the Minister is starting to see the point we were trying to make in our contributions on this Bill about reading the Bill as a whole and the concentration of power in the hands of the Commissioner. The question I am about to ask needs a little preamble, but I think it is a very serious one.

I note that this clause provides that the Minister may give directions on certain matters. There is a very welcome transparency about that process in that they appear in the *Gazette* and must be tabled. My concerns are that they appear to be limited to matters in relation to enforcement of a law or law enforcement methods, policies, priorities or resources. It seems to me that it excludes matters that are currently made under the Act by regulation concerning appointment, promotion, appeals, discipline and promotional methods. Those matters under the current Act would be made by regulation and, again, there would be a transparency. They would be subordinate legislation tabled in this House and subject to disallowance.

In conjunction with this clause, clause 11 allows the Commissioner to make general orders. Those general orders may go to requirements or qualifications for appointment or promotion and appointment and promotion processes—issues very central to the governance of the police force. It seems to me that the Commissioner can make those general orders without any scrutiny, certainly, by the Parliament, and without the same provisions that have applied in the past and, even further, without any ability for the Minister to again give a direction that might be open to the scrutiny of the Parliament, be transparent and be capable of being disallowed. What check is there, similar to that provided in the current Act, upon the Commissioner's making bad general orders, those that would have been disallowed by this Parliament had they been contained in regulation?

**The Hon. I.F. EVANS:** Will the honourable member repeat his question; I am not sure what the honourable member is driving at?

**Mr CONDOUS:** I am afraid that it will have to be a lengthy repetition because it is a matter of reading a number of provisions together. There are two provisions. Under the current Act, the Minister may make directions that there is an open process, they must be gazetted and they must be laid before the House. Under the current Act, regulations may be made governing, among other things, appointment and promotion and appointment and promotion processes, or other matters relevant to the Act. Again, because they are subordinate legislation, they have a transparent process; they are gazetted and laid before the House and are capable of being disallowed.

Under clause 11 the Commissioner may make general orders about those matters. That clause specifically provides that they are not subordinate legislation for the purposes of the Subordinate Legislation Act. Therefore, there is no requirement of transparency and no requirement for them to be laid before this House. My further difficulty is that clause 8, which allows the Minister to give certain directions, would appear to confine those directions to matters that do not include promotions or appointments or processes of appointment and promotion.

In such a case, we are losing a system that is both transparent and capable of correction if it goes wrong, and we are gaining a system which—and the Minister can explain if this is not the case—would no longer allow the Minister or this House to correct any bad general orders made in regard to promotion and appointment processes.

**The Hon. I.F. EVANS:** This is one area in which the Government and the Opposition will be fundamentally different. We would see that the Commissioner would have, as the Act outlines, the right to make general orders in the areas that the honourable member has outlined. We would see that as a role of the manager of the police force. We would see that clearly as a management role. We believe that the place for that is in general orders. We do not see a need for it to be in regulation.

**Mr CONLON:** What you are doing is not simply taking it out of your hands: you are taking it out of the hands of the Parliament to correct. At the moment the Parliament has an ability to correct anything that is egregiously wrong in the appointment and promotional processes of our police force. You are removing that from the hands of the Parliament; is that right?

**The Hon. I.F. EVANS:** The position you outline is accurate. We see it clearly for the Commissioner as the manager to have the role to develop those general orders. We



see it clearly as a management issue and this is about the management of the police force. This is one of those areas where we will have some difference. We see clearly the role of the Police Commissioner to have the ability as a manager to put those general orders into place as they would in other areas of the public sector.

**Mr CONLON:** By limiting directions to these matters, are there any other areas that will be taken away from the scrutiny of this Parliament that are currently available to the scrutiny of this Parliament in regard to the operations of the police force?

**The Hon. I.F. EVANS:** I am not aware of any that are not already indicated in the Bill.

*Mr Conlon interjecting:*

**The Hon. I.F. EVANS:** It is a very broad question. I am not aware of any.

*Mr Conlon interjecting:*

**The ACTING CHAIRMAN:** Order! The Minister is responding.

**The Hon. I.F. EVANS:** I am happy to look at that while the Bill is transferring between Houses.

**Mr HANNA:** A number of the responses by the Minister give me a lot of concern, especially in relation to this interplay between directions or through regulations other instructions that the Minister or the Parliament might give to the police force and, on the other hand, the orders issued by the Commissioner for the running of his force. It really makes me question whether the Minister has a proper grasp of what the relationship should be between the police force and the executive, and the difference between the police force and other Government departments.

To enlighten the Minister, I will read some of the transcript of the Fitzgerald Commission. It is one of the most memorable, and I hope that the Minister will take this on board. This is questioning of Sir Joh Bjelke-Petersen, the former Premier of Queensland, by Michael Forde before the commission. When asking about the separation of powers, Forde says:

Can you distinguish between, say, the head of the Health Department and the Commissioner of Police as the head of the department under the Westminster system?

Bjelke-Petersen says:

I can tell you the difference. There's a very big difference as far as actual work is concerned; responsibility is concerned. The health one is a very important one, but it's not one in which you have to maintain the law and order in a time and period of our history when there's a very strong attitude towards lawlessness, and the Police Commissioner has a very, very difficult role and an important one.

Forde says:

This is probably the most important question I will ask you, so be very careful in listening to this.

The Premier says:

I am careful all the time.

Forde says:

What do you understand by the doctrine of separation of powers under the Westminster system?

The Premier says:

The Westminster system? The stock?

Forde says:

The doctrine of the separation of powers under the Westminster system.

The Premier says:

No, I don't quite know what you're driving at. The document?

Forde says:

No, I'll say it again. What do you understand by the doctrine of the separation of powers under the Westminster system?

The Premier says:

I don't know which doctrine you refer to.

Forde says:

There's only one doctrine of the separation of powers.

The Premier says:

I believe in it very strongly, and despite what you may say, I believe that we do have a great responsibility to the people who elect us to government. And that's to maintain their freedom and their rights, and I did that—sought to do it—always.

Forde says:

I'm sure you're trying to be responsive to the question, but the question related to the doctrine of the separation of powers or the principles—

The Premier interrupts:

Between the Government and the—Is it?

Forde says:

No, you tell me what you understand.

The Premier says:

Well, the separation of the doctrine that you refer to, in relation to where the Government stands, and the rest of the community stands, or where the rest of the instruments of Government stand. Is that what—

Forde says:

No.

The Premier says:

Well, you tell me. And I'll tell you whether you're right or not. Don't you know?

Well, I am afraid there are shades of that in the Minister's responses this evening.

**Ms KEY:** Will the Minister inform the Committee what 'resources' refers to in this clause and whether it includes issues that would normally be part of the budgetary process? What is the definition that we are looking for here?

**The Hon. I.F. EVANS:** I am advised that 'resources' mentioned there is in the context of resources that the Commissioner needs in relation to the enforcement of law and order, etc. It is the resources needed for the other parts of that provision.

Clause passed.

Clause 9 passed.

Clause 10.

**Mr CONLON:** How was the set of aims and standards arrived at? What were those aims and standards drawn from—was it the management services manual, or where do they come from?

**The Hon. I.F. EVANS:** They are similar to the ones in the Public Sector Management Act. I believe that they also looked at other organisations around Australia, and they are a combination.

**Mr CONLON:** Do I understand then that these—I will sit down for a while until they finish.

**The ACTING CHAIRMAN:** I ask the Whip to refrain from interfering with the Minister whilst he is trying to hear the question from the shadow spokesperson.

**Mr CONLON:** Are the matters listed in clause 10 intended to qualify or condition the exercise of the Commissioner's powers under clause 11—that is, are his general orders required to be consistent with those aims enumerated in clause 10?

**The Hon. I.F. EVANS:** The general orders obviously would be designed to try to achieve the aims and standards as set out in clause 10.

**Mr CONLON:** How is that outcome ensured under this legislative scheme?

**The Hon. I.F. EVANS:** The Commissioner has a responsibility to make sure that the general management of the organisation is trying to achieve those aims and standards. Clearly, he has a responsibility to do that. The Commissioner has a general responsibility (whoever the Commissioner is at the time) to drive the organisation towards those aims and standards.

**The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services):** I move:

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

Motion carried.

**Mr HANNA:** Clause 10(2) provides:

... the Commissioner must ensure that practices are followed under which—

(d) the diversity of personnel is used to advantage. . .

What is meant by those words?

**The Hon. I.F. EVANS:** It is intended by that provision that the Commissioner should use the diversity of personnel to achieve the aims and standards of the organisation. For example, there has been a lot of debate about country policing. I think it is recognised by everyone that certain individuals have characteristics that make them good country police officers, whereas others might struggle in that role. That is a diversity of personnel. That is an example of how management practices can use the diversity of personnel to try to achieve the best result.

**Mr HANNA:** What does the Minister have in mind when he says that there are certain characteristics which suit country police officers?

**The Hon. I.F. EVANS:** I think it is acknowledged by everyone that there is extra pressure on country police officers and their families because, basically, they live in a fish bowl. Everyone knows where you go in a country town, even if it is to the football or netball, because you are the local police officer. That puts a lot of pressure on country police officers and their families, and it takes a certain personality to be able to handle that sort of extra pressure. That has been acknowledged in certain incidents over the past 12 to 18 months, and some specialist training is now being developed within the organisation to try to counter that problem. If an officer will clearly struggle in a country area, why put that person there and create a problem for the police force, that officer and possibly the community?

*Mr Hanna interjecting:*

**The Hon. I.F. EVANS:** No, not at all. It may well be that they will be better placed elsewhere than in the country. That is the point I make. The honourable member should look at some of the issues raised in some of the country towns in the past 18 months. As an example, there are clearly some personalities that simply do not work for whatever reason in a country situation. They might work very well at Holden Hill or Elizabeth but, for whatever reason, they do not work at, say, Ceduna or Port Lincoln.

**Ms RANKINE:** Would the appointment of country police officers be one of those specialist areas of contract appointment?

**The Hon. I.F. EVANS:** The area of contract appointment is obviously covered in a different section of the Bill. The Commissioner has made very clear that he is trying to restrict the area of contract appointment to officers of the organisation above the rank of senior constable if specialist skills need to be brought in. If you had a special problem in a country area—and I do not know what that might be—and the skills did not exist within the force, then that might be an option available to the manager. However, as the Police Commissioner has said time and again, the intention would be to search the organisation to see whether the skills were there and, if the skills were not there, look for them outside the organisation. This is one of the points raised by the Police Association, and the member for Ross Smith might want to note that we have agreed we will talk about exactly that contract provision, and will discuss that over the next week or two.

*Mr Hanna interjecting:*

**The Hon. I.F. EVANS:** The honourable member may not be aware of this, but the Police Association will tell him that we have discussed it to a certain point. That does not mean we cannot have further discussions. In my second reading response, I summed up the statement that this Bill was open to negotiation. If the honourable member reads my second reading response, he will see that it is there. I understand the honourable member's point. I reinforce the point that, if special circumstances applied and the Police Commissioner searched the organisation and found that the skills were not there, that would be an option. I put a rider on that: we are having discussions with the Police Association to try to clarify that.

**Ms RANKINE:** Under those circumstances who would determine that those skills were not available? Using the scenario of a country police officer being a specialist area of policing, who would determine that those skills were not available within the current structure of the police force?

**The Hon. I.F. EVANS:** The Commissioner.

**Ms RANKINE:** Clause 10(2)(f) provides:

Employees are afforded reasonable avenues of redress against improper or unreasonable administrative decisions.

What is the definition of 'reasonable avenues', and who will determine those?

**The Hon. I.F. EVANS:** Ultimately, this comes under the clause 'General management aims and standards', and that is an objective for the management of the police force—to make sure they put in place reasonable avenues of redress. Ultimately, some of those are in the legislation and, depending on circumstances, some are under 'General order' or 'Administrative procedures'. However, it is a general aim to make sure that there are reasonable avenues of redress.

**Ms THOMPSON:** With respect to clause 10(2)(e), what is meant by the phrase 'equal opportunities for promotion and advancement are afforded to all employees'?

**The Hon. I.F. EVANS:** Exactly what it says. One of the general management aims and standards of the police should be that all employees have equal opportunity for promotion and advancement.

**Ms THOMPSON:** Does that take into account some of the disadvantages experienced by women employees? How can we be certain that that is the case?

**The Hon. I.F. EVANS:** Any manager has a legal responsibility to make sure ultimately that employees have an equal opportunity to be promoted. Everyone is aware of the equal opportunity debate that has taken place in the whole

world over the past 15 or 20 years. I make the point that this is under general management aims and standards. Ultimately, it is a legal requirement that people have an equal opportunity to be promoted.

**Ms KEY:** How do the standards and aims in this clause relate to the award and enterprise agreement that the police have at the moment?

**The Hon. I.F. EVANS:** I am not quite sure what the honourable member means when she asks about how they relate. I would have thought the enterprise agreement is all about trying to achieve the aims and standards of the organisation. The enterprise agreement represents a negotiation between the work force and the management about certain outcomes and how they want to achieve their goals, aims and standards. I see this as a natural linking in. As the new enterprise agreement is negotiated, one of the considerations will be how it fits within the aims and standards of the general organisation.

**Ms KEY:** Can the Minister provide a definition of 'employees' under paragraph (f)? There is nothing in the interpretation or the definitions about what is an employee. There is a description of different officers within the South Australian police force, but the word 'employees' interests me. What does that mean in the context of this Bill?

**The Hon. I.F. EVANS:** I am not quite sure how I can make this clearer, but obviously it is the people employed by the police force. I am not quite sure what point the honourable member is driving at, but it is the people employed by the police force.

**Ms KEY:** If this provision refers to the people employed by the force and if it includes everybody employed by the force, how does this relate, for example, to provisions for redress with regard to unfair dismissal, the Health, Safety and Welfare Act, the Workers' Compensation Act, the Equal Opportunity Act and other such Acts that relate to industrial provisions, both wages and conditions, for workers?

**The Hon. I.F. EVANS:** The issues raised under this clause are aims and standards which the police force has to try to achieve. Ultimately, they still have to comply with the various Acts that relate to employment law. They cannot step outside of the employment law just to try to achieve an aim or a standard. The employees are still protected under the various forms of employment law.

Clause passed.

Clause 11.

**Mr CONLON:** This provision is among those that have caused me the most concern in relation to the Bill. In this provision there are matters that are dealt with in the current Act by a regulation making ability, for the most part. They are matters that in the past have been seen to be of such significance that we have not simply left them to the Commissioner, nor have we left them to the Minister, and nor have we left them to ministerial direction. In the past they have been the subject of regulation, which is gazetted and tabled before this House and capable of being disallowed. That is why I have very significant concerns about this, because there seem to be very few requirements for transparency, openness or accountability, or, for that matter, revokability in these matters. So, my first question is: what requirements are there that the general orders of the Commissioner are readily available, even to members of the police force, are published, are known, are checkable?

**The Hon. I.F. EVANS:** I am advised that the general orders are freely available to any member of the police force. I also understand that previously some sections of them, as

requested, have been provided to members of Parliament. I will be corrected on this, but I am pretty sure that I provided to the Hon. Terry Cameron in another place a complete set of general orders in relation to speed camera operations and lasers guns, and the like. He seems to have an interest in that matter.

*Mr Conlon interjecting:*

**The Hon. I.F. EVANS:** The point I make is that they are freely available. They are not hidden.

**Mr CONLON:** They have been in the past. There is no requirement.

**The Hon. I.F. EVANS:** They will be freely available.

**Mr CONLON:** I refer to clause 11(2)(e), which relates to the power to make general orders about other matters that the Commissioner considers relevant to the control and management of SA Police and the police cadets and police medical officers. What restraint does that place upon the general order making ability of the Commissioner, if any? What parameters does it set?

**The Hon. I.F. EVANS:** This is not simply restricting the Commissioner to making general orders as listed in the earlier part of the clause. What this does is give the Police Commissioner the flexibility to deal with issues that arise from time to time that may not be covered under the earlier parts of the clause. This is all about management of the police force. If something arises that may not be covered under subclause (2) then he or she may feel the need to produce a general order for the control and management of SAPOL, and so they should as the manager.

**Mr CONLON:** In that case, what is available to you, Minister, or to the Parliament, or to anyone for that matter, if the Commissioner chooses not to make general orders, particularly in regard to some of the things set out in clause 10, that employees, for example are afforded reasonable avenues of redress against improper or unreasonable administrative discussions, that working conditions are kept safe and tidy, or any of those matters? Minister, what remedy is available to any of us, or you, should the Commissioner fail to make the necessary general orders to carry out the aims as set out in the Act?

**The Hon. I.F. EVANS:** In the first instance, if something arose that was brought to the attention of the public for which there may need to be a general order, and there was not, my experience with the way that the relationship between Minister and Commissioner works is that in the first instance that would be raised with the Commissioner in an informal sense.

**Mr Conlon:** How would you know?

**The Hon. I.F. EVANS:** You would only know if someone raised the issue. About 3 500 or 4 000 people are involved in SAPOL. If there was an issue, the Police Association is astute in that regard. Ultimately, as Minister you would raise it with the Commissioner informally in your monthly or fortnightly Min/Com meetings and ask why a general order does not exist. If you still had concerns about why it did not exist, you could express those concerns. If the Commissioner then chose not to go down the path of producing or changing a general order and stood his ground, if worst came to the worst the Parliament could make a regulation in relation to that.

*Mr Conlon interjecting:*

**The Hon. I.F. EVANS:** The advice I have received tonight is that that is available.

**Mr CLARKE:** The Minister should compare clause 11 of the Bill with section 23 of the Act. Section 23—Orders—says that certain orders will not be taken to be a form of

subordinate legislation. That is quite narrow and it talks about:

- (1)(a) prescribing and allocating the duties to be performed by the respective members of the police force. . . cadets or police medical officers;
- (b) directing the manner in which and the time and place at which any such duties are to be performed;
- (c) prescribing or directing any other matters relating to the performance of the duties of members of the police force or . . . cadets or police medical officers.

I can understand that these provisions are duplicated in clause 11 of your Bill, because ordinarily the Police Commissioner would be in a better place to know directions in terms of the times and place when officers are to carry out their duties rather than either House of this Parliament disallowing those regulations. However, in your Bill subclause (2) provides:

- (c) the requirements or qualifications for appointment or promotion; and
- (d) appointment and promotion processes;

Those provisions under subclause (3)(b) of your Bill are not to be part of subordinate legislation. It seems that the Minister is expanding the range of discretions that the Commissioner has—and these are very important areas—which are not subject to parliamentary scrutiny. Because the Minister of the day under your legislation is not in charge of the day to day operational controls of the Police Association, the Minister has no say in it, either. As to clause 11(2)(c) and (d) it seems that you are placing a considerable discretion in the hands of the Commissioner alone where there is no parliamentary or ministerial oversight and this could lead to corruption of the process if you had a Commissioner so inclined. Why do you want to expand the range of orders in very important areas beyond that which currently exists in the Act?

**The Hon. I.F. EVANS:** We wish to expand the general order provisions for the Commissioner as outlined because we clearly see it as an operational matter and a management issue in relation to the requirements or qualifications for appointment and promotion in the promotion procedures. Clearly, we see it as a role for the Commissioner of the day to set general orders in that respect.

**Mr CLARKE:** I suppose we can go round and round the mulberry bush on this, and this will be my last question because it will be sorted out in another place or, hopefully, in the Minister's discussions with the union. I find it an extraordinary admission on the Minister's part because, quite clearly, under clause 11(2) paragraphs (c) and (d) a Commissioner, at a whim, could arbitrarily change the requirements or qualifications for appointment or promotion—either raising or lowering the bar depending on that person's whim or whether they want a Jack Herbert or a Graham Parker plucked out of Charleville to take a senior position in Adelaide because it happens to be conducive to the operations of the Commissioner of the day—and appointment and promotion processes. This is for the entire force and there is absolutely no parliamentary or ministerial oversight.

The Minister has not given one good reason why he would want to expand the powers of the Commissioner in such a sensitive area. As has been pointed out *ad nauseam*, the police force is not your average Public Service in terms of the consequences of bad decisions. I do not have a quarrel with existing legislation because, clearly, Parliament should not be interfering. If the Commissioner wants a night patrol to operate from this hour to that hour, that is the type of detail that should be left to the Commissioner, but not the question

of qualifications for appointment or promotion, and appointment and promotion processes. It goes to the guts of the integrity of the police force.

**The Hon. I.F. EVANS:** I understand the point the honourable member is making. As I said earlier, promotion is one of the issues which the Police Association and I will discuss further. As I mentioned earlier to the member for Elder, we can, ultimately, if it is still not corrected after the matter has been raised and after going to the Commissioner through the Minister and having discussions, bring it in by regulation. I have had advice on the availability of regulation. So, parliamentary scrutiny is there. I have had further advice that, if it involves not a particular person but a group order, there is opportunity for a ministerial direction.

*An honourable member interjecting:*

**The Hon. I.F. EVANS:** I am advised that is available. I think the member for Elder interjected, 'Under what clause?' My advice is that under clause 6 the Commissioner is responsible to the directions of the Minister.

*Mr Conlon interjecting:*

**The Hon. I.F. EVANS:** Clause 8 provides that I must table a copy of the directions if they relate to certain issues.

**Mr CONLON:** Are you saying that you can make a direction about promotional processes and not table it?

**The Hon. I.F. EVANS:** I have already indicated that an amendment to clause 6 will be moved in the Upper House to ensure they are written directions. I think the member for Elder asked whether I could give a ministerial direction in relation to general orders. My advice is that I would, but I would not have to table that direction because clause 8 sets out which directions need to be tabled. However, I indicate that under clause 6 an amendment will be moved to ensure that it involves written directions, so that it is clear and protects both the Commissioner and the Minister.

**Ms KEY:** Bearing in mind what the Minister said in relation to clause 7, which deals with the Commissioner's powers in relation to appointment, transfer and remuneration, could the Minister explain the status of the orders under clause 11 in relation to appointment or promotion and the appointment and promotion process? What status would the order have in relation to similar processes for promotion and appointment under the award or the enterprise agreement?

**The Hon. I.F. EVANS:** Ultimately the general order, which will initially be set by the Commissioner, will have to follow the enterprise agreement. The enterprise agreement is negotiated between the work force and the management and the general order would be amended or created as need be. That is the process that I would envisage.

**Ms KEY:** Is the Minister saying that, if there is a particular provision in relation to promotion and appointment—industrial issues within the force—the orders would have to be in line with already agreed industrial agreements, enterprise agreements, individual contracts or awards?

**The Hon. I.F. EVANS:** That is my understanding, and that is the advice given to me: that once the enterprise agreement is agreed to, the management has a responsibility to ensure that the organisation is managed in accordance with the enterprise agreement, and the general orders would reflect that.

**Ms KEY:** What remedy is there for a police officer or a member of the police service if that person believes that an order made by the Commissioner is inconsistent with the Act?

**The Hon. I.F. EVANS:** In the highly unlikely event that a general order was made that was contrary to the Act and it

was brought to the Commissioner's attention, the Commissioner would have to correct the order: he would have no option. A general order cannot be in breach of the Act.

**Ms KEY:** How would you enforce that?

**The Hon. I.F. EVANS:** If the Commissioner did not correct the general order, it could be brought up through the Minister and a ministerial direction could be obtained if necessary.

**Mr HANNA:** I was disturbed by the Minister's response to an interjection by the member for Elder just a moment ago about directions that might come from the Minister. Looking at clauses 7 and 8 together, and I appreciate that they have already been passed in this Committee, is the Minister saying that, where directions are given to the Commissioner in relation to the enforcement of a law or law enforcement methods, policies, priorities or resources, such an order must be placed before Parliament but that the Minister can give other directions that need not be placed before Parliament?

**The Hon. I.F. EVANS:** That is correct.

**Mr HANNA:** That is wholly unacceptable. Any system that allows the Minister to give directions covertly, whether written or verbal, to the Police Commissioner is offensive to our democracy.

Clause passed.

Clauses 12 to 19 passed.

Clause 20.

**Mr CONLON:** The Minister has probably answered this already, but how does the Minister ensure that the Commissioner stays within budgetary constraints in these matters? That question applies also to clauses 21 and 22.

**The Hon. I.F. EVANS:** Ultimately, the Commissioner (through the Minister) has to make a budget bid to the Cabinet of the day. It is part of the budget strategy how much money they get, and clearly the Commissioner cannot go outside that budget. Ultimately, if he spends more than the budget, he has to find the money from within his own resource. I know the member will raise the point about what will stop the Commissioner appointing X number of staff or officers and therefore blow the budget, but, at the end of the day, the Commissioner has a responsibility to live within his budget. He as manager has the responsibility to manage properly within the budget, the same as any other chief executive or manager. He is in control of the budget to that degree and he has a responsibility to live within that budget. He cannot deliberately take action to expend outside the budget.

**Mr CLARKE:** This follows the question of the member for Elder. I know what the Minister is saying; that the Commissioner may have the power to appoint all these generals, lieutenant colonels and so on—to use a military analogy—but he cannot go over a budget. That is set by the Government and that is it. The trouble is that the existing legislation says that it is the Governor (in effect the Government of the day) who sets the number of ranks. I have not heard a good argument from the Minister about why it should deviate from that. Clearly, the Government of the day, the Minister, will take a recommendation to the Cabinet regarding the number of ranks there should be, and that is a good check and which also ensures that it complies with budgetary constraints. However, the fact is that the Commissioner, under the Minister's own legislation, even if he blows the budget, still has the absolute right to appoint whomever he likes and as many as he likes.

As I said in my second reading speech, we could have a Ugandan army situation where there are no lance corporals

or field marshals with ribbons all over their chest. And, yes, he may well blow the budget; but other than the fact that the Minister has to try to sack the Commissioner under certain limited circumstances under this legislation—even his own legislation—for going outside his budget, will the Minister tell me what was wrong with the existing legislation where it was the Governor (in effect, the Government) who set the ranks—the numbers to be placed. Obviously, they worked on the basis of recommendations from the Commissioner. What has been so unwieldy? What has been so administratively difficult that that position must be reversed to where we are at the mercy of the Commissioner of the day as to how many inspectors, commanders, and so on, will be appointed from amongst the ranks of the police force?

**The Hon. I.F. EVANS:** We are following the lead of other areas where they have discontinued commissions from the Governor, so there is no need for it to go to the Governor. So, the process that currently exists, where the Commissioner of Police makes a recommendation to the Minister, who then prepares a Cabinet submission, it then goes to the whole of Cabinet and ultimately through the process to the Governor, we see as a very unwieldy management tool. While it may have been needed when the legislation was first drafted, significant changes have occurred in the way in which police have been managed over the past few years, and we do not see the need for the Governor's commission. It is removing the Governor's commission from the process, so there is no need for it now to go to the Governor as such.

**Mr CLARKE:** The Minister says how unwieldy the process has been. He has been the Minister now since November, or thereabouts, last year. Would the Minister tell me how many hours or minutes, since his appointment as a Minister, he has spent on preparing submissions to the Cabinet with respect to assessing the number of commanders, superintendents, inspectors and other officers of the police as the Commissioner thinks necessary? If the process is so unwieldy, the Minister will be able to tell me that it requires him to spend a day, a week, or something else on this. How much of the Minister's time is spent on this process?

**The Hon. I.F. EVANS:** I guess this is one of the difficulties that Police Ministers face. What does one do when one receives a Cabinet submission from the Police Commissioner as to who or who should not be an inspector, superintendent or, indeed, any other officer of the police? Where does one go to get independent advice about these nominations? That caused me to sit back and really think about whether the Minister should be involved. Where do I go to get independent advice about a particular nomination, and how do I check up on nominations, if that is required of me? That is one of the issues.

In fact, the member for Ross Smith would be quite surprised how long one nomination takes to consider because one is relying on one source of information and trying to compare it with other people who have gone through the system. It takes a considerable amount of time. It depends on individual cases but, as the Minister, it could easily take anything up to an hour or two hours per application in the first instance. One might then refer that to one's right-hand man to cast another set of eyes over it.

Quite often the Attorney, as the Minister for Justice, and I will meet to discuss individual applicants. So, the time of two Ministers of the Crown is tied up over what is essentially a promotion. We often have questions. We have sent a number of submissions back to the Commissioner asking certain questions about why the recommendation has been

made. I will ascertain how many nominations have been processed. I do not know the figure off the top of my head. While the process seems very simple on the surface, it is quite complex when one comes to recommending and processing applications through the system as to whether or not someone should become what is currently a commissioned officer.

**The CHAIRMAN:** The member for Ross Smith has asked three questions on this clause.

**Mr CLARKE:** No, I have not.

**The CHAIRMAN:** Yes, he has. I call on the member for Kaurna.

**Mr HILL:** It was the Minister's answer that brought me to my feet. His comments about the process that he and other Ministers undertake to evaluate the nominations suggests to me that at least some process is going on and it may well be that that is not the appropriate process. There may be other processes that could involve other people, such as a judge, a distinguished barrister or a former head of police. Some such person might be better placed to go through that kind of evaluation process. Have there been occasions since he commenced the process, or is he aware of other occasions in the past where Ministers have rejected promotions?

**The Hon. I.F. EVANS:** From my memory I have not rejected a promotion. I sent two applications back for further questioning, but that really related to the position and not the individual. I was asking for clarification about the position rather than the individual experience. I have no knowledge whether previous Police Ministers have knocked back promotions. I could not advise the honourable member of that.

Clause passed.

Clause 21.

**Mr CLARKE:** I will ask my fourth question as question number one as it relates to clause 21, following the Minister's answer to my third question to clause 20. He is the Minister for Police. What else must you do? You do not have responsibility for the day to day operational management of the police. It seems to me from the answers you have given both me and the member for Kaurna that you do diligently, as have other Ministers, examine the dockets with the recommendations that come from the Police Commissioner and you send them back for clarification. You might have knocked back a position not against the individual concerned but seeking further information on a particular position.

That is exactly the type of oversight that is healthy when we are running a police force, particularly as you have effectively outsourced yourself. With respect to the present legislation, there is little need for a Minister for Police. The fact that the Government of the day decides there will be two of you, in the sense of the Attorney-General as overall head of the Justice ministry, and you as the Minister for Police, and that that adds a little more to the paperwork, is a product of the Government's own administrative arrangements, not necessarily why you should abandon the current practice.

It seems to me that the Minister has provided in his own answers to clause 20 excellent reasons as to why there should still be this Government oversight in the sense of determining the number of positions that should be made available within the police force. As I say, on a day-to-day basis, there is very little for you as a Minister to do, other than to act in an oversight role. And I do not mean that in a derogatory sense because, under the existing Act, you are not in charge of the day-to-day matters of the management, so someone has to be looking after the shop: since we are paying you to do it, you

are doing your job. That is what you should be doing. What you want to do is abrogate everything and still be called Minister for Police.

**The Hon. I.F. EVANS:** I basically answered this question when I answered questions on clause 20. We see it clearly as a role of the Chief Executive to appoint as many people in positions as he or she thinks appropriate to manage the force. In this case, clause 21 relates to appointing sergeants and constables. We see no reason why the Police Commissioner should not be in charge of appointing them. I see no reason why the Commissioner should have to come to me to get approval as to how many sergeants or constables the Commissioner needs to manage the force.

As to the answer I gave previously about how long it takes me to look at a nomination for promotion, I just make the point that I have never knocked one back and I have only ever sent them back in relation to trying to clarify the actual position applied for, so it is not as if I have ever knocked them back in relation to the individuals who have been nominated.

Having been in the position now for some time, I do not see a need for the Minister of the day to be the person who nominates the number of sergeants or constables. We see that clearly as a management role for the Commissioner. The Commissioner has a responsibility to manage the force, and he has a responsibility to deliver a certain service. Therefore, like any other CEO, the Commissioner should have some control over the number of people required to do that job.

Clause passed.

Clause 22 passed.

Clause 23.

**Mr CONLON:** This is another clause that causes very serious concern. Subclause (4) provides:

The conditions of appointment for a term under this section will prevail, to the extent of any inconsistency, over the provisions of this Act.

What is to prevent the Commissioner from appointing an officer on a five year term which excludes some or all of the provisions of this Act that says, for example, notwithstanding any other provisions of the Police Act in terms of appeals or reviews, the Commissioner is entitled to terminate the employment of the officer if he gets a case of the serious henrys with him? What is to prevent the Commissioner from excluding the operation of disciplinary reviews under this Act?

**The Hon. I.F. EVANS:** A contract, of course, is an agreement between two parties. So, even if that very unusual circumstance that the honourable member outlined was to occur, it could occur only if both parties agreed. If someone were to sign a contract that greatly disadvantaged them, one would have to ask why they would do that. This clause is very similar to the clause in the Public Sector Management Act. The principle has already been adopted previously by the Parliament in legislation, so it is nothing new: the Parliament has already adopted this style of clause previously. The Commissioner has a responsibility to manage the police force within the law and within the Act. He also has a contract, obviously, to perform the role of the chief executive of the organisation. The Commissioner, or anyone in that position, is not about to go down the path of introducing people on contract that will put him at risk of breaching the Act or breaching his contract. Commonsense in the management says that the sort of situation the honourable member outlined is highly unlikely.

**Mr CONLON:** I will ask the question in a slightly different way. What is to prevent the Police Commissioner under this provision from appointing the head of XYZ Security as a special constable—as a senior constable—subject to a contract for one year, excluding the provisions of most of the Act, including all those rights of review and such, and appointing him to the special duties of crowd control, management of sporting events and those sorts of things—in other words, giving the powers of a police officer, with none of the responsibilities and, effectively, outsourcing police work. What is to prevent the Commissioner from doing that?

**The Hon. I.F. EVANS:** The honourable member refers to special constables. Of course, they exist under the—

**Mr CONLON:** No, senior constables.

**The Hon. I.F. EVANS:** I apologise.

**Mr CONLON:** To be absolutely clear, I am asking what is there to prevent the Commissioner from appointing someone from outside the police service—for example, someone from XYZ Security—as a senior constable, under a term contract for a year, to provide security and to perform the duties of patrolling Football Park, sporting events, the Olympic warm-up trials and all those sorts of things, and excluding the operation of the Act, except for some limited provisions of it, by contract?

**The Hon. I.F. EVANS:** I believe that the Commissioner has already answered this style of question during the Estimates. We have already given a commitment to talk further to the Police Association about clarifying this point, and I believe that I have made that clear to the Committee three times tonight. One would have to ask oneself, if the skills already exist within the organisation, why would the manager go outside the organisation to gain those skills? That just does not make sense. The honourable member may already be aware that during the Olympics there is likely to be a high level of cooperation between police and other organisations, due to the sheer volume and weight of people who will come through the door.

The contract provision enables the Police Commissioner to bring in people who can provide extra skills to the organisation, whether that be to train the police officers or whatever skills might be required. I understand that this clause has caused some concern. The Police Association has raised the matter. We have given a commitment tonight that we are happy to sit down and chew the fat over how we can tighten this clause, and that will happen over the next week or two. So, I understand the point that the honourable member raises.

**Mr CONLON:** I am very concerned about the open-ended nature of this provision as it stands at present. I was very interested in the Minister's early answer that the Assistant Commissioner could not sack the Deputy Commissioner or terminate his or her contract because of a case of the henrys because the Governor would have to approve of the termination. But assuming that the Deputy Commissioner meets the definition of 'officer', which, in the Bill, means anyone of inspector rank or above, what would prevent the Commissioner from determining to appoint the Deputy Commissioner on a contract pursuant to section 23? Notwithstanding the provisions of section 17, which allow the termination of the Deputy Commissioner only with the permission of the Governor, the Commissioner will be free to sack the Deputy Commissioner in the case where the Commissioner believes that he or she can no longer work with the Deputy Commissioner. What is to prevent something

like that from happening? Once you give someone an ability to exclude the Act, what is to prevent them from doing it?

**The Hon. I.F. EVANS:** The simple answer is that the Act must be read as a whole. A contract is not valid until it is signed. If the Act is read as a whole, I am advised that the Deputy Commissioner cannot be given a contract. Under clause 14, the Deputy Commissioner is appointed by the Governor. The Act needs to be read in its entirety.

**Mr BROKESHIRE:** As the Minister knows, I have some real interest in clause 23 because it ties in with an aspect with which I have been concerned for a long time—well before I came into Parliament. I said a little about this yesterday during the debate. It concerns the issue of already appointed police officers being given the chance to progress through the ranks. That was not necessarily the case under the current 1952 Police Act, because—

*An honourable member interjecting:*

**Mr BROKESHIRE:** That's all right; it all ties in. I want to get something on the record if I may and refer this briefly to the Police Minister. Whether it is clause 17 or clause 23, it ties in with giving police officers who are committed an opportunity to advance through the police force. The Minister has acknowledged that there appear to be some concerns. He has indicated that his door is open and that there will be an opportunity over the next couple of weeks to work through some of these issues. Will the Minister reinforce for my constituents the fact that he is prepared to listen to debate on the issue of whether under the new Act police officers will have the opportunity to advance on genuine merit, because that is what police officers in my electorate say they want?

**The Hon. I.F. EVANS:** The honourable member has raised this point with me on behalf of some of his constituents. I have said previously that the Police Association has raised a number of issues with me which will be discussed over the next week or two. The door is open for those discussions. If the honourable member wants to raise this matter again after the Bill passes this House, I will be happy to discuss it with him.

**Mr HILL:** I have serious concerns about this clause, too. I am glad the Minister will negotiate further with the Police Association, because this clause really goes to the guts of the concerns of the Opposition. In answer to the member for Elder's question regarding hypothetical cases where police officers would be employed to look after football matches, and so on, the Minister asked, 'Why would the Police Commissioner do that if he has the expertise available?' I can think of a couple of reasons why the Police Commissioner might want to do it or, in fact, may be forced to do it. I will put two hypotheses to the Minister and ask him to comment on them.

First, as the Minister said before, the Government sets the budget and, if the Government severely cuts the budget and is unable to provide the full range of services it does deliver, the Police Commissioner may say, 'I can't look after this set of duties any longer; I will go out to the private sector and see whether I can get it done more cheaply.' If he can go to members of the XYZ security firm, appoint them as senior constables but at a reduced hourly rate for their labour, then this may be a way of doing more jobs than the Police Commissioner is able to do in view of the budget constraints.

Secondly, if the Police Commissioner is encouraged by the Minister of the day or feels so inclined himself, he may decide that this presents commercial opportunities to him as a police commissioner, and he may have various organisa-

tions which would like police protection because of the kudos, status or powers that go with police but which they normally would not get; for example, a company such as Patrick. In the MUA dispute it may decide, rather than hire a bunch of hoons with balaclavas and alsatians, to go to the police department and hire through XYZ security firm senior constables to protect the wharves and to keep the unionists at bay. Patrick may want to do that, because it will give Patrick a greater presence in the media and a greater authority to deal with agitated unionists. If the Police Commissioner is so inclined, he may think this is a reasonable thing to do. Will the Minister comment on those two hypotheses?

**The Hon. I.F. EVANS:** I could not quite follow the second part of the honourable member's argument. As I understood the first part of the honourable member's argument, he was saying that, if it was not a core police role and the Police Commissioner could find someone who could do it more cheaply in the private sector, the Police Commissioner may decide to contract out that function to the private sector. As I have said previously, and I will keep repeating it, the Police Commissioner has indicated that his intention is to look at the police organisation and see whether the skills are there; if the skills are not there, he will look at contracting in. He has given that commitment.

We have already spoken to the association about having discussions over the next few weeks regarding how we may or may not be able to tighten up that clause. The Police Commissioner has made the intention quite clear in relation to that side of it. He has also answered the question before the Estimates Committee. I refer the honourable member to an answer in relation to a security firm question that was raised during the Estimates process. At the end of the day, if the Police Commissioner wants to go down the path of contracting in a person or a group of people, the Police Commissioner has to do it within the context of the Act and within the management responsibility that he has as a CEO. He obviously has to make himself liable for the actions of that person. He has to set a work function and work guidelines for that person. So the Police Commissioner has to make a judgment that he wants to go down that path. Ultimately, the Police Commissioner has made the point publicly on radio, and I understand in letters to certain people, that the intention is to try to restrict it for those areas where the skills may be lacking within SAPOL. The Police Association has raised how we can tighten that, and we are happy to discuss how we can tighten that area.

**Mr HILL:** I appreciate the Minister's answer. The trouble we have is that you may well be going through the process of negotiating this with the Police Association but this is the Bill that is before us now, so this is all we can really ask questions about—not some hypothetical thing that you may bring in.

The Minister has responded by saying—and I have heard him do it before tonight and I have heard other members of the Government say it—that this particular Police Commissioner said he will not do something or other. That is all very well, but we talked about the Act that this Bill is replacing, an Act from 1952. I do not know how many Police Commissioners there have been for the past 40 years, but it may well be that this Act is around for another 40 years. How can we possibly say what a Police Commissioner after the current one or after the next one will do? Police commissioners are now appointed for five-year terms: they are not there for life as they were in the past. Any possible set of circumstances

could arise over the next 10 or 20 years where the questions we are asking are incredibly valid.

The second point I was making, which I will put to the Minister again, related to the other side of the same coin. The first question was about a Police Commissioner whose budget had been cut and who wanted to spread the dollar further. The other side of it is: what if the Police Commissioner decides he wants to commercialise the police force so that he can sell the police badge to a firm which wants the police to deal with an operation rather than a security firm? I gave the example of Patrick's, which would have looked much better in the media if police officers rather than just security officers were on the docks trying to keep out unionists.

**The Hon. I.F. EVANS:** As I understand, the commercialisation of the police force as the honourable member puts it was in terms of contracting in and then hiring out those people; and, therefore, basically running an enterprise within. My advice is that that would not fall within the purpose of the legislation.

**Mr CLARKE:** I think that the point the Minister has raised in response to the member for Kaurna's view is not right. Clause 5 provides:

5. The purpose of SA Police is to reassure and protect the community in relation to crime and disorder by the provision of services to—
- (a) uphold the law; and
  - (b) preserve the peace; and
  - (c) prevent crime; and
  - (d) assist the public in emergency situations; and
  - (e) coordinate and manage responses to emergencies; and
  - (f) regulate road use and prevent vehicle collisions.

I am sure that, given the inventiveness we have seen with respect to Patrick's—

**An honourable member:** That is not an exclusive list.

**Mr CLARKE:** Yes. As the Minister pointed out in answer to earlier questions from the member for Elder, that is not an exclusive list. What the member for Kaurna said is perfectly within the purposes of the general ambit of the Act. If a Police Commissioner were so entrepreneurial or politically inclined, there would be no reason to prevent them from doing it. Indeed, in a situation such as Queensland with Terry Lewis as the Police Commissioner it is almost odds on that it will be able to be used.

**The Hon. I.F. EVANS:** The advice remains the same, but in fairness to the honourable member I will seek further advice and bring back a reply later in the debate.

**Mr CLARKE:** The other point is something I see as an inconsistency, which was also alluded to by the member for Elder. Clause 23(1) provides that the appointment of an officer from outside the police force to any position above the rank of senior constable may be made under certain conditions. Under the Bill, the definition of an officer is a member of SAPOL of or above the rank of inspector. Clause 14 of this Bill provides that the Governor may appoint a Deputy Commissioner of Police, and clause 15 provides that the Commissioner has the power to appoint Assistant Commissioners. But it seems to me that the member for Elder is absolutely right: there is clear power under clause 23 relating to anyone above senior constable, and 'officer' is defined as anyone of the rank of inspector and above.

You could appoint a Deputy Commissioner on this basis, unless the Minister argues that there is a specific power under this Bill which refers to Deputy Commissioner and which, therefore, overrides any general power. But there is an area of inconsistency, particularly as the wording in clause 14(1)



is, 'The Governor may appoint'. It is not 'must appoint' or 'shall appoint,' but 'may appoint'.

**The Hon. I.F. EVANS:** I have answered this question previously. The advice given to me is that the Deputy Commissioner is not affected by the clause the honourable member raises.

**Mr CLARKE:** Referring to clause 23(3)(d), it seems to me that, with respect to a person who wants a promotion, the Commissioner says, 'Okay, you can have this promoted position, but one of the conditions of it is that it excludes the operation of clause 23(3)', which provides:

... the person will, on not being reappointed at the end of the term, be entitled to an appointment at the same rank as the person held immediately before being first appointed for a term at the person's current rank.

So, the Commissioner can say, 'If you want this position you have to give away your right to go back into the police force if you are not reappointed at the end of your term.' Is that the intention? If not, why is paragraph (d) in the Bill? If it is, will the Minister explain why he would wish to take away the right of officers to go back to their previous rank and position if they are not reappointed to their position at the end of their term of contract?

**The Hon. I.F. EVANS:** It is not a matter of my wishing to take away their right. Ultimately, the contract is between them as an employee and the Commissioner (or whoever) as the employer.

**Mr Clarke:** It is pretty one way, though.

**The Hon. I.F. EVANS:** If they wish to sign away that right, that is up to them; they do not have to. It is up to them if they wish to sign the contract that is available.

**Ms RANKINE:** Where in this clause of the Bill is the appointment of officers under contract limited to those with specialist skills that the department does not actually have?

**The Hon. I.F. EVANS:** This point has been raised about four times, and I have said four times that I understand the point the honourable member is making. We are taking it up with the Police Association in the negotiations. We have made public comments about how we see this clause being used, and we understand the point the honourable member makes about specialist skills. We have given a commitment to the Police Association to negotiate on that point over the next week or two before the Bill is debated in the Upper House. I cannot do much more than offer myself for more negotiations on this point to try to tighten the wording.

**Ms RANKINE:** Can the Minister confirm that, in fact, if this clause of the Bill goes through, if no amendments are made, the Commissioner can appoint anyone to any position within the police force and it does not have to be an area that is currently lacking within the department?

**The Hon. I.F. EVANS:** The Commissioner has given a commitment, and he has done it publicly on radio and in meetings, that ultimately he is looking at doing that for specialist needs. I understand the point that you are making, and that is why we are talking to the Police Association about looking at ways of tightening up that wording.

**Mr HANNA:** I just want to make the brief comment, and it very much applies in relation to this clause and to previous responses given by the Minister, that the Minister displays the most extraordinary hands-off approach. One would not expect it in relation to other portfolios, but it is all the more startling in relation to the police force, which is always going to need a close eye in our democratic system.

The Committee divided on the clause:

AYES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Condous, S. G.
Evans, I. F. (teller)	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

NOES (18)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F. (teller)
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Snelling, J. J.
Stevens, L.	Thompson, M.G.
White, P. L.	Wright, M. J.

Majority of 4 for the Ayes.

Clause thus passed.

Clause 24.

*Members interjecting:*

**The CHAIRMAN:** Order! I ask members to resume their seats.

**Mr CLARKE:** I am concerned about community constables, who it seems could be appointed willy-nilly, if necessary, by the Commissioner. All the Commissioner needs to do is provide a written notice—

*Members interjecting:*

**The CHAIRMAN:** Order! I ask members to take their seats or leave the Chamber.

**Mr CLARKE:** In relation to the appointment of community constables, it appears that the Commissioner can appoint as many as he or she thinks necessary on any basis whatsoever. Indeed, it could end up like Ulster with the B specials who are not real police but they happen to be recruited to keep those protesting against certain things under control. So, a vigilante squad is recruited and each member is given a badge and told, 'You have all the powers of a police officer without any of the necessary training or responsibility'—in effect, a fully sworn police officer to do the dirty work of the Government of the day for whatever reason the Commissioner thinks fit. Could the Minister elaborate, first, on why he wants to introduce clause 24 and, secondly, what control mechanisms may apply to the Police Commissioner to ensure that community constables cannot be appointed as a group of vigilantes?

**The Hon. I.F. EVANS:** The honourable member pays great disrespect to the position of Police Commissioner. Ultimately, the appointment of community police is a replacement for the police aide. The community police provision in this Bill is a replacement of the provision for police aides in the former Act. They will do a job similar to that of the police aides. The point about appointing vigilantes is that it does not happen now, so why would it happen in the future?

Why would the Commissioner do that? The contract under which he operates means that he has to manage the service properly, and a proper manager would not use community

police as vigilantes. Fair crack of the whip! The Commissioner has a contract and a role as CEO to manage the force properly. The honourable member does himself discredit by mentioning such examples.

Clause passed.

Clauses 25 and 26 passed.

Clause 27.

**The Hon. I.F. EVANS:** I indicate that in another place the Government will move an amendment to make the probation period one year, not two years.

Clause passed.

Clause 28.

**Mr CONLON:** I suspect that I know what the answer will be, but what sort of check do we have upon the performance standards that will be put into these contracts? The existing legislation requires that the performance standards be tabled, at least for Assistant Commissioners. If the performance standards in the contracts can be used to terminate the employment of officers, what sort of check and balance has been put on those standards, or are they simply set by the Commissioner?

**The Hon. I.F. EVANS:** The honourable member knows the answer to that question. The clause indicates that they are set from time to time by the Commissioner. The Commissioner should have a role in managing the police force. One of those management roles is to set performance standards, and I see nothing wrong with the manager of an organisation outlining the standards to which the organisation is seeking to perform. Frankly, that is good management practice.

Clause passed.

Clauses 29 to 36 passed.

Clause 37.

**Mr CONLON:** I am pleased that something will still be done by the Minister and be open to the scrutiny of the Parliament, and I refer to the code of conduct. I note that paragraph (g) provides that the code of conduct will cover such things as public comment. I became concerned about giving too much power to the Commissioner after I learnt earlier this year about what happened to the officer in charge of police prosecutions who wrote an article for the *Police Journal* about what he thought were substandard conditions under which his officers worked. After he had written that article, which I thought was a very fair one, he was the subject of an investigation to determine whether he should be charged for a breach of discipline. Because of the outcry about it, he was not. It was an outrage that such action was even considered, so it leads me to wonder how much faith we should put in the Commissioner. Is this provision about public comment? Is it addressed to making sure that people do not speak out about working conditions in the police force?

**The Hon. I.F. EVANS:** I do not think it is about that at all. It is about trying to put into the code of conduct the parameters under which public comment can be made. It is not about trying to stifle debate.

Clause passed.

Clauses 38 to 41 passed.

Clause 42.

**Mr CONLON:** I do not have too much difficulty with the idea of minor breaches of code, but I assume that any finding, even of a minor breach of the disciplinary code, would be particularly harmful on a police officer's record. On that basis, why is the review of such an informal inquiry undertaken involving a member of the SA Police determined under regulations? It seems to me to be a rather inadequate safe-

guard for something that may be damning to someone's career.

**The Hon. I.F. EVANS:** The reason for that is the very fact that it is an issue of minor misconduct, and minor misconducts are dealt with by managerial review. It is a minor issue and, as it is not a serious breach, we view it as appropriate to be managed by a management review.

**Mr CONLON:** Would a finding of minor misconduct affect your promotional chances or your contract of renewal?

**The Hon. I.F. EVANS:** The question as I understood it was: would it affect your promotional chances? Ultimately, that is up to the person judging the promotion; but, given that minor misconduct matters would occur reasonably regularly because they are such minor matters, I do not see it as an issue that would come into play in promotional issues. I think far bigger issues come into play in promotions, such as what sort of job you will do in the position for which you are applying. Minor misconduct is exactly that. How do you deal with minor issues? You simply deal with them by management review.

Clause passed.

Clauses 43 to 45 passed.

Clause 46.

**Mr CONLON:** This is an entirely new provision in the Act, a provision to terminate for unsatisfactory performance. Will the Minister explain what circumstances were brought to his attention to give rise to the need for this provision?

**The Hon. I.F. EVANS:** I will not name particular individuals in the public forum but there are—

*Mr Clarke interjecting:*

**The Hon. I.F. EVANS:** It really comes down to a broad principle.

*Mr Foley interjecting:*

**The Hon. I.F. EVANS:** If the Opposition spokesman had taken up the offer of a briefing—

*Mr Conlon interjecting:*

**The Hon. I.F. EVANS:** The unsatisfactory performance provision is simply setting in place a process for the Commissioner to deal with unsatisfactory performance.

*Mr Conlon interjecting:*

**The Hon. I.F. EVANS:** There are a number of circumstances and I will give some examples that may or may not exist rather than—

*Mr Conlon interjecting:*

**The CHAIRMAN:** Order!

**The Hon. I.F. EVANS:** For instance, a person might have been accused of shoplifting or a person may have been asked to perform a certain reform of a unit or to achieve a certain outcome and, for whatever reason, it has not been achieved. It depends on exactly what criteria are set and what job description that person has. For instance, a person might have been asked to deal with the recommendations of the Spargo report and then, on the judgment of what has happened over the next two or three years, the person concerned may not have performed the necessary reforms. Ultimately, it is about the Commissioner having the power to set in place performance standards and then the person concerned being judged against those standards. I see nothing wrong with an organisation saying to a work force, 'Here is a set of performance criteria that we want you to try to achieve', and then their ultimately being judged against that.

**Mr CONLON:** I see a few things wrong with it that the Minister does not. The Minister has answered my question. Basically, he has rolled over for the Commissioner. The

Commissioner wanted this. No good reason was put to the Minister. I assume that the Minister's answer does not mean that if a person is charged with shoplifting and acquitted they can then be potted for unsatisfactory performance because the Minister thought that they should have been acquitted. I am sure that the Minister could not have meant that.

The Minister's answer has not given us much guidance, except that it appears that, once again, he has rolled over for the Commissioner. I note that the unsatisfactory performance criterion in this area is to be reviewed by a panel of persons which has been convened and which has made a decision in accordance with the regulations. What precise protection does that offer those people? What are the regulations and what will be the provisions?

**The Hon. I.F. EVANS:** I am advised that there is ultimately a right of review under section 48.

**Mr CONLON:** The Minister has not answered my question. I want to know how this panel will be convened. The right of review under section 48—and we will go to this in a moment—involves a tribunal of a lesser quality than that which already exists in disciplinary tribunals. At present it is presided over by a District Court judge, has representation from a panel of five selected by the Police Association and a representative of the Commissioner, and it is now to consist solely of a District Court judge. It seems to me that this Bill has a different stream for very serious matters that go to the Police Complaints Authority.

If one is a really bad person, the Bill allows appeals all the way to the Supreme Court. However, if one is only a moderately bad person and does not meet some performance standards set by the Commissioner one has a lesser right of appeal. Why is that fair?

**The Hon. I.F. EVANS:** If one looks at the whole of the clause, one sees that a clear process is set out that the Commissioner must follow in regard to, first, advising a person of unsatisfactory performance; and, secondly, giving specific details of a person's under-performance in relation to the standards that need to be attained and the measures that need to be taken to improve. A person is given at least three months and not more than six months to improve. Then the panel of persons which is ultimately appointed by the Commissioner makes a decision in accordance with the regulations, and that process is then confirmed. So, quite a lengthy process has to be gone through for a person to be found to have performed unsatisfactorily.

This issue has been raised by the Police Association. I said in closing the second reading debate that this issue would be raised with the Police Association because it wished to flesh out the same issue that has been raised by the honourable member. We are happy to talk with the Police Association about providing a better safety net, the issue that has been raised by the honourable member. We have gone on record as saying that we are happy to talk about that, and that is one issue that will obviously be raised.

**Mr FOLEY:** The serious nature of the issue highlights the point I am about to make and the question I will ask. With due respect to the Minister's advisers, I understand that neither is a serving police officer. Why does the Minister not have at least the Police Commissioner, perhaps the Assistant Police Commissioner or a senior ranking officer here to advise him on what are, in large part, clearly operational matters? Why do we not have the Police Commissioner, or at least a senior officer, here to advise us and to listen to the tenor of tonight's debate?

**The Hon. I.F. EVANS:** I am happy with the advisers that I have got.

**Mr FOLEY:** The Minister may be, and again I mean no disrespect. I have no doubt that they are very good advisers. They are doing an important job, but I repeat the point I made previously: we are dealing here with matters that go to the operational nature of the South Australian police force. We are talking about giving enormous powers to the Chief Executive Officer of that organisation, who in this respect is the Police Commissioner. We do not have with us either the Police Commissioner or the Assistant Police Commissioner; nor do we have with us any ranking police management person.

It may amuse people, but is it that the Police Commissioner does not believe that it is of any value to give us his advice through the Minister? This particular clause is about an enormous amount of power being vested in the hands of one person, and that person does not give this Parliament the courtesy of being present at least to listen to the debate. Clearly the Minister is sensitive about this matter. As I said earlier, the Minister does not have Cabinet ranking, so he is not a member of Executive Government.

**The Hon. I.F. EVANS:** We are equal there. Neither of us has Cabinet ranking.

**Mr FOLEY:** Exactly. I am not. You get paid more, so you are ahead of me on that score. I am not trying to belittle your position: quite the opposite. I am trying to work through how we can be making law, when we have a Minister who is not a member of Executive Government, without having input into this debate from the Police Commissioner and his senior serving officers. This is about operational matters and we do not have one police officer advising the Government. I find that extraordinary. Was it your decision that the Police Commissioner not attend or was he simply not going to show up tonight?

**The Hon. I.F. EVANS:** From memory, I think it was my decision. Yes, I think it was my decision in the end.

**Mr De LAINE:** In relation to subclause (5)(c), is that a panel of persons to look at the situation on behalf of the Commissioner in respect of an unsatisfactory performance, or does that in effect constitute an appeal mechanism for the accused officer?

**The Hon. I.F. EVANS:** The panel is to investigate, if you like, and the appeal is under clause 48.

Clause passed.

Clause 47.

**Mr CONLON:** This is a clause that I find inexplicable in the light of the findings of the Fitzgerald inquiry. The existing section 24A was only added in 1989. The Minister might be able to tell us why it was added. I suspect that it had a good deal to do with some of the findings in the Fitzgerald inquiry as to the improper use of transfers. The current Act deals with arbitrary transfers and allows an appeal to the Police Disciplinary Tribunal, where an aggrieved officer believes that a transfer has been made for disciplinary reasons or other reasons associated with his conduct. The new provision will allow the Commissioner to make the transfers and, if a person is aggrieved, he or she may make an appeal subject to any general orders of the Commissioner.

The Minister would be hard pressed to explain to me how Caesar judging Caesar is a good protection against the arbitrary transfers which were so detailed in the Fitzgerald inquiry and which were used to such bad effect by then Commissioner Terry Lewis. Would the Minister explain to me why this is a good idea and what evil it addresses?

**The Hon. I.F. EVANS:** It just comes back to the broad management policy of trying to give the Commissioner tools to manage the force and the opportunity to have more flexibility in the transfer of the members of SAPOL. This is one of the issues raised by the Police Association on which we will have further discussions. No doubt the point raised by the honourable member will be discussed.

Clause passed.

Clauses 48 and 49 passed.

Clause 50.

**Mr CONLON:** To save a lot of time, I will put all remaining questions, including those that relate to the schedule, under this clause. The promotional provisions of this Bill are a radical departure from the current Act in which the promotional procedures are set out in the regulations for the scrutiny of the House and with the possibility of being disallowed by the House. Under this Bill, the promotional procedures come under the general orders of the Commissioner. Under the existing Act, an appeal may be made to a tribunal consisting of a representative of the Minister, a representative of the Police Association and a representative of the Commissioner—a fair process.

Under this Bill, the Commissioner makes the general orders and, as I understand it, the right of review is to a panel of one appointed by the Minister. How can any officer believe that they will receive a fair and objective hearing if the Commissioner sets the processes and the Minister

appoints the person who decides whether the processes are followed correctly? Where is the objectivity in that sort of a hearing, and what is wrong with the Police Association being involved and offering some expertise?

**The Hon. I.F. EVANS:** Not only is the Police Association not involved, neither is the Police Commissioner. Both parties are out of the process, so I think some equity exists. Earlier, the Opposition argued that the Minister should be more involved. As soon as we legislate to have someone appointed by the Minister, the honourable member starts questioning me about probity and fairness. I do not quite follow his argument.

**Mr CONLON:** I have no difficulty with the Minister being involved: that is the current process. Under the current process the Minister is involved with a representative of the Commissioner and a representative of the Police Association. They adjudicate on processes that have been the subject of parliamentary scrutiny. That is the difference, and that is my concern.

Clause passed.

Remaining clauses (51 to 72), schedules and title passed.

Bill read a third time and passed.

#### ADJOURNMENT

At 11.45 p.m. the House adjourned until Thursday 9 July at 10.30 a.m.