LEGISLATIVE COUNCIL

Tuesday 22 August 1989

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Consumer Affairs (Hon. C.J. Sumner)—

Commercial and Private Agents Act 1985—Regulations—Licence Exemption.

Trade Standards Act 1979—Regulations—Swimming Aids and Shoes.

By the Minister of Tourism (Hon. Barbara Wiese)—

Adoption Act 1988—Regulations—General.

By the Minister of Local Government (Hon. Anne Levy)—

Geographical Names Board—Report, 1988-89.

Planning Act 1982—Crown Development Report: Department for Community Welfare Family Information Service, Lockleys.

QUESTIONS

ROYAL DISTRICT NURSING SOCIETY

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Tourism, representing the Minister of Health, a question about the Royal District Nursing Society.

Leave granted.

The Hon. M.B. CAMERON: Last week in this Chamber I raised the issue of the paucity of resources that is having a major effect on the Royal District Nursing Society's ability to meet patient demand. I outlined the fact that some funding problems were causing difficulty at the Lyell McEwin Health Service and the Adelaide Children's Hospital and indicated that a number of people were waiting for up to 18 hours for casualty treatment and that children were being sent home with their parents after their parents had been given instructions to carry out complex and potentially dangerous procedures. The Minister's response, via a spokesperson, to these claims was:

Mr Cameron seems to be using his usual scaremongering tactics.

Maybe the Minister's office should have been receiving some of the many phone calls and letters that my office has received in recent weeks. Perhaps then the Minister might reconsider his claims that the problems at the RDNS are more than Opposition scaremongering. A letter that I received today states:

The Southern Regional Geriatric and Rehabilitation Advisory Committee is concerned about the recent inability of the Southern Region branch of the RDNS to admit all new clients to its services . . . The situation is the more disturbing because similar problems have occurred in other regions. Services in the Southern Region were affected for about six weeks.

The recent introduction of a 24-hour nursing service has not helped the RDNS: the extended hours are only available to those people discharged from public teaching hospitals in the metropolitan area who require post-acute and palliative care—

not people with influenza, as the Minister said—

the elderly whose condition makes the very long waiting time for public hospital admission inappropriate, and who therefore pay for elective surgery such as eye operations out of their own pocket, are thus ineligible for these services, in spite of the need for frequent dressings, and in spite of the fact that their private operation saves Medicare a considerable amount of money. This goes against the principles of social justice.

Because of earlier hospital discharges and the restrictions on extended hours the RDNS daytime services have come under even greater pressures, and staff are stretched beyond capacity.

SRGRAC believes the situation is serious enough to require immediate attention and action. The vulnerability of the largest client group, the sick and frail elderly, which lacks a strong voice in the health arena either of its own or through powerful advocates, makes it essential for those who care to take up their cause.

SRGRAC believes that, as in the case of hospitals, immediate assistance to this organisation, which has a long history of dedicated service to the community, is required. In spite of the high hopes raised by the publicity for the Home and Community Care (HACC) program, this is one of the critical gaps in the services available to people in the community in need of assistance.

The letter is signed by Dr M. Gribble, Chairman of Southern Regional Geriatric Advisory Committee. Will the Minister now admit that funding shortages within the RDNS are now more widespread than he has admitted, and will he as a matter of urgency outline what steps his Government will take to ease the acute shortage of district nursing services, which make a mockery of its supposed justice strategies?

The Hon. BARBARA WIESE: I will have to refer those questions to my colleague in another place and bring back a reply.

NORTH TERRACE SIGNPOSTING

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about signposting in North Terrace.

Leave granted.

The Hon. L.H. DAVIS: I am sure that this question will be of equal interest to the Minister for the Arts. It is the same as a question that I asked some years ago. The Adelaide cultural boulevard in North Terrace is a joy to many visitors from interstate and overseas, as well as for South Australians, but it seems that the State Government is doing its best to understate the treasures along this kilometre of culture. I have just returned from the leisurely stroll down the terrace and I want to report to the Minister what I found. At the corner of North Terrace and King William Street near the entrance to Government House is a large directional sign with white lettering on a brown background. The sign has arrows pointing east to the library, art gallery and other institutions, but there is no mention at all of the Police Museum or the Migration Museum which of course suffer the geographical disadvantage of having an entrance off Kintore Avenue.

There is also a sign pointing west to the Constitutional Museum, but of course the Constitutional Museum has been called 'Old Parliament House' since 24 August 1986—three years ago—and the sign is three years out of date. I would have thought that that was slack and unforgivable. Visitors could easily end up walking through to West Terrace. I continued my walk eastward along North Terrace, and at Kintore Avenue and North Terrace intersection on the eastern side is a small sign in green with white lettering affixed to a rather tired and ugly rusting grey telephone pole. It is the signpost to the Royal South Australian Society of Arts Gallery, the Migration Museum and the South Australian Police Museum.

If one is walking west down North Terrace one would simply not see that sign because it is visible only to people walking eastwards. The directional signs in Kintore Avenue for those three institutions is extraordinarily ordinary. Proceeding further east there is a huge sign on North Terrace, brown with white lettering, which is attached again to another rusty pole, and points to the State Library. The Mortlock

Library, one of the real treasures on the terrace, is not signposted. A brass plaque on the eastern entrance to the Mortlock Library one would see with 20:20 vision and a telescope. There is no consistency in signposting, an absence of signposting, and ugly rusty poles along this cultural boulevard which is surely one of the visitor highlights in Adelaide. Therefore, my questions to the Minister are as follows:

1. Will the Minister address urgently the matter of signposting on North Terrace in conjunction with the Adelaide City Council?

2. Will the Minister take advice from South Australian-based and world-rated designers such as Ian Kidd and Barry Tucker to ensure that the design style and sensitivity of the signposting matches the treasures within the institutions that they are seeking to promote?

3. Would it be too much to ask that the rusting grey poles be painted?

The Hon. BARBARA WIESE: Mr President, I am a little ahead of the game as far as the Hon. Mr Davis is concerned.

The Hon. L.H. Davis: You are not—

The PRESIDENT: Order!

The Hon. BARBARA WIESE: In fact, these are matters that I have already acted upon some time ago.

The Hon. L.H. Davis: The Constitutional Museum has been called 'Old Parliament House' for three years.

The PRESIDENT: Order! The Hon. Mr Davis, order!

The Hon. BARBARA WIESE: What the Hon. Mr Davis does not seem to appreciate is that by and large the responsibility for signposting in local council areas is the responsibility of individual councils—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! A question has been asked and the Minister is entitled to reply to it in silence.

The Hon. BARBARA WIESE: Indeed, a little courtesy would go a long way. I raised this matter with the city council because I was concerned not only about the signposting on the Cultural Boulevard on North Terrace but also about the lack of directional signposting for other tourist attractions in the metropolitan area. There is no signposting in the City of Adelaide to direct people to the heritage tourism area and the various attractions that have been developed at Port Adelaide; nor is there signposting to Glenelg, which is also a popular place for tourists. I raised these issues with the city council—

The Hon. L.H. Davis: When?

The Hon. BARBARA WIESE: Late last year, as I have already indicated.

Members interjecting:

The PRESIDENT: Order! There is too much interjecting from the Hon. Mr Davis.

The Hon. BARBARA WIESE: As a result of that, the city council has considered this matter through its various processes. In July I received a reply from the Lord Mayor, indicating that the city council has agreed to my suggestion that appropriate signposting should be placed in North Terrace to designate the tourist attractions, some of which are not signposted at all and others of which are signposted inappropriately. The council agreed that there should be signposting to Port Adelaide and Glenelg.

The city council is in the process of appointing a graphic artist or urban designer to assist with the decision on appropriate action. I am pleased that the council also has taken up my suggestion to provide general civic guide maps, and that issue will be studied when the consultants begin work. As a result of that, tourists may have access to a self-guided walking tour brochure, so that they can take themselves around to view the various attractions in the North Terrace area.

The city council has agreed that these issues will be addressed. It is not the first time that the issues have been raised with the city council, and it has agreed on this course of action. Tourism South Australia has offered to meet some of the material costs for the provision of some signposts, so that is the basis of a very good cooperative arrangement which will allow for much better signposting of the growing range of tourist attractions in the City of Adelaide.

STIRLING COUNCIL

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Stirling council.

Leave granted.

The Hon. K.T. GRIFFIN: A report on 20 July 1989 on the settlement in London of the claims of the Casley-Smith family and 13 other families for $9.5 million arising from the 1980 Ash Wednesday bushfires raises a number of questions. That report suggests that another 24 cases are still to be resolved and that the claims range from a few thousand dollars to $1 million.

I understand that the Government has agreed to lend the Stirling council $12.5 million, repayable by March 1990—a sufficient time to take the funding crisis out of an election period and postpone it until after the next State election. But that will finance only the cost of the claims settled so far. The suggestion is that up to another $7.5 million may be needed, making a total of $20 million. No details have been made available about how the loans by the Government are to be repaid, what interest rate is payable and who is paying that interest. My questions are:

1. How will the funds necessary to resolve outstanding claims be raised and on what terms and conditions?

2. What are the present and the long-term financing arrangements for the $12.5 million loans by the State Government to the council so far? Will it all be required to be financed by the ratepayers of the Stirling council and, if so, what effect will that have on their rates?

3. Who is paying the interest on the present loan and what rate is being paid?

The Hon. ANNE LEVY: This is the first time I have heard any suggestion that there may be another $7.5 million. The claims of an agreed group of about 12 or 13 major plaintiffs were settled for $9.5 million, and numerous other small claims—about 100, I understand—have been agreed upon. The last I heard, some seven or 16 (I am not sure which), claims had not yet been determined, but Mr Mullighan QC is proceeding to evaluate these, as he has done ever since the Casley-Smith and associated claims were settled.

The funds lent to the Stirling council were lent by the Government. I am not sure what the interest rate is, but it is the same as that which the Government had to pay to borrow the money to lend on to Stirling. Certainly, there is no question of any profit being made by the Government in this respect. The interest currently is being paid by a fund established thanks to the Local Government Association, which provided funds for this purpose, and these funds will be drawn on as required to pay the interest.

The final repayment has yet to be worked out. It has been agreed and publicly acknowledged, by both Stirling council and the Government, that Stirling council cannot be expected to repay or service loans to the extent of $12.5 million, and that this is a burden which would be quite unreasonable for a local government body of the size and with the resources of Stirling to contemplate. We have yet to finalise discus-

sions as to which portion of that debt can reasonably be met by Stirling council and its ratepayers, and discussions are proceeding as to the financing of the remainder, which Stirling will not be able to meet, even though legally it has the debt for the total $12.5 million. I will be very happy to check up on the interest rate and let the honourable member know.

MULTIFUNCTION POLIS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about a multifunction polis.

Leave granted.

The Hon. I. GILFILLAN: Last week's *Southern Times Messenger* carried a front page story with the headline, 'Outcry at Government land buying spree'. On inquiry, it is clearly shown that the South Australian Urban Land Trust has been buying large areas of land adjacent to and around Aldinga. It is estimated that up to 500 hectares have either been purchased or frozen or are under notice of acquisition. The Mayor of Willunga council, Mr John Nichol, has four hectares that the South Australian Urban Land Trust has informed him it intends to move to acquire. A copy of a letter dated 4 August 1989 makes it plain: 'It is intended to proceed with the acquistion pursuant to the provisions of the Land Acquistion Act.'

Simultaneously, and I believe perhaps not altogether independently, there has been a request by a Government department to the Willunga council to host a visit of 20 Japanese city mayors, and I understand that is to take place reasonably soon.

The issue of a multifunction polis has been discussed in the media and locally in the area as being a possible development. Therefore, there is understandable concern, which is emphasised in a document which was sent to me as minutes of the Southern Development Board of Adelaide over the name of Peter W. Young, Director, minute 5.1 of which reads:

> The SDBA is continuing its liaison with Mr Colin Neave regarding developments with the MFP project. Mr Neave has indicated formal links between the SDBA and the MFPAR Limited should be established regarding site development.

Multifunction Polis Australia Research Limited is apparently the entity which is organising or looking at the development of a multifunction polis. That minute indicates to all members that the purpose for which this land is being purchased or frozen may well be linked to a multifunction polis. The accumulation of that detail—the visit of the mayors, the detail in the minutes of discussions for establishing a site and the purchase of the land by the South Australian Urban Land Trust—prompts me to ask the Attorney-General the following questions:

1. Does the Government have provisional plans for a multifunction polis in the area south of Adelaide?

2. Is the land surrounding Aldinga being acquired for the purpose of being integrated into a multifunction polis project?

3. Who and what organisations are involved in Multifunction Polis Australia Research Limited?

4. What is meant by 'site development' referred to by Mr Neave in the minute of the Southern Development Board of Adelaide?

The Hon. C.J. SUMNER: I shall have to seek answers to those questions. In general terms, however, discussions relating to a multifunction polis have been going on in Australia for some considerable time. It is not a project in which South Australia is exclusively involved. This proposition is being considered by most States, as I understand it. However, South Australia has continued to express an interest in such a project, but no decisions have been made with respect to the development of a multifunction polis in South Australia or anywhere else at this stage.

It is also fair to say that in the development of this concept the notion that there would be a geographically discrete area that would be called a multifunction polis has not necessarily been accepted. It may be that any multifunction polis, so-called, technology city or whatever, would not be located in one discrete geographical area. It might be contained in one of Australia's capital cities with the already accepted infrastructure. However, that is not to say that additional buildings and the like would not be necessary.

I am not aware of the present updated situation with respect to negotiations on this potential development. Although I may be wrong and will check this, I assume that purchases being made by the Urban Land Trust are part of its normal purchasing program which, I should add, has ensured that South Australians have been able to acquire land over many years now at reasonable and non-speculative prices.

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: The controlled release of land by the Urban Land Trust over many years has ensured that South Australians have not paid speculative prices for land in this State. Now that is just a fact of life, whether or not the honourable member wants to accept it. That has been the effect of acquisition by the Urban Land Trust of land in the outskirts of metropolitan Adelaide that has been released in an ordinary way to enable development of home building blocks. Whether or not there is any particular purpose behind the current acquisition to which the member has referred, I do not know, but I will refer his question to the appropriate Minister and bring back a reply.

The Hon. I. GILFILLAN: As a supplementary question, I take it from the Attorney-General's answer that Cabinet has not decided whether to support the establishment of a multifunction polis in South Australia.

The Hon. C.J. SUMNER: At this stage, no final position has been put to the South Australian Government on the development of a multifunction polis in South Australia. We are involved, as are the other States, in the negotiations with respect to the concept but there is, as I understand it, still further work to be done. Again, I will have to refer to the responsible Minister the question of exactly where the discussions are with respect to this development.

INDUSTRIAL RELATIONS

The Hon. T. CROTHERS: I seek leave to make an explanation before asking the Attorney-General, representing the Minister of Labour, a question about industrial relations.

Leave granted.

The Hon. T. CROTHERS: In an article on the front page of the *Advertiser* of Monday 14 August 1989, headed 'Take on unions—McLachlan', certain quotes were attributed to a Mr Ian McLachlan on the subject of trade unionism.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: Given the past industrial record of organisations over which Mr McLachlan has presided, I could scarcely believe my eyes when I read the contents of the article. In fact, Mr President, it made me cast my mind back to a book I had read as a boy, so striking

were the thespian parallels. The book was called *The Scarlet Pimpernel*, the pen name of the authoress was 'Baroness Orczy', and it was set in the French revolution.

The major character of that narrative was one Sir Percy Blakeney, whose major purpose in life was to save the French aristocracy from the guillotine, and when he was on these cloak and dagger missions he used the clandestine name of the 'Scarlet Pimpernel'. He was, of course, to some a hero, and yet to many others he was an out and out villain.

In one of the chapters of the book the authoress wrote a small ode in order to describe the main character of the book. I am sure that all members here would be aware of it. The couplet begins:

We seek him here, we seek him there,

It was my remembrance of this little poem which established the likeness between the Scarlet Pimpernel and Mr McLachlan. In fact, it stirred that part of me which is still Celtic bard into a flurry of literary action, which some members may find appropriate to the person who was quoted in the article in the *Advertiser* to which I referred at the outset. So, with suitable apologies to the Baroness Orczy, here goes:

They see him here, they see him there,
His Party sees him everywhere.
Is he sent from Heaven or sent from Hell,
That demmed elusive industrial Pimpernel.

The Hon. R.I. LUCAS: On a point of order, Mr President, what has this to do with the question that the honourable member has been given permission to ask? He is reciting poetry in the Chamber.

The PRESIDENT: Order! There is no point of order. The honourable member linked the question to Mr McLachlan at the beginning, and 'McLachlan' came into it again, somewhere.

The Hon. T. CROTHERS: Thank you, Mr President, for giving me my right to continue. In fact, while I was reading the article, that corner of my mind which deals with literary matters briefly conjured up visions of Thomas Moore's *Utopia* and *A Man for All Seasons*, and even Milton's *Paradise Lost*. I must confess the latter came to mind only briefly as I was also continuing to read the article. As I progressed I can assure this Council that I was rudely jolted back to reality.

An honourable member: If you can get away with this, we can do anything.

The Hon. T. CROTHERS: The honourable member generally does do anything. In a speech delivered to that pseudo democratic organisation, the H.R. Nicholls Society's conference at the weekend, Mr McLachlan, preselected for the safe blue ribbon Liberal seat of Barker, called for legislation to break union monopolies. He then went on to say (as quoted in the *Advertiser* article):

The argument that the Australian people will support civil insurrection against the rule of law is total fantasy, and we should be working on that as hard as we can go.

The questions, which I therefore direct to the Attorney-General, representing the Minister for Labour, are as follows:

1. Does the Minister of Labour remember the role that Mr McLachlan played as President of the National Farmers Federation when he exhorted his members to go and do battle with picketing members of the Meat Industries Employees Union in the live sheep export dispute? As I recall it, many of Mr McLachlan's members were armed with baseball bats and clubs during that confrontation brought about by Mr McLachlan.

2. Does the Minister of Labour recall whether or not the industrial action of the members of the meat union arose over their desire to stop Australian jobs being exported along with the live sheep and, in particular, does he recall whether or not the bulk of the jobs lost were lost in rural areas, in whose heartland Mr McLachlan's constituency lies?

3. Does the Attorney-General, representing the Minister of Labour, know how much value-added export income has been lost to the Australian people which can be directly related to live sheep exports?

4. Can the Minister inform the Council of the number of jobs lost in rural areas as a result of these exports?

5. Does the Minister believe that, when Mr McLachlan refers to unions, by definition he includes his own National Farmers Federation, the United Farmers and Stockowners, the Australian Medical Association, the Law Society, and other establishment unions too numerous to mention?

6. In the light of Mr McLachlan's actions when he was President of the National Farmers Federation, does the Minister believe that that gentleman's call for the rule of law to prevail in matters industrial has come too late?

The Hon. C.J. SUMNER: There is no doubt that a distinct difference would be taken in the area of industrial relations between the Liberal Party and the Labor Party. The Liberal Party has made no secret of the fact that it would deregulate the labour market—it would do away with centralised wage fixing and would allow negotiations to occur on an industry by industry or establishment by establishment basis. The Liberal Party says that that policy is designed to improve the productivity of the Australian work force, and it would mean that in some industries much lower rates of pay would be available to employees, and in other industries that were more profitable higher rates of pay would be available—that is the theory, at least.

Unfortunately, what that theory does not take into account is the history of industrial relations in Australia and the concept of comparative wage justice, which is still quite firmly entrenched in our industrial relations system. Rather than deregulating and having wage rates set on an industry by industry or factory by factory basis one would end up with higher wage rates across the board, in all probability, and, I suspect, higher unemployment—which is what the Liberal Party wants but never actually says it wants—because there is little doubt that a Federal and State—

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The honourable Attorney-General.

The Hon. C.J. SUMNER: There is no doubt that the Federal and State Liberal Governments would engineer higher unemployment in order to control the economy. Of course, they deny it, but the logical extension of their policies is higher unemployment. If the New Right policies—which one does not know whether the Liberal Party is following any more, but one assumes it is—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: One assumes that the policies outlined by Mr Howard will still be introduced—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —by the Liberal Party, with Mr Peacock, as its Leader. There is no doubt that the hidden agenda in the Liberal Party's policy is unemployment, and anyone—

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: Well, anyone who does not believe it—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —has not been reading—

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation.

The Hon. C.J. SUMNER: —the press or the economic commentators on this topic over the past few years. On the other hand, the Labor Party's policy was, through the centralised wage fixation system—

Members interjecting:

The Hon. C.J. SUMNER: The honourable member is interjecting about unemployment. The fact of the matter is that since 1983 one of the great achievements of the Hawke and the Bannon Labor Governments has been in the area of job creation.

The Hon. J.C. Irwin: At what cost?

The Hon. C.J. SUMNER: Here is the answer from the authentic Liberal.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The authentic Liberal is actually telling us what will happen under a Liberal Government—it will not create jobs, it will create unemployment in order to dampen down—

The Hon. J.C. Irwin: In order to pay for your future.

The Hon. C.J. SUMNER: That is right. The honourable member is now admitting that the Liberal Party will create unemployment in order to dampen down demand, and it will resolve Australia's international trading position by creating a big pool of unemployment. There is no doubt about it.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That is the hidden agenda.

Members interjecting:

The PRESIDENT: Order! There is too much audible converation. I am very loath to pull the Council into gear as it is the master of its own destiny, but I ask members to give the Minister replying the same respect that they receive when asking the question. Both are entitled to a hearing. I do not know how *Hansard* copes. The mayhem is not enough to throw members out, but from where I am sitting the volume of debate and the interjections are just too much. I ask members to use decorum during Question Time. The honourable Attorney-General.

The Hon. C.J. SUMNER: I was pleased with the interjections of the Hon. Mr Irwin which clearly indicated that the Liberal Party's policy will be to rely on unemployment to deal with Australia's problems—the trading debt and inflation. There is no question about it. There are two alternatives. One can go the Labor way, which is centralised wage fixation, good job creation, not a large amount of unemployment—

Members interjecting:

The Hon. C.J. SUMNER: —a reduction in taxes—and one should remember that for the first time in decades the personal tax rate was reduced from 60c in the dollar to 49c, and it will soon come down to 47c. That did not happen under Fraser, Howard, McMahon, or any of the other leaders who have run the Liberal Party since the war. The fact is that under Labor, from 1983, we have seen since the war the most significant structural changes in the Australian economy. That is the situation. There are two choices: one can go the Liberal way which will undoubtedly be more unemployment, or one can stick with Labor's way which has been to increase employment in the economy through a centralised wage fixation system and controlled wages growth which, in fact, has seen—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —real wages reduced over the past few years. As I said, the alternative will be to pay the fat cats more and to deal with the problems that the Australian economy has—principally the trading deficit and inflation—by unemployment. There is no question that they are the options that are available. Mr McLachlan's call, to which the honourable member referred, is part of the process of dealing with the unions—that is, busting the centralised wage fixing system—and that is what the Liberal Party will do with the inevitable consequences—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —that I have outlined to the Council. The Hon. Mr Crothers asked a number of specific questions. I do not have the precise details, but there is no doubt that the actions taken by the unions in the live sheep export dispute were taken to protect jobs within Australia. There is no doubt that the Liberal Party's policy will not protect jobs and will inevitably lead to high unemployment—and members opposite will not get a chance to put it to the test—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —because they will not be in government, and nationally will not be in government either. If members opposite were honest about their economic policies, they would say what the end result is, and the end result undoubtedly is unemployment.

MINISTERIAL STATEMENT: EASTWOOD SUPPLEMENTARY DEVELOPMENT PLAN

The Hon. ANNE LEVY (Minister of Local Government): I seek leave to make a statement on behalf of the Minister for Environment and Planning.

Leave granted

The Hon. ANNE LEVY: On Thursday last week the Opposition in another place raised a number of questions regarding the administration of the Planning Act, in particular the Burnside council's supplementary development plan for Eastwood. The Minister for Environment and Planning indicated at the time that all the proper processes had been followed and that she would provide to the Parliament a detailed report on the actions taken regarding this matter.

The proposals for the rezoning of Eastwood have a considerable history dating back to 1983 with planning investigations being undertaken by the Burnside council. However, it was not until February 1987 that an official draft plan was submitted to the Advisory Committee on Planning for consideration.

The Burnside council Eastwood Supplementary Development Plan was placed on public exhibition in June 1987 and attracted a number of submissions. Amendments and subsequent re-exhibition followed until December 1988. Objectors wanted to ensure that the scale of commercial development along Fullarton Road did not detract from the residential amenity of Eastwood. The Advisory Committee explored further variations with the council and finally reported to the Minister in June 1989.

Under the provisions of the Planning Act the Minister for Environment and Planning has the responsibility to consider the plan and any submissions recommended and forwarded under this section and the report (if any) of the Advisory Committee. In line with the provisions of the Act the Minister considered these submissions and exercised her powers under the Act to strengthen the recommendations

of the Advisory Committee on Planning and the Burnside council. She chose to do that for very good planning reasons.

In changing two minor provisions of the plan, namely, to prohibit undercroft parking on the Fullarton Road frontage, and to restrict commercial access from Matilda Lane, the Minister was going further than the Advisory Committee had recommended, in order to protect the residential properties in Matilda Lane from further commercial intrusion. Accordingly, the Minister submitted her recommendations to Cabinet and these were approved by Cabinet on 7 August 1989.

In his question last Thursday the Leader of the Opposition in another place quoted from a letter the Burnside council had sent to the Minister that day. In fact, the letter in question was faxed to her ministerial office in the Lands Department only 25 minutes before the start of Question Time and obviously a copy was also provided to the Leader.

Under the provisions of the Planning Act the Department of Environment and Planning is not required to advise councils after the Advisory Committee has reported. Neither has it been present or past practice to do so. The Minister meant no discourtesy to Burnside council in this, and it is a mischief to suggest otherwise.

The Minister for Environment and Planning wishes to point out to the Council that the member for Unley only informed his constituents that the Government had endorsed the plan with two amendments, not that the plan had been authorised.

In response to the question from the Deputy Leader of the Opposition in another place the Minister again wishes to state that she amended the recommendations from the Advisory Committee to strengthen them. However, in reaching her decision she received advice from her department that these changes had been the subject of considerable public discussion and submissions.

In summary, the Minister for Environment and Planning totally rejects allegations of any impropriety in the planning process for this supplementary development plan. As part of the planning process, the SDP for the Eastwood area has undergone many changes as a result of submissions received from the two public exhibition phases of the process. Similarly, the Minister has the responsibility to make and take decisions on recommendations and submissions forwarded to her, and she is prepared to take action on planning matters under the powers granted to her by the Planning Act.

REGIONAL DUMPS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister for Environment and Planning, a question about regional dumps.

Leave granted.

The Hon. M.J. ELLIOTT: I have been contacted by groups of people who have been concerned about regional dumps being set up at Hartley, near Strathalbyn, and another dump at Kongerong in the South-East. I have also heard—although not directly—concern about another dump near Port Lincoln. In regard to Hartley, I have also presented a petition with many signatures to this Council. There has been strong public reaction to these regional dumps and the reaction has come from a wide cross-section of people, amongst whom are farmers who are gravely concerned about the implications in terms of possible contamination of ground water.

I point out that overseas there is a long history of ground water contamination from dumps. That may be why the new Kongerong dump is proposed in the South-East, because there is real contamination under the Mount Gambier dump already that has caused concern. I have also had some reports that there is a degree of contamination underneath Wingfield. When the designs of the dumps proposed in South Australia are compared with those in the United States, they are clearly substandard. There has been no environmental impact statement as such on any of these dumps, although there has been environmental studies. The complaint that I have received is that such studies have been inadequate.

It has been suggested that there are quite a few problems with them and that there is no real capacity for public response, as allowed for in our environmental impact statement process. Also, people have suggested that, if we had an enlightened recycling program in South Australia, these dumps could be made redundant. The point that has been made to me is that the Waste Management Commission since 1979 has had stated within its objectives that it shall encourage recycling and waste minimisation. It has been pointed out that, except for preparing a list of recycling agents, the commission has done nothing on either of those two matters.

It has been suggested that perhaps one of the problems is that the commission is funded by way of levies on dumping, receiving so much per tonne. That is really a disincentive for the commission to discourage dumping, because its funding would be cut in direct response to that action. Therefore, I put the following questions to the Minister:

1. Will the Minister require environmental impact statements for all regional dumps as they are proposed?

2. Will the State Government intervene to ensure that recycling does occur, or will it continue simply to mouth support for recycling?

3. Will the Minister consider having the Waste Management Commission being funded directly from revenue so that it receives no funding from dumping fees, which acts as a disincentive for the commission to intervene in recycling?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply, although I am well aware that she has already made statements on several of these matters. Obviously, the honourable member is not aware of those statements.

RESPITE CARE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister for the Aged, a question about respite care for the aged.

Leave granted.

The Hon. DIANA LAIDLAW: It is a common view among people who care for the aged that an emergency situation is developing in the provision of respite beds in nursing homes in the South Australian metropolitan area. Over the past year the number of beds has fallen sharply from 58 to 28, and by the beginning of November the number of beds will fall by another seven to only 21 beds. The availability of respite beds is acknowledged to be a vital component of the present drive to provide older people with the opportunity to maintain their independence for as long as possible by continuing to live in their own home or the home of a family member.

Respite beds are also essential to relieve care givers from the unremitting care of an aged family member. However, nursing homes are closing down respite beds because under the Federal Government subsidy arrangements nursing homes have been losing considerable sums. I understand that in the past week that Resthaven has advised that it will close its four respite beds because in the past financial year it lost $40 000 on those respite beds. This situation is grim, and I have received phone calls in the past couple of weeks and as members will appreciate, with the flu reaching epidemic proportions at present, many care givers, particularly women who have been looking after an aged member who now has the flu and who wish to seek assistance with the care of their aged relative by offering that person respite care in a nursing home, have been turned away from those nursing homes. I can assure the Minister that these people are desperate in looking for assistance in the care of aged relatives.

Does the Minister accept that respite beds are a vital component of aged care provision and support in this State and, if so, what action is being taken by the Minister or the Bannon Government to provide South Australia with the 58 respite beds that were in the metropolitan area this time last year? Is the Government making an effort to increase the number of beds to cope with the increasing number of aged members of our community?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

STIRLING COUNCIL

The Hon. J.C. IRWIN: My questions to the Minister for Local Government relate to the Stirling council. They are as follows:

1. Did the Minister formally approve the settlement of the claims of the Casley-Smith family and 13 other families arising out of the 1980 Ash Wednesday bushfires?

2. On whose recommendation was the settlement made and approved?

3. Will the Minister table the advice from Mr Mullighan QC in relation to the settlement of the Casley-Smith claims?

The Hon. ANNE LEVY: I certainly did not formally approve anything; it was not for me to approve. Mr Mullighan made recommendations to the Government, which had employed him to look into the matter. The recommendations were then transmitted to Stirling council and the council accepted them, so there was no question of formal approval. The settlement was agreed between the parties, being the group of plaintiffs, represented by a firm of solicitors known as Andersons, and Stirling council. An out of court settlement was achieved between the two parties.

The recommendations certainly came from Mr Mullighan, who had been examining the data relating to the claims, by agreement with the two parties. The Government's only role was to arrange to provide the services of Mr Mullighan in an effort to achieve a speedy settlement, instead of going through lengthy court procedures. I cannot remember the third question.

The Hon. J.C. Irwin: Will you table the advice of Mr Mullighan QC in relation to the settlement?

The Hon. ANNE LEVY: I do not think that I have that advice to table. The settlement was agreed between Stirling council and the plaintiffs. The Government's role was to provide the services of Mr Mullighan in an attempt to speed up the process so that a settlement could be reached without taking years in court over the matter.

The Hon. J.C. Irwin: I thought you said Mr Mullighan gave you advice and you passed that onto the council.

The Hon. ANNE LEVY: He gave it to the Government.

The Hon. J.C. Irwin: That's not you?

The Hon. ANNE LEVY: I think it went to the Treasurer, not me, because it was a financial matter.

STATE CLOTHING CORPORATION

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the State Clothing Corporation.

Leave granted.

The Hon. J.F. STEFANI: In May this year the Minister provided me with some answers to questions, which I had raised in February, about the operations of the State Clothing Corporation, which is situated in Whyalla and is under the control of the Central Linen Service. The Minister confirmed that the operating loss incurred for July to December 1988 was $182 470. My questions are: what are the operating results to the year ended 30 June 1989? What is the total amount of each grant that the Government has written off or allocated during the full financial year 1988-89? Have there been any changes to the management and board structure of the corporation?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

EDUCATION CUTS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about education cuts.

Leave granted.

The Hon. R.I. LUCAS: In the past few days I have been contacted by a number of school principals who expressed concerns about the actions of the Adelaide area office of the Education Department. I am advised that the Adelaide area office has proposed to reduce the enrolment estimates of schools by 300 students. The Kilkenny Primary School has lodged a strong objection to the Education Department about its arbitrary actions.

The Kilkenny Primary School points out that this year its estimates proved to be conservative—that is, it estimated fewer students than turned up at the school—and it has indicated also that its projections for next year are for continued further growth at the school. However, the school was contacted last week by the Adelaide area office of the department and was directed to reduce its enrolment projections by nine students for next year. At the same time, the school was told that many other schools had been advised that the Adelaide area office would reduce by 300 the number of students in schools in the Adelaide area.

The principal and other members of staff and parents of the school have highlighted that the net effect of this action will be that the department will reduce ancillary staff and school grant moneys that are given to schools such as Kilkenny Primary School. As the school has stated in its correspondence with the Education Department:

> There is no sound basis for this revision which has been against the enrolment trend throughout the whole of 1989.
>
> Whilst the department might give us the additional teaching component subsequently—

that is, there is a review after the commencement of next year—

the loss in the administrative component and our ancillary staff component would be lost for the whole year.

The letter goes on to say:

I know of no reason why our enrolment projections should be reduced other than to suit the bureaucratic purposes of the department.

I am more than happy to provide you with the names of all the children currently enrolled in the school so that you can personally advise which parents' children will not be here in 1990 and that they shall have to make arrangements for their children to be enrolled at another school which will be suitably staffed.

It would be appreciated if the department staff schools sensibly, sensitively and sympathetically and stopped playing what appear to be little more than games and exercises.

That is just one example of a very strong protest made by one of the many schools that have been contacted by the Adelaide area office. Will the Minister review the circumstances of the action of the Adelaide area office in relation to the Kilkenny Primary School and other schools that have protested at the arbitrary action taken by it?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 August. Page 317.)

The Hon. K.T. GRIFFIN: Since the High Court of Australia on 30 June 1989 decided that what the South Australian Supreme Court had been doing in relation to sentencing as a result of the 1986 amendment to the Government's parole scheme was wrong, the Attorney-General has been engaged on a cynical and deliberate course of distortion and deception about the effect of the High Court decision on sentencing practices in South Australia. He has been running a scare campaign that up to 200 prisoners will be let out early. His mock outrage is a smokescreen to get the Government off the politically uncomfortable hook—the Government got it seriously wrong in the face of warnings by the Liberal Party in 1986.

Only last year, the Attorney-General made a statement to the Parliament about the role of the Attorney-General in upholding the law. He said that he should act, in many instances, aloof from the Cabinet and the Government of the day in the exercise of his functions as the chief law officer of the Crown. He quoted a comment made by one New Zealand writer who, he said, adequately sums up the point. I refer to the ministerial statement as follows:

Of all public officers, the Attorney-General is expected to keep his soul, even in difficult and compromising circumstances. A politician from the ranks of a majority Party in the Legislature and a member of the Cabinet, he is expected to represent the public interest, to ensure that criminal law is properly enforced, and to protect charities. In all but the last he may come to situations where the interests of his political Party and of the Administration of which he is a member may not be easily reconciled with the public interest as a whole, yet he is expected on coming to office and in its performance to keep his integrity, his soul, so that, among other things, the administration of the criminal law never becomes merely the tool of a powerful and unscrupulous Executive.

To set the high ideals is one thing; to implement them is another. Since the High Court handed down its decision on this important issue, the Attorney-General has prostituted his office. And the price? It is winning the next election at all costs. The Attorney-General has not been concerned about principles, about ideals or about justice. He has sought to denigrate, to criticise, to scaremonger and to argue publicly without regard for the truth.

Last Sunday in the *Sunday Mail,* the scare tactic is used. The spectre of Barry Moyse being able to appeal to the Court of Criminal Appeal yet again and to get a lighter sentence is raised. The cases of Egger, Britten and O'Neill are raised. Disregard O'Neill because his crime was committed before 8 December 1986, and the 1986 amendments do not apply to him. The fear is created that Moyse, who has a non-parole period of 16 years, will be out in a possible eight years if this Bill is not passed. The Attorney-General does not tell the public that under the Government's scheme Moyse will be out, anyway, in 10½ years. If one looks at the charges on which Moyse has been convicted, one sees that 10 of the offences occurred before 8 December 1986, so that the 1986 legislation does not apply to them. Only seven, some of which involved pleas of guilty, occurred after that date.

Egger has a 30-year non-parole period; the scare is that possibly he will be released in 15 years, but there is no mention in the *Sunday Mail* article that under the Government's scheme he will be out in 20 years, anyway. Britten has a non-parole period of 16 years, and the fear is created that he will be released in eight years when, under the Government's own system, he will be out in 10½ years.

The Attorney-General does not even acknowledge that there is a real prospect that there will be no change in the non-parole periods presently applying and that under the Government's own scheme prisoners will serve only two-thirds of their non-parole periods. In Sunday's article the Attorney-General said that the Opposition had not opposed the amendments at the end of 1986. That is correct, but it has nothing to do with the issue now before us. Later I will demonstrate that we did raise a number of important questions about the way in which the Government wanted the courts to have regard to its system of remissions, but we were brushed aside by the Attorney-General.

The Attorney-General says that we have not objected to the 1986 legislation in the past 2½ years. But why should we? He is the Attorney-General; he is the chief law officer of the Crown; and he has the responsibility to ensure that appropriate matters are taken on appeal to the Court of Criminal Appeal and higher if necessary. He has the resources; we do not. He has the responsibility for the administration of justice. If there was a problem with the application of the law as passed by Parliament, the Attorney-General should be aware of it at an early stage. One could well turn the question back on the Attorney-General and ask him why he did not do anything about the problem when it was first raised in the courts a year ago.

In 1986 the amendment appeared to do nothing that the courts were not already doing, according to the Attorney-General and the Minister of Correctional Services, and I will demonstrate that on a review of the *Hansard* debates. The whole area of parole is a nightmare. It is even more so under the Government's scheme which it rushed through Parliament in December 1983. The High Court decision demonstrates yet another major flaw in the Government's parole system. If the Attorney-General and the Government had taken our advice in 1983 and listened to our concerns in 1986, it would not now be embroiled in this controversy.

I want now to relate some history. In 1979 when the Tonkin Liberal Government came to office in South Australia it inherited a parole system which had been in operation through the Dunstan and Corcoran Labor eras for the previous decade. There were major problems with it. Under that scheme those sentenced to life imprisonment for crimes of murder were being released on average eight years after

they had been sentenced. The Parole Board made the decision to release without any involvement of the Government of the day, which had to cop the flak for the decisions made by an administrative body.

That is the system which the Minister of Correctional Services, Mr Blevins, when he is responding to my criticism of the current parole system, is criticising. He deliberately misleads the public by saying that we want to return to that system of previous Labor Governments. We do not. His claim is blatantly false and misleading. In 1981 the Liberal Government made a number of significant changes to the parole system with amendments to the Prisons Act. One of those amendments was to ensure that, if a prisoner serving a life sentence was recommended by the Parole Board for release, the Government of the day had to make the final decision, not the Parole Board. The Liberal Government's view was that if such a person was to be released into the community the Government of the day ought to be responsible for that decision and be accountable for it.

In addition, we established the Correctional Services Advisory Council and a non-parole period before which prisoners could not apply for parole. It was, in effect, a minimum period which the courts were required to set before a prisoner could even apply for parole. Even when application was made after the expiration of the non-parole period, the Parole Board had a discretion as to whether or not the prisoner should be released. Those amendments also introduced a system of conditional release so that when a prisoner was released on parole it was a form of conditional release. If a prescribed offence was committed whilst on conditional release, the prisoner was liable to be returned to prison to serve the balance of the sentence unexpired at the day on which the subsequent offence was committed. It is clear that the Tonkin Liberal Government tightened up dramatically on the Dunstan/Corcoran parole system with the introduction of these amendments to the Prisons Act.

The next step in the saga of parole was at the end of 1983 when the Bannon Government rushed legislation through Parliament to make dramatic changes to the Liberal parole system. Instead of retaining a minimum sentence to be awarded by the courts, it fixed a non-parole period and granted remission of up to a third off that non-parole for so-called good behaviour. So it played with the system and, instead of granting remission off the head sentence, it granted it off the non-parole period. This introduced a quite significant change and introduced a great deal more uncertainty as to the time a prisoner would spend in prison.

An alarming aspect of this legislation was that the Government and the Australian Democrats together applied the new scheme to those prisoners sentenced under the Liberal system where non-parole periods meant what they said: not only could a prisoner not even apply for parole until the expiration of the non-parole period, but there was no guarantee of immediate release. The Government's new scheme was applied to prisoners sentenced under that system so that they got a Christmas present of a third off the old non-parole periods. They were released very much earlier than ever the courts intended that they should be and there were hundreds of prisoners in that category. About 170 prisoners were given early release for the 1983 Christmas.

In the period from the introduction of the Government's new system at the end of 1983 to the State election of 1985, there had been constant criticism of the Government's scheme by the Liberal Party and by a wide range of people in the community. We had opposed the new scheme in 1983 but were unsuccessful. We constantly put pressure on the Government and two weeks before the election of 1985—during the course of the election campaign itself—it finally admitted that there were problems with its system and it would toughen it up. It said it would do that immediately Parliament resumed after the election.

Parliament resumed in February 1986, but no legislation. It finally came into Parliament in October 1986. The 1986 amendments ensured that where a prisoner committed a breach of parole conditions the maximum period that a prisoner could be returned to gaol was increased significantly. Under the Government's 1983 scheme the maximum was three months and that was outrageous.

There was also an amendment to section 302 of the Criminal Law Consolidation Act to allow courts to take into consideration when fixing penalty the system of remissions in the Government's parole systems.

On 28 August 1986, when the Statutes Amendment (Parole) Bill was introduced into the House of Assembly on behalf of the Hon. Frank Blevins, then Minister of Correctional Services, the second reading report refers to the responsibility of the courts in determining the time a prisoner will serve in prison and the time a prisoner will spend in the community under supervision, and—this is enlightening—says:

> One problem which has arisen in this area is the effect of remissions on the sentences imposed by courts. The intention of the original legislation was that the court would take into consideration the remissions a prisoner can earn on his or her non-parole period when determining sentences. However, the courts have taken the view that the judge is precluded by law from taking into account the likelihood of good behaviour remissions during the sentencing process. The new Bill specifically addresses this problem and provides for an amendment to the Criminal Law Consolidation Act to empower judges to consider the effect of good behaviour remissions during the sentencing process.

And in the detailed explanation of the clauses in that same speech the Government says:

> Clause 18 provides that a court shall take the remission system into account when sentencing a person to imprisonment when fixing or extending a non-parole period.

Let me refer to other observations by the Minister of Correctional Services during the course of the debate. In his reply at the close of the second reading debate in the House of Assembly Mr Blevins said:

> The object of the Bill is as stated in the second reading explanation, namely, to give the widest possible option to the courts and to spell out to the courts that those options are there.
>
> In clause 18 of the Bill we have again spelt out to the court what it can already do so that it is perfectly clear. That clause inserts in the Act section 302, which provides:
>
> > A court in fixing the term of a sentence of imprisonment or in fixing or extending a non-parole period in respect of a sentence or sentences of imprisonment, shall have regard to the fact (where applicable) that the prisoner may be credited, pursuant to Part VII of the Correctional Services Act 1982 with a maximum of 15 days of remission for each month served in prison.
>
> While the courts could always do this we felt it necessary to put it into the Act and spell out clearly to the courts that they need to take that into consideration.

It is interesting to note the view of the Minister of Correctional Services that it was really only spelling out clearly what the courts need to take into consideration. It is also important to note that the Minister was not seeking to establish a mathematical formula but merely to give the courts the widest possible option.

In debating the Bill in the Legislative Council I raised concern about the extent to which the courts could take into account the possibility of remissions by prisoners when I said:

> The Bill also provides for the Supreme Court to take into account the possibility of remissions by prisoners of up to a third of the sentence. The court can take that into consideration in determining what head sentence ought to be imposed. I must say that I am still somewhat concerned about the extent to which a

non-parole period can be reviewed by the courts. In Committee I will raise that issue with the Attorney-General and ask some questions about how it will operate and the extent of the jurisdiction of the Supreme Court to extend non-parole periods, either because of the prisoner's behaviour whilst in gaol or because of the potential for reoffending upon release, or some threat or perceived threat to persons outside the prison system if that prisoner were to be released.

Even then I indicated that the system was clumsy and the solution was to require the courts to fix a maximum and a minimum period of imprisonment. I said:

We proposed that the courts should be empowered to fix a maximum period of imprisonment and a minimum period of imprisonment, with the discretion of the Parole Board being exercised between the minimum and maximum periods so that the prisoner would in fact know the minimum period which he or she had to serve and also the maximum.

In the course of the debate I proposed some amendments to the Government's Bill to try to clarify what the courts were being required to take into account. I argued that because of the way the remission system worked it was important for the courts to be able to decide whether a particular prisoner should be allowed to earn the full 15 days per month remission or some lesser figure which the courts would fix in the light of the gravity of the offence. That would truly then put the fixing of sentences but more particularly non-parole periods in the hands of the courts and would overcome the problem which I then foresaw with the Government's Bill. On 29 October 1986, in the Committee stages of the consideration of the Bill, I said:

. . . it is the granting of the remissions off the non-parole period that distorts the system, although the courts have in fact been ordering longer non-parole periods. Everybody can see that with the life sentences that have been imposed in cases of murder, for example, long non-parole periods have been imposed. Those long non-parole periods have been imposed partly to take into consideration the prospect of automatic remission and also to reflect a growing concern in the community that a lot of prisoners were getting out of gaol too early.

Now the Attorney-General, whilst we were debating this, said:

The courts, in their judgments, seem to indicate that they do not take it into account, yet if one observes what they have done one sees that the non-parole periods under the new legislation have in fact been substantially increased.

The only basis for that increase seems to be the fact that remissions are now allowed on the non-parole period. That aspect of the matter has now been clarified by inserting in the legislation the fact that the judges when sentencing must take into account the fact that remissions will be earned for good behaviour.

Prior to the passing of the 1986 amending legislation both the Government and the Opposition agreed that non-parole periods were getting longer and that the courts were doing this to compensate for the remission off the non-parole period even though they were not prepared to admit it openly and, in fact, the report released last week, I think, by the Attorney-General on the impact of parole legislation changes in South Australia statistically refers to that. It took an 18-month period prior to the introduction of the new parole system in December 1983 and two 18-month periods after that date, which takes us up to December 1986, before the 1986 amending legislation came into operation. In the data which are presented by the Attorney-General's Department's Office of Crime Statistics and the Department of Correctional Services Research and Planning Unit the observation is made:

Overall average non-parole periods increased quite markedly in the 18 months following the legislation changes compared to the 18 months prior to the changes and continued to increase in the second 18 months after the changes but to a lesser extent.

We should keep in mind, Mr President, that this was before the 1986 amendments came into operation. So there is independent evidence that without the 1986 amendments the non-parole periods were increasing, quite obviously to take into consideration the fact that the non-parole period after December 1983 meant something different from what it meant before that time.

In the course of the debate on the 1986 amendment the Attorney-General concluded:

The sentencing court now knows all the rules of the game, the prisoner now knows all the rules of the game, and the Correctional Services Department and officers involved in the administration know the rules of the game. It seems to me that with the tidying up in this Bill of the parole provisions we have a system that is satisfactory.

I would not, however, agree with this last observation.

Finally, I moved some amendments to the clause which sought to enact a new section 302: the section which was the subject of consideration by the High Court. For the purposes of the record and to put this all into perspective, I will read that part of the debate:

Clause 18—'Court to have regard to remission in fixing sentence or non-parole period.'

The Hon. K.T. GRIFFIN: The fate of this amendment has been determined by the previous division. I therefore do not intend to call for a division on this amendment, but I wish to move it formally so that it is on the record, because it is the substantive part of the package of amendments relating to the question of remissions. I move:

Page 6—

Line 5—After '302,' insert subsection as follows:

'(1) Where a court sentences a person to imprisonment for an offence, the court may, if it is of the opinion that the circumstances surrounding the offence were exceptionally grave, order—

(a) that the maximum number of days of remission that the person may be credited with for each month served in prison be reduced from 15 to such other number as the court thinks fit;

and

(b) where the sentence is to be served concurrently with or cumulative upon any other sentence of imprisonment, that the order be effective forthwith, or from such future date as the court thinks fit.'

Line 7—After '15 days' insert '(or such lesser maximum as the court or some other court may have ordered).'

I have explained already the import of this amendment. In addition, in relation to this clause I raise the question how it will work, only to the extent that the court is to have regard to the fact that a prisoner may be credited with a maximum of 15 days of remission for each month served in prison.

The question really arises how the court is to take that fact into account. Will it simply add one-third to the period that it considers the prisoner should spend in custody and run the risk that the prisoner may not be granted the maximum remissions, is some other mechanism to be adopted by the court, or is it left to the general ingenuity of the court to make a decision as to what may or may not be the application of remissions to a particular prisoner when sentencing is undertaken?

The Hon. C.J. SUMNER: It would be a matter for the sentencing court. One cannot be mathematically precise about sentencing, as the honourable member would know, but at the present time the judges say that they cannot take into account an administrative practice, even though in practice they seem to do that. This will mean that they will be required to take into account the administrative practice. The extent to which they do that is still a matter to be determined by the courts.

The amendment was then put, and defeated. It is clear that the Attorney-General was not of the view that any mathematically clear calculations should be made. He did not express the view then that sentences and non-parole periods should be increased by up to 50 per cent as a result of that 1986 legislation. He did not argue for tougher sentences and non-parole periods. Compare that with what he now says was proposed. He now has the benefit of hindsight, a defective memory and the spur of an imminent election.

The High Court exposes the defects in the Attorney-General's recent posturing. The High Court decision of 30 June 1989 considered the interpretation of the 1986 section 302 of the Criminal Law Consolidation Act. Both Hoare and Easton were convicted of various counts of armed robbery. Easton was convicted of four counts of armed

robbery, two committed prior to 8 December 1986 and two subsequently. Hoare was convicted of a single count of armed robbery. In considering the case before it, the High Court did look at the Parliamentary debates to try to ascertain the 'mischief' which the 1986 amendment sought to deal with. Technically it was not able to do so because South Australian law permits the judges to look only at the statute itself in construing statutes but, in the absence of an objection either by counsel for the Crown or by counsel for the appellants, the High Court decided that it would look at the *Hansard* debate. In looking at the debate the court observes as follows:

Such reference (that is, to *Hansard*) provides support for the view that the mischief to which s.302 was directed or the purpose which it was intended to serve was not a perceived need for a dramatic overnight increase in prison sentences in South Australia but the need to remove doubts about whether a court was precluded from paying any regard at all to the likely effect of remissions in fixing a non-parole period. In particular, the Minister of Correctional Services stresses the declaratory nature of s.302. The section, he said, 'spelt out to the court what it can already do so that it is perfectly clear.' He added that '[while the courts could always have regard, in the sentencing process, to the possible operation of the remissions system] we felt it necessary to put it into the Act and spell out clearly to the courts that they need to take that into consideration' (House of Assembly Parliamentary Debates (*Hansard*), 24 September 1986, at p.1175). As will be seen (below), the Minister of Correctional Services was also at pains to emphasise the fact that it would be quite wrong to assume that, under the current system, even a majority of persons would obtain maximum remissions.

The High Court also said the following in relation to the interpretation of the phrase 'having regard to':

The statutory directive to a court to 'have regard to' the possible operation of the remissions system in fixing the term of sentence of imprisonment or in fixing or extending a non-parole period should not be construed as requiring a court to disregard and defeat the policy of that remissions system. Nor should it be construed as evincing a legislative intent to overthrow the entrenched sentencing principle that the sentence pronounced should not exceed what is appropriate or proportionate to the gravity of the offence . . .

Even in the case of the non-parole period, however, s.302's direction that a court 'have regard to' the possible operation of the remissions system cannot properly be construed as a directive to counteract or outflank the policy that remissions actually earned for good behaviour should reduce the period fixed as the appropriate non-parole period.

So it is clear that the High Court is interpreting the amendment of 1986 in the same way as the Government intended it to be interpreted when it introduced it, although the Government now seeks to distort and misrepresent its position and that of Parliament and the Liberal Party in the intervening period of 2½ years.

In fact, the High Court raises the questions about the judgment of the South Australian Supreme Court in the *Queen v. Dube and Knowles* and the conclusion of the Supreme Court from the words 'have regard to' that the head sentences should be increased. The court said:

The judgment in *Reg. v. Dube and Knowles* does not really seek to explain why a direction to 'have regard to' the operation of a remissions system should be construed as having the effect of requiring an increase of up to 50 per cent in head sentences for serious criminal offences in South Australia.

Later, it goes on to say:

To the contrary, the legislative direction that regard be paid to possible remissions indirectly assumes the continued existence of the appropriate or proportionate sentence upon which the operation of the remissions system is predicated.

All this points to the view that the High Court decision is quite proper and that the South Australian Court of Criminal Appeal has been applying the 1986 amendment incorrectly.

In other observations on South Australian law, the High Court said:

. . . a basic principle of sentencing law is that a sentence of imprisonment imposed by a court should never exceed that which can be justified as appropriate or proportionate to the gravity of the crime considered in the light of its objective circumstances.

The court further said:

Indeed, it would be effectively to turn a legislative system of remissions such as that contained in Pt.VII on its head by reading statutory provisions intended to benefit a prisoner by allowing the reduction of the sentence imposed as appropriate to his crime as if they contained an additional clause to the effect that all sentences should be increased by the maximum period of remissions which a prisoner might earn.

That is not to say that, in the absence of some statutory provision such as s.302, a sentencing judge could take no account at all of the availability (or unavailability) of remissions in determining the appropriate sentence in all the circumstances of the particular case. There could, for example, be no legitimate objection to account being taken of the fact that remissions are available for good behaviour during service of a sentence but not for good behaviour during time in custody before sentence in determining what (if any) allowance should be made in the head sentence in respect of such time.

The High Court distinguished between the head sentence and the non-parole period in dealing with sentencing principles, having particular regard to the fact that remission comes off the non-parole period, not the head sentence. It said in relation to the head sentence:

It should be stressed that the general rule referred to in the preceding paragraph is not that a judge must pay no regard whatsoever in the sentencing process to the availability of remissions for good behaviour while a prisoner is in custody. The general rule is that it is not permissible for a sentencing judge to treat the likelihood of remissions for good behaviour as itself constituting a ground for increasing what would otherwise be the appropriate head sentence.

In relation to the non-parole period, different considerations apply. The court said:

Somewhat different considerations govern the extent to which a sentencing judge may be influenced by the operation of a remissions system in fixing a non-parole period . . . There is no reason in principle why a sentencing judge should be precluded from taking account of the likely effect of remissions against the head sentence in fixing a non-parole period.

The High Court judgment reaches a conclusion on the South Australian law as passed by Parliament and as understood by the two Government Ministers responsible for the courts and parole at the time of Parliament's consideration of the present section 302. But the Attorney-General cannot face that. He scaremongers. He says that, as a result of the decision, some 200 'notorious criminals' will be able to appeal and may be able to get out early. That is nonsense. It may be that there will be a number of appeals by prisoners based upon the High Court judgment. He says they will all get legal aid and there is a cost to the appeal process. Of course there is. No-one likes to see taxpayers' money spent on legal fees, but there comes a time when you have to face up to a choice—cost on the one hand, or justice and principle on the other. In any event, the Attorney-General, as the chief law officer of the Crown, quite properly could discuss with the Chief Justice a 'fast track' system for looking at the matters which might be the subject of an appeal.

The High Court has determined what the law is, and as a matter of basic natural justice any person who has been dealt with in a way which is subsequently declared to be wrong should have the right to have his or her position reviewed. It does not matter whether it is a criminal matter or a civil matter. No Government and, ultimately, no Parliament, should ever take lightly the principle of justice that what is legal at the time an act is done should not subsequently and retrospectively be declared to be illegal.

The Attorney-General says that the High Court is wrong, that the courts in South Australia knew what they were doing, that the Parliament knew what it was doing and that the Government knew what it was doing. But, what the

Parliament did and what the Government then said it was doing is not what the Government now says was being done.

With respect to sentences, the High Court has said that the matter of Hoare should be returned to the Supreme Court of South Australia for consideration because the court had decided in the *R. v Dube and Knowles* not to consider further a general increase in the level of sentences for armed robbery in the light of its determination on the remissions system. The High Court said:

> Since it is apparent from the Court of Criminal Appeal's judgment in *R. v Dube and Knowles* that, were it not for Their Honours' construction of section 302 in that case, a general increase in the level of sentences for armed robbery may well have been thought appropriate, the matters should be remitted to the Court of Criminal Appeal so that that court can consider what orders should be made on the respective appeals against sentence, including Easton's appeal against the sentences imposed in respect of his two pre-section 302 crimes.

In the light of the fact that the court had in any event been increasing non-parole periods since 1983 to take into consideration informally the remissions system, it is by no means clear that any of the prisoners presently in gaol will be released early.

I want now to look at the provisions of the Bill. I have said that the Liberal Party does not support the retrospective application of the legislation, so amendments will be proposed to remove that element of retrospectivity. While I have been on my feet I see that I have been given a draft of those amendments, and as soon as I have had an opportunity to look at them I will arrange for them to be put on file. If it is necessary to give some clarity to the amendments to section 302 and its successor in the Criminal Law (Sentencing) Act 1988 then a form of words which gives greater precision to the provision should be sought. The solution, ultimately, is to implement the Liberal Party's parole policy which provides for minimum and maximum sentences to be fixed by the court and—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: It is not. Ultimately the solution is to implement the Liberal Party's parole policy which provides for minimum and maximum sentences to be fixed by the court, and then for a system of remissions to operate between the minimum period before which no prisoner can be released and the maximum period fixed by the courts. That then takes the pressure off the courts except in relation to longer sentences and minimum periods as a matter of principle, and leaves the administration of the remissions system where it belongs, namely, with the Parole Board.

The Attorney-General has interjected and has said that, in essence, that is what his amendments do. Well, I do not interpret them as doing that, although they do refer to a minimum period—and I am delighted that after six years the Government is at last beginning to see that the solution to the problem is for the courts to set a minimum period, and that is effectively—

The Hon. C.J. Sumner: What they have been doing since 1986.

The Hon. K.T. GRIFFIN: Well, they have not been setting a minimum and you know that; they have been setting a non-parole period—

The Hon. C.J. Sumner: With a third off, which gives a minimum.

The Hon. K.T. GRIFFIN: That is absolute nonsense.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: In the context of this Bill I was also seeking to have some amendments drafted that would implement the Liberal Party's parole policy. I discovered before lunch from Parliamentary Counsel that it thought that it was a big job and, because of other pressures and the time available, that it was not able to draft it so that we could move it during the course of the debate on this Bill. I am disappointed by that. The Liberal Party's policy is quite clear. We announced it in relation to parole and, at the first opportunity, we will be moving to implement that policy because it removes the doubts which have been in the Government's parole policy since 1983 and which prompted the High Court decision.

It is my view that the amendments proposed by the Government do not achieve what it says it wants to achieve. Curiously, the Bill itself states, in relation to section 302 of the Criminal Law Consolidation Act, as follows:

> . . . It should be interpreted in accordance with the judgment of the Full Court in the *Queen v. Dube* and the *Queen v. Knowles* (1987) 46 S.A.S.R. 118 and insofar as the principles of sentencing purportedly inferred by the Full Court from section 302 (referred to subsequently in this section as 'the relevant principles') were not properly so inferred, those principles must be taken to be founded on this subsection.

I submit quite strongly that that really is a nonsense. There are no sentencing principles enunciated in that case. The High Court acknowledges this when it states:

> Nor does the judgment in *R. v. Dube and Knowles* contain any references to the basic principle of sentencing law that a sentence of imprisonment should never exceed what represents appropriate or proportionate punishment for the objective offence.

Quite obviously, if this Bill is passed in its present form (without the retrospectivity) it will go up to the High Court on appeal immediately, and it is obvious from what the High Court has said in Hoare and Easton that because there are no sentencing principles in Dube and Knowles the appeal will be allowed.

In respect of that matter, I understand that members have received a submission from Mr Michael Abbott QC who has made a number of observations on the drafting. He said:

> Moreover, if one examines the proposed legislation it has serious flaws in it without the aspect of retrospectivity. By virtue of the proposed section 12 (2) Parliament is legislating to make white black. Unfortunately for Parliament white is still white and cannot be made black with the stroke of the legislative pen. To pass an Act of Parliament which states that section 12 of the sentencing Act should be interpreted in accordance with a judgment of the Court of Criminal Appeal, which judgment has been shown to be wrong in law, represents an attempt to enshrine as a canon of interpretation a reasoning which has been convincingly demonstrated by the High Court to be fallacious.
>
> In other words, courts are now going to be told to sentence people upon illogical principles, and the views of the High Court are to be ignored by the legislature of South Australia and rendered nugatory.
>
> There are a number of reasons why the proposed amendment without the retrospectivity should still be struck down. Not only because of what has been previously stated but also because any member of the public, or indeed inmate of a prison on remand awaiting sentence, would find it impossible by a reading of section 12 (2) as provided for in this Bill to ascertain exactly what the principles were and how they applied in this case.
>
> . . . But the reason why people do not serve the full non-parole periods previously imposed by the courts has been the result of the actions of the Executive arm of Government, the prison and parole system. Judges have no part to play in the Executive arm of Government.
>
> If the Government seriously desired to deal with this situation they should approach it by amending what the Executive arm of Government may or may not do, and the way in which prisoners do or do not receive remissions.

The Legal Services Commission has a similarly critical view of the proposal. I understand that that, too, has been circulated to a number of members, and I think it is important to have its view included in the record. Its view is as follows:

> 1. Section 302 was interpreted by the Full Court as requiring a judge in passing sentence to have regard to the remission provisions.
>
> 2. Further it was said that this requirement had the effect of requiring an increase by as much as 50 per cent in the sentence

which would otherwise be awarded [presumebly because remissions amount to one third of the sentence].

3. But the High Court said that the Full Court's judgment does not explain why a direction 'to have regard to' the operation of a remissions system should be construed as having the effect of requiring a 50 per cent increase in sentences.

4. The proposed legislation does not seek to reverse the High Court's reasoning nor does it make up for the defect in the South Australian Supreme Court's logic.

5. The defect in logic makes it necessary for the proposed legislation to refer to the 'principles of sentencing purportedly inferred by the Full Court for section 302'. But the Full Court did not infer any principle of sentencing from section 302. The court only noted that 'the effect of the operation of the new section [302] will be to increase the level of sentences significantly'. That is not a sentencing principle. Put simply, a sentencing principle is a well-established foundation for setting an appropriate sentence in an individual case. Interpretation of a statute, on the other hand, is an interpretation of what a piece of legislation means and how that impacts on sentencing principles.

6. The High Court referred to the fact that the judgment in *The Queen v. Dube and Knowles* did not contain any reference to the basic principle of sentencing that a sentence of imprisonment should never exceed what represents appropriate or proportionate punishment for the objective offence. The proposed legislation just does not touch upon or deal with this aspect or indicate how this basic principle is to be given effect.

7. Generally, the public may expect that legislation says what it means. That expectation is not realised in this proposed legislation.

The Law Society is equally concerned about the principle of retrospectivity and the drafting of the Government's Bill as I understand is the Council for Civil Liberties. During the Committee stage of the Bill I will want the Attorney-General to tell the Council exactly what principles Dube and Knowles actually establishes. The Liberal Party intends to allow the Bill to pass the second reading and go into Committee to consider these matters. We will then move for the deletion of the retrospective application of it and seek to have some clarification to the drafting which the Attorney-General wishes to apply to sentences imposed hereafter.

The Attorney-General's attempts to deflect the heat onto the Liberal Opposition and onto the Australian Democrats, I might say, will not bear close scrutiny—it is a ploy designed to mislead the media and the public. He relies on the complexity of the matter to confuse the public and the media but, as the issue is explained, so the true picture will emerge. The Attorney-General's attitude on this issue is disgraceful.

The Hon. I. GILFILLAN: In speaking to the Bill I would like to start first by commenting on what I think is quite exceptionable public comment made by the Attorney-General and one assumes accurately reported by Randall Ashbourne in the *Sunday Mail* in an article already referred to by the Hon. Mr Griffin. I would also like to add the implication that the blame ought not rest only on Mr Sumner. The media is very ready to jump on what is apparently the sensational and it seems to be a gross distortion of the issue to have beaten it up as if the public were to be running around frightened that dangerous criminals would be let out the week after next. I believe that it does reflect on the rather superficial and irresponsible attitude of so many people in the media to this issue which deserves far more profound and a balanced analysis than we have had up to date in the popular press.

It is a disappointment to me that Randall Ashbourne, who does hold a fairly high reputation as a political reporter in this State, should put his name to the sort of junk that appeared in the *Sunday Mail* in that article. In balance to that, I believe there was a much better and informative article in the *Advertiser* (16 August) headed 'Longer terms swell prison population'.

Once again the shadow Attorney-General (Hon. K.T. Griffin) referred not so much to the article but to a study referred to in that article. I intend to refer substantially to that article because, in the comments that I wish to make on this Bill, I want to dwell on the issue of what effect the remission system has had on our penal system in South Australia. The *Advertiser* report states:

Long-term prisoners are spending up to 50 per cent more time in gaol since a rewrite of South Australian parole legislation in 1983, a study issued yesterday shows.

This statistically has really laid to rest what was fear harped on by both the Attorney and the shadow Attorney that offenders in South Australia were not getting along enough sentence. The article continues:

But the changes, while generally preferred by inmates and prison staff, have resulted in a growth of the prison population, pushing the prison system to the limits of its capacity.

These are among the key findings of a study of the impact of parole legislation changes in South Australia, made by the Department of Correctional Services and the Attorney-General's Department, to see how successful the changes have been and if there have been any unintended consequences.

The project was headed by the Director of the Office of Crime Statistics, Dr Adam Sutton, and the Coordinator of Research and Planning, South Australian Department of Correctional Services, Mr Frank Morgan.

In a preface to the report, they say it was undertaken to provide solid factual information as a basis for discussions on a topic which 'has been one of some controversy'.

Legislation in 1983 removed the Parole Board's power to decide whether a prisoner would be released after his non-parole period, and allowed parole release dates to be brought forward by up to a third through remissions.

This determination system of sentencing meant courts decided the actual terms of imprisonment, rather than the Parole Board.

The study says extensive interviews with prisioners, prison officers, parole officers and parolees showed they preferred the new system to the old by margins ranging from two-to-one to eight-to-one.

Prisoners had 'spontaneously nominated remissions as the most important factor in promoting good behaviour in prisons, 71 per cent agreeing with the proposition that remissions were an incentive to good behaviour'. The study found sentencing practices of judges changed as soon as the new legislation was introduced, with non-parole periods increasing 50 per cent after 1983 and becoming a greater proportion of the head sentence.

There was an automatic and subjective assessment by judges after this 1983 change. It was a change of which the Democrats were aware and predicted and in the main it made unnecessary further amendments to the legislation and the Bill that is now before us. The *Advertiser* article continues:

This maintained the effective terms of imprisonment, even allowing the maximum remissions.

'Other evidence from the study indicated that the long-term effect following the legislation was for offenders convicted of serious crimes to spend longer terms in prison,' the report says.

'For life-sentenced prisoners in particular, the projected terms of imprisonment are now 50 per cent greater than before the legislation was introduced. Projected terms of imprisonment also rose for offenders convicted of rape, armed robbery and serious drug offences.'

However, an unintended result of the legislation was a growth in the prison population.

'The impact of crowding is one negative effect of a system which provides benefits to both prison administrators and prisoners in some key aspects of prison life and management,' the report says.

As an example, the study shows the number of prisoners serving sentences greater than five years had risen from 77 in 1984 to 237 in 1988.

This shows dramatically how there was a substantial increase not only in the sentences but in the actual time served by offenders since 1983. I emphasise that it makes it quite unnecessary for us to be drawn through the succession of attempts to alter legislation to correct what was perceived erroneously as offenders getting inappropriately low sentences or serving inappropriately short terms in prison.

The jump in the number of prisoners serving sentences, from 77 in 1984 to 237 in 1988, does not reflect an increase in the incidence of serious crime: it reflects the increase in the amount of sentences that were imposed and served.

The Hon. C.J. Sumner: You do not accept the complaint of the Liberals about lenient sentences?

The Hon. I. GILFILLAN: No, I do not agree with that. I never cease to be amazed at the speed with which the Attorney-General rises to protest about excessive leniency of sentences, as if there were a political point to be scored by being seen to be the champion of longer sentences.

The shadow Attorney-General read into *Hansard* some supporting statements. I have also received several supporting statements, and it is obvious that the vast majority of the legal fraternity oppose the retrospectivity of the Bill, a fact that will be discussed at length in Committee. The Democrats are implacably opposed to the retrospective character of the legislation. Further to the criticism of the retrospectivity, a media release was issued, dated 18 August, from the Catholic News Centre, which reads:

CHURCH OBJECTS TO LEGISLATION ON PRISON SENTENCE

A spokesman for the Adelaide Catholic Diocesan Justice and Peace Commission, Mr Greg Mead, commented today on the proposed amendment to the Criminal Law (Sentencing) Act which would negate a decision by the High Court of Australia in June this year. That decision enables many prisoners to appeal against sentences imposed since 1986.

As a result of a decision of the South Australian Court of Criminal Appeal delivered in 1987, sentences passed by courts in South Australia may have been 50 per cent higher than previously.

The proposed amendment will increase an already overcrowded prison population with the result that all of the present deficiencies in the prison system will be greatly magnified.

The Justice and Peace Commission supports the Government's decision to retain the system of good behaviour remissions presently set up by the Correctional Services Act. The remission system provides an important incentive for prisoners during their time in prison, its existence should not be used as an excuse to increase sentences.

The part of the amendment which provides that courts specifically announce the minimum period which a prisoner must spend in gaol is unobjectionable and ensures some certainty for all concerned.

The part of the proposed amendment which seeks to remove prisoners' rights of appeal retrospectively is unfair and objectionable in principle. The High Court declared the law as it should have been applied since 1986. The Commission asks the Parliament to give serious consideration to these objections.

The President of the Law Society has sent a letter to the editor of the *Advertiser*, which he hopes will be printed in the next day or two, expressing serious objection to the retrospectivity, and a press release from the Law Society of Australia states the same thing. I have received calls from lawyers who have gone to some pains, as did Mr Abbott (who was quoted by the Hon. Trevor Griffin) to put in detail their criticisms of and concerns about the Bill. The Bill will be dealt with in detail in Committee, but I indicate the Democrats' amazement at the drafting of legislation, the interpretation of which 'should be in accordance with the judgment of the Full Court in *R v Dube and Knowles* (1987) 46 SASR 118'.

I believe that we chose, quite properly, not to include *Hansard* debates as a formal means of interpreting legislation. I hold with the principle that the statute should stand on its own and should be interpretable from the words it contains. It seems, therefore, quite unacceptable that this form of drafting should be in the Bill—that is, apart from the pros and cons of the Bill or the alleged principles of sentencing in this judgment.

The majority of opinion—other than, perhaps, the Attorney-General—is that the judgment contains no principle of sentencing, and it would leave us floundering if it were to become part of the Act, although I hope it does not.

I refer to two judgments which are significant to the Bill and read passages from them into *Hansard*, together with my comments, as that is the best way to reflect the attitude of the Democrats to the Bill. The first is the judgment of the Chief Justice King and Justices Bollen and von Doussa from the Court of Criminal Appeal in *R v Dube and Knowles*, heard from 25 June to 2 July 1987. It states:

The appeals were held together by consent, so that the Attorney-General could argue that the general level of sentences for armed robbery should be increased.

That indicates that the Attorney-General has been on his hind legs frequently and incessantly, arguing that sentences should be increased, so it is no good him pointing the finger of criticism at the Shadow Attorney-General. The previous paragraph states:

Held: King CJ, Bollen and von Doussa JJ concurring—While there is no evidence of any correllation between the level of punishment and the incidence of crime, the criminal justice system assumes and must continue to assume that punishment deters crime and that the proper responses to the increase of prevalence of crime is the increase in the level of penalty.

The judgment goes on to quote from *R v Spiero* (1979):

(2) However, in 1986 Parliament legislated to permit sentencing judges to have regard to the system of remissions when fixing the appropriate head sentence and non-parole period. This could only be done by increasing the sentence that the judge would otherwise have imposed. The general effect of this might well be to increase sentences by up to fifty per cent. In those circumstances, it would not be appropriate to consider a further increase in the general level of sentences.

I am developing this argument because there is a very interesting thread of interpretation that deterrence is to be a major part of sentences, although the judgment mentions that there is no evidence of any correllation between the level of punishment and the incidence of crime. The judgment later states the same thing. I quote from the Chief Justice, who is the author of the judgment, at page 120:

I think that it must be conceded that there is no proven correllation between the level of punishment and the incidence of crime and that there is no clear evidence that increased levels of punishment have any effect upon the prevalence of crime.

I would like honourable members to ponder that, as it is a very significant statement about how the Parliament should view the levels of punishment that are set into statute, and what we should be promoting as appropriate sentences for criminals to serve in our prisons. Later in the judgment the judges clearly state the effect on the amendment—that is, new section 302 of the Criminal Law Consolidation Act—which states:

A court, in fixing the term of the sentence of imprisonment or fixing or extending a non-parole period of imprisonment in respect of a sentence or sentences of imprisonment shall have regard to the fact (where applicable) that the prisoner may be credited, pursuant to Part VII of the Correctional Services Act 1982 with a maximum of 15 days of remission for each month served in prison.

I quote from the judgment as follows:

The effect of the amendment is to enable—indeed, to require—the judge in passing sentence to have regard to the remission provisions.

Further on page 121 it states:

There is a presumption against retroactive operation—*Maxwell v Murphy* (1957) 96 CLR 261. I think that it may be taken that the section operates prospectively.

It is important that retroactive operation is not accepted by the Chief Justice in analysing this general view of this area of law. I further quote:

The present amendment smacks of the procedural in the sense that it affects the principles which regulate the sentencing process rather than the substantive law. The effect of the amendment, however, as I have pointed out, is unquestionably to increase the level of punishment for crime.

It is my concern that this Parliament ought specifically to realise that the issue is not one of semantics in the law; it is a basic question of how long offenders will spend in prison in South Australia, what the intended operation of the remissions system was when we passed it into law in this State, and how it is operating now. It is my opinion that if this amendment increases—and I believe it does—the level of punishment for crime, it is not appropriate that it be the consequence of the amendment that was introduced in section 302. If Parliament wishes to increase the penalties, it should do so by amending the legislation so that the penalties for the offences are clearly spelt out and not left to the whim of the judges either assuming that the remissions are to be taken into account or not. I quote further from page 121, as follows:

The new section 302 directs the judge to have regard to the remission provisions. In certain contexts a direction to have regard to specified matters means no more than that the court is required to consider them without being bound to act upon them (*South Australian Planning Commission v Dorrestjin*). I think, however, that it must mean more than that in the present context. Prior to the amending Act, as I have pointed out, the judge was not entitled to have regard to the remission provisions. Now he is directed to do so. It seems to me that he can only have regard to those provisions by adjusting the sentence which he would otherwise have imposed by reason of them. I think that the section mandates the judge to take the remission provisions into account when determining the duration of the head sentence and the non-parole period. He can only do this by making some appropriate increase to the sentence which he would otherwise have imposed. The extent of the adjustment must be a matter of judgment in each case. What the judge must have regard to is that a prisoner may be credited with one-third remissions. Clearly, the judge is not required or entitled to consider whether the individual prisoner is likely to behave well in prison and, thereby, earn the remissions.

It clearly spells out here that the Chief Justice did not believe that there would be an automatic, by rote, increase of one-third; nor did he believe that a judge was entitled to consider whether an individual prisoner would be likely to behave well in prison and thereby earn remissions. It is very confusing. This whole quote that I have just read is the subject of the judgment of the High Court which virtually reverses the gravamen of what the Chief Justice said in these paragraphs. I further quote from page 122, as follows:

As there is no certainty about the period of remission which any particular prisoner will earn, the judge is not obliged, in my opinion, to adjust a sentence which he would otherwise have imposed in any strictly mathematical fashion.

Once again, the Chief Justice is negating the argument that they all should have been increased by one-third.

I turn now to the High Court judgment. Having read it, I found myself in agreement with its contents. It seemed to me to tally very well with what at this stage—

The Hon. K.T. Griffin: You don't reckon it's wrong?

The Hon. I. GILFILLAN: No, I don't reckon it's wrong. I must confess that my legal knowledge is not adequate to understand the nuances of it, but I think that it is written in terms which make it clear and explicable to the average citizen. I quote from page 6 of this judgment, as follows:

Traditionally, the existence of a system of remission has, from the point of view of a prisoner, been beneficial in that such a system allows a sentence imposed as appropriate to the gravity of the crime to be remitted or cut short by reason of good behaviour while it is being served. It is well settled as a matter of principle that the existence of a remission system such as that contained in Part VII of the Correctional Services Act is not of itself a circumstance justifying an increase in the head sentence. Indeed, that is one rule about which there is almost universal agreement in the often contentious field of sentencing law.

I will not read the series of established authorities which are then listed in the judgment; they are available for any honourable member to refer to. The judgment continues:

The reasons underlying that general rule are clear. First, in the case of a system of remissions such as that involved in the present case, a prisoner has no right to remission although, if he behaves himself, he may get as much as a third remission.

That is quoting the *Queen v Maguire and Enos* (1956). The judgment continues:

That being so, there can be no guarantee that a particular prisoner will in fact obtain the maximum possible of any number of days of remission. Secondly, a basic principle of sentencing law is that a sentence of imprisonment imposed by a court should never exceed that which can be justified or proportionate to the gravity of the crime committed in the light of its objective circumstances (see *Veen v The Queen* [No. 2] (1988)). It would represent a departure from that basic principle if a judge, instead of imposing a sentence within the limits of what represented appropriate or proportionate punishment for the Crown, were to 'impose a longer sentence merely because the offender may possibly earn remissions for good conduct' (see *Queen v Paivinen*, at page 494).

Thirdly, to increase what would otherwise be the appropriate sentence in all the circumstances of the particular offence by the period which the sentencing judge thought would be or might be credited as days of remission would be to negate in advance the real benefit to the prisoner of remissions for good behaviour and thereby reverse the policy underlining the remissions system (see *Menz and Royce v Queen* [1967]).

I interrupt my question to give an analogy which I believe all members should ponder. It seems to me that, in the current context of wage restructuring, there is similar argument: the commission would say 'We will allow for an increase in the wages on proof of productivity but, at the same time, we will reduce what is currently the standard of wage on the assumption that you will get that increase, and that is the level that we want you to get at the end of the game.' I am sure honourable members opposite can see the injustice of that as an applied principle: that you offer a reward for effort and then deduct what is the basic return on normal productivity so that that compensates. That is exactly the same principle. It is an analogy which fits precisely this Bill and the intention of those who want to push sentences up to compensate for what may be rewards for cooperation and good behaviour. That same principle is being applied, and the Democrats thoroughly reject that as a principle of law. It is very comforting to find that Their Honours on the High Court bench agree.

The Hon. T.G. Roberts: How do you explain the incorporation of supplementary payments in lieu of increased wages?

The Hon. I. GILFILLAN: The Hon. Terry Roberts wants to draw me into finer detail of the analogy, into which I do not intend to be led. I refer strictly to the issue before us, which is the High Court judgment. I quote further from page 7:

There could, for example, be no legitimate objection to account being taken of the fact that remissions are available for good behaviour during service of a sentence but not for good behaviour during time in custody before sentence in determining what (if any) allowance should be made in the head sentence in respect of such time.

This points out that the High Court deemed that account of the remissions would be taken by sentencing judges in a variety of ways but there would be no general rule. This quotation on page 8 fits that statement:

The general rule is that it is not permissible for a sentencing judge to treat the likelihood of remissions for good behaviour as itself constituting a ground for increasing what would otherwise be the appropriate head sentence.

I quote further on page 9. In this case the High Court is quoting Chief Justice King of the South Australian Supreme Court with whose judgment Walters and Mohr agreed. This is in *Reg. v Brennan* in 1984, page 80:

There is no longer any obstacle to the application of the principle laid down in *Reg. v. Maguire and Eno* and in *Menz and Royce v. The Queen* in determining the non-parole period as well

as the head sentence. To approach the fixation of a non-parole period by first determining the period to be spent in prison and by then adding fifty per cent or some other proportion to counteract the reduction of the non-parole period by remissions is wrong in principle. It offends against the principle of sentencing laid down in the above cases; it assumes that the law as to good conduct remissions will remain the same for the duration of the sentence; it assumes that the prisoner will receive the maximum remissions for good conduct, it assumes that the conditions of parole fixed by the Board will be acceptable to the prisoner. None of those assumptions is justified. The proper approach under the new provisions is for the sentencing judge to determine the proportion of the sentence which is to be spent in prison and that which is to be spent on parole. He should fix the non-parole period accordingly, without regard to any reductions which might result from remissions credited to the prisoner.

What a remarkable and profound statement from the Chief Justice. It is lamentable that the waters have got murkier since then and, for whatever reason, His Honour has been led into making statements, as in the judgment in *Dube and Knowles*, varying from the wisdom that was expressed in the previous quotation.

I intend to be selective. I recommend the reading of the full judgment to all honourable members. It is very good and informative. On page 13 of the judgment the High Court is referring to the Court of Appeal judgment in *Flentjar v Wright*, which was handed down on 30 September 1986. The judgment continues:

In the preceding month, the Statutes Amendment (Parole) Bill (inserting s.302 in the Criminal Law Consolidation Act) had been introduced to the South Australian Parliament. It was passed by the House of Assembly on 24 September 1986 and by the Legislative Council on 5 November 1986. It was assented to on 20 November 1986 and was proclaimed to commence on 8 December 1986. The name 'Statutes Amendment (Parole) Act' and the context provided by the Act's other provisions which are concerned with aspects of the parole system suggest that the section was primarily concerned to ensure that a sentencing judge was not precluded by what had been said in *Reg. v. Brennan* from having any regard to the operation of the remissions system in fixing the non-parole period. If that be so, *Flentjar v. Wright* did much to remove the need for the section between the time of its introduction and the time of its enactment.

In other words, the High Court believes that section 302 came in as a refinement, not a substantial change in the interpretation of the legislation. In fact, previous quotes of Ministers introducing the legislation indicated that that was the case. It was my belief and that of the Democrats that it was a matter of fine tuning the intention of the previous legislation.

On page 14, after discussing matters relating to quotes from Parliament, the judgment goes on:

Such reference provides support for the view that the mischief to which s.302 was directed or the purpose which it was intended to serve was not a perceived need for a dramatic overnight increase in prison sentences in South Australia but the need to remove doubts about whether a court was precluded from paying any regard at all to the likely effect of remissions in fixing a non-parole period. In particular, the Minister of Correctional Services stressed the declaratory nature of s.302. The section, he said, 'spelt out to the court what it can already do so that it is perfectly clear.' He added that 'while the courts could always [have regard, in the sentencing process, to the possible operation of the remissions system] we felt it necessary to put it into the Act and spell out clearly to the courts that they need to take that into consideration' (House of Assembly Parliamentary Debates (*Hansard*), 24 September 1986, at p. 1173). As will be seen (below), the Minister of Correctional Services was also at pains to emphasise the fact that it would be quite wrong to assume that, under the current system, even a majority of persons would obtain maximum remissions.

Obviously, there was not intended or expected to be a dramatic overnight increase in prison sentences—certainly not in my mind—but it is revealing to find from the statistics that there was an almost instantaneous dramatic increase in sentences after the enactment of the first remissions legislation in 1983.

My next quote is on page 15 of the High Court judgment. Again, their Honours are quoting Chief Justice King of our Supreme Court. It says:

The extent of the adjustment must be a matter of judgment in each case. What the judge must have regard to is that a prisoner may be credited with one-third remissions. Clearly the judge is not required or entitled to consider whether the individual prisoner is likely to behave well in prison and thereby earn the remissions. The mandate is to have regard to the objective existence of the remission provisions and their potential bearing upon the time which the prisoner will spend in prison. It is not certain, of course, that any particular prisoner will receive any particular period of remission. Commonsense and common experience in these Courts, however, combine to indicate that in most cases the maximum or very nearly the maximum period of remissions will be credited.

It is important to realise that the receipt or otherwise of remissions should not be significant to the sentencing judge, nor to this Parliament, except in analysing the effectiveness or otherwise of the remission system. I repeat, if we as a Parliament wish to increase sentences, we do so by increasing the maximum applicable to any particular offence.

Finally, I go to page 20 of the High Court judgment, as follows:

In the light of what has been said above, the conclusion seems to us to be unavoidable that s.302 should not be construed in the manner in which the South Australian Court of Criminal Appeal has construed it. The statutory directive to a court to 'have regard to' the possible operation of the remissions system in fixing the term of a sentence of imprisonment or in fixing or extending a non-parole period should not be construed as requiring a court to disregard and defeat the policy of that remissions system. Nor should it be construed as evincing a legislative intent to overthrow the entrenched sentencing principle that the sentence pronounced should not exceed what is appropriate or proportionate to the gravity of the offence.

All that the section required was that a sentencing judge 'have regard', in determining sentence or in fixing a non-parole period, 'to the fact (where applicable)' that a prisoner may earn remissions up to the prescribed maximum by good behaviour while in custody. Of itself, that fact will not provide any basis for increasing what would otherwise be seen as the appropriate or proportionate head sentence. That fact may, in exceptional circumstances, tend to reduce the weight to be given to particular mitigating circumstances. It will, as Johnston J. pointed out in *Flentjar v Wright*, necessarily be relevant when considering the question of the practical effect of a given non-parole order against a given head sentence. Even in the case of the non-parole period, however, section 302's direction that a court 'have regard to' the possible operation of the remissions system cannot properly be construed as a directive to counteract or outflank the policy that remissions actually earned for good behaviour should reduce the period fixed as the appropriate non-parole period.

In conclusion, I indicate that the Democrats believe that the Bill is badly flawed in its drafting. Further to that, we believe that, first, its factor of retrospectivity is totally objectionable and would not be entertained in any circumstances. Finally, and perhaps most importantly, we believe that the move to attempt to cement the remissions as an automatic inflation factor into the sentences is wrong. It is wrong in justice and it is wrong in principle. Because that position has been staunchly put by the High Court in its judgment, we believe that the Bill, in its whole intention, is totally inappropriate, and it is our intention to oppose it.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 17 August. Page 383.)

The Hon. G. WEATHERILL: In my speech today I would like to deal with the relationship between employees

and employers. However, before I do that I would like to comment on some of the more important aspects of His Excellency the Governor's speech. In relation to employment, the South Australian Labor Government continues to fund a trainee program, apprenticeships and traineeships, and the group training scheme will be expanded. As a result of recent announcements by the Federal Labor Government the Victorian Government has won a $5 million Anzac frigate contract. South Australia gains 16 per cent of this deal. This will mean 1 400 permanent long-term jobs, $500 million worth of construction work, and $15 million worth of maintenance work over the next 30 years.

In the area of health currently $8 million is being spent on the new Noarlunga hospital; $21 million is being spent on the theatre complex at the Royal Adelaide Hospital; and there are major redevelopments in the Riverland region at Berri, totalling just over $8 million. At the Child Health Research Institute work worth $1.5 million is being done; this involves $750 000 from the Health Commission and $750 000 from the Variety Club.

During the 1989-90 financial year work will begin at the Port Pirie Regional Health Service, the Marion Community Centre, at Hillcrest and the Royal Adelaide Medical Centre for Women and Children. There will also be a major upgrading of the Queen Elizabeth Hospital. In addition, metropolitan hospitals have been given a major funding boost of $46 million over a period of four years.

Tourism is now one of South Australia's most important industries. South Australia's level of investment is increasing both in absolute terms and as a share of the total tourist investment in Australia.

South Australia's share of the total tourist development has increased from 1 per cent in 1986 to around 4 per cent at the end of 1988. As at February 1989 the value of commitment and tourist development under construction was $703.8 million, which compares favourably with the figure of $202 million in February 1988, an increase of 248 per cent.

I have raised these two issues from the Governor's speech, because over the past three years we have heard nothing but complaints and innuendos from the Opposition in these two areas. In the hospitals area in particular, South Australia would have probably the best system in Australia and most certainly the best in the world, and we should be very proud of that. In the area of tourism, the facts speak for themselves. South Australia has done exceptionally well under the Bannon Government and it should be congratulated rather than criticised.

The Hon. L.H. Davis: Have you given figures to justify this?

The Hon. G. WEATHERILL: I thought I just did; I can read the figures again if the honourable member wishes. The subject of industrial relations is very topical. The national wage decision, which was handed down about a fortnight ago, continues the previous wage system by asking for offsets to achieve wage increases. It also continues to ask employees and employers to cooperate to reach agreement to achieve these wage increases. Whilst I fully support the concept of cooperation between employers and employees as the basis for a new system, I have many doubts about how effective it will be.

A segment on the *7.30 Report* on Channel 2 on Monday evening said that this decision would ask for the removal of the 'us versus them' mentality. The suggestion was clearly made that employees, through their unions, were to blame for this attitude. I totally reject this suggestion. Working people choose to form themselves into organisations to protect themselves. These organisations are the only protection many employees have against the power of the employer. The 'us versus them' mentality has been and will always be caused by the system in which we live.

The most recent national wage case is a classic example of this attitude. At a time when real wages have decreased by 30 per cent since 1983 and interest rates have increased by over 3 per cent, a significant number of employers argued that wage increases for the financial year 1989-90 should not be granted. Fortunately, the Arbitration Commission rejected this argument. Such an argument, however, does not encourage cooperation. It should be remembered that employers' organisations represented at these hearings do not cover all employers. They generally cover only those employers whose workforce is in the unions. One can only wonder about the position that employers who are not unionised would have taken at a national wage case hearing.

I took up many thousands of issues on behalf of members in my time, as a shop steward, senior shop steward and union official. After these experiences it became clear to me that, whilst in theory employers and employees have interests in common, in practice they do not. In particular, I have found that without the protection of trade unions employees have worse working conditions, pay and treatment at the hands of employers. I have found it difficult for anyone to argue successfully that it is for the unions to adopt a new cooperative approach to industrial relations.

I will recount some of the examples of the abuse and power of the employer I saw when I was a trade union official. I stress that many of these employers are large so-called reputable employers, and the mind boggles when I consider what small backyard operators may do. For instance, a representative who organises effectively is victimised; people are dismissed for no good reason; employees who propose to join a union are sacked; money saving technology is introduced but there is no compensation for employees; and reduced staff levels but the same amount of quality work expected.

It can be seen from these examples that employers have the attitude, 'I have the authority. It is my right to run the business as I please and you have to wear it.' The law does nothing to prevent employers from saying this; indeed, it actually protects their rights. So long as employers continue to exercise their so-called rights without regard to the welfare of an individual employee a cooperative approach to industrial relations will be difficult to achieve.

Having said all this, I would be wrong to put all employers in the same category. Some employers show a genuine concern for the interests of their employees and adopt a cooperative approach to industrial relations. However, these employers are few and far between. The central theme of my speech today has been to analyse the new approach to industrial relations in this country, and in particular to call on unions and their members to become more cooperative. It is my firm view that such cooperation will need a special effort by employers who, in my experience, have not missed an opportunity to maximise their position at the expense of the worker.

The Hon. J.C. IRWIN: I support the motion. I thank His Excellency for his speech on opening the fifth session of the Forty-sixth Parliament and I affirm, as I have done previously, my loyalty to Her Majesty the Queen. I join with His Excellency in expressing sympathy to the relatives of past members who have recently died. Sir Arthur Rymill was my godfather, and I have very fond memories of growing up with his friendship and advice, particularly in my early years. I acknowledge his enormous contribution to the City of Adelaide where he was a councillor for many years

and Lord Mayor during one of the Queen's visits—I think it might have been the first visit of the present Queen to Adelaide—and his contribution to South Australia as a lawyer, Legislative Councillor and a director of many South Australian companies.

It is a little unusual in an Address in Reply to refer to the game of cricket—a game which I am sure you, Mr President, would be well versed in. I take this opportunity to place on the record my congratulations to Allan Border and his team, which includes one South Australian—Tim May. To equal an achievement that was last attained under Sir Donald Bradman's captaincy of the 1948 tour of England is quite remarkable, and this link with the Bradman achievement says it all, without very many other things needing to be said. I join others in saying that the English press has been so determined to denigrate the English team's performance that it has lost sight of the performance of the Australians, who have been so magnificently led by Border.

This man really did lead; his first innings in the first test was the starting point for Australia's resurgence in world cricket. The ball then rolled for Australia, and it is still rolling. There is no doubt that we should applaud the superb leadership of Allan Border and the enormous individual contributions of other members of the team, with everyone performing with bat and ball and as a team. Success breeds success, and one cannot leave the Australian achievement without acknowledging the part played by a former Australian captain, Bobby Simpson. His stamp is all over the side in teamwork, technique, fielding, and catching. And who can ever forget the tail-enders who have learnt how to play straight and who have made lots of runs. I am sure they have enjoyed their cricket more than just winning the Test matches.

I have not found anyone who has been offended by the magnificent way in which Allan Border accepted his victory over the hapless David Gower, with no ockerism that I could observe and no public wasting of champagne, squirting it all over the place, but loads of humility and pride. This young man's example to other Australians—to those younger than himself—was of the highest order. Let us hope it breeds others who will follow this Border example on and off the playing field.

I also commend the example of Gary Abblett of the Geelong Football Club who actually publicly told the truth before a tribunal where he appeared on a striking charge which, if I remember correctly, was laid officially after observers had watched a television replay—something we are seeing more of in South Australian football. Abblett was reported as having said:

> It was better to tell the truth and cop the penalty than to try to lie my way out of it and use my reputation to get a lesser sentence or perhaps get off altogether.

I certainly commend that attitude. We could be excused for thinking that with this example and that of Border there is a dawning of a new era in Australia, of not moving away from a tough no-nonsense will to win on and off the playing field and a determination to do the very best but, rather, of moving towards leadership by example—and nothing could be better than the example I have just illustrated. I hope that we always move in a better direction in this State and country.

In passing, I must say—and it gives me no pride to do so—that the priest who gave a false name and address to the police and who was recently part of a quite public case was definitely not a good example for others to follow, whether or not they are young or old. One should remember that Abblett copped three matches for his indiscretion and honesty, and I do not think the same applied in this case.

Like some other members of this place and the other place I was fortunate enough to go overseas during the early part of winter, my destination being London as a guest of the United Kingdom Branch of the Commonwealth Parliamentary Association. My wife and I spent three weeks with that branch and another week travelling in England and Scotland. I understand that the annual United Kingdom CPA visit is designed to bring Commonwealth delegates together to live and work for three weeks and to observe the workings of Westminster, the mother of Parliament. I was excited by the prospect of this visit and by every minute I spent in London and in and around Westminster. My wife was a wonderful companion and was as stimulated by the experience as I was. In fact, we met in London in 1957 and have not been back since. So, there was a lot to observe after an absence of some 32 years.

There were 25 delegates on the tour and at the conference, representing 22 Commonwealth countries—three from Australia, two from Canada, one from New Zealand, one from Botswana, one from Jersey, one from Bermuda, one from the British Virgin Islands, one from Cayman Islands, one from Hong Kong, one from Kenya, one from Barbados, two from Malaysia, one from Singapore, one from Sri Lanka, one from Trinidad, one from Zambia, one from Papua New Guinea, a chief from one of the tribes of Swaziland, one from Tonga, one from Turks and Caicos Islands, and one from Zimbabwe.

I have given that list to the Council to show what a mixed group it was, comprising members from all walks of life, of all colours and representing the whole political spectrum. I am pleased to advise that individual political persuasions did not come into discussions in any way. This was helped greatly by the United Kingdom CPA staff whose organisation and subtle planning was quite outstanding.

For two weeks we met daily at Westminster. Every meeting was attended by United Kingdom members, some Ministers and some former Ministers from all Parties represented in Westminster. Some of the discussions included recent major developments in the Westminster Parliament. That discussion was headed by Mr Michael Ryle, Clerk of Committees in the House of Commons. The discussion was chaired by Mr Brian Gould, who was born in New Zealand and who went to Oxford and then joined the Labour Party in England.

Members who follow the political situation in England, will know that he is definitely a rising star, and we saw quite a bit of Brian and his wife on this trip. Some of the discussions of this group centred on the workings of committees. Standing committees in Westminster deal with legislation and select committees deal with specific jobs. Other committees are set up as the need arises. I was interested to note the number of support staff available to committees, and we would all be envious about that. The support staff for the standing committees included a senior clerk, a junior clerk and specialist secretary and powers to hire select people. There is the power to undertake travel almost anywhere, certainly in Europe and England. An open cheque book with no real budget at all is provided.

Certainly, I noted that there is a real move for the Parliament to deal with policy rather than detail, and this policy work is done in standing committees and not in the Committee stage of Bills, as is the case in South Australia. Further, there has been an enormous increase in constituency work in the United Kingdom and a major move to disseminating a great deal more information to the public. There is a move from Parliament to provide far more information, and there is a groundswell movement from the people seeking more information about legislation which

will, one way or another, impact on their lives. The public is demanding it and Parliament is providing more and more information. This information sharing is costly but, as I have said, there was almost an open cheque book from Parliament to enable those needs to be met.

Another discussion group which revolved around the political scene at Westminster was led by Sir Peter Hordern, a Conservative who was educated in Melbourne. He is an Englishman who was in Australia when his father was head of the Roots group in New South Wales during the Second World War. Some of the members who helped us in these discussions were Mr Ivan Lawrence, QC, Conservative, Mr Ron Leighton, Labour Party, Lord Bonham-Carter, Social Democrat and Ivor Stanbrook, Conservative.

I found it interesting because the discussion centred almost entirely on Europe and the coming of a unified Europe in 1992. I noted that the crusty Lord Bonham-Carter (I doubt that he would mind my describing him in this way) and the Conservatives were most concerned about the sovereignty of Great Britain following 1992. This matter is the centre of great debate in the United Kingdom now, and the recent European elections highlighted this point. Many people are greatly concerned that, when Europe is unified and the barriers come down in 1992, when the move is on for one language and perhaps one currency, as well as all the other common ideals, the United Kingdom may lose its sovereignty.

Certainly, I am one person who hopes that it will never lose that sovereignty or its ideals in the name of unification or anything else. I must report that the Labour politician, Mr Leighton, launched a stinging attack on Prime Minister Margaret Thatcher, listing a whole range of economic factors, such as rising interest rates, rising cost of living, and the rich getting richer while the poor get poorer, and so on. I believe that I could have used exactly the same words—

The Hon. Carolyn Pickles: Have you been around Knightsbridge?

The Hon. J.C. IRWIN: This was a Labour politician talking about what happened under the Margaret Thatcher regime. I am merely making the point that I could have used exactly the same speech, using the same words, to describe the political scene in Australia under the Hawke Federal Government—a Government of exactly the opposite persuasion to that of the Thatcher Government. The games are the same—only the players change, it seems.

The third discussion was 'The member of Parliament: the Party and his constituency; the members' relationship with the media'. This discussion was chaired by Ted Garrett, another prominent Labour politician, with Fergus Montgomery another Conservative, and Dr John Merrick, Labour, as our guests. We had two sessions devoted to the 'Political scene in my country', in which every conference member took part. My turn to speak came near the end of the discussion, and I chose to outline the State and Federal structure in Australia because I believed that my colleagues from the black African countries should be made aware of our Federal and State situation and the major two Party system.

I was lucky that my turn came near the end of the discussion because delegates who spoke before me obviously had no idea of how other countries worked. I believed it my responsibility to throw away what I had planned to talk about, and with other Australian colleagues—Senator Ray Devlin, Tasmania, and the Hon. Geoffrey Collard, Victoria—I tried to give the Australian perspective to help the other Commonwealth countries; that was the whole idea of the conference. As I said, this session was chaired by Tony Durant, Conservative and Chairman of the UK Executive Committee of the Commonwealth Parliamentary Association. We were given serious examples of countries governed by one Party dictatorships whose representatives believed that their country's system reflected the best of democracy.

When those examples involving one Party dictatorships were given a number of us openly laughed as the serious sermons were delivered. It was easy to do so then because we were a fairly unified team after three weeks together. The laughter was not disrespectful and was not taken in an angry manner. The examples given by other delegates did reflect a whole range of views about what was democracy and how it was practised in their countries. Certainly, it is to be hoped that every Commonwealth country will move slowly towards what would be a more democratic form of Government—if that can be easily defined although it is sometimes difficult to do so.

These sessions showed above all subtle planning of the United Kingdom branch practised over many years—in other words, to mix delegates so that they could all learn from one another. Delegates from Australia and the other countries which have a more developed form of democracy were able to give the examples, as I have explained. In fact, I used the example in South Australia of the evolution of the Legislative Council and its progression since the composition of this Chamber from an appointed Government in 1836 to the election of members on a property franchise and then to an adult franchise as we now have.

Some people might say that this Council is more democratic than Westminster, where members of the House of Lords are not elected as yet. We have seen a progression, all the time becoming more democratic. We can only hope that the so-called emerging countries will move in the same direction and follow the example that is available to them all over the world.

We then had a session at CPA headquarters, in the Old Palace Yard, with Dr Hector McLean, Deputy Secretary-General to Dr David Tonkin. Unfortunately, Dr Tonkin was ill with the 'flu when I first arrived in London and then was in Canada organising another CPA congress in that country. We visited the House of Commons library and had discussions with the Librarian, Dr David Menhennet.

We had a session on overseas aid, chaired by Mr George Foulks, a Labor member of Parliament, together with Christopher Patten, a Cabinet Minister. who was then the Minister for Overseas Development and a rising star in the Conservative Party, as has been borne out since we were in London. Since 1987 overseas aid from the United Kingdom Government has grown in real terms and now amounts to £1.5 billion per year, which is about A$3.5 billion or three-quarters of the bilateral aid to Commonwealth countries.

The discussion inevitably turned to forests and how the world could or would compensate countries such as Brazil, or even Australia, for keeping their forests. The forests in Brazil are claimed to be the largest in the world. If the environmentalists of the world want countries such as Brazil to keep their forests, the world must pay for it. It is not simply a matter of telling Brazil that it must stop development, because the country has aspirations of getting itself out of its economic problems, and we cannot blame Brazil for using its natural resources to do that. I have no doubt that if the rest of the world can help Brazil by compensating it for keeping its forest, Brazil will not need to cut them down.

Other discussions centred around the subjects of 'Trade is more important than aid', 'The most toxic element in society is poverty', and 'Primary health care is more important than high-class hospitals.' Those are not my words;

they are quotes from the discussions, in the context of overseas aid.

Our final discussion was on Commonwealth and world affairs, chaired by Gordon Oaks, a prominent Labor member in whose electorate an ICI factory at Runcorn, near Birmingham, which produces the dreaded chlorofluorocarbons. Gordon Oaks is a recognised expert in CFCs. We visited Runcorn on a separate tour and were given a lengthy briefing by ICI senior staff members. I have seen the site of the new factory which will produce CFC replacements. It is absolutely bare; there is nothing on it at all, and there is not likely to be for three to five years. As Gordon Oaks said, it may take three to five years to properly test a safe replacement. Even then, we may never know whether the replacement will be as bad as the CFCs with which we have been having such a problem.

The session on world affairs was addressed by the Right Hon. Lynda Chalker, the Minister for Foreign and Commonwealth Affairs. She spoke about South Africa and said that it must evolve a new system; there is no quick fix and no easy way out. The Thatcher Government's approach to South Africa is well known, and there is no need for me to praise or belittle it. I am sure all honourable members would agree that only time will tell as to the outcome or solution, but I do not mean to imply that we should sit around and do nothing at all.

It is interesting that the Hawke Government keeps preaching about sanctions for South Africa but does not abide by its own decree and publicly expressed guidelines, which are littered with hypocrisies. We still trade with South Africa, and it is easy to fly to countries close by and get into South Africa from there. The hypocrisy is quite breathtaking, especially when the Government tried to justify to the Australian people and the world its reasons for not imposing sanctions against China following the crushing of the student revolt in Beijing.

On our way back to Australia we spent two days in Hong Kong. One million people were marching in Hong Kong on the Sunday that we were there, and that coincided with the student uprising in Tiananmen Square in Beijing.

The delegation made numerous visits to every part of the Palace of Westminster and was present during Question Time in the House of Commons and House of Lords, and also took part in the impressive processions by the Speaker and the Lord Chancellor which precede Question Time in both Houses.

Question Time in the House of Commons is quite different from that here. No doubt some honourable members know what takes place, but it is quite an experience to have watched it and been a part of it. Prime Minister's question time goes on for 15 minutes, with questions on one subject or a number of subjects addressed to the Prime Minister each day. I was lucky to have been in the House of Commons on the tenth anniversary of Margaret Thatcher's prime ministership. When she came into the House of Commons there was much hissing, booing and waving of papers, as we sometimes see on television.

I was particularly pleased to meet up with an old friend, Lord George Norrie, who is now a member of the House of Lords. George and I went to preparatory school in Adelaide, when his father, Sir Willoughby Norrie, was a distinguished former Governor of South Australia. He left South Australia to become Governor-General of New Zealand, and after that inherited his peerage. After he died (not long ago) his son George took over the title, and George has sold his business and taken up full time duties in the House of Lords. George had a long career as an Army officer with the 10th Hussars and had business experience as a market gardener, and those two career paths qualified him well to make a significant contribution to the House of Lords.

The House of Lords still plays a strong part in the Westminster system. No matter what anyone thinks about how the Lords work, how old they are and how decrepit some of them look, their minds are strong and their experience is absolutely enormous. Those who know how the system works know that the House of Lords still plays a strong part in the Westminster system. While we were in London, the House of Lords disagreed many times with the House of Commons and sent legislation back to the House of Commons to be considered again. Again, we see that marvellous check and balance in the system.

My wife and I visited Sir Willoughby Norrie's wife, who is known as Patricia Lady Norrie (as there is another Lady Norrie—George's wife), and we spent many hours talking with her about her fond memories of South Australia. Lady Norrie is extremely well, and she is well into her eighties. It was a delight for us to see her again. I have photographs of her if anyone would care to see them, because she looks exactly the same as I had remembered her.

We had the pleasure of being taken around the whole of the House of Lords building while it was quiet, and we were able to look at some of the outstanding and historic documents and memorabilia that make up the historic House of Lords Chamber. We had time to take a leisurely look at the Royal Gallery in the House of Lords, where one cannot help but be drawn to the huge splendid painting of Waterloo. I was particularly drawn to the painting because it shows in the centre Field Marshal Lord Fitzroy James Henry Somerset, son of the fifth Duke of Beaufort, who was made the first Baron Raglan. I have a slight disagreement with my colleague the Hon. Trevor Crothers, because I believe from my family history that Baron Raglan—or Field Marshal Somerset—was the man who gave the order for the charge of the Light Brigade, but I may need to do some more checking on that.

He went on to become commander of the English troops in the Crimea from 1854 to 1855, gaining victories at Alma, Inkerman and Balaclava, which is pretty noble history. The son of the third Baron Raglan, Brigadier Hon. Nigel Somerset DSO, MC came to South Australia as an ADC to the Governor in 1920-22—and this is where my interest came in—and married a cousin of mine, Phyllis Offley Irwin, in 1922.

One week of our time with the United Kingdom branch was spent on tour. From London we visited the ancient walled city of Chester where, in 79AD, soldiers of the Roman Empire built fortress Deva as a fortified outpost to suppress the wild Welsh tribes. I guess the Irish tribes were further away, but these were the wild Welsh tribes. A wall still stands from that time. I have seen that and have a photo of it. In the tenth century a daughter of King Alfred the Great re-established Chester as a fortified town, this time to defend the citizens against the Viking hordes.

In 1066 William of Normandy defeated the English king Harold at the Battle of Hastings, and the Norman conquest began. His armies laid waste to Chester. The magnificent Chester cathedral will be 900 years old in 1992. From Chester we visited the ICI headquarters at Runcorn, as I mentioned earlier. On the way to Oxford we visited Stratford-upon-Avon. In Oxford the Commonwealth delegation visited several colleges, including Balliol and St John. We visited Queen Elizabeth House at Oxford University, which is an international development centre which specialises in Commonwealth affairs.

The Chairman of Queen Elizabeth House is the former Australia Governor-General, Sir Zelman Cowan, now Prov-

ost of Oriel College and soon to return to Australia. Sir Zelman was, of course, President of the Press Council of Great Britain, and several members heard him speak on that subject when in Adelaide earlier this year or late last year. My wife and two other Australians, the Hon. Geoffrey Collard (member of the Upper House in Victoria) and his wife, spent a couple of hours with Sir Zelman and Lady Cowan, which was a most rewarding experience.

Visiting Queen Elizabeth College in Oxford tied in with an earlier visit to the Commonwealth Institute at Kensington in London, where we saw exhibits from all Commonwealth countries, including Australia. Funding for this institute is largely from the United Kingdom Government, but each country contributes to its significant work of promoting Commonwealth countries and educational work for UK visitors and for schools. We visited the famous Bodleian Library which houses, if members can grasp this, more than five million books.

From Oxford we flew to Jersey (one of the Channel Islands of Jersey, Guernsey, Alderney and Sark), tucked away south of England against the French coast at Normandy. Jersey was taken over by the Germans during the Second World War, with much indignation and destruction. Jersey and Guernsey are independent of the UK and run their own form of government, which I can only describe as being very similar to our local government, in an area with a population of 70 000 to 80 000 people on Jersey. Guernsey is very similar.

Jersey's Parliament is a non-Party structure, presided over by the Bailiff, with its origins in the Fifteenth Century. Although it is an English-speaking country, certain of its old traditions, such as prayers and formal greetings, are delivered in French.

I was fortunate enough to visit the Royal Jersey Show—Royal Jersey Jersey cow show, to put it that way. I used to have Jersey cattle, so found that very interesting. These magnificent Jersey cattle are world famous. Although great use is made of exporting Jersey dairy cattle stock around the world, no importing of Jerseys is allowed to the island. I observed a number of establishments in the UK which have been set up to perpetuate old breeds of cattle and sheep which can be and are used as basic genetic material for the future as well as for preserving the past.

Of significant interest on Jersey is a private zoo established by Gerald Durrell, of international fame. His zoo has a prime responsibility to preserve and build up endangered species from all over the world. In fact, I saw birds whose ancenstry can be traced back to Ancient Egyptian times, and endangered species of golden monkeys. The *National Geographic* only last month ran an article about these monkeys, of which only about a dozen survive throughout the world. They are most beautiful animals, but about eight or nine only were in Gerald Durrell's zoo. They are happily breeding now, and will soon be released to the wild, in their natural habitat.

I take this opportunity to thank members for choosing me to represent them on this exciting CPA visit. The experience is something I will never forget and one from which I hope I have learned something. I hope that other members will have the opportunity to take up the same style of visit I have just described. As I have already said, the UK branch organisation, under Secretary Peter Cobb, was quite outstanding. I appreciate the opportunity of making many new friends throughout the Commonwealth and speaking with distinguished members of the British Parliament from all political Parties. I support the motion.

The Hon. R.J. RITSON: I support the motion that the Address in Reply as read be adopted. In doing so, I thank His Excellency for the speech with which he was pleased to open Parliament and I reaffirm my allegiance to Her Majesty Queen Elizabeth, Queen of Australia, and to her representative in South Australia, Sir Donald Dunstan. I offer condolences to the loved ones of those former members who have died and who were mentioned by His Excellency in his speech. On the occasion of the Address in Reply, I intend to deal with only one issue—health. It is an enormous issue, and I do not intend to canvass it widely. I intend to speak mainly about two areas of health politics which are problematical. I will make some comments about the pharmaceutical benefits system and some about public hospital health delivery in the 1980s.

It is useful to cast our minds back through history. We can learn much from history. When I was a schoolboy the Second World War was hanging in the balance and private medicine was a cottage industry. Antibiotics were just over the horizon, and where Flinders University stands there stood rows and rows of tuberculosis wards housing people compulsorily confined to them to contain this disease which was an ever-present danger to society. Royal Adelaide Hospital was the one free hospital for poor people, and it was staffed by doctors who worked for no pay at all, as their contribution to welfare.

That was in the mid-1940s. In the late 1940s penicillin became available to the civilian population, one of the first big decisions the Government had to face up to, because not only was penicillin life-saving, but it was very, very expensive at first. The decision the Government made was to introduce the free medicine scheme of the 1950s, whereby a limited number of life-saving medications were provided free. The remainder of pharmaceutical dispensing was paid for by patients out of their own pocket, and this was the accepted way. However, since then, there have been constant pressures from consumers for the list to be expanded.

There have been constant promises by Governments of both major Parties. The scheme has been used for vote buying, for blackmailing pharmaceutical companies and for all manner of things. Our pharmaceutical benefits system is a hotchpotch that has grown like Topsy. In our present scheme, whether a medication is free is determined not by whether it is life-saving, but by the social class of the recipient of the benefit. The subsidy varies not only with the social class of the recipient of the benefit and with the importance or otherwise of the medication, but with political considerations: for example, the number of electors who might be using a particular medication. It is politically easier to reduce the subsidy on important drugs that treat rare diseases than to reduce the benefits on Aspirin, because so many people use Aspirin. The present Government tried to abolish the benefit for Aspirin for health card carriers and other subsidised people, but it was forced by political outcry to give in.

The point that I particularly want to make about the way that this hotchpotch of subsidies has grown up is the wastefulness of the manner and use of the prescription form as a certificate of qualification for a Federal Government benefit. There are many cheap medications which are freely available over the counter and which the Government, for one reason or another, wishes to provide for nothing to certain classes of pensioner or health card holder. The instrument chosen for the administration of this form of subsidy is the presciption form for a medicine that otherwise does not need a prescription. Immediately, there is a medical consultation fee of at least $15.85 and often a nursing home call, 'A patient has run out of Aspirin. Will the doctor come and write another prescription for Aspirin, Panadol?' or whatever. In addition, because it is on prescription, apart

from the wholesale price and the retail mark up, there is a dispensing fee. The use of the prescription form to dispense a money benefit in connection with an otherwise non-prescription item generates about $30 of hidden cost so that a substance worth $2 may be provided apparently free. That is going on hundreds and hundreds of times in every Australian State every day.

The pharmaceutical benefits system has to be fundamentally rethought. It is sad but true that health politics at Federal level is the politics of money rationing. It is the politics of electoral popularity and it has very little to do with treating the sick.

Consequently, any Government daring to rethink the pharmaceutical benefits system will have to consider the effect not on the sick but on the pockets of a variety of vested interests, be they the doctor, who gets the money for the consultation to repeat a prescription not needed except for the benefit, or even the pharmacist. All this has to be rethought, because it is stupid to continue to generate these other ancillary fees when the only purpose of the prescription is to act as a certificate to the effect that the recipient qualifies for a welfare benefit.

Likewise, the hospital system has historical roots which have caused it to grow like Topsy. Earlier I referred to the fact that the Royal Adelaide Hospital was initially a free hospital for poor people. For the most part in the immediate post-war period there was little in the way of health insurance. Some lodges had contract practice schemes. It was really only with the great polio epidemics that the major insurers began to underwrite the polio risk at first and then increasingly general health risk. The Government of that day looked upon this scene and realised that it was good that persons should provide for themselves by insuring and so it was encouraged. Therefore, the Menzies Government—and Sir Earle Page was one of the main architects of this scheme—decided to subsidise health insurance, but it also decided that it would not subsidise the profits of the major underwriters. The Government said, 'We will subsidise health insurance provided that it is offered by non-profit—making organisations.' So lodges and small groups which had their own private schemes expanded and offered this combination of Government and private-funded health insurance. That was the situation in the 1950s into the early 1960s.

Any hospital or medical account had three components. There was a component—usually 10 per cent—that had to be paid by the patient, and, of the remainder, there was a component from the health fund pool and another from the Federal Government. In the mid-1960s it became apparent that some people who were working were financially short. Even then it was difficult for a single income family, with the breadwinner a labourer, to send five children to school, so the Government introduced another form of encouragement by way of a system called the subsidised health benefits scheme. Under that scheme any person who had difficulty in handling their medical costs could apply and, subject to a means test, the Government paid the premiums on their private health insurance. Therefore, those people who were assisted under the subsidised health benefits scheme went to the doctor not with a poverty card saying, 'I have got this health care card because I am poor,' but with the full dignity of their private health insurance cover and they were treated like everyone else. Those people had access to private hospital beds to the same extent as the wealthiest person in the nation.

Then something happened. In 1974 the Whitlam Government did two things. First, it froze the income threshold at which people could qualify for the subsidised health benefits scheme because it knew that it was going to introduce its comprehensive national health system.

Having frozen the threshold, the Whitlam Government then produced 34 per cent wage inflation that year, and by the end of the year nobody qualified; anybody who had a job did not qualify. The pensioners and veterans still qualified, of course, because they always have had free treatment and always will do so under any scheme proposed by any Party. The difficulty was that disfranchisement by the act of the Labor Government of those people who are sometimes referred to as the working poor from the subsidised health benefits scheme.

Then for a year Labor members of Parliament scurried and hurried around the country (and we had it in this Council, too), waving and shouting that there were two million people in Australia who could no longer afford private health insurance. However they did not say why. They did not talk about the freezing of the threshold—the qualification for the subsidised health benefit. They did not talk about the 34 per cent wage inflation that occurred when that income test was frozen. They just said, 'Two million people can no longer afford health insurance; therefore we must have Medibank.' They did not say that it was all their own work. However, it was all their own work.

Where have we come from there? We have seen in Medibank marks 1 and 2 that the people who can afford gap insurance take it out and to some extent over utilise services. We saw the working poor, as I said before, perhaps being forced a little bit more into the public system. Then came Medicare—that awful, tragic, disaster which involved the compulsory recruitment of all Australians who, regardless of means, were subject to the compulsory recruitment into the welfare system, and the prohibition of private medical insurance against doctors' bills.

Naturally, a number of those people took the attitude that they were not going to pay twice, and we saw a major shift away from private health insurance. Indeed, of course, the present Federal Government ideologically desired that, in sharp contrast to the earlier Australian Governments, which gave subsidy to private insurance, tax deductibility to private insurance, subsidised health benefits for the working poor, and 100 per cent payment of their premiums in order to encourage diversity and decentralisation, with not everyone depending on the Adelaide Hospital. In contrast to that, we had this compulsory recruitment of rich and poor alike into the welfare system and, furthermore, the punishment of the private hospital system. Despite the fact that every citizen had paid something towards these subsidised private hospital beds under the Medicare levy, not only did the Federal Government remove those subsidies but also Dr Blewett, out of his ideological desire to march at the head of a socialised medicine army, penalised the patient further. He decreed that, having paid the exponential tax levy, if one goes to a private hospital one gets back only 75 per cent of the doctor's bill; and if one goes to the Adelaide Hospital or the Queen Elizabeth Hospital as a private patient, one gets back 85 per cent.

Now we have this spectacle of the State hospital system groaning under the weight and pressure of this transfer of demand. We also have the spectacle of a Health Commission officer, a dentist, physically going down to the Royal Adelaide Hospital, grabbing a heap of case notes and deciding which ones would be transferred to other hospitals.

That is the sort of pressure that is on the system. With actions like that, the State is trying to ease the pressure on the system, trying to get some of the people out and trying to conduct day surgery. And Dr Blewett is saying, 'No, they have all got to be in the system. There is a penalty; if you

want to be a private patient it is all right if you use the public hospitals, but we will penalise you and give you a smaller refund if you use a private hospital.' Many of the problems faced by the hospital system in this State are insoluble because of this internal conflict. The system is ideologically in conflict with itself. What are the consequences for South Australia? The public hospital system in the State is grossly underservicing and has this enormous waiting list. A lot of intellectually dishonest statements have been made about waiting lists. It is possible to do all sorts of things with numbers. For instance, it is possible to say that half the people on waiting lists are treated within a month. That is not the point. Why do the other half wait up to two years?

It is possible to appear to reduce the waiting list, and there are many ways to do this. First of all, if nothing is done, the waiting list will stop by itself. It is a little like hair; it does not get a mile long if you do not cut it, but it appears to reach a stage where it stops growing by itself, because the ends break off as fast as it grows. Similarly, a stage can be reached where people on the waiting list die as fast as people are being put on it, or where people on the waiting list despair of receiving treatment and decide to suffer chronic pain. It may reach the stage where people dig into the piggy bank and pay for treatment themselves, whether or not they can afford to pay for it. It is possible to do nothing about it and let the waiting list grow until it stops by itself and simply say, 'That is all there is.' That is what the present Government is doing. It has made no attempt to reduce waiting lists.

In the case of the Royal Adelaide Hospital I happen to know that the administration started to work its butt off; doctors there worked incredibly hard earlier in the year to try to do something about the waiting list.

The Hon. J.F. Stefani: Not like the pilots.

The Hon. R.J. RITSON: Not like the pilots; the doctors worked very hard. It became apparent that they needed more money to do the extra work and they told the Government so about eight months ago. Of course, the Government did nothing. It made a statement that the hospital would get no further money and, as a consequence, wards had to be closed, extra people were dumped on the waiting list and staff were retrenched by attrition. The hospital is now desperately trying to re-recruit to get its staffing level up to what it was last year. The net result is that the waiting list will be longer than it was, and the activity levels next year will be what they were last year. The Government did that.

For the life of me, I do not know why the Government did not give the hospitals the money. It was a small amount compared with the budget surplus. Perhaps the Government got the surplus from many instances of such penny-pinching: surpluses before lives. In any case, this problem is monumental.

There are other ways of concealing the significance of a waiting list. One way is simply to extend the time it takes for an outpatient to see a doctor for the first time to determine whether or not he needs an operation. I have personal experience of a patient needing orthopaedic treatment having to wait six months for the first consultation and then being informed that the operation would be undertaken 18 months after that. That would appear as an 18-month wait, when in fact it was a two-year wait, the first six months being to see the doctor for the first time. Surgeons have told me that, in certain disciplines, they were under instructions to limit the number of new patients they saw. In the words of one surgeon, 'What's the use of seeing more people if you are not going to be able to treat them?'

It is also possible to revise downwards the indications for operations. For example, in the treatment of hernias, it is possible to select out the fit young adults who will spend little time in hospital and require few support services, and treat half of them very quickly, whilst leaving on the waiting list the old men with chronic bronchitis who will get post-operative pneumonia and who will cough down their hernias three days post-repair. They would have been done with proper pre-operative preparation in hospital several years ago. I do not know whether or not the hospital is able to take cases of that sort now, but it is possible that doctors will revise downwards the indications for operations in many cases, because they know of the realities of the bed shortages.

One of the problems we face is that the waiting list problem may be insoluble. For example, the Royal Adelaide Hospital has been more or less 95 per cent full, plus or minus 5 per cent, for the past 20 years. When one considers the huge infrastructure that supports each surgical operation, one realises that, at their present level of activity, it may be beyond the capacity of the public hospitals to deal with the waiting lists at all—to erode the list faster than people are put on it. When a person has an operation it is not a question of paying only the surgeon and the operating theatre nursing staff. There is the question of paying for physiotherapy, radiology, pharmacy, pathology, laundry and food. The surgical team is just the top of a very big pyramid. I do not think that the Government or anyone else knows whether the infrastructure of that pyramid is such that the hospital system can cope with it, because it bears the burden of Federal Government policy.

Even with further funding, with all hospital beds recommissioned, it may be that the public health system cannot possibly meet the demand effectively. The answer is not to demand more and more services from institutions like the Royal Adelaide Hospital whilst withholding the necessary funding. The answer is to ease the pressure on those institutions by making private insurance the way it was—attractive to those who could and should rely on the private sector and provide for themselves, and accessible to low income groups via a scheme akin to the former subsidised health benefit scheme. Only then will the functions of the public system—functions of general care of the less wealthy, teaching and research and high technology medicine—flourish at an affordable cost alongside a fair and accessible private system.

Medicare is an unmitigated disaster, presided over at State and Federal level by Labor ideology and by Labor President, John Bannon. Medicare as a compulsory and monopolistic medical insurer is a product of the socialist ideology of the Labor Party with John Bannon at its head nationwide, and the pressure will never ease; the waiting times will never improve significantly until State and Federal Governments change the system. Since the system is born of an ideology that Labor can never abandon, the only recourse is to change the governing Party which John Bannon presides over. I support the motion.

[Sitting suspended from 6.1 to 7.45 p.m.]

The Hon. K.T. GRIFFIN: I take this opportunity to thank His Excellency the Governor for the speech with which he opened this session of Parliament and to reaffirm my loyalty to Her Majesty the Queen. I also want to extend my condolences to the families of the deceased former members. There were two among the number referred to by His Excellency whom I did know on a personal basis, although I did not have the pleasure of sitting with them in this Chamber—they were generally very much before my time.

Nevertheless, in the course of my involvement in the Liberal Party organisation and even subsequent to that I came to know both Sir Lyell McEwin and Sir Arthur Rymill well and very much appreciated the contributions that they made on some of the issues that confronted me when I was President of the Liberal Party in South Australia and in politics generally.

Sir Lyell McEwin had a distinguished career. He was a very long serving former Minister of the Crown. He was a significant pillar of the Presbyterian church. He could, of course, be very direct, but that directness was a virtue because at least one knew where one stood with him. He was competent, and very much respected as a prominent member of the South Australian community.

Sir Arthur Rymill was perhaps a little more retiring. He was not a Minister because he had made the choice of making a career in commerce as well as being a member of the Legislative Council. He was a prominent member of the commercial community in Adelaide. He was a lawyer and had farming interests, and for some time he was President of the Liberal Party in South Australia. Again, he had an independence of mind—a very sharp mind—and made a significant contribution to the affairs not only of the Parliament but also the State in a broad range of activities. To the families of both Sir Lyell McEwin and Sir Arthur Rymill, as well as the families of the other former members who have died since the last session, I place on record my condolences and sympathies.

I now turn to matters relating to law, order and community safety. I suppose it is fortuitous that today the Government has released a package titled 'Together Against Crime' and has made decisions relating to a number of areas of law, order and community safety. The unfortunate aspect of the announcement today is that it is made in the shadow of an imminent State election, and one can be forgiven for being cynical about the reasons why it has now been made and why the issue of law, order and community safety was not addressed four years ago when the Premier commenced a second term.

Of course, the Liberal Party welcomes any additional resources, both for the police and for other areas of law, order and community safety, but we are cynical about the timing. We say that it is clearly an election gimmick and that it will remain to be seen whether, in the next four years, if Mr Bannon should happen to be Premier (and I do not believe he will be), this policy will be carried out. I give an assurance that the Liberal Party in government will certainly give significant support to police, to community policing and to the involvement of the community in the maintenance of law and order and in the establishment of appropriate community protection standards.

However, one has to reflect back to the 1985 election campaign when Mr Bannon, in his election policy speech, said:

> The fight against crime must be beyond Party politics. We will put this beyond doubt by seeking to establish a joint Party committee of the Parliament to act as a focus for continuing vigilance and reform in this crucial area.

That promise was never honoured, and not even raised in this Parliament—a broken promise, when the Premier, seeking to depoliticise the issue of law, order and community safety, made what is an attractive promise to the electorate, but failed to deliver.

One also has to look at the record of this Government in the area of law, order and community safety. In the six years that Mr Bannon has been in office police officers, constables and trainees have only increased by a mere 173 people when violent crime has increased by 102 per cent (that is, on the basis of violent crimes per 100 000 South Australians); break-ins of dwellings has increased by 71 per cent; robberies have increased by 75 per cent; serious assault has increased by 151 per cent; and rape increased by 110 per cent. In 1986 we saw the introduction of a 38-hour week in the Police Force and, as a result, effective police manning rates fell, and in those six years resignations have been higher than expected. Resignations in the past few months have been significant, very largely because of the failure of the Government to come to grips with the problem of police pensions and the concern of senior police officers that their position could not be safeguarded or even improved in respect of pension matters.

It is interesting to note that, although the police per capita figure quoted by the Government is high, a significant number of police officers have been seconded to other duties—to the National Crime Authority and to the Bureau of Criminal Intelligence. Also, counted in the numbers are police mechanics, the police band and officers undertaking what is generally not regarded as 'on-the-beat' community policing-type roles. I understand that that is not the position in other States.

We also have a problem that, even though Neighbourhood Watch is expanding under the sponsorship of the Commercial Union Assurance Company—the sponsorship by that organisation certainly being a generous community contribution—with about 169 Neighbourhood Watch schemes in operation and with over 200 on the waiting list, the wait for the establishment of Neighbourhood Watch units in a particular community is about three years.

It is in that context that one has to be somewhat cynical about the announcement today. I suppose that it really reflects the Government's attitude in relation to the hospital system where only recently it threw about $46 million at the public hospital system to try to overcome the great problems with waiting lists—$46 million over three years, I recollect. That came soon after the Premier announced that there had been a surplus in last year's budget and he was prepared to make some of that available to the hospital system.

Again, the hospital waiting lists saga is a major issue in the community. It must certainly be a major issue at the forthcoming election, and money was thrown at it by the Government belatedly to try to defuse it. In regard to police and community policing the same attitude obviously prevails, yet out there in the Police Force there are major problems of morale. Stress is a significant issue; increasing numbers of police officers will be taking leave as a result of stress because they are being required to do more than they can physically cope with.

They are being required to undertake functions which really are not in the nature of police functions. They are being asked to man cells and cart prisoners to and from courts. They are unable to respond to calls for assistance from the community, sometimes not at all and frequently late, and that is having a significant impact on police morale, not only on the police but on their spouse and families. It is in that context that one would have expected a Government that was constant in its concern for law, order and community safety to have a coordinated and continuing campaign which would address that issue over a parliamentary term, rather than only a matter of weeks before an election.

A number of members of the community have drawn to my attention in the past few weeks several problems that they have had in getting police to the scene of crimes. I do not blame the police for that: it is a feature of the inadequate resourcing levels, but let me give the Council a few examples that have come to my attention. This is a representative

sample only of the many cases that have come to me. First, I refer to a person whose house was broken into and who rang the police to report it. Five minutes later a police officer rang back wanting to take a statement over the telephone because there were not enough police available to be able to send one to the house to take statements, fingerprints and gather other forensic evidence.

The second example was a situation in which police were called to a brawl by strangers on a woman's front lawn in the early hours of the morning. No police arrived within two hours of the call for help being made. In the third example a person called police to report that two girls were going from door to door asking if they could use the phone and then stealing money. The girls were detained by a neighbour but police had not arrived after half an hour and subsequently said, 'You will have to let them go.' The fourth example involves one section of the Police Department where a word processor was installed but no-one came to train staff on how to use it. Over three weeks staff had to read a couple of manuals and fiddle around with the keys in off-duty moments to teach themselves how to operate it.

The fifth instance was not so long ago and concerned a disturbance at Tea Tree Plaza where a man went berserk in the food hall. He went on the rampage for about 20 minutes, smashing a plate-glass window and throwing tables and chairs. One of the shopkeepers rang to say that the police did not arrive during the whole incident, yet they would have had ample time to get there from Holden Hill. Much later on there was a police car in the car park, but the person who referred this matter to me said that he did not believe that the police had been able to get to the scene.

The next case involved a person who said that his house had been burgled, yet police had not arrived until well over three hours later. Another person, this time out in the northern suburbs, said that one evening a group of between 50 and 60 people passing through a particular street intruded on to the lawns and gardens of houses abutting that road. They urinated and defecated in the street. There was a lot of concern by local people who rang the police, but the police were unable to get there because an inadequate number of patrols was available.

We then had the case of an identified 10 person shortage established in the Christies Beach area, and subsequently five police were transferred from Port Adelaide and and five from Para Hills to Christies Beach. There was a juggling of resources to try to meet the immediate needs of the southern areas of Adelaide. These problems are of major concern, yet they have been evident for a long time, just as we have known about the hospital waiting list situation. They have been evident for a long time but the Government just did not bother to address them and, in a period immediately before an election, the Government has decided to throw some money at these problems and hope that it will defuse a significant issue in the community.

It is important to recognise in the package which has been released today that the Government has been very selective in choosing statistical data. As I have indicated, there are significant increases in the rates of crime in South Australia over the past six years, but all the Government does in this glossy publication is refer to murder rates, which have remained fairly static. I have already indicated some of the increases in crime that have occurred in the past six years. One area of major concern is drug offences. A report a couple of weeks ago indicated that drug offences in South Australia were down by 80 per cent. That report appeared in the *News* on 9 August 1989 and referred to figures released by the Australian Bureau of Statistics for the years 1984-87.

The figures referred specifically to cases in the courts, as did the subsequent article on 10 August, which referred to the report by the Office of Crime Statistics in the Attorney-General's Department entitled 'Crime and Justice in South Australia, for the calendar year 1987.

The reports do not deal with the same sorts of statistics, because in May 1987 the on-the-spot fine system for possession of marijuana for personal use, growing for personal use and possession of implements for use with marijuana had had an effect on the criminal statistics. It was forecast at the time of the introduction of the fines that there would be a significant drop in the offences that were included for statistical purposes, which would put the Government in a much better light.

If one adds the figures for cannabis possession offences in the 1987-88 Police Commissioner's report to the drug offences which came to the notice of the police—6 231 offences covered by cannabis expiation notices, plus 2 504 other drug offences which came to the notice of the police—one sees that the increase in drug offences in 1987-88 over 1981-82 was 152 per cent—an incredible increase. The Police Commissioner's annual report for 1987-88 refers to the percentage increases per 100 000 South Australians. The percentage increase is significant. When one compares the rate in 1986-87 with the rate in 1981-82, the increase is 115.7 per cent and, if one adds in the cannabis expiation notices, the percentage increase per 100 000 of population in 1987-88 over 1981-82 is 138 per cent.

Although the figures in the two reports from the Australian Bureau of Statistics and the Office of Crime Statistics deal only with offences which come to court, where the comparison is not like with like, one can see that there are major problems. There has been a significant increase in drug-related activity, and any objective assessment of police reports would confirm that view.

Problems exist in the present system, at a time when there are alternatives to imprisonment, such as community work orders, bonds and home detention, and one would expect that the incarceration rate would be lower than previously. In the light of the significant increase in crime—102 per cent in violent crime and 43 per cent in property crime over the past six years—the number of prisoners being admitted to prison has reduced significantly. The number of prisoners received into prison in 1981-82 was 4 657, whereas in 1987-88 it was down to 3 649. There were some fluctuations, largely caused by the Government's parole system which we debated earlier today and which allowed a substantial number of prisoners to be released earlier than the courts had intended. Fewer sentence prisoners were received into prison in 1987-88 than for the last full year of the Tonkin Liberal Administration.

The average cost of keeping an offender in gaol over those six years has increased from $19 900 per annum to $58 000 per annum (an increase of some 119 per cent) while in that period the consumer price index has increased by some 54 per cent. Some institutions are more expensive than others, depending on the security status, the type of offender and the age of the building. For example, it costs $114 000 per year to keep a prisoner in Yatala; $58 000 per year to keep a prisoner in the new Adelaide Remand Centre; and $31 000 per year to keep a prisoner in the Port Augusta gaol. The cost of keeping a prisoner in Yatala is $312 per day, while the cost of keeping a prisoner at the Port Augusta gaol is at the bottom of the scale at $85 per day.

Those figures may reflect many things, but it is not possible to suggest that factors such as building activity, staffing formulae, and so on, could make that sort of difference. Some prison officers at Port Augusta have said that they

regard their staffing levels as being particularly low compared with other institutions of similar status, where the facilities at modern institutions should place fewer demands on staff numbers.

The average daily number of prisoners in gaol in 1981-82 was 813; with a staff of 616; and in 1987-88 the figures were 641 and 1 098 respectively. The increase in the number of staff is 69.6 per cent, or 482 staff members, while the average daily number of prisoners in gaol has reduced by 21 per cent or 172 prisoners.

Problems exist in the prison system, particularly in the context of the increasing crime rate and the inadequacy of resources. The Opposition welcomes additional resources for the police, but it is concerned about the belated recognition by the Bannon Government, just prior to an election and is concerned to ask whether the Government intends to ensure that there is an ongoing program of updating police and other resources for law and order and community safety. The Government's record so far demonstrates that it does not have that resolve and it puts these issues onto the public agenda only for the purpose of election campaigning. I support the motion.

The Hon. M.J. ELLIOTT: I also thank His excellency for his address in opening this session of the 46th Parliament, and note the speech. I also note that it contained probably the least number of surprises of any of the Governor's speeches during the time in which I have been in Parliament. Much of it had already been announced or was consequential upon certain Federal actions, and it is quite clear that we are moving towards an election and that the Government is out to get a few Brownie points beforehand. It really did not tackle a number of very difficult issues.

I suppose this is an appropriate time at which to look at what sort of achievements this Government has made over the past 3½ years. As a new chum in this place, I was prepared for many things—but not completely prepared. I had a higher regard for the Labor Government before I came in than I now hold for it. It is a Government which I would describe as corrupt; not in the financial sense but in many other senses of the word. I very strongly hold the conviction that it is corrupt. Unfortunately, the most important single goal of this Government is to get into power and keep power, and power has become an end in itself.

It is a slight pity that the Opposition is not good enough to score any points against it. This Government has the media completely outgunned. Sir Joh Bjelke Petersen coined the phrase 'feeding the chooks', but this Government has taken that to an art form. Each Minister is protected by a media person and a battery of other minders, and they are quite capable of doing a snow job—and do so regularly—on the media. Deliberate misrepresentation, if not outright lies, is the name of the game. This Government feels that it knows better than the general public. It concocts schemes behind closed doors.

It is a Government which professed support for freedom of information. In fact, it was Party policy at the time of the last election, but it refuses and has continued to refuse to legislate, and has refused to support private member's legislation for freedom of information. The simple question is 'Why?' Quite simply, it is because under freedom of information legislation the public has increased power. As I have put to this Chamber already, this Government is unfortunately, like so many Governments, so wrapped up in power itself that it has lost its real reason for existing.

I will cite some specific examples of the corrupt use of power. The Christies Beach Women's Shelter is an excellent example, and is an issue that the Government is still refusing to tackle head on, despite the fact that there was a select committee on the matter. Government members sat on that committee and, if they did not come out of that committee horrified by what had happened, it is a very strange world in which we live. Why they have not prevailed upon the other members of the Government to tackle that issue is totally incomprehensible.

The Christies Beach Women's Shelter was destroyed for political reasons. I can appreciate that the shelter was a very real political problem for the Government. It consisted of a very contrary group of people, but they happen to be a group of people for whom I have a great deal of respect. They stood up for what they believed was right—and I agree with what they believed. I can understand the Government having political problems with them, but I happen to think that the Government was wrong.

The means by which the Government resolved its political problems with that group is what I hold in absolute contempt. Anyone would have realised the possibility of damage that would be done by the report which was presented under parliamentary privilege and then used outside this Parliament through the media; anyone would know what effect it would have on the people who worked at the shelter and who were closely associated with the shelter, including the people from the management committee. The report talks about physical intimidation; about taking sexual advantage of people; and about (or, at least, hints at) misappropriation of funds; the litany goes on.

The select committee did all in its power; it offered protection to witnesses by being willing to close the committee. We simply could not get any evidence to support the most serious charges made against the women from that shelter.

The committee tried very hard to ascertain whether there was any evidence. A very intensive police investigation took place before the select committee was set up. Obviously, it found nothing, because no charges were laid. There was a very intensive examination of the books of the shelter, resulting in a charge which, even according to the judge who ruled on it, was very trivial and which he felt the Government should never have proceeded with.

It was a vendetta to destroy some people. This has very successfully destroyed the lives of quite a few people, and the Government still will not do anything about it. It is still ducking for cover. The Government is not willing to reinstate the people from the shelter or to give them compensation. It simply wants the problem to go away. There was a gross abuse of power: of that there is absolutely no doubt.

Also during the life of this Parliament, a select committee was set up to look at Aboriginal health. That select committee is still alive, so at this stage I am not in a position to make further comments on it, other than to say that it has been rather a slow moving committee. I do not think anyone has been too keen for a result to emanate from it.

A case was brought to my attention only a short while ago about a person who was going to stand as a candidate for the Democrats at the next State election. Within two hours of it first being known to anyone else that this person was contemplating standing, the person had received a phone call from a senior Government person saying that, if he dared stand for the Democrats, certain bodies with which he was associated would be promptly defunded. Certain other threats were also made against this person in terms of the interests that he had, and this has forced him to back off from being a candidate. This is not the first time that this has happened. It happened to us at the previous election.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Yes. We had a case during the last election of a person who was going to stand as a candidate for us and who was the head of a body funded by the State Government. He was informed in no uncertain terms that, should he stand for the Democrats, the group he represented would be defunded. As soon as the election had passed, further action was taken against this person, anyway. Allegations somewhat similar to those which involved the people at Christies Beach ended up in court. However the judge threw the whole thing out, and it was proved that another person was responsible. A vendetta had undoubtedly been undertaken against that person.

Recently Senator Haines was invited to speak at the opening of a Government-funded instrumentality. When the Government found out that Janine Haines was to speak at the opening, the threat went out, 'If one of our people does not open it, you are not getting your funding.' It is an amazing way to work.

I quote from the *Border Watch* of 17 August 1989. A person representing an action group was concerned about a chemical plant being built in rural areas. He had a meeting with the Minister for Environment and Planning. He said: 'As for compromise, when she gave us an audience, all she did was shout and threaten legal action.' Such reports are not unusual. I know a number of people who set out on what they thought was legitimate business only to be threatened with defunding—it happens often to bodies which receive State Government funding—or the threat of legal action. That is not unusual. It is a gross abuse of the Government's position.

The Hon. R.I. Lucas: When you're in power too long, you—

The Hon. M.J. ELLIOTT: I would tend to agree. Some people have a head start. That is the proposition that I was putting before.

The Government sits on reports. I am sure most members are aware that often reports are prepared at great expense to the public and then sit gathering dust. I will refer to two examples with which I was associated. The first is the ninety-seventh report of the Law Reform Committee of South Australia to the Attorney-General on the General Rule of Standing in Environmental Matters 1987. The Government has had that report for two years. The general rule of standing is a matter about which I have spoken in this place. I refer to third party standing in the courts. It was a matter that I tried to introduce into the Pastoral Bill. The Attorney-General set up a committee which went to great trouble to produce an extensive report. The Attorney-General did not like it. There was a virtually unanimous decision in favour of third party standing. That report has been circulating among Government departments, but it has been kept away from the public eye. The Government intends for it to go away. It does that because third party standing, like freedom of information, might be a great idea in opposition, but not in government because the Government does not want the public involved in the way that the State is run. It would argue that, after all, government is for the Government. I would argue that in a democratic society we should empower citizens as far as possible.

A second report, which has been gathering dust for a long time, is a review committee on the environmental impact assessment process in South Australia. The committee was established in 1984. It made a preliminary report in 1986, a final report in 1987, and there it lay. It was only after the Tasmanian election, when the Government decided that perhaps there were a few votes in environmental issues, that it took some dust off that report. There is now talk, although we have not seen it, that the Government might finally legislate in the area of environmental impact assessment to try to tidy up the process. The reports that I am getting show that the Government is making a mess of it by not following that report which was prepared for it. That report was prepared by a very wide cross-section of the community—everything from conservation to mining and industry—and it managed to reach a consensus. Having done that, the Government decided that it was not good enough.

The Premier's Department has set up a special project team which deserves far more attention than it has so far received. It was the group which got behind Jubilee Point. People from the Premier's special project team spent a lot of time beavering around in the Glenelg community playing clear political and inappropriate games. The public did not know what was going on at Jubilee Point, while a great deal of background work was being done by the special project team. On the one hand, we have a Government which says, 'The environmental impact assessment process must be impartial and work properly.' Then the Premier's Department special project team decides what should happen anyway. In the case of Jubilee Point, reports prepared by the Department of Environment and Planning would go to the Premier's Department and then be sent backwards and forwards. This process went on, with the Premier's Department continually intervening in areas where it had no right to be. That sort of thing continues in many other projects.

The Premier's Department special project team is very active in what is happening at West Beach. We cannot find out what is happening there, but the special project team, under Hugh Davies, is very active there. The Glenelg council has been trying to get an alternative proposal in the area where Jubilee Point was to be. However, the State Government has been blocking it. I understand the main reason is that it wants to set up a project at West Beach. It owes favours to Kinhill, which lost out on the Jubilee Point project, so it is trying to work favours round and round. Another group is trying to do something at Glenelg, but the special project team has its own agenda and is playing a blocking game in all this.

When the Hon. Ian Gilfillan asked about the multifunction polis today, I could only assume that the special project team had been busy beavering away again. It hides behind the term 'commercial confidentiality', but it is sheer, absolute, damned arrogance. It decides what is best for this State.

I would argue that the public have a right to know what is going on. There are ways of protecting commercial interests. A company can be given a first right on a project, if necessary, where large sums of money are involved. But, as quickly as possible, the public have a right to know and a right to make a proper and fair contribution to the debate whether or not a project should proceed.

In the Government's change of direction over development of national parks we can see corruption. The undermining of our parks system by developers goes back to 1984 at least. There is a report from the Department of Environment and Planning titled 'Kangaroo Island National Parks Cost Benefit Study', prepared by Touche Ross Services, and in particular by its senior consultant, Mr W.D. Redman. In paragraph 7.2.3, the report says:

> . . respondent groups were asked to assess the need for additional accommodation towards the western end of the island and, if needed, whether it should be located in Flinders Chase National Park. There was a clear preference for additional accommodation towards the western end . . . The attitude of visitors indicating a need for this accommodation to the location of accommodation development within the park was approximately equally divided.

We should look at the results of this survey upon which those comments were based. Some 413 people were interviewed, of whom 174 said there was a need for additional accommodation, 85 said 'No', 127 did not know, and 27 gave no reply. To a further question, of those who said there was a need for development at the western end, 80 said within the park and 89 said outside. There are other ways of reading those results. Fewer than half supported any development at the western end of the island.

Only one in five supported development within the Flinders Chase National Park. Even of those who gave a clear response, two out of three opposed development within the park. This report which was provided not by the Government but for the Government and released in its name, was really a beginning of the slide toward development in the parks and there was a very clear misrepresentation of the data, and the data is readily available. That is where the push for development in parks really began. Fancy asking Touche Ross to do the job! Having it do that consultancy is really like asking a fox to design the fowlyard—and that is neither a reflection on Touche Ross nor on foxes but simply a statement of fact. Touche Ross is involved in the development at Mount Lofty.

The Hon. I. Gilfillan: There are a few holes in that development.

The Hon. M.J. ELLIOTT: Design holes yes. I am not questioning the competence of Touche Ross but, really, if a company is interested in development in parks you do not ask it to assess whether or not there should be development in parks. That is totally illogical.

Perhaps the next significant development, if I dare use that word, was the appointment of Bruce Lever as Director of National Parks and Wildlife. His experience before coming to South Australia was working in national parks and particularly the very much market-development-type parks in New South Wales. He came from the ski fields areas of the national parks and choosing him would suggest that the Government's agenda for parks was really decided even then.

Even so, in October 1987 he did put his signature to the policies document, fourth edition, put out by the National Parks and Wildlife Service, as follows:

> 20.6 In order to minimise possible habitat modification and degradation of natural areas, accommodation facilities such as hotels, motels and cabins for the public will be encouraged outside the logical boundaries of reserves rather than within them. The service will not sanction the excision of land or the creation of new reserve boundaries which would be illogical from a land management point of view. The service will cooperate with local government and other bodies in planning to achieve this objective in such a way as to benefit the total community, whilst minimising the impact on reserves.
>
> 20.7 As a general rule, overnight facilities located within a reserve will be restricted to simple developments such as camping grounds and existing basic accommodation facilities. Exceptions may be considered where suitable locations are not available outside the reserve in the area concerned, if a suitable previously modified or developed area exists within the reserve, if the development would not undermine the reserve's value to conservation or visitors, and if it was felt to be desirable to construct more formal facilities.

These stated principles were being undermined even before this document was signed. The two most glaring examples were at Wilpena in the Flinders Ranges National Park and the Mount Lofty development with cable cars. In the case of Wilpena, a major development inside a national park has been approved. I will not dwell on this development as it has been talked about at some length in this Council previously, but I note that the company which has been given the rights for the development was Ophix, a $3 company, which has a principal, a Mr Slattery, who had previous dealing with the National Parks and Wildlife Service in New South Wales when Bruce Lever was there.

What I fail to understand is how such a significant development in such a national park also could be given out without any public tendering process whatsoever. This $3 company was given the prime rights to a development which nobody else was given a chance to have a look at. Quite amazing stuff! Yet that development is contrary to the park's own management plan, a plan which had been written only a relatively short time before. Besides the obvious question of where the money is coming from, why was there no tender process? The Government, to this day, has still not told us what money is going into that development. My expectation is that other people will be funding it and in fact that Ophix will on-sell the rights fairly quickly. More importantly, now that there has been a clear change in national parks direction led by the Government, why was there not a public inquiry into the future direction of national parks?

This is another case of 'We know best'—of the political arrogance to which I refer. There is no public support for the current direction. The public was never asked to vote on this. This is something that has been concocted behind closed doors and inflicted on the people of South Australia.

At least in the case of the Mount Lofty development there was a tendering process; in fact, there were five submissions, but one was later withdrawn. One of those submissions strayed significantly from the guidelines, but it won the tender. We have a tender put in that is contrary to the hills face zone regulations and to the supplementary development plan; those parts of it which relate to the national park are also contrary to the parks management plan; and Local government does not want it, yet I earlier cited a document signed by Mr Lever which stated that local government would be intimately involved. Yet, this will go ahead.

If anyone dared to question what the Government was doing, we had this famous quote from the then Minister of Local Government—now the Minister of Tourism—that we were trying to put everything under a glass dome. That was a nice quotable quote, but the reality did not get to the essence of the arguments. Many rules were broken in the setting up of that development, and anyone who dared question that rules could be broken was accused of having a glass dome mentality.

A draft environmental impact statement was presented in February 1988. As is usual for draft EIS documents in this State, it was manifestly inadequate. The gain for proponents in South Australia—and it appears to have Government blessing—is to be as vague as possible. It is all gloss and no substance and, even with the easily quantifiable aspects such as visual impact, vagueness ruled.

The Department of Environment and Planning's statutorily required advertisement called for public submissions and mentioned a 100 metre high communications tower and mast. Only twice throughout this 156 page document prepared by the proponents are there definitive references to height. These appear on pages 25 and 129 of the document, and both refer to the proposed structure, including the base, tower, pod and mast as being 100 metres high, in agreement with the department's description.

However, the text of the document is so deliberately ambiguous that from that day it has baffled some of the best brains in this State. Even from page 1 the ambiguities about the proponent's intentions abound. The figures presented, with missing scales, only compound these ambiguities, and the photographs and maps have been subject to detailed scrutiny which clearly demonstrates the fallacies

contained in the draft EIS document. In fact, it has been demonstrated that many of the diagrams and photographs were deliberately constructed to misinform.

One can only surmise on the proponent's intentions if, on a subject as visual impact that can be scientifically quantified, the errors of the document all contribute in a definite way to the under-estimation of visual impact. What, therefore, has been the under-estimation of the proponents in other less quantifiable but even more critical issues, such as bushfire risk and destruction of publicly owned and rarely available environmentally valuable areas so close to the city? So much was the inability of the Government to analyse this draft EIS—the document required by statute which needs to clearly, simply and obviously address the major issues—that the Government itself was forced (and this should have been totally unnecessary) for the purposes of the supplement to request scales and figures 3.3, 3.4, 3.9 and 3.11, and to seek clarification on the height of the tower and mast, to which the proponent's response was:

> Design of the buildings at the St Michael's site have been refined by the process of design development which now more accurately reflects the functional needs of the finished project.

Whatever that means. The response continues:

> Accordingly, the drawings have been altered and the figures in the draft EIS have been substituted for new drawings.

There is no discussion of these alterations and substitutions. It is now possible to perform a direct comparison between the draft EIS and the supplement by superimposing a transparency of supplement figure 2.6 over the draft EIS figure of 3.4. Figure 2.6 shows that it is now quite obvious that the intention is for the tower, including the mast, to be 160 metres high. Of course, there is no clarification in the supplement of the Government's request regarding scales of the plans and the draft EIS and also any textural clarification of the height of the tower and mast.

How, then, can these altered figures possibly agree with the statements about the height of the tower and mast being 100 metres (pages 25 and 129 of the draft EIS)? But, there is a clear indication from broadcasters needs that the proponents ought to have been aware, having had two years to produce the draft EIS, that a tower and mast of approximately 150 metres high would be required. There is also cryptic evidence that the proponents were aware of this but preferred to portray a development of only 100 metres high. The supplement simply confirmed that the obvious logical interpretation of the draft EIS was not the proponent's intention and that its real intention was hidden by ambiguity and equivocation on both the text and figures of the draft EIS. Where then does that leave the public of South Australia in relation to other less quantifiable matters?

In relation to the tower proposal, there has never been any suggestion that the television stations wanted to use a mast on top of the proposed tower. In fact, many of the television stations are quite happy having individual masts. Having sets of individual masts protects them. If there is a failure on one they have a joint agreement so that they can use a mast belonging to one of the other stations. I doubt very much whether all of them would want to amalgamate and use that one mast. Having one mast means that one incident could wipe out all four stations and that they would have nowhere else to go. The reason why the proponent's suggested putting the mast on top was to justify the revolving restaurant that it wants to put 100 metres up in the air. It acts as a base for a mast that no-one has ever suggested is even needed.

On the morning of the publication of the supplement, Monday 21 November 1988, the *Advertiser* previewed the publication of the proponent's supplement in a major feature article with a headline 'Lofty by name; lofty by design'. This article provided an inaccurate interpretation of the contents of the supplement prior to any analysis being possible by any member of the public. For the *Advertiser* to have been able to produce these wildly inaccurate impressions indicates either a prior knowledge of the contents of the supplement or that it could have been misled by the proponent's ambiguities in both documents. Even the Department of Environment and Planning on 8 December 1988 published in its widely circulated planning newsletter the following statement about Mount Lofty:

> One of the changes which has been made to the draft EIS proposal includes a decrease in the height and size of the pod to be located on the central observation tower. The pod, which will contain a revolving restaurant and observation platform, has been lowered to lessen the impact on other communications operations in the area. It will now sit between 40 and 60 metres above ground level. Generally, few changes have been made to the original proposal as all of the basic structural components have been kept intact.

That statement parodies the inaccuracies contained in the *Advertiser* article. If it is true that we can expect such a lessening of visual impact, we should expect this to be very prominently stated in the supplement, but where does the supplement state this? The supplement is silent on any of these claims about this reduction of visual impact. Where, then, do the *Advertiser* and the planning newsletter obtain their information? The planning newsletter and the *Advertiser* article of the morning of 21 November give the exact impression of what the proponents would have liked to be able to say in the supplement but could not because of the obvious contradictions caused by the misleading ambiguities that they thought necessary for public participation in the statutorily required draft EIS document. In the supplementary documents required by statute, the proponents are silent on this matter. They prefer to conduct this EIS procedure by media, to substitute drawings and not to answer a direct question. This gave them a golden opportunity to state in the text of the supplement the assertion contained in the *Advertiser* article and also parodied in the planning newsletter; this is strange indeed.

So now Mr Redman of the Mount Lofty project accuses the Mortlock Professor of Medicine, through the pages of the *Advertiser* 8 August 1989, of being mischievous and misleading in describing the cable car as 'a possible fire hazard'. In many previous explanations of the project since the publication of the supplement Mr Redman has attempted to use his own ambiguities about the tower height in the draft EIS. Yet it is the opposition to this project that are accused of being misleading and mischievous.

I now refer to the following report, involving the Minister of Tourism, in the *Advertiser* of 26 May 1988. It is as follows:

> An increasingly vocal minority had a 'glass dome' mentality towards development in SA, the Minister of Tourism Ms Weise said last night. 'This minority, which has recently been joined by the Liberal Opposition has a knee-jerk opposition to any development in SA,' she said. Ms Weise said the latest example of the glass dome mentality was the reaction to the proposed Mount Lofty development and cable car. 'People are opposing it even before the environmental impact statement process is complete,' she said.
>
> In answer to this there is now clear evidence that the opposition to this project as described by the proponents so far, is that they are not a minority; they can read plans properly, and they don't want a glass dome, pyramid, or globe over the top of Mount Lofty.

In the *Advertiser* only a couple of days ago a survey run by McGregor Marketing, claimed to be a totally independent survey, suggested that no company was behind it. It was suggested that questions had been asked as a matter of interest and that when the project was properly explained, there was support for the cable car to Mount Lofty. The

Advertiser article made it quite clear that it was a totally independent survey.

I rang McGregor Marketing to ask if I could see the questions, but was told, 'I am sorry, you cannot do that, you will have to see Mr Redman of Touche Ross.' Touche Ross commissioned the survey—the uncommissioned survey was suddenly commissioned. I have still been unable to see the questions which got people to change their minds. I can advise the Council that an independent survey was taken only a few days ago. The phone-in was advertised through the media so that people could make clear whether or not they supported the Mount Lofty development. A total of 873 people responded, and 97 per cent opposed the cable car development after being asked the straight question, 'Do you support it, or do you not?' That seems to be a fairly honest way of running the survey. The Government's mind is closed on the matter. It is effectively colluding with the proponents, allowing the EIS process to deteriorate into a total farce. Public manipulation of the matter really has continued up to the present day.

I would now like to turn to a couple of other matters with nowhere near the same depth as that one, which I used simply by way of illustration. Lake Bonney has been progressively destroyed by adjacent industrial activities that have since the early 1960s been protected by the sorts of Acts of Parliament that one would not expect to be passed today.

Now that the Government is under pressure about the future of Lake Bonney, it says that it is not willing to go back on what were commercial dealings. It says that it will have to negotiate to have the lake cleaned up. I understand that one must be very careful about going back on commercial deals, yet Parliament did that yesterday in relation to the pastoral areas legislation. Parliament decided in the light of better information that we did need to change the rules concerning pastoral lands. That is not something that Parliament or I would do lightly, but it is something that we needed to do.

I argue that the same thing has happened at Lake Bonney. Certainly, the destruction of Lake Bonney is far worse than anything that has happened in the majority of the pastoral lands, yet the Government is not willing to act. The Government is totally inconsistent. I do not want to see the mills down there closed—I have made that clear. However, companies will play the game of threatening to close, saying that they cannot continue if the Government forces them to clean up. It is the oldest game in the book. It is a game that paper companies have been playing around the world.

This is one reason why so many paper mills want to start in Australia generally. Australia has had little paper manufacturing, yet new mills are planned for Tasmania, Victoria, New South Wales, and Western Australia, as well as a major expansion in the South-East. Why are they suddenly coming to Australia? It is because we are perceived as being pretty Mickey Mouse on some of the environmental constraints. Europe has seen what has happened to its waterways. The US and Canada have seen what has happened and they are tightening their laws. We must be willing to do the same. Certainly, there is a world-wide movement to force the paper mills to clean up their act, and the public is willing to support it.

Members saw what happened as soon as unbleached toilet paper was introduced in supermarkets—it became a best seller. Not only Coles but also Half-Case warehouses have them in stock. We need look only at the sale of unbleached writing paper which was previously not available: now that it is available people are grabbing it quickly. The public is willing to give such paper its support. Why is the Government being so damned tardy? It simply does not understand the situation.

This Government has been requested by way of questions and correspondence to test Lake Bonney and to test effluents for organochlorins. I made an initial request to test just for chlorins, but it was pointed out that a whole range of organochlorins can be a problem and that the full test should be done. Kimberley-Clark management has admitted to me in the presence of others that organochlorins are being put into Lake Bonney—there is no question about that. When we asked about the quantity, the company refused to say. The Government is aware that organochlorins are going into the lake but, when asked, 'Will you test for them?', the answer was 'No'. Why not? I suspect that perhaps a primary reason is that there is a proposal to double the size of the mill. I do not suspect so—I know that.

The guidelines for the EIS are being drawn up by the Department for Environment and Planning right now. The mill will double its output; this is a major expansion. The Government is keen to get the jobs, and so am I, but I am not willing to see the largest permanent freshwater body in South Australia destroyed. The rehabilitation of the lake will be an immense job in itself, and we must be willing to put standards on it.

It is not just environmentalists who are starting to say that. The fishing industry in the South-East is concerned about the long-term implications flowing from Lake Bonney. Then the Government, by way of press release through the Minister of State Development and Technology, announced that the lake would to be cleaned up. However, if one reads more carefully, one sees that nothing is to be done to the lake. The suggestion is that the effluents will be cleaned up. However, anyone who has checked with the company about what agreements have been reached about cleaning up the effluents will know that no agreement has been reached.

The company is using peroxide bleaching which it hopes will reduce organochlorins to 40 per cent of what they were. Thereafter, it may or may not further reduce organochlorins. There is absolutely no commitment at all. I presume that that relates to the time before the plant size is doubled. The release put out by the Minister of State Development and Technology was deliberately misleading—it was as good as telling a lie. I believe that the Minister had only one reason—he hopes in the near future to announce new jobs and he does not want any backlash about what is happening to the lake.

I argue that the issue of jobs and what is happening to the lake are separate issues and that the Government must be willing to face up to what is happening to that lake. The Government has been unwilling to answer questions honestly.

Only months after I came into the Council I asked questions about whether organochlorins were being detected in foodstuffs and, if so, at what levels, and whether any properties had had to be quarantined. The response was that there was no problem with organochlorins. Some 12 months later, American importers found them in our meat and Australia nearly lost its export markets. Recently I spoke to an employee of the Department of Agriculture who told me, 'We knew all along that there were organochlorins. We had been picking it up, but they had never put anything in place to pick it up and stop it from continuing.' A lie was told in this place in response to my questions.

Almost two years ago I asked about cadmium in meat, and again members of the Government denied there was a problem. Again they lied. It took some 12 months and a great deal of correspondence to sort it out, but the export

of certain meat from South Australia and Western Australia has stopped because of high levels of cadmium. The Government still has not told the public that high levels of cadmium exist in foodstuffs. I have not pursued the matter in the Council because there is no point in asking a question if we are to be told lies, as has happened already. The Government has decided that it is better for the public not to know about such things.

In 1985 the Land Rights Bill was passed for the people of Maralinga. Now the Department of State Development is beavering away with the Department of Defence to work out how to use the Maralinga land for other purposes. The sovereignty over that land, granted to the Aboriginal people only four years ago, is already being undermined by the Department of State Development. Some doubt exists as to what will happen there, and the Government does not know. As I understand it, advertisements have been placed overseas saying, 'We have an awful lot of bare land out there; if you have any ideas about what to do with it, let us know and put in a tender.' I do not believe that the Department of Defence or the Department of State Development have any right to suggest to someone else what might be done with the Maralinga land. It is absolutely contrary to the agreement that the people of Maralinga thought they had not so long ago.

The Mount Lofty Ranges review contained many positive aspects. I have spoken to many people who have been pleased with the bulk of what is in the Mount Lofty Ranges review, but they are rather frightened that the positive aspects may be lost owing to mounting pressure from local governments. The review process was sabotaged at the end. A broad consultative committee was set up, comprised of many community representatives, but the committee did not see the final written report before it was released. The report, which was written by bureaucrats, probably under instruction, contained items with which the review committee did not agree. It was released in something of a hurry, because it made some recommendations about the Country Fire Services Bill. The report was released only a short while before the Bill was introduced, but the recommendations did not have the support of the consultative committee. Members of the committee were upset because they received phone calls from all and sundry, asking, 'Why did you agree to say this?' They said, 'We did not. We did not even know that it was in the report.' The bureaucrats did not consult the committee before the report was released.

The Hon. I. Gilfillan: A bit like Goldsworthy and the Roxby uranium report.

The Hon. M.J. ELLIOTT: Very much so. I am not suggesting that this Government is the only one that is capable of doctoring reports for its own purposes.

The rare earth plant at Port Pirie has been causing terrible confusion to the people of Port Pirie, who are trying to work out what is going on. The stories in the *Recorder* are not consistent, but that is not the fault of the newspaper, as the stories were based on information given to it. The Government has been pushing the process very fast and has refused consistently to run an environmental impact statement (EIS) on stage 1 of the process. One would expect that an EIS would be done, as the process involves working with the tailings from Radium Hill. There are a large amount of tailings on the extremities of Port Pirie, in the Sandfire Flat areas, which are occasionally inundated by flood waters, although there is bunding around the tailings to protect them from the tides. The tailings contain much rare earths which are very valuable and also contain a large radioactive component.

The Hon. T.G. Roberts: A small radioactive component.

The Hon. M.J. ELLIOTT: It does not have to be very large. It is clear from looking at stage 1 of the proposal that the company is not firmly committed as to how it will be carried out. If the company were to follow its first plan, the tailings would suffer minimal disturbance. The proposal is to allow sea water to percolate down through the tailings and then to pump the water from the bottom of the tailings, it having leached out certain of the rare earths.

It is interesting to read that the company is not sure how much or which rare earths will dissolve or how much uranium the sea water will pick up. The company says that it will pick up only about 5 per cent of the rare earths, so at some time the company may wish to adopt a different mode to recover the rare earth. The fine print suggests that, if the leaching technique does not work, the company will switch to dredging. While the leaching process does not disturb the tailings, the dredging process, or using pressure hoses, will entail disturbance of the tailings. We should not be blase about suggesting that an EIS is not necessary. The Government has given the green light to stage 1, regardless of whether the company uses a leaching process, dredging, pressure hoses or whatever.

The Government has said that it will not require the EIS until stage 3, but by stage 3 a significant plant will be operating, with many people working there. The political imperatives will get to work and the real chance of getting a proper study and result (whatever that may be) will be hindered by political rather than environmental considerations.

In relation to administrative competence, I refer to the Government's capacity to do a snow job on the media. An excellent job was done on the media in relation to the massive losses on two projects. The first project is the Satco operation at Greymouth. In the *Advertiser* only a little over a week ago it was suggested that a major turnaround had occurred at Satco, but the Government has been playing numbers games, and anybody who understands the numbers games would know what is occurring. In fact, Satco still has incredible problems with the Greymouth operation. The losses have been capitalised, so instead of the Government owning Satco, SAFA owns Satco. The capitalisation of the debt has not removed the debt in the way the Government has tried to suggest that it has.

The Hon. L. H. Davis: If they had not capitalised their loss for the last financial year, they would still have been reporting a loss for that year.

The Hon. M.J. ELLIOTT: That is exactly the point I am making: they have played the numbers game. The loss is hidden within SAFA, which has proven itself capable of making large amounts of money and is capable of hiding the losses on that capitalisation. That is all that has happened: the money taken over by capitalising the shares is money lost through SAFA, and losses on that do not show in SAFAs overall profitability.

The Hon. L.H. Davis: If it had been a private business it would have been bankrupt.

The Hon. M.J. ELLIOTT: It certainly would have been—long ago. The Greymouth operation was an absolute and total mess from beginning to end. It was a mess at every level, both bureaucratic and within the Government itself. I do not understand it, but somehow the Government has managed to do a total snow job on it.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will cease interjecting.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order.

The Hon. L.H. Davis: He was just talking about a subject dear to my heart.

The PRESIDENT: Then talk to him privately: do not hold a conversation on the floor of the Chamber.

The Hon. M.J. ELLIOTT: I can tolerate accurate interjections. We can turn our attention to the Justice Information System, which has been an incredible embarrassment. It has been a massive loser of Government moneys. The latest total is racing towards $40 million, yet those sort of numbers, if you say them quickly enough, do not seem to make any impression. Once again, the minders appear to have done their job extremely well.

I mentioned SAFA, which is one body the Government points at with some pride as a major money earner for this State. SAFA makes much of its money out of tax avoidance in other countries. In fact, the deal SAFA helped stitch up which has kept the Greymouth operation afloat was taxation avoidance in New Zealand. SAFA used a tax loophole to bring in investors, and this loophole was very quickly closed off after what was done during the Greymouth operation. I find it morally a very interesting proposition that we have Governments which clamp down on tax avoiders—as well they should—yet Government instrumentalities will quite happily involve themselves in tax avoidance. That is a moral inconsistency, but it is something this Government lives with very easily. I support the motion.

The Hon. I. GILFILLAN: I intend to speak in support of the motion and, in doing so, to make some observations about two or three matters. The principal matter is the issue of the environment and the greenhouse effect, and the significance of what can be enacted in this Parliament. The Atmosphere Protection Bill, moved by my colleague the Hon. Mike Elliott, is before this Parliament. In commenting on this, I would like to read a quote from a well-known Australian. It will be of interest to members of this place and to the casual readers of *Hansard* eventually to find out who this particularly well-known Australian was. I quote as follows:

An interesting side benefit of the oil crisis was the realisation by the community that we waste an enormous amount of energy . . . By the 1980s we had come to realise that we could achieve a high standard of living and strong economic growth with little increase in energy consumption. Working smarter and energy conservation are sound policies that should be actively pursued in all circumstances. Unfortunately, we all seem to have short memories.

After a brief period of low energy prices, the gas guzzlers have come back into fashion and the energy conservation imperative is rapidly losing momentum. Although this regression is disappointing, I would have to admit that it is not surprising, given community attitudes to resource use in general. Our practices in packaging standards is a glowing example of the depth of our commitment to an efficient use of natural resources.

As the oil crisis faded, the media found new concerns which made better news. As always, the media influences public opinion and, as nearly always, Governments display their firm leadership by scrambling to get to the head of the crowd, wherever it may be going.

Trio of predictions: whether the greenhouse problem is real or not and wherever the predicted consequences or some other quite different consequences eventuate, there are three predictions which can be made with absolute certainty, even at this early time.

1. There are votes in being loudly concerned about it.
2. There will be a flood of legislation dealing with it.
3. A great new world-wide growth industry will be born—Government bodies, inquiries, advisory councils, international conferences, consultants and research projects, publications and so on and on. Some of this activity will actually be useful.

Excessive population: shortening our time focus further, the human race had a major impact on the environment and the pace of change has quickened in recent years. Today the world's population is growing at a faster rate than its resources can sustain. Near-term solutions to this key problem of population growth which is at the base of all human-caused problems are nowhere in sight. History has shown that those countries with high standards of living have the lowest population growth. Thus, population growth is most likely controlled by improving quality of life and standard of living. Now that the developed nations throughout the world have progressed their economies through profligate use of energy, it seems somewhat churlish to ask the poorer developing nations to desist from increasing their standard of living with its inherent increase in energy demand. The challenge for us is to ensure that change caused by our presence occurs in a way which is sensible and acceptable, and the risks we take are calculated risks.

Some immediate actions: regardless of what else may be soberly and rationally decided upon in due course, it seems to me that there are some actions which can be taken right now without waiting for the results of further research. Wasteful and unnecessary use of energy must be eliminated. The efficiency of using energy must be improved, and the world should undertake a major effort to plant trees.

With your indulgence, Mr President, I invite members to interject and name the well-known Australian who made that quote.

An honourable member: Mickey Mouse?

The Hon. I. GILFILLAN: Mickey Mouse is actually an American, so he is disqualified.

An honourable member: Hawke?

The Hon. I. GILFILLAN: Hawke has been suggested, and I do not hear any others. The answer is—Sir Arvi Parbo, Chairman of BHP and Chairman of Western Mining Corporation. Indeed, the world has taken on a new vision. It is dramatically startling that a man of his business and industrial interests and reputation should have been able, in his address to shareholders and in a couple of addresses he has given, to make such a profound and forward-thinking analysis of our environmental crisis.

With Sir Arvi Parbo moving the team along that way, why else should we be—

The Hon. L.H. Davis interjecting:

The Hon. I. GILFILLAN: I realise that. You may notice that he at no stage—

The Hon. L.H. Davis interjecting:

The Hon. I. GILFILLAN: He did not advocate in the quotes, and I did not choose any quotes which advocated, nuclear energy, which has a problem in its own field. But I do not intend to be drawn off on that track.

I want now to make what I believe is a combination of two scientific predictions which are devastating in their possibility for sustainable life on earth into the next century. First, I quote from Barry Jones, the current Labor Minister for Science, in a paper to the Institute's New South Wales branch. He describes a 'Disturbing new model' and says:

The recent disturbing estimate of the British Bureau of Meteorology in the most comprehensive computer modelling to be carried out suggests an increase in average global temperature of 5.2 degrees in between 50 and 100 years. That is as much as temperature has increased in the past 8 000 years. In the British model prepared under the direction of Sir John Mason, the smallest increase would be at the equator, the highest at the poles, in the order of 12 degrees.

I recognise that this prediction is more extreme than most other models, most of which predict an average increase between 1.5 and 4.5 degrees by 2030, but it must be taken seriously.

Indeed, it must be taken seriously, and it is by people who are viewing this responsibly, but bear in mind that that is Barry Jones, the Labor Minister for Science, quoting a reputable and the most intensive modelling exercise done to date.

I now quote from an Australian physicist, Dr David Mills, from the School of Physics, University of Sydney, in a paper that he gave on 11 August this year. It is very recent material. The heading is, 'International Greenhouse Legislation and Local Adaption.' He says:

As with the ozone problem, the situation with the greenhouse effect is less encouraging than a year ago. What is certain is that industry and Government are considerably underestimating the rate and magnitude of necessary change to achieve environmental

security. There are substantial near-term economic implications for Australia.

In scientific terms, there is no doubt among climatogists that the greenhouse effect exists. We are experiencing global warming. However, scientists still do not have sufficient knowledge of the many details of atmospheric feedback processes to accurately predict future global warming rates and resulting climate changes. However, as we get to know more about the problem, many scientists feel increasing cause for alarm.

What is clear is that, as with the ozone problem, we are less secure about the slow and predictable rates of climate change previously postulated. Increasing evidence is coming to light that mechanisms that can cause very quick climate change may exist.

As a powerful example, researchers—

these are cited in *New Scientist*, page 19, 6 May 1989—

have recently suggested a positive feedback atmospheric heating process which may soon arise through excess methane production and human destruction of a natural methane recycling pathway. It is a fact that there is more carbon locked up as methane in arctic tundra, and under the sea bed, than exists in all the coal and oil deposits of the world. Methane is released very quickly from the tundra as temperatures rise at the poles due to greenhouse heating and is 25 times more effective a greenhouse gas per molecule than carbon dioxide; release could cause substantial atmospheric heating, releasing more methane, and so on. This positive feedback process could continue with increasing acceleration until much of the methane were released, resulting in very serious climate change before natural breakdown of the methane could occur. Such a process would proceed much more quickly than the man-made greenhouse gas buildup currently being monitored and modelled around the world, and would be triggered at a particular atmospheric temperature threshold.

Methane is naturally produced from sources such as volcanos, soil, termites and ruminants. However, a natural recycling process, involving breakdown of methane by hydroxyl radicals in the atmosphere normally regulates methane levels. Unhindered, this might possibly also break down man-made generation from agriculture, natural gas installations and rubbish tips. However, these hydroxyl molecules are apparently being poisoned by carbon monoxide from vehicle exhausts worldwide, and this allows methane levels to rise.

I pause to take breath and urge honourable members, some of whom may not be able to listen to this right through to take the trouble to read this material. I read it with the intention of getting into *Hansard* material which may not, because of the unpredictability of sitting times in this Parliament and the uncertainty of the election date, be able to be put into any other debate on this matter. Therefore, I take the opportunity to do it now, and I emphasise the importance to members of studying this material. The report goes on:

Recent indications are that there are additional contributing warming mechanisms:

(a) there may be more net carbon dioxide being added to the atmosphere than is being contributed by man-made activity according to early calculations. If true, then some positive feedback may already be occurring with that gas from an unspecified source.

(b) melting icecaps would reduce the reflectivity of the earth, increasing warming.

(c) Dr Bill Wood at the University of Sydney has shown that plankton and other single cell ocean creatures are very sensitive to UV, which he has shown penetrates many meters into the ocean. Currently, these numerous animals and plants function as a large carbon sink, since, when dead, their bodies drop to the bottom of the sea. Possibly the single largest habitat for these creatures is in the southern oceans, which are now under the ozone hole at important times of the year. This constitutes possible inhibition of yet another natural atmospheric balancing mechanism.

If runaway warming mechanisms occur, one might expect evidence for them during past climate change. Dansgard et. al—

this is described as 'the abrupt termination of the Younger Dryas climate event. *Nature*, vol. 339, page 532, 15 June 1989—

looking for this evidence, have recently analysed ancient ice cores from arctic glaciers and with two different methods of analysis, agreement was obtained which indicates that the last ice age—

and I urge honourable members to listen to this—

which ended 11 000 years ago, ceased in 20 years. The researchers postulate that the climate is 'bistable', meaning that it can switch quickly from state to another and back again. The foregoing raises certain points to consider.

First, there is no reason at all why sudden atmospheric warming mechanisms should not gain mutual support from one another. We are interfering with the atmosphere in a number of ways, so this is an entirely possible result which could be accentuated by our actions.

Second, the assumption that we are only in a bistable climate may be naive. We may be introducing the possibility of rapid change to entirely new equilibrium states which are warmer than past ones, because we are inhibiting important balancing (negative feedback) mechanisms which were present in the distant past, such as methane-breaking hydroxl molecules and plankton creation.

Third, and very important to decision-making, is that our modelling of this very large and complex atmospheric system is likely to be inadequate to predict this kind of behaviour. At the moment, the largest computers in existence are strained to provide a detailed climate model based upon very simple assumptions dealing with predictable rises in a range of greenhouse gases. The type of runaway mechanisms outlined above are very much more difficult to model, because only a slight change in the assumptions about one such mechanism can radically affect the outcome of the model. Since several such mechanisms are present, the likelihood of accurate prediction of the onset of rapid climate change is very small, given the guesswork involved in major key parameters such as plankton or algae behaviour, methane storage capacity, and many others. To summarise this point, atmospheric climate modelling is unlikely to accurately predict the performance of an atmosphere with several highly sensitive warming and cooling mechanisms which may interact. If we do succeed in eventually modelling the atmosphere in the future, it will be a difficult task and there is a significant possibility that a reliable answer will arrive to be too late to form the basis of a greenhouse gas strategy; we could well trigger rapid atmospheric warming first.

David Peel—in *Nature*, Vol. 339, page 508, 15 June 1989—states:

'The [previous] results may be misleading both in terms of predicting the overall change and determining regional climatic patterns.' He also states that the latest predictions of global warming are that we will experience 5°C of overall warming in 30 years and 12°C at the poles, a considerable shift indeed.

The consequences of a mistake in our response to such problems are so great, and our knowledge of atmospheric feedback mechanisms so poor, that I doubt whether any international greenhouse action forum fully conversant with such risks would accept them. The oceans do not have to boil away; a new atmospheric equilibrium even 10 or 15 degrees higher than at present would be catastrophic.

In this regard, a suggestion from recent permafrost measurements that warming of the tundra is under way is quite alarming. Since we do not know the critical atmospheric trigger level, or very much at all about this complex system, we are running a grave risk by continuing to add greenhouse gas to the atmosphere, because even a decision tomorrow to switch to non-polluting fuel would take at least 25-30 years to execute and complete. We are already exposed to this risk unavoidably. Delay increases not only the time of our exposure, but the maximum level of the impact. This 'future peak impact' is rising very steeply because of increased population growth. The longer we wait, the more likely we are to face temperature runaway.

If a runaway mechanism begins, it may be very difficult or impossible to arrest. Because the processes are so large, our civilisation may not have the resources or time to suppress them. It is well to understand that such processes would be driven by large scale absorption of solar energy, which arrives at a rate 10 000 times that of human energy consumption. Changes which involve only fractions of a per cent of this input might be too large for us to influence. For these reasons, urgent action is required to minimise global risk. Any other action, especially when viable pollution-free renewable energy is available or can be developed quickly, is foolhardy in the extreme. There can be nothing more important to safeguard than the biosphere.

I hope that, by ending the quote, I do not end the deliberation of members, both those in the Chamber and outside, and the public at large to realise that a very clear and strong message is coming from the science fraternity, that we cannot sit back and twiddle our thumbs, hoping that there will be a neat, easy solution and that we do not have to take the hard decisions.

Twice my colleague has introduced this Bill to which I am referring. The first time I made an impassioned plea to both the Government and the Opposition, in the later stages of that session, to support the legislation. I think the political and public climate of awareness has changed enough for me to be optimistic that this time around, provided that we are given enough time, it may be successful. I plead with honourable members to look at that Bill as one measure among many that we can and should be taking. It is not satisfactory to sit back and ask, 'What can we do? We are only one small State in one small country.' It starts here; our area of activity and influence starts right here in this place, with each one of you as with me.

I want to cover briefly a couple of other matters before concluding my remarks on this motion. I do not wish in any way to diminish the impression of importance that I put on the first matter. I have chosen it deliberately. I do not apologise for reading so much of the material into this speech because I cannot hope to present it as well and as powerfully as was done by Dr Mills. However, I endorse it and regard it as a very important contribution to this Address in Reply debate, not because I read it but because of its message to us all.

I would like briefly to comment on the chaos that reigns politically and in the media and among the public because we do not have a precise four-year term. This must be apparent at this stage to any who are observing how we are constantly from day to day and week by week led along a deteriorating political performance of efficiency and initiative. We have experienced a slanging match now for some months because of the inability or unwillingness of the Premier to indicate a precise election date, and I understand that that is the game that we can expect from either major Party in the foreseeable future for reasons which I consider to be completely spurious and irresponsible. I am not persuaded that there is any substance in the argument that we could not live with a set date every four years, whichever one seems appropriate. I urge all honourable members to look favourably on amending legislation after this next State election to pin us down firmly to a fixed four-year term.

Finally, because we are debating at this time the remissions and sentencing legislation as applicable to our penal system in South Australia, it is appropriate to make a comment that is not so much related to the prisons *per se* where the remission system introduced in 1983 has proved by far the most effective measure to make the institutions manageable. They are not constructive; they are, in fact, destructive institutions. But at least they are intact and at least the people who are in them are not in a state of warfare and riot.

But that situation does not pertain to the Remand Centre. I have a deep concern for the Remand Centre. I believe that it suffers from the deficiency of there not being any incentive for inmates—who, incidentally, are not convicted of any crime; they are only held at the Remand Centre pending trial—to cooperate with the management, nor do they have any organised work. Both these problems lead to a situation in which more brutality is exercised in the Remand Centre than in any other prison in this State (and I refer to the Remand Centre as a prison as it was certainly built as one and is largely run as one).

From that point of view, the problems at the Remand Centre need to be addressed. I urge the Government and the Opposition to look constructively at what reforms could be implemented at the Remand Centre. As its operation is presently conducted, I believe it is a significant blot on South Australia's penal system. I support the motion.

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contribution to this debate and seek leave to continue my remarks later.

Leave granted; debate adjourned.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

Adjourned debate resumed on motion.

(Continued from page 430.)

The Hon. C.J. SUMNER (Attorney-General): During his second reading contribution on this Bill the Hon. Mr Griffin made a number of accusations that should be firmly refuted. One dealt with the role of the Attorney-General in our constitutional parliamentary structure. To support his argument in that respect, the Hon. Mr Griffin misrepresented and distorted a statement that I gave to the Parliament last year about the role of the Attorney-General. That misrepresentation and distortion was designed to support the Hon. Mr Griffin's argument that somehow or other in this matter, as Attorney-General, I had not behaved properly. I refute that completely and would refer to a ministerial statement that I made on Thursday 25 August 1988 on the role of the Attorney-General—a statement which, I might add, had not been made in this Parliament on any previous occasion and which, I think, was an important statement so that the Parliament could know the role and the particular responsibilities of the Attorney-General. To indicate the misrepresentation of my statement in that respect by the Hon. Mr Griffin, one only has to refer to part of my statement, as follows:

3. Responsibilities of the Office of Attorney-General.

The responsibilities of the Attorney-General can be divided into two broad categories. In the first he is a Member of Cabinet, like any other Minister and in accordance with the Westminster system of Cabinet solidarity bound by the decisions of Cabinet on matters of Government policy. He is bound and accepts decisions of Cabinet on all matters of policy and legislation including those within his own portfolios. Whether legislation is to be presented to Parliament to change the law is clearly a matter on which the Attorney-General is in no different position to other Ministers. While the Attorney's advice may be sought on the terms of legislation and would presumably be given some weight, in the final analysis whether to proceed with legislation is a decision for Cabinet.

However, there is a second category of responsibilities where the Attorney-General has a special role and is not subject to the direction of Cabinet or his Party. These are his responsibilities for the enforcement of the criminal law and the representation of the public interest in legal proceedings.

I then went on to outline the particular responsibilities of the Attorney-General. It is quite clear from that statement that the Hon. Mr Griffin has misrepresented and distorted what I said last year in order to support his argument. It is quite clear from what I said last year that the Attorney-General, with respect to legislation introduced into the Parliament, is in no different a position from another Cabinet Minister and is subject to Cabinet solidarity and decision-making.

Where the Attorney-General has a different and distinctive role is in the area of the criminal justice system in such areas as whether or not to institute a prosecution, whether or not to enter a *nolle prosequi*, or whether or not to appeal in a particular case. In that sense he remains accountable directly to the Parliament and not subject to direction by Cabinet, his Party caucus or, indeed, by his Party generally, and that is a situation I have affirmed on many occasions during my period as Attorney-General in this Government.

So, there is a distinction, and the distinction was made quite clear in my ministerial statement. We are dealing with

legislation that has been introduced by the Government to clarify an interpretation of the law. In that sense the Attorney-General acts as a Cabinet Minister. We are not talking about individual decisions relating to whether or not to prosecute, to withdraw prosecutions, grant immunities or the like.

The next accusation made by the Hon. Mr Griffin that needs to be dealt with is that somehow or other I have exaggerated the situation relating to offenders sentenced since December 1986 who may have their sentences reduced if they apply to a court for that to occur. Quite simply, I have not exaggerated that situation in the press or in public statements. Chief Justice King, in the cases of Dube and Knowles indicated that, as a result of section 302 of the Criminal Law Consolidation Act passed in 1986, South Australian courts would increase penalties by up to 50 per cent. That decision, of course, was challenged in the High Court.

The reality is that following the Dube and Knowles decisions, since December 1986, sentences have been increased—whether in all cases mathematically by 50 per cent, one cannot say. There is no doubt that, following the Chief Justice's decision in that armed robbery case of Dube and Knowles, sentences have increased by up to 50 per cent. If they have increased by up to 50 per cent in accordance with the decision of Dube and Knowles, if the principles contained in that decision are not reaffirmed by this Parliament, and if the High Court decision is allowed to stand for the period from December 1986 to the present time, then clearly, if the High Court has said that the indication from the Chief Justice that sentences would be increased by up to 50 per cent is wrong, then those defenders will be able to apply to the courts to have their sentences reduced by up to a third.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: The honourable member is missing the point that I am making. He interjects and says that sentences were going up after 1983. That is correct. However, the point I am making is that, following the Dube and Knowles decision, the Chief Justice indicated that sentences would be increased by up to 50 per cent as a result of the passage in this Parliament of section 302 of the Criminal Law Consolidation Act whereby the courts were mandated to take into account remissions earned by prisoners when in gaol.

That being the case, if that decision no longer stands, prisoners will have the option to go back to the court and have their sentences reduced by up to one third. That is a fact of life. That is what the Legal Services Commission is advising the prisoners. When the decision of the High Court in Easton's case came down, the commission advised the prisoners sentenced between December 1986 and the present time and handed out application forms for legal aid. Some 303 applications have been received by the commission, which is now processing them. Already 110 applications for leave to appeal have been filed. So, there is the potential at the present for 303 prisoners to apply to the court to have their sentences reduced—110 have already done so.

I was quoted as saying 200 prisoners, but it looks as though it is closer to 300 prisoners, so I was not exaggerating. Not all have been assessed by the commission and not all of them may be given legal aid, but that is the number of applications. At $650 per application, about $200 000 of Legal Services Commission money will be spent either in-house or by briefing out to private counsel (hopefully, as much as possible will be in-house) to make the applications for those offenders. That money will thus not be available for other legal aid work.

That is the situation. I was not exaggerating when I said that legal aid moneys would be used for this purpose, or that there were large numbers of prisoners. More than 250 prisoners will be able to apply and could have their sentences reduced by up to one-third. They are the facts. Whether they will have their sentences reduced by up to one-third in each individual case will depend on the Supreme Court, but the potential is there.

The potential is there for Moyse, despite what the Hon. Mr Griffin said, because seven out of the 10 offences which Moyse was charged with and which were taken into account in imposing sentence—and the Hon. Mr Griffin admitted this—applied after the date in December 1986.

The Hon. K.T. Griffin: It is seven out of 17, which is much different from the seven out of 10.

The Hon. C.J. SUMNER: The Hon. Mr Griffin says seven out of 17—almost half. What view the court will take of that, I do not know. The fact is that the Hon. Mr Griffin, in suggesting that Moyse would not be one of those prisoners, is wrong. Because a number of offences occurred after December 1986—

The Hon. I. Gilfillan: What does it matter? What about the principles—

The Hon. C.J. SUMNER: I will get to the principles in a minute. From December 1986 up to 300 prisoners—many of them violent offenders—will have the capacity to go back to the court and have their sentences reduced by one-third. That is indisputable. Whatever the Hon. Mr Griffin says, Moyse is one. Depending on what happens with Malvaso's appeal today—his case has been in the High Court and judgment has been reserved—he may be another. The Hon. Mr Griffin made a terrible fuss about the sentences imposed on Malvaso last year, and I assume that Malvaso's offences occurred after December 1986. I presume that in that case the Hon. Mr Griffin is willing to see those sentences reduced, too.

The reality is that I was not scaremongering: I was stating the facts about the potential, as confirmed by the Legal Services Commission, for large numbers of prisoners to apply to have their sentences reduced. I should add that the commission has also indicated that some of the applications are from prisoners whose sentences have already been the subject of appeal, and the commission is preparing petitions for mercy. What we now have is a situation where the Governor in Executive Council (Cabinet) will have to look at a whole range of these matters and make its decision on whether or not the sentences should be reduced, because some prisoners have exhausted their rights of appeal.

The commission, in addition to those it is considering to appeal to the Supreme Court, because they did not appeal previously is looking at those whose appeal rights are exhausted. It will be preparing petitions for mercy, that is, petitions which will have to go to the Governer in Executive Council.

The Hon. T. Crothers: All those prisoners will not really be equal.

The Hon. C.J. SUMNER: There is the capacity for them to be treated in different ways and—

Members interjecting:

The Hon. C.J. SUMNER: It is helpful. The Government wanted to put all the offenders back on the same basis. The commission further advises that, of the remaining applications, aid has either been rejected on the basis of ineligibility having regard to the date of offending; appeals are yet to be filed pending the obtaining of particulars sufficient to complete the forms; or the offences for which the applicant

has been sentenced were dealt with by courts of summary jurisdiction. Particulars are being sought from the various courts for the purpose of filing justices appeals. We have the categories of appeal in the Supreme Court, the justices appeal and a category of offender which the commission intends to deal with through petition of mercy to the Governor in Executive Council.

That means that there is a situation in which prisoners will be dealt with differently, unless this legislation applies to all the decisions made since December 1986, and this is what the Government is attempting to do.

On a general matter, the Government policy has been—I thought until this instance it had been supported by the Opposition—to see increased sentences for serious violent criminals and, at the other end of the scale, to ensure that those offenders who ought not be in gaol were able to be released from gaol. The second part of that policy saw the passage of a new Bail Act through Parliament, and the passage of community service orders for offenders, all designed to ensure that the correctional policy was based on ensuring adequate penalties for serious violent offenders in particular but ensuring that other offenders of a minor nature who ought not be in gaol and who were there only because they could not afford to pay fines or whatever were not in prison. I had thought, with the passage of the bail legislation and community service order legislation, that the Opposition supported the Government's general approach, but it appears that that is no longer the case.

The reality has been indicated by the Hon. Mr Griffin. It is clear from the report on the new sentencing laws, prepared by the Office of Crime Statistics and presented last week, that sentences have increased significantly since 1983. The Bill is designed to ensure that those sentences, which have been increased for offenders since December 1986, are maintained.

The Hon. Mr Griffin made some accusations about political opportunism, and a few epithets of an uncomplimentary nature about the Government and me. The only political opportunism that has existed has come from the Liberals. The Government's proposal is a sensible and commonsense approach to resolving a problem in interpretation of legislation. The Liberal Party, rather than adopting a commonsense approach to resolving the problem of interpretation, which I would have thought was consistent with its previously stated attitude to sentencing policy, has not been able to resist the temptation to bash the Government over the head with the issue of lenient sentences. The Liberals are prepared to jettison their general policies so that over the next few months they can accuse the Government of being soft on criminals and accuse the courts of imposing lenient sentences.

The Liberals continue to harp about calling for heavier sentences, but when the chance comes to do something about it they run away from it because of their own political position. The Government has put up a perfectly reasonable, sensible, commonsense approach to deal with the problem of the interpretation of sentencing law. The political opportunism is all on the Opposition's side. A sensible, commonsense way of dealing with the problem has been offered to the Liberals, consistent with their political policy, but they will not accept it because they see the window of opportunity being opened for them over the next few months, when some of the prisoners I have mentioned may have their sentences reduced. The Government will not be blamed for that. We have introduced legislation to ensure that the matter is fixed up, in accordance with proper principles. The Liberal Party ought not to try, as I am sure it will do, to blame the Government for the situation that will pertain if the legislation fails, namely, that some sentences may be reduced.

A presumption exists against retrospectivity. Any legislation that operates retrospectively must be considered carefully and ought not be agreed to unless compelling reasons exist for doing so. I support the caution about retrospective legislation, but this is not the first time that the Parliament has considered or passed retrospective legislation; it happens often enough. Where special circumstances exist to justify retrospective legislation, the Parliament should grasp the nettle and do just that.

Retrospectivity will not change people's rights midstream. We are not passing a law which will impose on people already sentenced a higher regime of sentencing; we are correcting a situation relating to the interpretation of the legislation. The interpretation of the High Court will be corrected, and in doing so we are reasserting what has occurred with the sentencing of prisoners for 2½ years, from December 1986.

The Hon. K.T. Griffin: The *Hansard* record is clear.

The Hon. C.J. SUMNER: It is not clear. The honourable member has misrepresented that as well.

The Hon. K.T. Griffin: It is on the record.

The Hon. C.J. SUMNER: It is in the second reading speech. For 2½ years the courts have operated under the decision handed down in the case of *R. v Dube and Knowles* by the Chief Justice of the South Australian Supreme Court. During that whole period there was not one objection from the Liberal Party about the sentencing policies adopted by the Supreme Court and other courts. If the Liberals had thought that the intention of the decision in *Dube and Knowles* was being wrongly interpreted, why did they not object? They did not object because politically it would have shown them up for not supporting proper heavy sentences for violent criminals. The Hon. Mr Griffin could have said at any time in the past two years that he did not agree with *Dube and Knowles*—that the Supreme Court had got it wrong. He did not do it, but he does it now.

The Hon. K.T. Griffin: The High Court said they got it wrong, not me.

The Hon. C.J. SUMNER: The Hon. Mr Griffin is now saying that the Supreme Court got it wrong.

The Hon. K.T. Griffin: The High Court is saying it.

The Hon. C.J. SUMNER: And the honourable member is agreeing with it. The High Court makes the final decision. There is a constitutional principle that the honourable member has obviously forgotten: the supremacy of Parliament. I would have thought that doctrine was an important proposition in a democracy. The Parliament's intention is clear in the second reading speech and the mischief that the Parliament was getting at was indicated in the 1985 annual report of the Supreme Court judges, where they said clearly that 'a judge is precluded by law from taking into account the likelihood of good conduct remission'. That legislation was designed to get at that mischief, to ensure that the courts could take it into account.

The Hon. I. Gilfillan: The High Court said that statement was wrong.

The Hon. C.J. SUMNER: Then the honourable member blames the Parliament for the legislation.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan said that the High Court had said that that statement by the Supreme Court judges was wrong. However, what the Parliament did was legislate on the basis of that statement. That reinforces my argument that we ought to clear up the matter by dealing with the matter retrospectively back to

December 1986, because this Parliament was basing its legislation on what the Supreme Court judges had said. They had said that they were precluded in law from taking into account the likelihood of good conduct remissions. We said that they ought to take into account the likelihood of good conduct remissions.

The Parliament cannot be blamed if, subsequently, the High Court turns around and says that the original statement of the law—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —on which Parliament based its decision was wrong. Parliament cannot be blamed for that situation. Now, Parliament has the opportunity to correct the situation and it ought to do it. If we read the second reading explanation in 1986, we will see that that is what the 1986 amendment was directed to. In my view, in this case retrospectivity is justified. It is not retrospective in the sense that it is changing anyone's rights by legislation.

Members interjecting:

The Hon. C.J. SUMNER: For 2½ years the prisoners, the public and the prosecutors have all acted on the basis of the statement of the law in the case of *Dube and Knowles* in December 1986. That is clear: the prisoners have accepted that. What would have happened if that particular legal point—essentially a technical point—had been taken 10 years after the legislation had been passed? Quite clearly, it would have been chaos and confusion. What you have is a situation where the point is taken after two and a half years.

Many prisoners have been sentenced in accordance with the principles which I believe the Parliament and, certainly, the Opposition apparently want, yet now the Opposition will not support legislation to put that situation beyond any doubt. The curious approach that they have to it is that, apparently, they support the High Court reasoning in this matter; they find it compelling, but only in so far as that relates to retrospectivity, because they are prepared to support the Bill in its prospective form. The Hon. Mr Griffin finds the High Court reasoning compelling and quoted from it at great length, but he is prepared to support the Government's Bill for the future.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: If you are accepting the arguments of the High Court, you ought to vote with the Hon. Mr Gilfillan, and vote it out.

Members interjecting:

The Hon. C.J. SUMNER: Of course it is. You are having it two ways: you are using the arguments of the High Court in effect to say that you will not support retrospectivity, yet you disregard the arguments of the High Court when it comes to supporting the legislation for the future. So, there is an inherent inconsistency. If you really understood what you were doing and had the courage to stand by your analysis of the High Court decision, you would vote with the Hon. Mr Gilfillan—but, of course, you are not prepared to do it.

I now turn to the question of drafting. The drafting has been done in this way by reference to a particular case with the intention of putting all prisoners back where they expected to be, where the courts expected them to be and where the public expected them to be following the December 1986 decision.

Members interjecting:

The PRESIDENT: Order! There is too much conversation.

The Hon. C.J. SUMNER: The problem is that if it is not done in this way, but in some other way by trying to write into the legislation the principles in *Dube and Knowles*, then it is not clear that one could do that in a way which would pick up retrospectively the principles in that case. If we remove the question of retrospectivity, as members opposite apparently will do, clearly we can deal with the drafting of the legislation *de novo*: we can start again. If we are going to make it retrospective, then in my view we must deal with the matter by reference to this particular case. If we do it by trying to draft the principles, and we apply them retrospectively (as the Government wishes to do), we may not draft it in a way that covers all the prisoners who have been sentenced since December 1986.

If we accept the principle of retrospectivity, it seems to me that we must draft with reference to the decision made in 1986 and reaffirm the principles contained therein. The problem is that if we do not do that there are a number of categories of prisoner: as I have already mentioned, there are prisoners from December 1986 to 30 June 1989, the date of the High Court decision in Easton's case. Some of those prisoners have appealed already, and lost their appeals.

How do we deal with those cases if the legislation is not made retrospective? The Legal Services Commission of South Australia is dealing with them by petitions of mercy. From 30 June 1989 to the present time we have a situation where some prisoners have already appealed. Some of those appeals have been decided and some have not. A large number of categories of prisoner have been dealt with at various stages of the appeal procedures since December 1986. The only way to put all those prisoners back on an equal footing is to make the legislation retrospective—which is the Government approach.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: By doing it with reference to the case of *Dube and Knowles*, we have a particular reference point. All prisoners since that time, at least until 30 June 1989, have been sentenced in accordance with that decision, and the simplest way to put those prisoners back to the position which they expected to be in and which the Supreme Court expected them to be in is by reference to the case, and that is why it has been drafted in that way. If it was drafted in some other way, there is the risk that you may not have reflected the *Dube and Knowles* decision and, if you do not accurately reflect that decision in the redraft and you make it retrospective—which was the Government's intention—you may not pick up accurately the prisoners and the principles of December 1986 and, therefore, for those prisoners sentenced from December 1986 to 30 June 1989, you would have a completely uncertain position.

If we accept retrospectivity, we have to accept the drafting by reference to the decision in *Dube and Knowles*. If the Council does not accept retrospectivity and wants a draft restating the principles in *Dube and Knowles*, obviously it is at greater liberty to do that because it will be applying the legislation prospectively. That is the argument for it being drafted with reference to the particular case. The fundamental argument is that all prisoners who have been sentenced since December 1986 are placed back in the position that they expected to be in and that Parliament, the Supreme Court, the prosecutors, the police and the public expected them to be in. That is the case for making the legislation retrospective. However, if defeated on retrospectivity, clearly if the Council wants to examine the drafting of the Bill, that can be done in the Committee stages.

Bill read a second time.

WAREHOUSE LIENS BILL

Adjourned debate on second reading.
(Continued from 10 August. Page 184.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill. The Warehousemen's Liens Act 1941 has governed the law relating to the way in which liens can be exercised by persons who own warehouses and store other persons' property. The procedure under that Act is well established, but in this modern day it is somewhat cumbersome. In the Bill those procedures are streamlined. The Bill establishes warehousemen's liens but abolishes the requirement to give notice of that lien to those who may have an interest until the goods are to be sold for non-payment of costs and fees. That will obviously reduce the need for notice in the majority of cases.

There are not large numbers of occasions on which liens are exercised, although one company to which I spoke clears out its liens and debtors every quarter. I suspect many others do that as well. When there is an intention to realise the lien, notice must be given to persons known to have an interest and those whose interest might be discovered by a search of various registers—the Goods Securities Register in particular and the Bills of Sale Register. The Goods Securities Register deals only with motor vehicles whilst the Bills of Sale Register is more comprehensive.

I have received some submissions from the South Australian Road Transport Association, which is the body principally responsible for those who are involved in the warehousing industry. It has some questions, and it might be helpful to include them in the hope that the Attorney may be able to provide a reply in due course. The association says that it sees the removal of the necessity to give notice of a lien within three months of the goods being received into store as an easing of the administrative requirements for the recovery of outstanding debts incurred for the storage of goods for protracted periods. It says:

> Clause 10 *(c)* (Notice of Intention to Sell) does concern us. In the absence of a legal opinion, which we are unable to obtain due to the time available, our understanding of this subclause is that it places the onus of establishing the ownership of goods on the warehouse operator.
>
> The words 'registered under any other Act' are confusing although the explanatory notes accompanying the Bill state that 'the warehouse operator would need to search the Bills of Sale Register and the Goods Securities Register.
>
> We understand the Goods Securities Register applies only to motor vehicles and is of little consequence to us, but the need to search the Bills of Sale Register does concern us because it will involve members of this industry in a time consuming task adding considerable cost to what already is a loss situation, that is, a sale of goods to recover moneys owed.
>
> The furniture removal and storage industry believes the onus of establishing and declaring ownership (of goods in store) should be that of the person signing the storage contract not the bailee or warehouse operator.
>
> In considering the effect of this clause in the Bill the very nature of the storage industry must be understood. Many hundreds of items can be stored for each and every client and, should a liens sale be contemplated, the ownership of each individual item must be established before proceeding.
>
> The physical effort involved will become extremely onerous and will provide no reward to the warehouse operator other than the avoidance of a possible prosecution for a wrongful sale. A company which carries out such a sale even only once a month will find this search requirement very taxing and costly.

The association asks that its views be expressed when the Bill is being debated in Parliament.

I can appreciate the concern of the South Australian Road Transport Association. Under clause 10 (1) *(c)* there is an obligation for the operator of a warehouse to give notice of intention to sell to a person who holds an interest in the goods registered under any other Act. A search may be time consuming and costly because the identification of a person who deposits the goods will be only as good as the information provided to the person who puts them into store, and that person may give a false name and address. On the Bills of Sale Register only the names of the parties can be checked. Therefore, that raises the question whether the obligation in clause 10 (1) *(c)* is absolute or whether a reasonable search for the name of the person depositing the goods into store is adequate. I do not see any way in which one can check whether the goods are the subject of any security, because there will be no identifying feature on the register in respect of those goods, but there will be for the person who purports to be the owner. Of course, there is then the false name situation. If one searches in the register and nothing comes up, that does not mean that the goods are not subject to an interest registered under any other Act. In those circumstances, there is a problem for the warehouseman and that needs to be resolved.

The obligation appears to be absolute and if later it is discovered that there is an interest which could not, even by reasonable search of the register, be identified then where does that leave the person who had the goods in store and subsequently sold them? That is the major issue that needs to be addressed, and I ask the Attorney-General to consider it. It may be that some additional clause relating to a search only in respect of the name of the person purporting to have lodged the goods might be sufficient, but that matter needs to be further addressed by the Attorney-General's officers who have a closer involvement with this sort of legislation. Subject to that matter, the Opposition is prepared to support the Bill as a reasonable revision and updating of the current law relating to warehouse liens.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

SUPPLY BILL (No. 2)

Adjourned debate on second reading.
(Continued from 16 August. Page 315.)

The Hon. L.H. DAVIS: The State budget will be introduced in another place later this week together with the Appropriation Bill and that, of course, will be subject to debate by the Parliament and review by the Estimates Committees. The Supply Bill we are now debating is the first of two Supply Bills in each financial year and is simply for the appropriation of moneys from Consolidated Account for 1989-90. In this case the Bill provides for $1 070 million to enable the Public Service to be maintained until the passage of the Appropriation Bill and its assent in early November. The custom in this Council is for the Supply Bill to be accepted without demur. It is customary for the Opposition to support it, and I do so again on this occasion.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

Received from the House of Assembly and read a first time.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Bill proposes amendments to cover four separate matters:

- to raise the first home stamp duty exemption from $50 000 to $80 000
- to raise the exemption level for rental duty from $15 000 per annum to $24 000 per annum
- to facilitate the introduction by stockbrokers of a new and more efficient settlement system
- to counter an avoidance scheme whereby a company temporarily transfers its principal register out of the State to effect the transfer of shares.

Increases in house prices since 1985 have been significant. Therefore it is proposed to increase the first home exemption from $50 000 to $80 000. This will mean that first home buyers purchasing houses up to a value of $80 000 will pay no stamp duty. This amendment means that those who apply for a first home exemption purchasing houses with a value of $80 000 or more will benefit by the maximum of $1 050. Those who purchase houses valued at less than $80 000 will receive benefits up to $1 050.

It is proposed that this change come into effect for applications lodged on or after 9 August 1989, the first business day after the Government's tax concession package was announced to Parliament. By tying eligibility to the date of application and by making its effect immediate the Government hopes to eliminate the incentive for prospective purchasers to redraw contracts or delay their transactions in order to attract the higher concession.

In 1985 the provisions relating to rental duty were amended to exempt operators with gross revenue of less than $15 000 per annum (those with seasonal trade, for example). That measure had the effect of eliminating the need for the State Taxation Office to pursue large numbers of small operators thereby saving administrative costs and deregulating a section of the industry.

It is proposed to increase the exemption level for rental duty from $15 000 per annum to $24 000 per annum with effect from the October 1989 return. This will more than restore the real value of the concession and help to reduce the administrative burden both for the rental industry and for the State Taxation Office.

It should be noted that this duty applies to the renting of goods but not to the renting of real property.

The benefit to taxpayers of raising the first home concession will be about $4 million in a full year. The benefit to taxpayers of raising the rental duty threshold will be about $75 000 in a full year.

The Australian Stock Exchange is introducing major improvements to Australia's current system for the transfer, settlement and registration of quoted securities. The first stage, introduces into Australia the concept of uncertificated shareholdings in Australian companies through a system known as the Flexible Accelerated Security Transfer System (FAST).

The proposed amendment which has been sought by the Australian Stock Exchange avoids the imposition of double duty by exempting transfers into and out of certain nominee accounts which have been established to facilitate the scheme. There will be no reduction of current revenue and the existing tax base will be preserved as duty will still be paid on each sale and purchase. It is understood that other jurisdictions are contemplating a similar exemption.

Branch register marketable security provisions need to be amended again to counter a further avoidance scheme which has only recently been encountered in this State. Under this further scheme it is possible for a company to transfer its principal register out of this State temporarily to effect the transfer of shares without the payment of *ad valorem* duty. The proposed amendment negates this scheme.

Finally, the opportunity is taken to alter some definitions under the Act in line with the restructuring of the stock-markets of Australia, the United Kingdom and Ireland.

Clause 1 is formal.

Clause 2 relates to the commencement of the measure. It is noted that the provisions relating to the 'First Home Buyers' concessional rates of duty will be taken to have come into operation on 9 August 1989. The provisions relating to the exemption level for rental duty will come into operation on 1 October 1989.

Clause 3 enacts a new section 5ab which will provide that whenever the Commissioner finds that as a consequence of amendments to the Act tax has been overpaid, the Commissioner may refund the amount of the overpayment.

Clauses 4 and 5 amend sections 31f and 31i of the principal Act so as to lift the exemption level for rental duty from $1 250 per month to $2 000 per month.

Clause 6 relates to section 59b of the principal Act. Section 59b of the Act presently levies duty on certain transfers of shares recorded in branch registers of companies that have their principal registers in South Australia. However, the section may be avoided by a company locating its principal register in another State or Territory where such duty is not levied. The section is to be amended to ensure that all transfers (other than those arising from exempt entries) will be dutiable, no matter where the register is situated. The legislation is modelled on a similar provision in Victoria. Several other States have comparable provisions.

Clause 7 relates to the concessional rates of duty for 'First Home Buyers'. The amendments will provide for the application of the relevant provisions to those persons who apply for a concession on or after 9 August 1989 in respect of a conveyance first lodged for stamping on or after that date. The level of exemption is to be raised to $80 000. Furthermore, new subsection (2b) will make it an offence to knowingly include a false or misleading statement in an application under section 71c of the principal Act.

Clause 8 alters references to 'The Stock Exchange of Adelaide Limited' in section 90a of the principal Act to the 'Australian Stock Exchange Limited', which is now the proper name for the stock exchange operating in Adelaide.

Clause 9 alters various references in section 90g of the principal Act that are consequent upon the restructuring of the stock exchange in the United Kingdom. Amendments will also update terminology under the section by changing references to 'a jobber' to 'a market maker'. The amendments will also clarify that the provisions only apply to persons, firms or corporations who are market makers when they are acting as agents.

Clause 10 is related to the introduction of the Flexible Accelerated Security Transfer System by the Australian Stock Exchange. The purpose of the amendment is to exempt from conveyance duty a transfer of an interest in a marketable security to or from a broker under the scheme.

The Hon. M.B. CAMERON secured the adjournment of the debate.

PAY-ROLL TAX ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Last year the Government increased the pay-roll tax exemption level in two stages from $270 000 to $330 000.

This year the Government has resolved to raise the exemption level once again by stages. From 1 October 1989 payrolls up to $360 000 will be exempt and from 1 April 1990 the exemption level will be raised to $400 000.

The increases in pay-roll tax exemption levels are an indicator of the Government's determination to maintain and improve the competitiveness of South Australian industry and encourage employment in this State. Therefore it is important that they do not fall behind the levels of other States.

However in the final analysis it is the total amount which industry is required to pay in taxation which influences its competitiveness and its capacity to offer employment. The Government is well aware of this and has exercised careful control over its budget outlays in order to ensure that the maximum rate of pay-roll tax remains at 5 per cent. South Australia and Queensland remain the only two States which do not impose a pay-roll tax surcharge on larger employers. This is an important advantage for South Australian employers and a significant factor in our discussions with potential new investors.

The benefit to taxpayers of raising the exemption level to $400 000 will be about $10 million in a full year.

Since February 1986 significant development has been undertaken in an attempt to establish the Australian Traineeship System as an acceptable entry level training strategy in both the private and public sectors in South Australia. However, much further work remains to be done if traineeships are to become firmly established across the many occupations for which there is currently no structured entry level training arrangements.

It is essential to expand further the number and range of traineeships operating in South Australia. Currently, there are some 750 young people employed in traineeships. It is hoped that during the next three years the range of traineeships and the number of young people employed in them can be significantly increased. This is particularly important at a time when youth unemployment for 15 to 19 year olds is running at an unacceptable level.

The Government takes the view that it would assist in the development and extension of traineeships in this State if the provision for pay-roll tax exemption for these trainees which was in place until 30 June 1989 was extended for a further three years. Accordingly, provision is made in this Bill for such an extension.

The precise amount of the benefit to taxpayers is difficult to estimate since it requires an assessment of the number of extra trainees likely to be employed and the percentage of those trainees who will be employed in tax-paying organisations. However it is reasonable to adopt a figure of $215 000 for 1989-90.

Clause 1 is formal.

Clause 2 provides that the measure will be taken to have come into operation on 1 July 1989.

Clause 3 amends section 11a of the principal Act to raise the general exemption levels under the Act. The current exemption level will rise from $27 500 per month to $30 000 per month on 1 October 1989. A further rise to $33 333 per month will occur on 1 April 1990.

Clause 4 extends the special exemption under section 12 (1) *(db)* of the Act that relates to trainees under the Australian Traineeship System to 1 July 1992.

Clause 5 amends the definition of 'prescribed amount' that applies under sections 13a, 13b and 13c of the Act. The amendment is consequential on the amendment in clause 3 and ensures that pay-roll tax is calculated on wages received over a complete financial year.

Clause 6 lifts the prescribed amount under section 14 of the principal Act from $5 700 per week to $6 900 per week. An employer who pays wages in excess of the prescribed amount must register under the Act.

Clause 7 replaces section 18K of the principal Act (relating to groups of employers) so that the section is consistent with the other amendments effected by this Act.

The Hon. L.H. DAVIS secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Land tax for 1988-89 will be levied on the basis of land values at 30 June 1989. In many cases these values have increased quite sharply since 30 June 1988 and if tax rates are not changed the amount collected will rise from a little less than $64 million in 1988-89 to about $111 million in 1989-90.

Many of the complaints which are made about land tax appear to be based on the misconception that the Government sets the values on which the tax is levied. In fact these values are set by the Valuer-General who bases his valuations on market values and, who acts independently of the Government and whose independence is protected by the Valuation of Land Act.

Moreover that Act provides landowners with the right to lodge a formal objection with the Valuer-General against his valuation of their land. There is no limit on the time in which an objection may be lodged. The Act also provides owners with the right to apply for a review of the valuation by a licensed valuer and to appeal to the Land and Valuation Court against the decision of the Valuer-General or licensed valuer. A refund of tax overpaid would be made on application to the Commissioner of State Taxation if an objection, review or appeal resulted in the valuation being reduced.

In setting values, the Valuer-General relies on the best evidence available to him from recent sales which have taken place in the market. Therefore, his values reflect the views which buyers hold about their prospects for securing a return from the land.

The Government has adjusted land tax in three of the last four budgets in order to relieve some of the impact of rising land values. While these measures cannot insulate small businesses from market forces they can provide them with breathing space in which to adjust.

The Government has no intention of interfering in the valuation process or altering values for taxation purposes.

The only consequence of such action would be to reallocate the burden of taxation away from those who have gained most to those who have gained least. This would be a perverse outcome and one which would run counter to what the market is telling us about the distribution of the tax burden. However we are prepared to make changes to the rates of tax to help landowners.

The present tax scale has only three steps—

- an exemption for the first $80 000 of value
- a rate of 1 per cent applying between $80 000 and $200 000
- a rate of 2.4 per cent applying to that part of the value above $200 000.

It is proposed that the exemption level remain unchanged. The rate of 1 per cent will be halved to 0.5 per cent and the rate of 2.4 per cent will be reduced to 2 per cent.

In addition there will be rebates of tax applying for the financial year 1989-90. The rebate applying to that part of the tax payable on the value of land up to $200 000 will be 25 per cent and the rebate applying to tax payable on the value of land above $200 000 will be 15 per cent.

The question of land tax payable by lessees under long-term leases has been the subject of discussion for a considerable length of time. The issue dates back to the operation of the Planning and Development Act 1966 when owners of freehold land who were unable legally to subdivide their land into freehold allotments, such as shack sites, were able to achieve much the same result by selling long-term leases for a lump sum. Lessees, other than the holders of perpetual leases, are not, however, recognised as 'owners' under the Land Tax Act and in consequence the land tax that is passed on to them tends to be higher than they would pay as individual owners, because the tax rate reflects aggregated values of all land owned by the lessor.

In some instances the tax has been quite onerous. At Murray Bridge and Meningie, for example, there are a number of lessees who are required to pay several hundreds of dollars annually in land tax.

Several suggestions have been made for solving this problem. The first is that the land revert to the Crown and be made available to the present occupiers on a perpetual lease basis. This was rejected on the grounds that it would impose too many obligations upon the Crown.

The second is that the leases be converted to a freehold basis. This was rejected on the grounds that the land in question is still environmentally sensitive and unsuitable for subdivision.

The third option is that the Land Tax Act be amended in the manner proposed in this Bill so that lessees of shack site land where the lease in question is registered on the title as at 30 June 1989, be treated as owners for the purposes of the Act.

This proposal will mean that persons who are resident on the shack site land will be able to claim the principal place of residence exemption from land tax provided they meet the other criteria. Most other lessees (who own a house as their principal place of residence and also lease a shack site) will be required to pay no tax since their properties will be assessed individually and will fall below the general exemption threshold.

The benefit to taxpayers of the amendments to the land tax scale and the rebates proposed for 1989-90 will be about $41 million.

The benefit to taxpayers of treating lessees of shack sites as owners will be about $170 000 per annum.

Clause 1 is formal.

Clause 2 provides that the measure will be taken to have come into operation at midnight on 30 June 1989 (the time at which land tax is taken to be assessable).

Clause 3 amends the section of the Act that sets out the definitions required for the purposes of the Act. It is proposed to amend the definition of 'owner' of land to include the holder of a shack site lease. A shack site lease will be a lease for the occupation of land for holiday, recreational or residential purposes where the land is situated on or adjacent to the Murray River system, the lease was, as at midnight on 30 June 1989 registered over the relevant land, and the lease is for a term of at least 40 years.

Clause 4 amends section 12 of the principal Act in two respects. First, the scale of tax is to be changed. Secondly, a partial rebate of tax is to apply in relation to the financial year commencing on 1 July 1989.

The Hon. L. H. DAVIS secured the adjournment of the debate.

PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

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

MOTOR VEHICLES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 10.33 p.m. the Council adjourned until Wednesday 23 August at 2.15 p.m.