LEGISLATIVE COUNCIL

Wednesday 23 August 1989

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

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following interim reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Burton Primary School,
Salisbury Downs West Primary School,
Wynn Vale West Primary School.

PAPER TABLED

The following paper was laid on the table:

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

South Australian Council on Technological Change—Report, 1987-88.

ADDRESS IN REPLY

The PRESIDENT: Before proceeding with questions, I advise honourable members that the time appointed for the presentation of the Address in Reply to His Excellency will be 4.15 p.m. and not 4.30 p.m., as shown on our procedures sheet.

MINISTERIAL STATEMENT: COUNCIL BOUNDARIES

The Hon. ANNE LEVY (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. ANNE LEVY: There has been considerable public interest in recent times about the processes for achieving changes in local government boundaries. A number of statements made in the public arena have been more characterised by their wild assertion and inaccuracy than their contribution to the debate. Some commentators clearly misunderstand the processes and intent of boundary alteration and its importance to effective local government. Others, in particular some members opposite, clearly seek to misrepresent the facts with the aim of raising fears and making political mischief. A number of simplistic and populist calls for changes in our current system have been made. While much of the rhetoric has been unhelpful, there has certainly emerged a clear case for some change in aspects of our system for boundary change.

Today, I want to refer briefly to the purposes of having an effective and independent system of determining changes in council boundaries, and put the concerns which have been raised in some broader context. I will then outline the process the Government is adopting for considering some change in our current procedures.

There is, throughout local government in South Australia, a strong recognition of the importance of structural change of the future of local government. In large part that mirrors the process of micro reform occurring in all parts of the public sector with the aim of ensuring maximum efficiency and effectiveness in these more testing economic times. There is clear and unequivocal evidence that amalgamation and boundary adjustment, where it is sensibly applied, can produce more economical and effective local government and improvements in services.

Very largely, we continue to operate with the council boundaries established in the horse and buggy era over 100 years ago, despite enormous changes in demography, communication, the role of local government and public expectations of it. The case for some change in boundaries is clear and widely recognised in local government circles. It is essential, however, that we have processes for achieving boundary change that properly balance all the interests and achieve change which is acceptable to those affected by it. The 'grand plan' approach, where new boundaries are drawn for the whole State against some centrally determined criteria, has been clearly demonstrated to be ineffective both here and interstate. It is not an approach this Government will countenance.

Proposals for changing boundaries need to come from those affected—from councils or electors. They then need an effective process of discussion and examination in the public arena to which all interested parties can contribute. Finally, they need to be determined in an objective and sensitive fashion by an independent body with knowledge of local government, not influenced by Party political issues. It was in this context that the Government proposed new arrangements for boundary change in the first Local Government Amendment Bill of 1984. Those proposals, which enjoyed strong support within local government, established the Local Government Advisory Commission and replaced the complex, legalistic processes of the previous Act with new, simplified and workable procedures.

In particular, the complex system of elector polls that was such a feature of the pre-1984 legislation was removed. Equally, the 1984 legislation re-established the political independence of the system of boundary change, replacing select committees of Parliament which had been common in the period immediately prior to 1984. The 1984 legislation had a clear purpose—to keep State political factors out of local government boundary changes, and to establish an independent, objective and sensitive system through which local government and electors could determine changes. The Government's role was to be that of facilitator—to establish the system and formally implement its decisions, and to monitor the smooth functioning of the process.

The 1984 changes have met with great success and strong acceptance in local government. The Local Government Advisory Commission has dealt with 35 proposals for amalgamation or boundary change in that period. These have resulted in boundary adjustments in 21 council areas and four amalgamations involving nine councils. I emphasise that each and every one of these proposals was initiated by councils or groups of electors. The Government played no part. Currently, the commission has a further 21 proposals before it affecting 27 council areas. It is widely recognised that South Australia has the most effective system of boundary reform in Australia.

Councils have responded very positively to the system. Local government is clearly saying it is a workable system and one which meets the needs of local government. Since 1984, we have made a number of changes to legislation to further refine the system as limitations were revealed. We are quite prepared to do so again, provided the basic elements of the system, a successful and effective system according to its users, are preserved.

When the 35th report by the Local Government Advisory Commission was received by me, I did as my predecessors in this Government had done on each of the 34 previous occasions—I examined the report and I accepted its rec-

ommendations. A proclamation to alter the boundaries of Mitcham and Happy Valley councils was made as a result. This represented the first change in metropolitan boundaries for many years and the first report on changes in city councils made by the commission.

Subsequent to that proclamation being issued, there arose a public outcry by some Mitcham residents against the changes. As the days went by, the size and strength of the opposition to the change became more and more apparent, fanned by the two Liberal MPs whose electorates cover the council area. I became most concerned that the opposition to the change was sufficient to make the new City of Flinders unworkable.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The Government therefore took the appropriate action: we referred the matter back to the advisory commission, so that it could reassess the matter and determine whether Flinders continued to be a workable option. In doing so, I was mindful of the commission's judgment in relation to a proposal to amalgamate the two Naracoorte councils. In that case it had said that, while the amalgamation was justified on all objective criteria, the elector opposition to it was sufficient for any new council to be unworkable.

The commission's report on Flinders makes clear that it was not aware of strong opposition at the time it made its decision. The commission had followed the same procedure it had followed successfully in the 34 previous matters. It had followed the procedure set out in the legislation. It had used the various means available to it to gauge residents' views, but those mechanisms did not reveal the hostility to Flinders which became apparent after the announcement.

In saying that, I do not in any way reflect upon the actions of the Local Government Advisory Commission. On the contrary, I praise it for the serious and energetic way in which it attempted to discern public opinion on the matter. If there is a fault, it is clearly with the procedures, not with the way the advisory commission has operated within the procedures. It is the procedures that we must now address.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: It is very important that this point is clear. The central issue in this current matter is the procedures for achieving boundary change and in particular the opportunity available to electors, residents and ratepayers for having their say about possible changes. It is not about the commission, or its judgment in the Mitcham case.

In contrast to ill-informed speculation in the press and the damaging and undignified accusations by those opposite, the Government has complete confidence in the Local Government Advisory Commission. I share the commission's distress at some comments made over the past few weeks implying that the Government has, in some way, compromised the integrity or independence of the commission. We have not done so. We will not do so. There has been no direction to the commission. We cannot give directions to it. We do not seek to do so. At all times we have acted to underscore the independence and to support the vital work of the commission in local government.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: Attempts by the Opposition to weaken the commission and to interfere with its work are contemptible. They will be seen in local government for precisely what they are—attempts to being Party political issues into local government.

The key elements of our system of boundary change in South Australia are not at issue with the Government or the local government community. Initiatives for change will continue to be generated from councils or groups of electors. These proposals will continue to be assessed in a sensitive and thorough manner through the independent advisory commission process. The Government will continue to accept the recommendations of the advisory commission. However, some aspects of our procedures have been brought into question, and should be re-examined.

A number of public suggestions have been made about changes to the procedures. Some people have suggested that compulsory electors polls are the answer. I do not necessarily share this faith in compulsory polls, although I do not rule them out as a possible aspect of the process. Polls were a feature of the pre-1984 system and proved to be immensely troublesome. Questions immediately arise as to what questions should be asked in a poll; who should be polled; who should do the polling; whether majority views in a poll should be decisive; and, if so, majority views of which group of electors; what level of voter turnout in a poll should be required; and so on. Polls appear to be a neat and simple solution, but many unresolved issues are associated with them.

How would polls fit into the procedure of having an evaluation by the advisory commission? Would the role and credibility of the commission be seriously diminished, perhaps to the point where some people will choose to concentrate their efforts on raising community fears and drumming up opposition to change in anticipation of a poll rather than presenting arguments to the commission? The process of rational debate and presentation of evidence may be put in jeopardy.

Electors views and opinions are obviously important in determining changes to council boundaries, and evidence of those views warrants significant weight. Getting a clear and useful indication of those views is difficult, as the current Mitcham situation has demonstrated. I do not deny that polls, where properly conducted in an unbiased manner after sufficient information has been presented to electors, could have a useful place in our processes. But, equally, there are a range of other means of ensuring that electors views are heard and accorded significance.

Some have pointed out that electors need to be properly informed before any expression of views is useful. That puts an obligation on those proposing change, as well as those opposed to it, to present their arguments to the public and to take the community into their confidence early in the process. To this end, some people have suggested a process of community consultation and debate before any matter is referred to the commission for formal consideration.

A particular suggestion from the Local Government Association I believe warrants very careful appraisal. It has proposed that the commission, once it has received its evidence, should formulate a preliminary report, or White or Green Paper, and release that for public comment for a specified period. A new set of hearings, principally for electors, could then be held.

In terms of gauging public opinion, other possible alternatives can be considered. Market research and surveys are of particular relevance since they can not only measure levels of support or opposition but also determine people's level of information, the reasons for views held, and in what circumstances these views might alter. In this way they can give useful information to the commission towards reaching its conclusion.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I believe that all these suggestions warrant some consideration. They are not simple issues, and they deserve careful assessment. Importantly, they also require discussion amongst the users, that is, local government and electors.

To this end, the Government has decided to establish an expert committee which will review and assess the various proposals for change, both in the legislation and in the practices applying to boundary change. I emphasise that this is an inquiry about procedures, not about the role of the Local Government Advisory Commission or its—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —relationship with the Minister. The outcome of the review is intended to assist the commission in its work and to ensure that, in reaching a final conclusion on any proposal, the commission has all relevant evidence available to it. I have invited the Chair of the Local Government Advisory Commission, Mr John McElhinney, to chair the committee of review. The commission will be asked to nominate two others of its members. The Local Government Association will be invited to nominate three representatives. In addition, I will be seeking a person experienced in public relations or market research, and an academic with experience in local government matters, to join the committee. The committee will have broad terms of reference to inquire into and recommend changes in legislative provision or other procedures to ensure that any local government boundary change has the acceptance of most electors.

It will specifically examine the role that electors polls should have in the procedure, as well as such alternatives as market research and public consultative structures of one form or another. The test for any propositions arising from the review will be their ability to identify residents' views and at the same time preserve an independent expert assessment process through the Local Government Advisory Commission. I have asked the Chair, Mr McElhinney, to call the committee together as quickly as possible. I have not set a date for the committee to report, although I would expect it to be able to do so within three to four months.

I will also suggest to the advisory commission that it may be advisable for it not to finalise other proposals for boundary changes which are currently before it, as the procedures and methodology thought desirable may change as a result of the review. I make an exception for the proposal regarding Mitcham which I made recently to the commission, as the Premier and I agreed with Mitcham representatives that this matter should be resolved as soon as possible. But if new processes are to result from the review, I feel it would be better to implement them for the current 22 proposals before the commission rather than at a later date.

In conclusion, let me say that South Australia has been well served by the system of local government boundary change put in place in 1984. It is a well respected system which has earned a high reputation within local government. The possibility of desirable boundary changes remains vital for the future effectiveness of local government, provided it is achieved sensitively and with the involvement of those affected by it.

The current debate, much of it ill-informed at best, has challenged our system, but that challenge will only serve to strengthen it. The recent difficulties have highlighted the need for consideration of some additional refinement of the procedures to be followed. Some useful suggestions for change have been made. The expert Committee of Review I have announced today will undertake the task of examining procedures and making recommendations for change to ensure future alteration of council boundaries occurs with community acceptance. This will serve the best interests of a responsible and effective system of local government in this State.

I seek leave to table the terms of reference for the committee of inquiry.

Leave granted.

BUDGET

The Hon. M.B. CAMERON: Will the Attorney-General confirm that the following items are part of the State budget which is to be handed down by the Premier, Mr Bannon, tomorrow:

1. An allocation of $1 068 million for health compared to $1 025.3 million for 1988-89—that is, $750 per head of population, compared to $732 last year—or just a 4 per cent increase when inflation is running at between 7 per cent and 7.5 per cent?

2. An allocation of $74.9 million to complete hospitals under construction or start new ones, given that the Opposition has identified more than $114 million that must be spent by the Government, much of it this financial year, to honour still unfulfilled commitments going back seven years to renew or upgrade the State's hospitals?

The Hon. C.J. SUMNER: The answer is 'No'. The honourable member will have to wait for tomorrow's budget announcement.

STIRLING COUNCIL

The Hon. K.T. GRIFFIN: My questions to the Minister of Local Government on the matter of Stirling council are as follows:

1. What are the so-called 'fast track' procedures which the Government has approved and Mr E.P. Mullighan QC is implementing in respect of all claims against the Stirling council arising from the 1980 Ash Wednesday bushfire, including those of the Casley-Smiths?

2. What terms of reference were set for Mr Mullighan QC, and will the Minister table them and his brief?

3. What fees and costs are being paid to Mr Mullighan QC, and who is meeting those fees and costs?

The Hon. ANNE LEVY: The fast track procedures which Mr Mullighan is currently undertaking are those which were being undertaken by Master Bowen-Pain of the Supreme Court who undertook to make an evaluation, by agreement between all parties, of certain claims. Master Bowen-Pain had arrived at agreed settlement figures for many of the small claims before Mr Mullighan completed his assessment of the so-called Anderson claims—the group of a dozen or so claimants who were being represented by Andersons, the solicitors.

When Mr Mullighan had completed his assessment of the Anderson claims, he was further commissioned by the Government to undertake the evaluation of claims remaining, which were those which Master Bowen-Pain of the Supreme Court had been undertaking. This enabled them to be considered more speedily than would otherwise have been the case.

Following the honourable member's question yesterday, Mr President, I made inquiries and seven claims are still not evaluated. I stress that these are being done by agreement between all the parties. I shall be happy to obtain later the terms of reference which applied for Mr Mullighan

before he undertook evaluation of the Anderson claims, as I do not have them with me now. The fees and costs are being met by the Government. As Mr Mullighan has not yet completed his work in this matter, a figure would not yet be available.

He is being employed by the Government at Government request to undertake this work in order to arrive at a total quantum so that the victims of the fire, who have been waiting so far nine years for their claims to be settled, will be able to receive settlement of their claims, of the agreed damages, before much more time elapses rather than go through very lengthy and expensive court procedures to arrive at the quantum of damages. I emphasise that in all cases Mr Mullighan is acting as a facilitator by complete agreement of the council and all the claimants concerned.

The Hon. L.H. DAVIS: My questions are directed to the Minister of Local Government about the Stirling council, as follows:

1. Can the Minister identify precisely the chain of command that did exist in relation to retaining Mr Mullighan QC?

2. Can the Minister specify whether he was retained by the Government or by the council?

3. Was he responsible to the Government or to the Stirling council?

The Hon. ANNE LEVY: I have already stated that he was retained by the Government to report to the Government.

The Hon. L.H. Davis: So he was responsible to the Government.

The Hon. ANNE LEVY: He was responsible to the Government. He was retained to provide advice to the Government at the expense of the Government but, of course, the Government undertook to retain his services to provide this advice with the complete agreement of both Stirling council and the Anderson claimants. The suggestion that this procedure be followed was made by the Government. Agreement to this procedure was given by both sides—that is, Stirling council and the Anderson claimants—before the procedure was set in place. It was a procedure suggested by the Government and agreed to by the parties concerned as a way out of the seemingly unending court cases.

ADELAIDE CONVENTION CENTRE

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Tourism a question relating to the appointment of a professional conference organiser for the Adelaide Convention Centre.

Leave granted.

The Hon. I. GILFILLAN: I have from the Managing Director of Imago Conference Management a letter relating to the appointment of a professional conference organiser at the Adelaide Convention Centre which is addressed to the Hon. Barbara Wiese and dated 27 June 1989. It states:

We believe that as a result of a non-public tendering process, the Adelaide Convention Centre is about to appoint an interstate based conference organiser as an 'in-house' professional conference organiser. We understand the reasons for this appointment are that the convention centre board considers Adelaide based PCOs are not fully supporting the centre and that more business can be generated by an 'in-house' PCO. This appointment will be counter-productive. Adelaide based PCOs will not introduce prospective clients to the convention centre for fear of the client being poached, or, that by extension of protectionist policies already in place within the centre and by use of position and/or Government backing, the centre PCO will be able to unfairly compete with the private sector PCOs.

In fact, an interstate firm was appointed—International Convention Management Services. Following that appointment I have a further letter addressed to me, dated 10 August 1989, from the General Manager of Imago, Mr Don Lewis, and it highlights what appear to be incipient problems in the system. It states:

Further to our recent discussion regarding the operating philosophy of the Adelaide Convention Centre, there are two main areas of concern:

1. The appointment of an interstate based professional conference organiser (PCO) to operate from the premises of the Adelaide Convention Centre.

In comment:

(a) The appointment is probably now a *fait accompli* which contractually could not be changed.

(b) As the Minister has stated, there are now discussions with industry groups. The terms of those discussions are unknown, but apparently revolve around written undertakings regarding the centre either poaching clients or unfairly competing. I believe those undertakings should be publicly tabled.

(c) It is interesting to note in the Minister's reply her terminology '. . . the commencement of operations by ICMS Adelaide . . .' The fact still remains that ICMS is interstate based and controlled. If an appointment of a PCO had to be made, surely a South Australian based organisation would be as efficient, expert, and more appropriate.

(d) The greatest difficulty Adelaide based PCOs have in using the convention centre is the severely restrictive conditions that apply; there are often difficulties with visual and audio equipment and the quality of food. The complete centre has excellent outward and up front appeal, but unfortunately the pretty presentations do not overcome basic quality. More and more comments are beginning to circulate to the effect that organisations will not use the centre again. While the centre is running to near capacity by the introduction of new clients that is not a problem financially. However, the pool of new clients is limited, and reputation and repeat business is critical, not only for the centre but South Australia as a whole.

2. The apparent non-referral to other organisations of business which the convention centre cannot handle.

This is an area which we cannot document. Industry comment is that if prospective interstate (or intrastate) clients approach the centre for bookings for dates which are already filled, the business is refused without referral to other organisations.

While no-one will yet speak publicly and identify prospective clients where this has happened, the centre's usual response to criticism is that they must be fulfilling clients' needs because they are running near to capacity. With the industry being very 'date-oriented', it should therefore follow that business is being turned away.

The industry association, the Adelaide Convention and Visitors Bureau (ACVB), should immediately be made aware of any inquiry the centre cannot meet for there to be at least the chance of the business being retained in South Australia. Perhaps the question should be asked as to how many inquiries are being refused by the centre on the grounds of occupancy or price, and how many referrals have been made to the ACVB. These areas are difficult for an individual in the industry to address. The fear of being 'closed-out' is a real one. However, these questions are not put destructively. In our view South Australia cannot, and should not, directly compete with eastern State aspirations. Advertising by the convention centre has been good; far in excess of that which a private enterprise organisation or even industry association can afford. That advertising is seen, however, as Government funded and therefore 'communal' advertising for the good of South Australia. While the results of the advertising should apply, first, to the successful operation of the centre, the communal benefit is for the industry and State as a whole.

South Australia is 'different', and that must be its marketing angle, but South Australia must maximise the valuable advertising dollars being spent. Through either the centre, or the ACVB, the aim must be to attract and retain every piece of business possible.

In the light of that, I address several questions to the Minister, as follows:

1. Why was not a public tendering process involved in the original appointment of the interstate company?

2. Will the Minister agree to table publicly the undertakings regarding the centre's either poaching clients or unfairly competing for them, as referred to by Mr Lewis in his letter?

3. Why did the interstate company, International Convention Management Service Organisers (ICMS), succeed in getting the appointment as professional conference organiser to operate from the premises of the Adelaide Convention Centre?

4. Does the Minister believe that some business, unable to be handled by the centre, is being lost to South Australia through inadequate sharing with South Australian organisations?

5. Will the Minister ensure that no such loss occurs and that the Adelaide Convention and Visitors Bureau (ACVB) be made aware of any inquiry that the centre cannot meet so that there is a chance of the business being retained in South Australia?

The Hon. BARBARA WIESE: I am aware of concerns expressed by some representatives of the convention industry within South Australia when they learned that the company known as ICMS would be establishing an office in Adelaide at the Adelaide Convention Centre complex. Correspondence was received by me and by the Chairman of the Adelaide Convention Centre signed by some representatives of the industry setting out in some detail the concerns that they had about what the implications might be for other representatives in the industry of a professional conference organising company being located within the Adelaide Convention Centre.

The fears expressed by those industry representatives and the assertions that were being made at that time by some representatives of the industry were not based on any fact, and meetings were arranged with some of those people to discuss the arrangements that had been entered into with ICMS, and also to explain to some representatives of the industry the business of the Adelaide Convention Centre. It became clear from the correspondence received and from numerous telephone calls that some people in the industry did not seem to appreciate the fact that the Adelaide Convention Centre is a business which has been established to work in its own right as a place for conventions to be held within Adelaide. In that sense, its role is not to act merely as a vehicle for bringing people into South Australia as a whole.

It is working in competition with other convention facilities in South Australia. It has been set up to do that, and that is its charter. The fact that ICMS is now located within the Adelaide Convention Centre building in no way should affect the business of other conference organisers within Adelaide, as its operations relate to the Convention Centre itself. The Adelaide Convention Centre Board has made it perfectly clear that this company is not working for the Convention Centre: it is working as a conference organiser for the whole convention business within South Australia.

It is not a preferred conference organiser for the Convention Centre. It is merely located within the building, and it has been made clear to all organisations that come to the centre with requests for meetings, conferences or functions of any kind being held there that they may choose whomever they wish to organise their conferences for them, if they wish to employ the services of a professional organisation. So, there will be the opportunity for all the local professional conference organisers to continue their work both with the centre and with the other numerous convention facilities within South Australia.

They will now have an additional choice if they wish to employ the services of ICMS. That is their affair and they will be free to do so. There was no requirement for the centre to call for tenders for a PCO, because it has not called for a PCO. As I understand it, the approach was made by the company itself when it was interested in locating an office in Adelaide. An arrangement was reached. The company is paying rent to the Adelaide Convention Centre for office space and facilities, and that is a business arrangement. There was no need for tenders to be called, and the centre has not employed a PCO. ICMS is a company that should be welcomed by people within the South Australian convention industry because it is a company with an international reputation.

It has been a successful business in other parts of Australia, and I believe that it will work very aggressively within the South Australian marketplace to attract and to assist in the process of attracting additional meetings and conventions to South Australia. In fact, I learned recently that the first convention the company booked for South Australia after it set up its office here is a convention to be held at the Hilton Hotel. There can be no suggestion that ICMS will be working exclusively for the centre—it certainly will not. The centre will not be using that company by preference but, if customers choose to use it, that is their affair.

I would be surprised if business is being lost to South Australia as a result of the work of the centre. In fact, it would be true to say that the centre and the Adelaide Convention and Visitors Bureau (ACVB) work closely and cooperatively together. There is common membership of those two bodies on the respective management boards in order that the two organisations can keep in touch and share information, to the extent that it is possible, about opportunities that are coming up for the conventions and meetings market.

Often the ACVB will attract business for South Australia, some of which will be directed to the centre, if that venue is appropriate for the client, but much of it is going to the various other convention facilities in South Australia. On the other hand, the centre is there to find business for itself but often, in doing so, it finds that when it has discussions with prospective meeting organisers, they determine that the facilities being provided by the centre are not appropriate, or that the price is not right, or whatever it might be.

In that case, the Adelaide Convention Centre will refer those people to other convention facilities or to the ACCB so that an appropriate facility can be found for them. What is happening is that the people involved in the conventions and meetings market are working very closely together, cooperating with each other, and the additional people coming into the business means that the marketing potential for Adelaide as a convention centre is getting better all the time.

The Hon. I. GILFILLAN: As a supplementary question, will the Minister agree that the International Convention Management Service, the PCO, which has been able to have an office in the Convention Centre, has an unfair advantage over South Australian based PCOs, first, by having an office in the premises; secondly, by having first bite at the business; and, thirdly, a benefit from the general advertising of the Convention Centre itself?

The Hon. BARBARA WIESE: No, I would not acknowledge that. I have indicated to the honourable member that this company works independently.

The Hon. I. Gilfillan: Do other South Australia companies have the opportunity of an office in the Convention Centre?

The Hon. BARBARA WIESE: No, they would not. It is most unlikely that there would be space in the Convention Centre, but it has not been asked for, either, by any other

organiser. It was not offered in this case. As I understand it, ICMS approached the Adelaide Convention Centre, and an agreement was reached. As I have already tried to indicate, when people are interested in holding meetings or conventions in the Adelaide Convention Centre the management of the centre will ask those people whether they will be employing a professional conference organiser or whether they will bring their own people to arrange their conference, because our people need to know with whom they should work in organising the conference on behalf of the client.

If they do not have their own people and they wish to employ a local PCO, the Convention Centre will provide them with a full list of all those people in South Australia who have indicated that they are open for business to organise conferences, and it is the decision of the client as to which one it will choose. The company ICMS is given no favourable treatment. It is not recommended by the Adelaide Convention Centre over and above any other conference organiser within South Australia. That is the policy of the board, and that is the procedure I expect will be followed.

WATER SUPPLY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Water Resources, a question concerning alternative water supply options.

Leave granted.

The Hon. CAROLYN PICKLES: On Monday the Minister of Water Resources (Hon. Susan Lenehan) released a document entitled '21 options for the 21st century', which received national publicity because it canvassed several visionary proposals for the provision of water supplies in future. I understand that the report identified 21 alternative options for safeguarding water supply to the State, ranging from increasing the quantity of water pumped from the River Murray through existing pipelines—which is the cheapest option—through to the re-use of sewage effluent and utilisation of urban storm water run-off. I further understand that none of the options identified in the report is likely to be required for at least 30 years, although they could be implemented in the event of natural disasters having an adverse effect on our water supply.

I understand also that yesterday, in another place, the member for Coles asked the Minister of Water Resources a question on this issue, and implied that there was concern about the availability of water in South Australia. Will the Minister indicate whether she is aware of the publication and whether the Government has any concerns about water quantity?

The Hon. ANNE LEVY: Yes, I have been given information regarding this matter by the Minister for Environment and Planning because of the importance of the release she made yesterday. It is a clear indication of the Government's forward thinking approach to the subject of water provision. In spite of this being a very dry State—the driest State on the driest continent—it is a long, long time since the community in this State had to have any water restrictions—quite unlike communities in other States. This is largely due to the extensive network of pipes and storage reservoirs which serve our State. We have an excellent infrastructure, thanks to the foresight of previous and present Governments.

However, this Government is not prepared to rest on its laurels in this matter and, while it is true that we will not need to increase our present infrastructure for at least 30 years, the Government has sensibly released these 21 options at this stage to remind us that we must be ever vigilant in being prepared for not only probable future requirements but also possible eventualities. I am sure that this important document will engender healthy community debate on the issue. Rapid change in technology could transform some of the options which are now uneconomic and which, therefore, may seem fairly fanciful, into real, practical alternatives.

TELEPHONE INQUIRY SERVICE

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 the telephone inquiry service.

Leave granted.

The Hon. DIANA LAIDLAW: Last Friday the Premier announced the establishment of an Age Line telephone inquiry service to begin operating from 1 November. Members should be aware that a number of non-government organisations in this State have provided a telephone inquiry service for older people for quite a number of years. Two of these organisations have made contact with me in recent days, and both were exasperated, because they have a well established service which is well recognised in the community yet, due to a lack of Government funding assistance, despite efforts to seek such assistance in recent years, they have been frustrated by their inability to meet demand.

It appears that, rather than augmenting the funds to upgrade and promote existing telephone inquiry services for the aged, operated by the non-government welfare organisations, the Government now proposes to establish a new and additional service operated by a Government agency. My questions are:

1. What consultation was undertaken with non-government organisations already providing telephone information services for older people?

2. What consideration was given to augmenting present services rather than proceeding with this new and additional telephone information service Age Line?

3. Is it correct that Age Line will be established within the office of the Commissioner for the Ageing?

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

GREINER GOVERNMENT

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Hon. C.J. Sumner in his capacity as Leader of the Government in this Council a question about an article appearing on page 5 of today's *Advertiser* headed 'Cuts hurt Greiner.'

Leave granted.

Members interjecting:

The Hon. T. CROTHERS: I have a question on him again tomorrow. The article states:

> NSW Premier Nick Greiner's popularity has slumped to an all time low following a series of savage job cuts and price rises.

The Hon. R.I. LUCAS: On a point of order, Mr President, what has this question to do with the responsibilities of the Attorney-General?

The PRESIDENT: I was not too sure of the preamble. I might have to hear it again before I give a ruling.

The Hon. T. CROTHERS: I hate to be cut short before I have established the validity of my question.

The PRESIDENT: Well, I have not established it, either.

The Hon. T. CROTHERS: The article states:

> The latest Morgan gallup poll, to be published in the *Bulletin* today, shows that only 41 per cent of voters approve of the way Mr Greiner is handling the State's top job. That's a drop of 5 per cent over the previous month—and a staggering 20 per cent fall since his popularity peaked in May last year. Mr Greiner's disapproval rating has also reached record levels at 51 per cent.

The Hon. R.I. LUCAS: On a point of order, Mr President, the Standing Orders allow members to put questions to Ministers on matters within their responsibility. I ask for your ruling on whether a question on the personal approval rating of Mr Greiner in New South Wales has anything to do with the responsibility of the Attorney-General.

The PRESIDENT: Order! I cannot answer that because I do not know what the question is. I would imagine that, somewhere along the line, it will be tied in with the question, so I see no point of order at this stage.

The Hon. T. CROTHERS: Thank you, Mr President; you are indeed far-seeing. The article continues:

> Only 25 per cent of voters now believe Mr Greiner would do a better job as Premier than Mr Carr. Mr Greiner's poor performance follows a series of savage price rises this year, which have hit everything from water and power to car registration and public transport.

My questions to the Leader, in the light of the *Advertiser* article, are as follow. Does the Leader believe, following the number of electoral promises made thus far by the Leader of the South Australian Liberal Party, which are parallel to the type of electoral promises made by Mr Greiner when he was Leader of the New South Wales Liberal Party (and also at that time Leader of the Opposition in that State), that, if the Opposition were to win the next State election here a similar fate would await South Australians as has befallen our New South Wales cousins in respect of price increases and job losses?

Members interjecting:

The Hon. T. CROTHERS: I won't worry about it: we won't lose.

The PRESIDENT: Order! The member is straying into the hypothetical region. He is conjecturing. I ask him to direct the question to the Attorney-General and not to go into the hypothetics of it.

The Hon. T. CROTHERS: As a personal explanation, Mr President, I am directing my question to the Hon. Chris Sumner as the Leader of the Government in the Council.

The PRESIDENT: Order! I ask the member to refrain from referring to the Attorney-General by name. He will refer to him as 'the Minister' or 'the Attorney-General'.

The Hon. T. CROTHERS: I am asking the question of the Attorney-General in his capacity as Leader of the Government in the Council.

The PRESIDENT: But not a hypothetical question, I hope.

The Hon. T. CROTHERS: I cannot get inside the Leader's mind. I do not know how he would view my question.

The PRESIDENT: I hope that the question is factual.

The Hon. T. CROTHERS: Does the Leader believe that an Olsen-led Liberal Government in South Australia would follow a path similar to that of the Greiner-led New South Wales Liberal Government in its handling of South Australia's affairs and administration? Finally, does the Leader believe that any other lessons could be gleaned by South Australians from the current sad state of affairs in New South Wales and, if so, would he inform the Council?

The Hon. J.F. STEFANI: On a point of order, Mr President, the question is hypothetical. Would you please direct the member to come back to the facts or cancel his question altogether?

The PRESIDENT: I must uphold the point of order. The honourable member has been drawing conclusions.

The Hon. C.J. SUMNER: Mr President—

The Hon. K.T. Griffin: It is Standing Order 107, on matters of public affairs.

The Hon. C.J. SUMNER: I know.

The Hon. K.T. Griffin: I thought you needed some help.

The Hon. C.J. SUMNER: I need no help whatsoever, especially from the honourable member, in relation to this or any other matter. I thank the the Hon. Mr Crothers for his perceptive questions relating to the performance of Liberal Governments in Australia, in particular that of the Greiner Government in New South Wales since its election last year.

The Hon. Peter Dunn: You are making a fool of yourself by answering this.

The Hon. C.J. SUMNER: The questions have been asked and I am not quite sure what else I am supposed to do. I will answer the questions.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Questions have been asked, and I intend to answer them. The Hon. Mr Crothers is entitled to ask questions about the performance of the Greiner Government if he so desires. Opposition members ask questions about all sorts of topics. The Hon. Mr Davis is a regular contributor with questions to the Leader of the Government in this place on the Hawke Government.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. I am very loath to pull rank too hard on any members, as they are all impinging on the Standing Orders. I ask members to observe a certain amount of decorum in Question Time while questions are being asked. I realise that we are in the political arena of an election; that is quite evident from the emotion in the Chamber. I ask members to give Ministers the courtesy of allowing them to answer questions.

Members interjecting:

The Hon. C.J. SUMNER: It would seem that Opposition members do not wish me to reply to the questions of the Hon. Mr Crothers. If that is the approach that they would like me to take to every question that is asked in the Council, perhaps a new standard could be set. The honourable member has asked his questions and he is entitled to a reply. We have a number of examples of conservative Governments over the past decade. We have seen from the Fitzgerald Report which was published recently what the Liberal National Party Government in Queensland has been up to during its period in government. That situation has been deplored by most Australians. Over the past decade the Tonkin Liberal Government, of which the Leader of the Opposition was a member, was in government in South Australia. That Government included such illustrious characters as the Hon. Mr Griffin and the Hon. Mr Burdett. That Government gave South Australia economic disaster.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member should look at the figures. That Government presided over a shrinking economy, with 5 000 jobs lost in three years, and factory closures.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. C.J. SUMNER: The tax cuts that were promised and given by the Tonkin Government early in its term of office were paid for with borrowings. In other words, the

Tonkin Government adopted, for the first time in any substantial way in the history of the State, the use of capital works borrowings to run the recurrent operations of the State. That fact is on the record; there is no doubt about it.

The Premier announced only three weeks ago that finally the debt of some $60 million left by the Tonkin Government has been paid off. For the first time in the history of the State the Tonkin Government used capital funds to run the State. It ran up debts, but not for capital assets—schools, hospitals, national parks and such things; not actual tangible assets. That Government used capital funds to run this State because it had given away tax cuts and had not reduced public expenditure—

The Hon. J.F. Stefani: Tell us about Dunstan. What did he do?

The Hon. C.J. SUMNER: He certainly did not do that.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. There is too much audible conversation. Every member is to blame, by the sound of it. I cannot pick out any individual member. I ask all members to come to order.

The Hon. C.J. SUMNER: The Dunstan Government did not do what the Tonkin Government did with respect to applying capital borrowings to the recurrent expenditure of this State. That exercise by the Tonkin Government left a Consolidated Account deficit in excess of $60 million which this Government, by prudent management, has paid off. With respect to the general debt of the State, during his years Tonkin left the State with a net debt of 23 per cent of gross State product, and it was growing.

The Hon. M.B. CAMERON: I rise on a point of order. I suggest that the answer from the Attorney-General is out of order. It does not address the question put by the Hon. Mr Crothers. It is an absue of Question Time and cuts across what is regarded as normal. If the Attorney-General wants to make that sort of speech, let him do so when we debate the Supply Bill.

The PRESIDENT: I do not see that as a point of order. Questions are normally asked with a fair amount of latitude in this Council, as are the answers that are given.

The Hon. C.J. SUMNER: If members opposite would not interject, behave in an unruly manner and yell across the Chamber—which has become their wont, particularly in recent times—it is clear that I would have completed my answer and sat down. But, members opposite cannot resist interjecting when a question has been asked.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That was the performance of the Tonkin Government. In more modern times we have the Greiner Government, to which the Hon. Mr Crothers' question specifically relates. That shows a new approach for Liberal Governments in this State. I would like to take members through some of the situations that exist in New South Wales. For instance, in New South Wales electricity has increased by 16 per cent in two years. In South Australia, however, the increase has been 6.5 per cent. Water rates in New South Wales rose by 42 per cent in two years, but in South Australia the increase was 13 per cent. In New South Wales bus and rail fares rose between 18 per cent and 100 per cent, but in South Australia they have risen in accordance with the CPI. In New South Wales, third party insurance has increased by $129, but in South Australia it has been reduced by $21. The net debt in New South Wales is still in excess of 20 per cent of gross State product, but in South Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —the net debt to gross State product is 16 per cent. In New South Wales 20 000 public servants have already lost or will lose their jobs.

The Hon. Diana Laidlaw: This is a distortion.

The Hon. C.J. SUMNER: They are the facts. That is the truth. Anyone who knows what has happened in New South Wales under the Greiner Government will agree that that has been the tenor of that Government. It came in on promises of reduced Government charges, but they have risen. That Government has sacked public servants, some 20 000 will lose their jobs. The reality is, of course, that the Greiner Government is paying for it in terms of its public standing. It means, of course, what this Government and the Federal Government are saying: that the Greiner Liberal Government had a secret agenda. There is no doubt that Greiner had a secret agenda that he did not fully reveal to the people of New South Wales before the election in that State.

There is no doubt that Peacock has a secret agenda—a secret set of health, education and welfare cuts. Mr Peacock will not reveal them before the election and, if he is elected, there is no doubt whatsoever that Stone, Hewson and company will take over, Howard will reassert his influence, and there will be massive cuts in public expenditure, including cuts in welfare. One has only to look at what John Stone has said during his history as the head of Treasury, as a Treasury official and, now, as the Liberal Party's finance spokesperson in Canberra to see what he thinks about welfare, payments to the aged, and the like. He certainly would not agree with what the Hon. Miss Laidlaw continues to espouse in this Council. The fact is that there will be a secret agenda and significant cuts. It is an agenda by which they will have to abide in order to keep their supporters and electors happy.

Similarly, in South Australia there is a secret agenda that will also involve significant cuts in the public sector, in welfare and in social justice payments. I thank the Hon. Mr Crothers for his question. Had members not interjected, I would have finished about 10 minutes ago. However, I appreciate the opportunity of placing on record the performance of the Greiner Government in relation to a number of important issues.

FINNISS SPRINGS PASTORAL LEASE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Lands, a question about the Finniss Springs pastoral lease.

Leave granted.

The Hon. M.J. ELLIOTT: The pastoral Bill passed the House of Assembly yesterday and, as a consequence, the Government now has six months in which to isolate properties that it does not intend to continue as pastoral leases. I recently received a letter from the Marree Arabana Peoples Committee, whose members live on the Finniss Springs pastoral lease. I understand from the letter that these people have not worked this station as a full pastoral lease since the early 1980s and that they are about to have their property inspected this month. One consequence of an inspection, if they are not using the property as a pastoral lease, is that the property could be resumed, put on the market and sold to other pastoralists, and this is of great concern to the Arabana people.

The letter claims—and I have not had an opportunity to visit them—that these people live a part traditional life on those lands. It seems to me, on the face of it, that it might

be appropriate for the Minister to consider removing this property from pastoralism. That would not be a cost to the Government as such, and it is one of those cases where the people who have the lease probably not would object if it ceased being a pastoral lease and was used for other purposes. During the next six months will the Minister consider the possibility that the Arabana people might be given a different form of tenure over the Finniss Springs lease so that they could continue operating the land in a traditional sense?

The Hon. ANNE LEVY: I will be more than happy to refer that question to my colleague in another place and bring back a reply as soon as possible.

COUNCIL BOUNDARIES

The Hon. J.C. IRWIN: My question, which is directed to the Minister of Local Government, concerns council boundaries. In the light of today's ministerial statement, why did Cabinet not adopt the course of action frequently outlined by the Minister, that is, to accept the Local Government Advisory Commission's advice, as it had done 34 times previously, and immediately proclaim the commission's determination in relation to Henley and Grange? Why was this decision sent back to the commission? Why was the course taken in relation to Henley and Grange different from that in relation to Mitcham/Flinders, where the fight was after proclamation?

The Hon. ANNE LEVY: It seems to me that the honourable member has frequent lapses of memory. I have replied to this question on previous occasions.

The Hon. J.C. Irwin: We get a different answer each time.

The Hon. ANNE LEVY: No, you do not get a different answer; you get the same answer, and you will get it again. I am sorry if it takes time which you would like for other matters, but when you ask the same question you will get the same answer. I do not mind if I give the answer a hundred times.

The recommendation regarding Henley and Grange reached me after there had been a rally in Blackwood, after a second rally on Mitcham Plains had been announced and after there was a great deal of disturbance in the Mitcham area regarding the proposals and the proclamation which had been made there. This concern, expressed so vociferously at Mitcham, clearly indicated that if the proposal were followed through the resulting City of Flinders might be an unworkable city with great division within it. That was why I referred the proposal to the commission so that the matter could be re-examined.

The Hon. J.C. Irwin: That's not Henley and Grange.

The Hon. ANNE LEVY: The Henley and Grange proposal arrived after the obvious dissatisfaction occurred in the Mitcham region. Because of that, I felt it would be unreasonable to treat that proposal differently from that of Mitcham. I was referring the Mitcham proposal back to the commission for further examination in the light of community disquiet.

The Hon. J.C. Irwin: A new proposal.

The Hon. ANNE LEVY: That is a technicality, and you know it.

The Hon. J.C. Irwin: No, it is not. You keep saying it's a technicality.

The Hon. ANNE LEVY: It is a technicality, to enable the commission to reconsider the whole issue and I am glad you say you know it.

The Hon. J.C. Irwin: Why can't you give the same opportunity to Henley and Grange?

The Hon. ANNE LEVY: I referred the Henley and Grange proposal back so that the commission could assure itself that there had been adequate consultation in that area also. Although the commission had followed the same procedure for its thirty-fifth report as it followed for the previous 34, it is obvious that its inquiries had not revealed the dissatisfaction which became evident regarding the Mitcham council boundaries. If there was a problem regarding consultation in one part of Adelaide, I wanted to be assured that there was no problem regarding consultation in another part of Adelaide. For that reason, I referred the Henley and Grange proposal back to the commission so that it could assure itself that there had been adequate and sufficient consultation. That is exactly the same answer as I have given previously in this place, and if members persist in asking me the same question I assure them that they will get the same answer.

ADDRESS IN REPLY

(Debate on motion for adoption adjourned from 22 August. Page 448.)

Motion carried.

The PRESIDENT: I inform the Council that His Excellency the Governor has appointed 4.15 p.m. today as the time for the presentation of the Address in Reply to His Excellency's opening speech.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Court to inform defendant of reasons, etc., for sentence.'

The Hon. K.T. GRIFFIN: Can the Attorney-General indicate what it is hoped will be achieved by the addition of paragraph *(b)*?

The Hon. C.J. SUMNER: It will make clear at the time of sentence to the public, and to the prisoner in particular, the minimum time that the prisoner will spend in gaol provided that he is of good behaviour. That has been the situation since the introduction of the 1983 amendment to the legislation, and more particularly since the 1986 amendments when judges were mandated to take into account remissions in imposing sentences. The fact is that, knowing the prisoner will earn up to a third off the sentence if he is of good behaviour, the court, when imposing the sentence, knows the minimum time that the prisoner will spend in prison and the prisoner knows how long he will spend in gaol provided he is of good behaviour. The prisoner has always known that situation, because of the remissions system which has been in the Correctional Services Act since 1983. Therefore, it ought to be relatively easy for the judge not only to make the calculation but to announce the minimum time that the offender will spend in prison.

The Hon. K.T. GRIFFIN: I understand from the Attorney-General's explanation that hereafter the courts, where a non-parole period is fixed, will be required to do three things: fix a head sentence, fix a non-parole period and, in effect, fix a minimum sentence. So, there will be three matters which the court will be addressing and which will be on the public record. I know the Attorney said that the

court will need to give information to the defendant about the minimum that he or she will have to serve before becoming eligible for parole but, in effect that means the minimum sentence, as I understand it.

The Hon. C.J. SUMNER: This has always been the case. There has always been, under this system, a minimum period that the prisoner will spend in prison if you take into account that a prisoner is entitled to earn remissions. That has always been the case.

The Hon. K.T. Griffin: That has never been recognised in statute.

The Hon. C.J. SUMNER: No, it has not. Since the 1983 amendments to the Correctional Services Act which provided that a prisoner can earn up to a third remissions, there has always been a situation where the prisoner will spend a minimum term in prison, and that minimum term can be obtained by deducting a third off the non-parole period. Now that has never actually been spelled out by the judges when imposing the sentence and I suppose, prior to 1986, they would have been reluctant to do it anyhow because they were not mandated to take into account remissions earnt even though the legislation said that prisoners could earn those remissions. The fact of the matter is there has always been, since 1983, a minimum period that a prisoner will spend in gaol provided that prisoner is of good behaviour.

What this does is provide that there will be public information, and information to the prisoner obviously, at the time of sentence as to what the minimum period to be spent in gaol will be. It is not a part of the sentence as such but it is a requirement in the sentencing process for the judge to indicate what the minimum period to be spent in gaol will be, provided that the prisoner is of good behaviour and thereby earns the maximum amount of remissions.

At this point I indicate that during the Committee stage of the debate in the House of Assembly the Hon. Mr Crafter was asked what would happen if the judge miscalculated the minimum term a prisoner must spend in prison. His response was that minor errors can be remedied administratively but, in the case of more substantial errors, the matter can go back to the sentencing judge for correction. This is wrong. The amendment merely provides that the judge must inform the defendant of the minimum period he or she will have to serve in prison before becoming eligible for parole (assuming that maximum remissions are earned). The judge is not setting a minimum period so nothing hangs on the period he calculates. The judge is merely as part of his sentencing remarks, telling the defendant and of course the public the minimum term. Obviously, if the judge gets it wrong, it would be desirable for the Correctional Service Department to tell the prisoner the right figure.

It is, in effect, specifically providing that what has occurred, without being stated since 1983, will now be specifically stated. The advantage of this is that complaints from the public about not knowing exactly how long a prisoner will spend in gaol will be overcome because the prisoner and the public will know that, provided the prisoner is of good behaviour, then that is the minimum period the prisoner will spend in gaol.

The Hon. I. GILFILLAN: It seems to me that this is quite clearly going to bring in the mathematical factor which both the Chief Justice in the Supreme Court and the interpretation of the High Court judgment deplored as being an integral part of the sentencing procedure. If there is to be a minimum period announced then there will obviously be calculations made when the sentencing judge determines a non-parole period. As the Attorney said, I believe that there was an assumed time, often cited as the assumed time, the minimum time, and that was often the subject of the sensational cries of alarm that an offender may get out in such and such a time.

I believe this is unfortunate, but I do not necessarily prompt the Attorney-General to comment on it because we have different views on this matter. By introducing this requirement it then becomes a mathematical formula that sentencing judges will be required to impose on sentences.

The Hon. K.T. GRIFFIN: In the light of the explanation that the Attorney-General has given, I believe the amendment is a move in the right direction. Up to December 1983, a non-parole period meant what it said; a prisoner would not be eligible for parole before the expiration of that period. I hold a strong view that all the problems will be solved if, rather than fiddling around with a non-parole period from which remissions are earned, we could adopt a system where the court fixes a maximum and a minimum head sentence that must be served and a system of remissions which operate between the minimum and maximum sentence being earned from the commencement of imprisonment, but not being available until after the expiration of the minimum period. That takes all the mathematics out of it so far as the courts are concerned and it removes most of the public controversy out of that.

The Hon. I. Gilfillan: Who determines that release date?

The Hon. K.T. GRIFFIN: The courts would fix the minimum and maximum sentences. A proportion of a prisoner's remission would be earnt for merely being of good behaviour; a proportion by virtue of some positive contribution to prison life or self-development and rehabilitation; and a proportion would still be within the discretion of the Parole Board. The two earlier elements would be at the discretion of a panel in each correctional institution. This would remove the sort of debate which currently prevails about whether or not remission is earnt or is granted automatically. It would also give a positive incentive for prisoners to move towards rehabilitation as well as being of good behaviour only—which is a rather passive concept. If courts fixed that minimum, that would certainly overcome the problems with respect to this system. The Attorney-General, in his amendment, is moving towards something similar to that with the recognition of a minimum period, and it is for that reason that I will not oppose that clause.

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan talked about introducing a mathematical formula to the sentencing process; it is not introducing a mathematical formula to the decision as to what the appropriate non-parole period is. If the legislation is passed that will still be done in accordance with the principles of the Dube and Knowles cases.

Having fixed the non-parole period, the judge is then mandated by this amendment to say that, if the prisoner is of good behaviour, a third can be earnt off that non-parole period by way of remissions. In that sense, after the sentence is fixed, a mathematical calculation is used to obtain the minimum period that the prisoner serves in prison. That is designed to make clear what the sentence means, as there has been some doubt. Subject to the rules handed down from appeal courts, judges will have the discretion to impose a certain head sentence and a certain non-parole period knowing the bottom line relating to the release from prison, provided that the prisoner is of good behaviour.

That system, in effect, does have a minimum implied in it. What it does not have—and this is where I disagree with the Liberal Party's policy—is a discretionary Parole Board. The members of this Government believe—and I think the Democrats believe—that the time a prisoner spends in prison should be determined by a court and not left to the whim

of a discretionary Parole Board which was the situation in 1983 and which caused an enormous number of problems in the prison system. That is a fact of life. The system we have introduced is definite and determinant. Everyone knows—provided these rules are followed—where they stand. The prisoner will know that if he has been of good behaviour he will spend a certain amount of time in gaol and that if he is of bad behaviour the period will be increased up to the non-parole period. The prisoner knows he is entitled to parole and what period he is out in the community and subject to supervision by way of parole.

A misapprehension about the notion of remissions for good behaviour is apparent. The Hon. Mr Griffin has carried on that misconception. It is remissions for good behaviour and remissions earned by doing the work which the prison authorities may require of the prisoner towards the rehabilitation of that prisoner. They are not remissions that are taken off the sentence immediately the prisoner enters the prison which he then loses. The remissions have to be earnt on a monthly basis by the prisoner being of good behaviour, and also performing the tasks that the correctional authorities want the prisoner to perform with a view to his rehabilitation—training and working in particular areas or whatever.

The criticism of the remission system which was outlined in the Mitchell committee report—that criticism being that the remissions were given automatically on the prisoner entering prison at the beginning and then lost—has been done away with and the prisoner must now earn those remissions, not just for good behaviour, but also by taking steps as directed by the correctional officers towards the prisoners' rehabilitation, and the sorts of activities that would assist them when they are finally released from prison.

The Hon. K.T. GRIFFIN: It is interesting to note that the paper which was released last week about the impact of parole legislation changes in South Australia deals with interviews and assessment of attitudes by prisoners and prison officers in relation to the parole system. In the case of the prisoners interviewed, whilst a substantial majority of those preferred the present system of fixed sentences, 20 per cent of the group preferred the court not to fix those non-parole periods. The prisoners expressed the view that they did not see the parole as the most important source of difficulties in the prison. The report states:

> While prisoners were far more likely than prison officers to include the former parole system and Parole Board decisions in their list of problem areas, the parole system still ranked second behind 'personalities of officers and inmates', in the order of factors nominated.

In respect of prison managers attitudes, the assessment of the persons conducting the research was:

> According to these respondents—

that is, prison managers and judges—

> prison unrest in 1983 had been the product of a variety of factors which included the high turnover of superintendents in the State's largest prison, generally low morale among correctional administators and an Australia wide increase in prisoner militancy. Concern about parole had merely been a sympton and a rallying-point for more deep seated grievance.

We could spend much time debating that system, and for the moment we will have to agree to disagree on the way that the parole system should be structured. Nevertheless, that does not detract from my point: I still believe that all of the problems raised by the High Court case and the debate about the non parole periods could be eliminated by moving to a minimum period without question.

The Hon. I. GILFILLAN: It is important that I make it plain that I have a fundamental difference of opinion with both the Attorney and the shadow Attorney on the principle of whether the issue of remissions should be taken into account when a judge fixes a sentence for an offence. I believe that it is against basic human justice that a punishment meted out by a sentencing judge should be done on the basis and on the assumption that the offender will conform in such a manner as to benefit from the full accruable remissions which should reflect good behaviour, good cooperation and other factors upon which the whim of the management may or may not allocate remission.

That is adding an incredibly complicated and whimsical factor into the punishment for any offender in our system. Without repeating the sources that I quoted yesterday in my second reading speech, it is the thread enforced over and over again through the High Court judgment, and also as expressed to me by other legal people in South Australia. Apart from that I do not need any reinforcing from it because I believe in the common understanding of what a remission for good behaviour should mean in relation to the punishment for an offence.

Why should an offender be punished by an increased gaol term because of some contravention or failure to comply with the wishes of a correctional officer in prison? That is not the proper administration of justice in this State. If it were analysed objectively, I do not believe that that is really the intention of this Parliament. Do we intend to allocate the authority to a correctional officer to sentence an offender on his or her own say so? Because there is no appeal!

The effect of the removal of remission is an extension of the sentence for an offender. This legislation and the implication of the remarks of the Attorney and the shadow Attorney to all judges in the State is to make sure that the lowest amount of time—the minimum time—will be the fitting punishment. Okay, so that is the fitting punishment. Then the extra punishment, which may see years of extra sentence served in prison, will be handed down on the drop of a pen on the say or no say of an individual in the correctional service.

The Hon. C.J. Sumner: The criteria for it is that the prisoner should behave in prison.

The Hon. I. GILFILLAN: The interjection is that the prisoner should behave in prison. The fact is that if there is a legal requirement for a prisoner to behave in prison, it should be stipulated in an Act of Parliament and the proper penalty should be spelt out by Parliament, if that is what we believe. If that is what Parliament wants, that there is an incurred further penalty for misbehaviour in prison, it should be put in a statute and it should then be heard by a visiting justice or magistrate. It should not be at the whim of an individual who may be employed in the institution for six months and who may have a particular day of intense irritation at the behaviour of an individual.

I can see that you are nodding your head, Mr Chairman, as if this session of debate should be terminated. I make the point that there is a fundamental difference between the Government and the Opposition with the Democrats on how these remissions are being handled.

The Hon. C.J. SUMNER: That may be the situation. I rise again because of an interjection by the Hon. Mr Griffin that at present prisoners are required to earn their remissions not just by being of good behaviour but by earning them through participating in activities which will assist in their rehabilitation and re-entry into the community. It is not just a situation of remissions for good behaviour. That was the criticism by the Mitchell committee. That has now been changed so that they do earn their remissions on a monthly basis—both for good behaviour and for participating in the activities which will hopefully tend towards the successful rehabilitation into the community in general.

Progress reported; Committee to sit again.

ADDRESS IN REPLY

The PRESIDENT: I remind honourable members that His Excellency the Governor will receive the President and members of the Council at 4.15 p.m. today. I ask honourable members to accompany me to Government House.

[*Sitting suspended from 4.2 to 4.50 p.m.*]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this Council to which His Excellency was pleased to make the following reply:

I thank you for the Address in Reply to the speech with which I opened the fifth session of the Forty-sixth Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 505.)

Clause 2 passed.

Clause 3—'Court to take account of prospective remission.'

The Hon. K.T. GRIFFIN: I move.

Page 1, lines 32 and 33—Leave out 'and its precursor (section 302 of Criminal Law Consolidation Act 1936)'.

My amendments are all related, and I seek to remove the retrospective aspects of the Bill. I have explored that in some detail during the course of the second reading debate. On the basis that the amendments stand or fall as a whole, that would probably be the most convenient way of dealing with them. Once the question of retrospectivity is resolved, there remains the question of the drafting of what remains and, in particular, the reference to *Reg v Dube* and *Reg v Knowles* and the so-called principles of sentencing referred to in those cases.

That is really a subsequent matter which we can deal with once the question of retrospectivity has been resolved. In essence, as I have already presented to the Council, the Liberal Party believes that it is inappropriate and contrary to basic principle to seek retrospectively to make right that which the High Court has said has been wrong. It affects individual rights and, whilst the Attorney-General has indicated in his reply during the second reading debate that there are occasions on which Parliaments support retrospectivity, in my recollection it is essentially to ensure that rights are protected rather than removed.

One can make all sorts of arguments about the effect of removing the retrospectivity. It is my view, and the advice which I have received is clear, that it will not have the disastrous effects which the Attorney-General has suggested; that there may be a number of cases which go for review by the Supreme Court, and even if—

The Hon. C.J. Sumner: One hundred have been filed already.

The Hon. K.T. GRIFFIN: Even if there are petitions of mercy, there is a procedure by which they can be—

The Hon. C.J. Sumner: One hundred have been filed—that is not a few.

The Hon. K.T. GRIFFIN: That is all right: whether it is a few or not the fact is that those prisoners have rights and, based on the High Court judgment, those rights ought to be allowed to be pursued. The information I have suggests that there will not be mass reductions in penalty. The case of Hoare and Easton, which was referred back to the Court of Criminal Appeal by the High Court, did not result in the sort of disastrous consequences which have been floated.

The Hon. C.J. Sumner: There was a reduction.

The Hon. K.T. GRIFFIN: A slight reduction, yes, but that went on appeal to the High Court on Monday of this week, Hoare and Easton again arguing, as I understand it, that the State Supreme Court had not adopted the principle of the High Court's decision in Hoare and Easton, but that appeal was rejected by the High Court. In making its decision on penalties which might be a subject of review, the Court of Criminal Appeal is not significantly reducing penalties and non-parole periods, and it is most likely that, of those appeals which are filed, in a significant number of them there will be no change. We must be very cautious about the sort of scare which is being floated around, that there will be mass reductions in penalties and non-parole periods. As I said, in essence, the Liberal Party is opposed to the retrospective element of the Bill.

The other aspects of the Bill, so far as the principles are concerned for the future, we would want to ensure were properly explored and, certainly, explained by the Government, to identify exactly what the Government is trying to achieve in the light of the difficulties which have been experienced with the 1986 amendments which, in 1986, were not proposed on the basis of achieving a result which is now asserted for that legislation.

The Hon. I. GILFILLAN: The Democrats support the amendment as being necessary to remove the retrospectivity factor from the Bill. That should not be interpreted as indicating our support for the balance of the Bill. However, in the order of priority of what adjustments could and should be made to it during the Committee stage, I indicate that the Democrats support the amendments which are requisite for the removal of the retrospectivity factor.

The Hon. C.J. SUMNER: The Government opposes the amendment. The argument relating to retrospectivity has been fully canvassed during the second reading debate. I do not wish to put those arguments again during the Committee stage. Suffice to say that care must be taken with retrospectivity, and there is a disinclination—and a correct disinclination—by the Parliament to legislate retrospectively. However, it is not unknown and there are special circumstances where it is justified. In my view, in this case, for the reasons I have already outlined, it is justified.

I also make the point that, although the word 'retrospective' has been used with respect to these amendments, it is not retrospectivity in the very strict sense of the word. I say that because, for some two and a half years now, the courts in South Australia have been sentencing, I believe, in accordance with the intention of Parliament as expressed in 1986.

The Hon. I. Gilfillan: Do you think the High Court was wrong?

The Hon. C.J. SUMNER: Yes, I disagree with the High Court judgment, obviously. That is why the legislation was introduced: to clarify the interpretation of the section that we introduced in December 1986. For 2½ years prisoners have been sentenced in accordance with those principles. No complaint was made about that until the case of Dube and Knowles; therefore, the assumption of everyone in the system—whether they be prisoners, judges, correctional officers, police or the public—was that the principles applied by the High Court in the Dube and Knowles cases were correct.

The legislation is not retrospective in the sense that the law will be changed, so that prisoners who were sentenced to imprisonment for five years will have to stay in gaol for 10 years. The reality is that the prisoners expect to spend in gaol the time to which they have been sentenced, according to the interpretation and Parliament's intention. We are ensuring that the intention is reaffirmed and made quite clear, and that the prisoners will continue to be sentenced in accordance with that intention.

The Committee divided on the amendment:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), J.C. Irwin, R.I. Lucas, R.J. Ritson, and J.F. Stefani.

Noes (8)—The Hons T. Crothers, M.S. Feleppa, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner (teller), and G. Weatherill.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. Barbara Wiese.

Majority of 3 for the Ayes.

Amendment thus carried.

The Hon. K.T. GRIFFIN: I move:

Page 2, line 3—After 'section 302' insert 'of the Criminal Law Consolidation Act 1936'.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 2, lines 6 to 26—Leave out subsections (3), (4), (5), (6) and (7) and substitute:

(3) This section, as amended by the Criminal Law (Sentencing) Act Amendment Act 1989, applies only in relation to offences committed after the commencement of that amending Act.

This amendment is consequential.

Amendment carried; clause as amended passed.

Title.

The Hon. K.T. GRIFFIN: During the second reading debate I raised with the Attorney-General some questions (to which he referred in his reply) on the principles which are to be inferred from the judgment in Dube and Knowles. The drafting of the legislation is rather curious. I understand why the Bill was drafted in this manner, particularly in relation to retrospectivity, but can the Attorney-General clarify further which principles of sentencing were purportedly inferred by the Full Court from section 302 and its successor in the judgment of the Full Court judgments in *R v Dube* and *R v Knowles*?

The Hon. C.J. SUMNER: This criticism of the drafting has been made by the Hon. Mr Gilfillan and the Hon. Mr Griffin, and I think is taken from criticisms that have been made by the Legal Services Commission. I said in my reply, and I repeat, that in order to get truly retrospective legislation it was necessary to draft it with reference to the decisions in Dube and Knowles, the cases that established the principles of sentencing upon which courts have acted since December 1986.

If the legislation was to be retrospective, I feared that any attempt to draft substantive legislation, trying to pick up the principles of Dube and Knowles could well lead to an argument that the redrafted legislation did not reflect the decisions in those cases.

Of course, that could have thrown into doubt the whole question whether the legislation properly applied retrospectively to the prisoners sentenced since Dube and Knowles in December 1986. So, to ensure that the field was covered with respect to those prisoners sentenced following December 1986, and after considering all the options, I was of the view that it ought to be drafted by reference to the principles in the case that had formed the basis for the sentencing of these prisoners since December 1986.

Other options were available—such as trying to reflect in the actual wording the principles in Dube and Knowles. But, if one did not accurately reflect those principles there would then be an argument that a different set of principles applied from December 1986 to the present time than were enunciated in the cases of Dube and Knowles. If one wanted to achieve retrospectivity—and by that I mean the adoption of the exact law expressed in Dube and Knowles from the period December 1986 to the present time—one had to refer to the case.

That is the rationale for expressing the Bill in this way. We considered other options. As I pointed out last night, various categories of prisoners have been sentenced since December 1986, and to ensure that all those prisoners—except Easton of course—sentenced from December 1986 right through the passage of this legislation and into the future, were treated in the same way, the only safe way to do it was by reference to the case that established those principles during that period.

If the Parliament in the final analysis decides that retrospectivity should not be applied in this case and that we are starting, in effect, *de novo* in relation to future cases, then it can obviously consider drafting a provision which will attempt to reflect Parliament's view for those future cases, and attempt to reflect in the legislation the principles in Dube and Knowles, if that is what it determines to do. With retrospectivity removed, the problems which existed with the drafting and which led to this form of drafting are now obviously not as pressing.

Having said that, I do not accept in any event the criticisms that have been made about the drafting. The nub of the criticism is that proposed new section 12 (2) refers to 'principles of sentencing' purportedly inferred by the Full Court from section 302, and that the Full Court did not infer any principle of sentencing from section 302—that is, the criticism that there is no principle of sentencing that the Full Court inferred from section 302.

It is argued that a sentencing principle is a well established foundation for setting an appropriate sentence in an individual case and, when the court noted 'the effect of the operation of the new section 302 will be to increase the level of sentences significantly', this is not a sentencing principle but an interpretation of what a piece of legislation means and how that impacts on sentencing principles. That is the argument from the Legal Services Commission.

The fact is that that argument takes a very narrow view of the meaning of 'principle of sentencing'. For example, Chief Justice King in *The Queen v Brennan* 1984, 36 SASR, page 78 at page 80, referred to the principle of sentencing, that the judge should fix the non-parole period without regard to any reductions that might result from remissions. In the case of *The Queen v Dube* and *The Queen v Knowles*, the Court of Criminal Appeal said that the effect of section 302 would be to increase substantially the level of sentences—that is, the court said that it is now a principle of sentencing that the judge must make an appropriate increase to the sentence that he would otherwise have imposed.

So, the argument that the Legal Services Commission put up, I suppose, could be put; but, it is an extremely technical argument and, in my view, does not in any way accord with the commonsense interpretation of the section as drafted. Of course, the argument quite clearly ought to fail because, if that argument is put, the response must be, 'What does the new section do?' If the argument is that the Dube and Knowles cases did not refer to any principle of sentencing, the section as drafted, and if incorporated in the legislation, will have nothing to do. It will not—

The Hon. K.T. Griffin: Which section is this?

The Hon. C.J. SUMNER: The clause that will become the section. If the argument of the Legal Services Commission is run before a court, a court will then have to ask, 'If I accept that argument where does it lead me?' and it leads to making nonsense of the section. If the court applies a bit of commonsense, then it ought to be clear what the section is supposed to do. A technical argument, which is purely a semantic argument—that is all it is, a semantic argument—about what is meant by 'principle of sentencing', if accepted by the court, would mean that the section would not have anything to do; it would have been put in by Parliament for no purpose. That is clearly not the case. Courts strain—or ought to strain—very hard to find against an interpretation that does not give a section any effect.

There is a principle of interpretation which says that one ought to give effect to legislation passed by the Parliament and presume that Parliament intended to do something by the fact that the legislation was changed and that it attempted to address a particular problem. Basically, I am saying that the argument that has been put up is a semantic argument. As the argument was raised by lawyers I suppose it could be raised again, but it is hard to see how one could draft it in a different way. At least that is the view of Parliamentary Counsel: that, having made the determination that one must address this particular issue by reference to the specific case, it is hard to know how one could draft it in any other way. That is the argument against what has been put by the Legal Services Commission, and the queries raised by the Hon. Mr Griffin. However, if the honourable member has any suggestions about the drafting—

The Hon. K.T. Griffin: What were your other options?

The Hon. C.J. SUMNER: Without having them here, the other options are that one simply tries to rewrite the principles of Dube and Knowles in the legislation not by reference to the cases but by trying to restate the principles; or, alternatively, one drafts something which in fact goes slightly further than Dube and Knowles and says that judges should add 50 per cent to take into account remissions, and make it a mathematical thing. Now, I do not prefer that latter course. I think that the middle course—that is, trying to restate the principles of Dube and Knowles—could be done. Frankly, I think that the best course is to leave the drafting as it is, particularly as at this point in the legislative process the question of retrospectivity has not been resolved.

If the question of retrospectivity in the final analysis is resolved, it may be that attention can be given to a redraft which attempts to express the principles in Dube and Knowles, but we have not yet reached that point. That will depend on the view taken by the House of Assembly and may only be able to be resolved by a conference. These are the available options, but I hope that that has explained the rationale behind this form of draft.

The Hon. K.T. GRIFFIN: I thank the Attorney-General for his explanations. I felt that it was appropriate and important to raise the issues which have been raised not only by the Legal Services Commission but by other lawyers practising in the criminal jurisdiction, at least two of whom are QCs, who expressed the views which I have related in the debate. I am prepared to allow further consideration of it. I do not have any specific drafting available but, if it is likely to be a matter of continuing discussion in the next day or so, I am prepared to take it no further at this stage. However, it is important to have the doubts about what the clause means placed on the record.

Title passed.

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

That this Bill be now read a third time.

The Hon. I. GILFILLAN: As I indicated earlier, the Democrats will vote against the third reading. A brief reiteration of our reason, for the record, is that we do not believe there is a proper interpretation of remissions in sentencing as expressed in the contents of the Bill. We believe that it is impossible to amend or modify the Bill in any way which would be acceptable to us. Retrospectivity is a factor, but in relative terms, on a long-term basis, it is a minor matter. We have indicated, as was effective, support for an amendment which removed that from the text of the Bill. I make it plain that we reject the whole basis of the proposition of the Bill that sentencing of an offender should take account of the potential reward of remissions for co-operation, good behaviour or adherence to programs participation in which may be beneficial to the offender.

It is with regret that we see this legislation heading towards a successful passage through this place. We believe that the remissions system, as originally introduced, was effective and had positive side effects relevant to the behaviour and management of the prison. If there is a concern in the Parliament and among the public that sentences served by offenders should be longer, the appropriate way to do that is not to compel judges to meddle in remission mathematics, which are outside what we believe is their prerogative, but to give them a higher range of penalties which could be applied if, in the wisdom of the sentencing judge, it was appropriate to do so. With those remarks, I indicate our opposition to the third reading.

The Committee divided on the third reading:

Ayes (19)—The Hons J.C. Burdett, M.B. Cameron, T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Dianna Laidlaw, Anne Levy, R.I. Lucas, Carolyn Pickles, R.J. Ritson, R.R. Roberts, T.G. Roberts, J.F. Stefani, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Noes (2)—The Hons M.J. Elliott and I. Gilfillan (teller).

Majority of 17 for the Ayes.

Third reading thus carried.

Bill passed.

BLACK RIBBON DAY

The Hon. J.F. STEFANI: I move:

That this Council recalls that 23 August 1989 is Black Ribbon Day and the fiftieth year of occupation by the Soviet Union of Estonia, Latvia and Lithuania following the Hitler-Stalin pact and—

1. Requests the Prime Minister of Australia—
   (a) to appeal to the Soviet Union and the Governments of West and East Germany—
      (i) to declare the agreements, including their secret protocols, null and void from the original date they were signed;
      (ii) for the Soviet Union to restore independence to the Baltic States of Estonia, Latvia and Lithuania which were occupied as a result of the secret agreements; and
   (b) to call upon the Secretary-General of the United Nations and the President of the European Parliament to recognise the aspirations to self-determination of the Baltic nations and to assist them by working for the restoration of their independence.
2. That the President convey this resolution to the Prime Minister.

Mr President, as I rise to speak on the motion standing in my name, I would like to remind members that today is Black Ribbon Day as we recall, with great sadness, 50 years of occupation by the Soviet Union of Latvia, Estonia and Lithuania.

We commemorate and pay a tribute to the people of the Baltic States, innocent people who have suffered and lost

their lives in the struggle for freedom; we especially remember those who 50 years ago were taken captive by the Soviet Russian invader and lost all that was dear to them, including for many, their own lives. Their suffering reminds us of the horrors of captivity and the high price of freedom.

Fifty years ago more than one in every 10 of the Baltic people paid this price with their lives. More than 60 000 Estonian men, women and children, 35 000 Latvian men, women and children and 35 000 Lithuanian men, women and children were arrested in their homes, taken at gunpoint to railway yards, locked into cattle trucks and transported to the wastelands of Siberia.

It is little wonder that since that year people are recalling and commemorating those who have suffered and lost their lives. People in Adelaide and in many parts of Australia and around the world who support, love and understand members of the Latvian, Estonian and Lithuanian communities gather to pray for freedom and to renew their annual vow, 'We Will Never Forget'.

The non-aggression pact between Stalin and Hitler in 1939 was a great tragedy for all the world because it led society into the Second World War.

The first of three secret protocols to this infamous pact was signed by Ribbentrop and Molotov, 50 years ago on 23 August 1939.

I wish to read an authentic copy of the Secret Protocol Agreement which was recently published in the Lithuanian press and has been translated into English, as follows:

THE SECRET PROTOCOL OF
23 AUGUST 1939

On the occasion of the signature of the Non-aggression Pact between the German Reich and the Union of Socialist Soviet Republics, the undersigned plenipotentiaries of each of the two parties discussed in strictly confidential conversation the question of the boundary of their respective spheres of influence in eastern Europe. These conversations led to the following conclusions:

(1) In the event of the territorial and political rearrangement in the areas belonging to the Baltic States (Finland, Estonia, Latvia, Lithuania), the northern boundary of Lithuania shall represent the boundary of the spheres of influence of Germany and the USSR. In this connection the interest of Lithuania in the Vilna area is recognised by each party.

(2) In the event of the territorial and political rearrangement of the areas belonging to the Polish State, the spheres of influence of Germany and USSR shall be bounded approximately by the line of the rivers Narev, Vistula, and San.

The question of whether the interest of both parties make desirable the maintenance of an independent Polish State and how such a State should be bounded can only be definitely determined in the course of further political developments.

In any event both Governments will resolve this question by means of a friendly agreement.

(3) With regard to South-Eastern Europe attention is called by the Soviet side to its interest in Bessarabia. The German side declares its complete political disinterestedness in these areas.

(4) This Protocol shall be treated by both parties as strictly secret, Moscow, 23 August, 1939

For the Government of the German Reich:	Plenipotentiary of the Government of the USSR
v. Ribbentrop	v. Molotov

For 50 years, Lithuanians, Latvians and Estonians have been constantly struggling for greater freedom. Recently, they have considerably intensified their efforts with a clear commitment to liberate their countries from Russian slavery. Hundreds of thousands of Baltic demonstrators are frequently gathering to unanimously demand that Soviet officials abrogate the secret protocols to the Stalin-Hitler pact. These notorious protocols are against peace, humanity and the freedom of nations and constitute a deliberate criminal act. The occupation of the Baltic states is an indisputable international crime. For too long we have forgotten or ignored the crimes committed against the people of Estonia, Latvia and Lithuania. These three European nations were independent before they lost their freedom as a result of the acts of aggression by Stalin and Hitler. In the case of the Soviet Union's destruction of the Baltic states, the truth still needs to be told.

Certainly the Soviet Union has committed genocide against the Baltic nations. The communist regime has been guilty of murder, deportation, illegal conscription, forcible evacuation and acts of war against Estonia, Latvia and Lithuania.

The thousands of intellectual, professional and christian families who were banished to Siberia were deliberately chosen for exile and death because of their leadership and commitment to the vision of an independent Estonia, a vision of an independent Latvia and a vision of an independent Lithuania. Our commemoration today sadly remembers the many thousand victims of a brutal tyranny which destroyed and disrupted the lives of innocent people. Our concern in this commemoration is wider than just demanding accountability for the past. Our concern is for the present and for the future as well. I urge all members today to renew their commitment to freedom and support this motion which calls for the restoration of independence to the Baltic nations.

For Lithuania—Laisve—freedom
For Estonia—Vavadus—freedom
For Latvia—Briviba—freedom

I believe that the Baltic states will one day rise again. On this note I conclude my remarks and strongly commend the motion to all members.

The Hon. C.J. SUMNER (Attorney-General): The Government supports this motion. The honourable member has outlined the situation relating to a pact between the Soviet Union and Nazi Germany which, during the Second World War, enabled the Soviet Union to occupy the Baltic states. Subsequently, when Nazi Germany invaded the Soviet Union, it also invaded and occupied the Baltic states. Hitler's German troops were then repulsed again from the Baltic states and at the conclusion of the Second World War the Baltic states of Latvia, Estonia and Lithuania were incorporated as Socialist Republics within the Soviet Union. The trigger for all this was the pact between the Soviet Union and Hitler's Germany, to which the honourable member has referred and which is contained in the motion. Before that, the Baltic states had obtained their independence following the 1914-18 First World War.

Before that, at various stages, they had been incorporated in the Tsarist Russian Empire and had at various times been subjected to control by other nations in their vicinity. I am talking there in terms of the long history of the Baltic nations. In the flowering of independence that occurred following the First World War, the Baltic States attained their independence and maintained it through to the Hitler-Stalin pact, which enabled Soviet troups to enter the Baltic States and thereby snuff out that independence, which had been attained following the 1918 war.

The prevailing and justifiable view following the First World War was that States should be given their freedom and independence from foreign control. The President of the United States, Woodrow Wilson, was very influential in espousing that philosophy to resolve the problems in continental Europe by ensuring that States were granted their independence. That led also to the carve up of the former Austro-Hungarian Empire into a number of independent States: Austria, Hungary and Yugoslavia, which at that stage was a monarchy and did not have a Communist system. It was that independence that was rightfully granted to those nations, including the Baltic States after the First World War.

It is a great tragedy that after so few years of independence, only about two decades (1920s and 1930s), this pact was entered into which enabled the Soviet occupation of the Baltic States and the subsequent tragedies of German occupation and then reoccupation by the Soviet Union. As I am sure all honourable members would know, this issue has been debated and discussed within our community over a considerable time. It is fair to say that the Australian community virtually without exception accepts the sentiments expressed in this motion. Certainly, as Minister of Ethnic Affairs and representing the Labor Party and the State Labor Government either as a Minister or as a backbencher since 1975 at the various functions celebrating the independence of the Baltic States, I have expressed the State Government's view in support of independence for the Baltic States and an annulment of the Hitler-Stalin pact.

Furthermore, this matter has been considered by the Federal Parliament. I do not have the motion in front of me, but my recollection is that a motion similar to this motion received bipartisan support in the Federal Parliament about two years ago. That motion dealt with and condemned (if my recollection serves me correctly) the Hitler-Stalin pact and called for the reassertion of the independence of Estonia, Latvia and Lithuania. That motion was passed by the Federal Senate and it may well have been passed by the Federal House of Representatives as well, with the support of all Parties in the Federal Parliament.

The Hon. Mr Stefani has now seen fit to move a similar motion in State Parliament, and I am certainly happy to support it. I understand that the Hon. Mr Feleppa wishes to contribute to the debate, and other members might wish to contribute to it as well. However, I indicate that the Government supports the motion and that members on this side of the Council support it, and I indicate that the motion will pass this Council with such support. Therefore, if the matter is adjourned, I wanted to ensure that the Government's position and the position of Labor members was properly outlined for the benefit of honourable members.

The Hon. I. GILFILLAN: I speak briefly in support of the motion. The case for the motion was put very eloquently and with conviction by the mover, the Hon. Julian Stefani, and ably supported by the Attorney-General. I am glad to see that this Chamber from time to time involves itself in matters other than just purely those of a State boundary confined character. I recall in my earlier years that I was involved with a motion relating to the assassination of Benigno Aquino in the Philippines, which this Chamber saw fit to support. That is not relevant to this motion, but it is important to indicate that we believe as a House of Parliament that we are free to express opinions on matters such as this. I congratulate the Hon. Julian Stefani for introducing the motion and I indicate the Democrats' support.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

PINNAROO AREA SCHOOL

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council urges the Government to retain the secondary component of the Pinnaroo Area School with the provision of adequate teaching staff.

(Continued from 16 August. Page 295.)

The Hon. R.I. LUCAS: I support the motion.

[*Sitting suspended from 5.53 to 7.45 p.m.*]

The Hon. R.I. LUCAS: The Hon. Mr Elliott in his speech on the motion, outlined the detail of the dispute about the Pinnaroo Area School. I intend not to go over the detail of his speech, but rather to concentrate on the general principles and some of the key developments over the past 12 months which have resulted in the situation that exists at Pinnaroo today. As the Hon. Mr Elliott indicated, it is best to go back to 1986 when the communities of Lameroo, Geranium and Pinnaroo agreed to the consolidation of years 11 and 12 at Lameroo. They agreed that Geranium and Pinnaroo would not have years 11 and 12, and that Lameroo would cater for all those students. That left the Geranium and Pinnaroo schools to cater for children from reception through to year 10 and Lameroo to cater for children from reception through to year 12.

Many rural communities, not just this Mallee community, concede that the difficulty in providing curriculum choices is most apparent in years 11 and 12. In country communities and some provincial city communities, year 12 presents the most difficulty with the exclusion of options that are available to students throughout many larger schools. It is impossible for many smaller area schools and country high schools to provide the wide choices that are available to students in larger metropolitan schools.

The Murray-Mallee communities of Lameroo, Pinnaroo and Geranium agreed that, for the benefit of their 15 to 17 year-old young adults, it would be best to consolidate years 11 and 12 at the Lameroo Area School. Although the school would not be able to compete successfully in offering to students in years 11 and 12 the same curriculum options offered by larger metropolitan schools, the school would at least be able to offer a wider curriculum choice to students from Lameroo, Pinnaroo and Geranium. At that time the Lameroo, Geranium and Pinnaroo students and their families were given a commitment by the Bannon Government through the Education Department.

The Hon. J.C. Irwin: That does not mean much.

The Hon. R.I. LUCAS: Indeed, that is my point.

The Hon. R.R. Roberts: He should not interject when you are talking.

The Hon. R.I. LUCAS: I want to respond to the very incisive interjection. A promise was made to the Lameroo, Geranium and Pinnaroo students and their families that, if they supported the consolidation of years 11 and 12 at Lameroo, schooling would continue to be provided for students in years 8 to 10 at Geranium and Pinnaroo. It was to be a trade-off; a consolidation of years 11 and 12 in order to continue with education options in the communities for years 8 to 10—with the retention of primary school as well.

Many other promises about education have been made by the Bannon Government dating from the last State election, when the Premier stood up in the Norwood Primary School, with the earnest and fervent look on his face that he gets when he makes promises, and said to South Australians, 'There will be no cutbacks in education and no cutbacks in teacher numbers.' Premier Bannon said that in 1985. The sad record of the Bannon Labor Government in education has been that the fundamental promises were broken by the Government. We have had cutbacks. We have lost over 500 teachers from the teaching service under the Bannon Government, contrary to the earnest and fervent promises of Premier Bannon at the Norwood Primary School during the last election campaign.

The Hon. R.R. Roberts: What are the enrolment figures?

The Hon. R.I. LUCAS: Enrolments have declined. The Hon. Mr Roberts interjects, out of order, about enrolments.

The PRESIDENT: You are out of order in responding to it.

The Hon. R.I. LUCAS: I will not respond to it, but let me respond to the point about the decline in enrolments. Premier Bannon and the Minister of Education have talked about enrolment decline throughout the 1980s. It is not a new phenomenon that has developed since 1986. When the Premier made the promises in 1985, when he was seeking votes, he knew about enrolment decline. Full page advertisements were placed in newspapers, complete with Premier Bannon's photograph, promising no cutbacks in teacher numbers or education spending. Those promises were made with the full knowledge of enrolment decline. So, it is a feeble, limp-wristed excuse for the Minister of Education and the Premier to be protesting now about enrolment decline, as if it is a new phenomenon.

Many other promises have been made, such as the one made to the Pinnaroo and Geranium communities. Although the promise was not trumpeted across the newspapers, it meant as much to the Geranium and Pinnaroo communities as the big ticket promises of no cutbacks in teaching numbers or education spending meant to other school communities. The communities of Pinnaroo, Geranium and Lameroo believed the promise and supported the consolidation of years 11 and 12 on that basis. But, that promise has been broken.

The Bannon Government, through the Education Department, got its foot in the door with respect to consolidation and is now trying to break the door down. The Government, again through the Education Department, is making promises about what it will do at the Lameroo Area School. I offer to the people of Pinnaroo and Geranium a word of caution: they should remember what the Bannon Government has done consistently about education over the past four years, how it got its foot in the door in 1986, and what happened to the first promise.

There is no reason why anyone in South Australia, let alone the people of Geranium and Pinnaroo, should believe the Premier, the Minister of Education or the Director-General of Education when they stand there with fervent and earnest looks on their faces and promise that they will do something for the Geranium and Pinnaroo communities by way of additional assistance at Lameroo. Pinnaroo and Geranium will not forget; they will remember the broken promises and will not again be conned by a Bannon Government that will promise anything as long as it can get through another election.

I now move on from 1986, which, as I said, saw the first significant development in relation to the debate that we have before us, into 1988, when the first pressure started to come—the first breaking of the promise to consolidate year 8 and year 10 from Geranium and Pinnaroo at Lameroo Area School. It is fair to say that in late 1988 there was some difference of opinion among the Pinnaroo community about what was best for Pinnaroo students and for the Pinnaroo community. That difference of opinion largely centred, on the one hand, on a view expressed by the Pinnaroo school council and, on the other hand, on a view expressed by the Pinnaroo community.

In late 1988 the Pinnaroo Area School Council indicated some support for consolidation at the Lameroo Area School. However, in December 1988, and certainly through the early part of 1989, the Pinnaroo community, through a series of public meetings, expressed a very strong view against the consolidation at Lameroo and against the moves being made by the Bannon Government through the Education Department. During that period (I cannot remember exactly, but I think it was around March or April), I visited Pinnaroo one evening and spoke to a very large group at a public meeting in relation to what was occurring at their local area school. The view that I put then—and it is the view that I retain to this day—was that the Pinnaroo community had to become as one if it was to get anywhere in its battle with the Bannon Government; there was no room for difference of opinion at all.

Soon after that, the Pinnaroo community did become as one in that the Pinnaroo Area School Council changed its view and lent some support to the retention of the Pinnaroo Area School, and obviously was therefore against consolidation at Lameroo. So, through that part of 1989 we had the Pinnaroo community and the Pinnaroo Area School heading down the one track.

Later this year, in the months of July and August, the Pinnaroo Area School for varying reasons again changed its mind. The *Border Times* of 2 August contained an article that dealt with the Pinnaroo Area School Council's meeting on Monday 31 July; its motion, as stated in that article, is as follows:

> After exploring all avenues of appeal open to us, Pinnaroo Area School Council acknowledges with regret the decision by the Minister of Education to close the secondary section of Pinnaroo Area School to consolidate the students into a regional secondary school at Lameroo. This council supports the right of this community to continue to fight to retain our current secondary component and present curriculum offerings. The school council must, of necessity, accept the jurisdiction of the Minister of Education and must work to ensure that the education provision to our students is of the highest order.

As I understand it, the school councillors on that evening were advised that it was not within the school council's authority to reject a decision of the Minister of Education and the Director-General of Education. Indeed, that advice is technically correct (although I am not a lawyer and cannot give a legal opinion on it). However, the Pinnaroo Area School could, as many other schools have when they have had a disagreement with the Minister of Education—and that is becoming more and more frequent, the longer the Minister and the Government have been in power—rather than rejecting a decision, have expressed a view strongly objecting to a decision by the Minister of Education or the Director-General.

Certainly, that option would have been open to the Pinnaroo Area School. After that motion from the Pinnaroo Area School Council, another public meeting was organised to try again to express the view of the local community. Last night, while we were all beavering away here in this Chamber, I understand that some 250 to 300 residents in the Pinnaroo area met in a very vigorous meeting with the Director-General of Education to express their view of support for the local area school. At that meeting the Pinnaroo residents passed the following motion:

> First, this meeting of the concerned parents and community members voice their lack of confidence in the Pinnaroo Area School Council who have failed to follow the directives of the Pinnaroo community by advocating consolidation.

So again—and I think this has been perhaps the saddest feature of the whole debate—there remains this difference of opinion in Pinnaroo. The vast majority of the community are opposed to this consolidation but, as I understand it, a small majority on the school council take a different view.

Last night the meeting to which I have referred passed another motion which I will not read in all its detail because it is long. However, the essence of it was that it called on the Government to examine the needs of small country communities, to look at the importance of Government services such as schools, hospitals, and so on. It also called

for an inquiry into how small country communities were to survive and stated that, whilst that inquiry was to continue, a hold should be put on the closure of the Pinnaroo Area School. Those two motions were passed at a meeting of some 250 to 300 residents last night.

The Director-General of Education went to that meeting to argue the case of the Bannon Government in relation to the closure of the school. I have a copy of the transcript of what he said at that meeting last night but, rather than go through it all in detail, I will summarise the major points that he made. First, the Director-General promised extra staff for the Lameroo Area School, states:

> We will place there—

that is Lameroo—

> initially for the first two years—

and I think residents of Pinnaroo ought to bear that in mind—

> an additional six staffing positions over and above the staffing formula.

The Director-General also promised new bus routes for Lameroo and implied—he did not specifically promise—Government support for applications for better community roads to enable speedier bus services to get students from farms into Lameroo. A spokesperson for the Eastern Area Director of the Education Department indicated that the school would have a new name, a new logo and a new uniform under the new arrangement for next year.

In relation to those promises, I again draw the attention of the residents of Pinnaroo to the Government's record on education both generally and as regards their own circumstance. Frankly, I would not place too much weight on the promises that might be made in a pre-election atmosphere by the Bannon Government given its track record.

In looking at what might be the effect of the decision to close the Pinnaroo Area School—and the Hon. Mr Elliott referred to parts of the detail, but I want to refer to one aspect only of the details of a survey of Pinnaroo residents that was conducted earlier this year—members should realise that if Pinnaroo is closed, the Pinnaroo community, certainly to me personally and through this survey, has indicated that it will not be sending its children to the Lameroo Area School. One question in the survey asked, 'If the secondary component of the Pinnaroo Area School is closed, will you be sending your child or children to'—and there were four options. The first option was Lameroo Area School, and 18 responses said Lameroo. The second option was the Murrayville Secondary College which is a Victorian school across the border. There were 71 responses which said that they would send their child or children to the Murrayville Secondary College compared with 18 who would be sending their children to the Lameroo Area School.

I am not sure what Minister Kirner and Premier Cain in Victoria will have to say about exporting South Australian students into Victorian schools. I am glad to see the Hon. Mr Crothers here with ears open and mouth agog listening to this contribution. In relation to students fleeing South Australia to go to Murrayville, what will happen in view of the draconian cuts being undertaken by a Labor Government in Victoria as well? For the edification of the Hon. Mr Crothers, who has some interest in matters in other States, I point out that 800 teachers and thousands of public servants are being cut back by the Cain Labor Government in Victoria. With this potential outflow of students into Victorian schools, as a result of the Bannon Labor Government's decision, there will be pressure on Victorian schools, particularly with the significant cutbacks of 800 teachers being undertaken in a heartless and ruthless fashion by the Labor Government in Victoria.

The other two responses to that question were that 11 would go elsewhere—and predominantly they would be to colleges or schools in metropolitan Adelaide—and 33 were unknown because of employment. The two key responses are 18 to Lameroo and 71 to the Murrayville Secondary College. I do not have the figures for the many telephone calls that I have had, but I have figures for the destination of the 40 students who are currently in years 8 to 10 at Pinnaroo. A significant proportion of those 40 students will be going to Murrayville. That was the result of a survey carried out by the school in relation to where the students might go. There are 10 students travelling from the Pinnaroo district to Murrayville at the moment without even looking at this significant possible increase that may result from this decision.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: They were all meant to go to Henley and they end up going to West Beach and various other areas. We should have discussed this with the Hon. Mr Weatherill who has close knowledge of the Henley Primary School and the Fulham Primary School debate. He is well briefed.

In relation to Pinnaroo, I want to touch briefly on what the decision might portend for other small country communities. We have seen the writing on the wall in relation to Geranium, Pinnaroo and Lameroo. Members ought to be aware that, with a secondary component of more than 40 students at Pinnaroo, by no stretch of the imagination is Pinnaroo at the small end of area schools with secondary components throughout South Australia. In country areas of South Australia there are a significant number of schools, such as Brown's Well which has an enrolment of only 16 in years 8 to 12; East Murray, 24; Geranium, 25; and Tintinara—which might be of interest to my colleague the Hon. Jamie Irwin—38. Tintinara is on the hit list of the Bannon Labor Government. It is to be reviewed in the first year after the election. In years 8 to 12, Snowtown has 38 students, Miltaburra 31 and Lock 34. There are other examples. All are smaller than the current size of the Pinnaroo Area School.

The Hon. M.J. Elliott: Some go to year 12.

The Hon. R.I. LUCAS: Exactly, some do. In conclusion, I want to talk about alternative options in relation to Pinnaroo Area School. The approach that a Liberal Government will take in relation to education matters generally—and it can be applied to the problem in the Murray-Mallee—is to provide educational choice to parents and students. In our education policies, documents and promises, we will be talking about the twin themes of choice and excellence in education, but on this occasion I want to refer particularly to choice in providing options to country students. City students to a large degree have options. They can choose to go to their nearest high school or, if they do not like it, they can choose to go to any other high school in the metropolitan area if they can get into it. If they are prepared to hop on an STA bus and take their ID card with them for fear of being thrown off by over-zealous inspectors, they can go where they wish for high school education in metropolitan Adelaide. We want to provide choice for country residents as well.

There can continue to be some upgrading of the Lameroo Area School, but there ought to be a retention of the option of the Pinnaroo Area School. There ought not to be zoning of the formal or informal arrangement which currently exists. We should not compel families in the Pinnaroo area who might not wish to send their children to the Pinnaroo Area School to go there against their wishes. We should allow those families and students the choice between their own

school at Pinnaroo or the Lameroo Area School. The parents and students can make their own decisions.

If Pinnaroo Area School retains the number of students and support, it ought to remain open. If the Pinnaroo community chooses not to send its students to the Pinnaroo Area School, the Pinnaroo community, the Pinnaroo families, will have made the decision as to what ought to happen to the Pinnaroo Area School. The decision ought to be left to Pinnaroo families and students, and that is what is behind the motion. For those reasons I believe that members in this Chamber ought to support the motion.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ATMOSPHERE PROTECTION BILL

Adjourned debate on second reading.
(Continued from 16 August. Page 300.)

The Hon. T. CROTHERS: The purpose of this Bill, like the one introduced by the Hon. Mr Elliott last April, is to reduce the emissions of greenhouse gases and, in particular, carbon dioxide. It proposes action be taken in four areas, two of which are similar to those contained in the former Bill, namely, to establish energy efficiency standards for machines, appliances, or equipment installed or sold in South Australia which use electricity or fossil fuels such as oil, gas or coal and, secondly, to require Government agencies to reduce consumption of electricity and fossil fuels, use recycled materials and report annually on their compliance.

The two additional parts propose, first, measures to require all containers, other than those covered by the Beverage Container Act, to carry deposits and to establish a system for returning, making and disposal of goods and, secondly, to require all packaging of goods intended for sale in South Australia to comply with certain packaging standards. The Government is sympathetic to the general intent of this Bill to reduce energy consumption and improve energy efficiency and recycling. However, there can be little doubt that the community would also support these in principle. The problem that the Government has with the Bill may be likened to the difference between motherhood statements of high-minded principles and the methods and systems needed for their practical and workable achievement. There is a vast difference between establishing the broad principle, as this Bill does, and ensuring it can be implemented in an efficient, effective and equitable manner.

The Hon. M.J. Elliott: That is done by regulation.

The Hon. T. CROTHERS: I will deal with regulations directly. This Bill, like its predecessor, is strong on principle but weak in specifics. The deficiencies are so significant, they place in doubt the workability of the Bill as it presently stands but, Mr President, there are other major concerns the Government has with the Bill. The measures proposed are very far reaching and would have very significant economic and social implications. The Government is not opposed to it on the grounds that it has these implications but rather that such measures must be developed in close consultation with interested and affected organisations, the general community and relevant industry in particular.

I for one feel sure that if the Government were to introduce such measures without preparing a green discussion paper and a white policy paper and circulating these widely and considering the comments and responses received in framing the legislation, the honourable member who proposed the Bill, would be the first on his feet—and correctly so—to condemn us. Yet that is precisely what he is proposing by this Bill. Such far reaching measures need to follow a period of discussion in the community about, first, their desirability and, secondly, the measures needed to achieve it. While, as I have said, people in the community would probably be supportive of the general principles contained in the Bill, they would need to know their full implications in order to provide a worthwhile response.

A second major concern of the Government is that the thrust proposed in the Bill should mesh in with a coordinated national approach. As the Bill stands, it proposes unilateral uncoordinated action by South Australia. The honourable member suggests in his second reading speech that South Australia 'does not want to do anything' because we would want to do it Australia-wide. In many cases South Australia has taken the lead without agreement elsewhere in Australia. I cite the Beverage Container Act and the Vegetation Management Act as examples.

The Hon. M.J. Elliott: That's ancient history. This Government has done nothing.

The Hon. T. CROTHERS: The Democrats are a pretty ancient Party in the United States, and they have not been doing too well of late. Ideally, the Government would have preferred such action to have been taken by all States, but in neither case was it prepared to wait until a cooperative approach was achieved: that is in relation to the Beverage Container Act and Vegetation Management Act. Irrespective of the fact that the Hon. Mr Elliott interjects to cite them as ancient history, they were yet another two areas where a South Australian State Labor Government was prepared and found it necessary to take unilateral action relative to particular aspects of legislation. We do not feel prepared to go down that course if, in fact, it advances the cause of atmosphere protection in Australia not one jot. Ideally, the Government would have preferred such action—that is action on the Beverage Container Act and Vegetation Management Act—to be taken by all States. However, in neither case was it prepared to wait until a cooperative approach was achieved. Thus, it is not true to say that South Australia will wait for action on a national basis before it is prepared to act. Our record shows the falsity of that.

The Hon. Mr Elliott referred, with approval, to the initiative of the Tasmanian and Western Australian Governments to control chlorofluorocarbons ahead of a national approach. Members here may wish to take note of this: in those Governments' haste to pass leading legislation, the agencies involved did not have time to consult with the industries involved and to develop the understanding of their operations so that the measures proposed could mesh in with minimal impact. As a result, virtually all relevant industries had to be immediately exempted. That bears repeating: all relevant industries had to be immediately exempted from the controls and consultation already commenced. South Australia, on the other hand, waited until the Commonwealth had enacted national legislation to control CFCs and then enacted its own controls as an amendment to the Clean Air Act earlier this year.

The Hon. M.J. Elliott: Are the regulations—

The Hon. T. CROTHERS: I will come to the regulations. While Parliament was considering these amendments, officers of the Department of Environment and Planning were participating in the preparation of the Australian strategy for ozone protection, a strategy which the Australian and New Zealand environmental council was pleased to approve in July. All States, irrespective of the philosophical view-

point of their Government, are working towards a high degree of uniformity in respect of the ozone issue.

The understanding which South Australian officers have of the industrial issues involved is so highly regarded by the other States that South Australia now chairs many of the national working parties concerned with the preparation of industry codes of practice and which are essential prerequisites of minimising the release of CFCs. This approach, whereby the Commonwealth passes overall legislation and the States enact enabling complementary legislation, is a sensible way of doing things where there is wide agreement around the nation that action is needed on a particular issue.

The Government believes the greenhouse issue is such an issue. Most States, together with the Commonwealth, are reviewing the issue in terms of actions which will be needed. The South Australian Government has established a climate change committee to coordinate its own actions and policies and to undertake broad planning for the greenhouse effect. It will be through the deliberations of this committee that matters such as those contained in this Bill will be considered and developed. The difference will be, however, that these aspects will form part of a broader package of measures, they will be thought through thoroughly in terms of their implications; and the proposals will be extensively considered and discussed by the community and by affected interests.

It is essential, in the Government's view, that the greenhouse issue be tackled in a manner which is cognisant of the national and international negotiations and considerations which are in train; the Bill pays no regard to these moves.

The Hon. M.J. Elliott: In which century?

The Hon. T. CROTHERS: The Hon. Mr Elliott interjects and says, 'In which century?' It may well be that it is the century in which he belongs—the nineteenth century. There are a number of concerns with the Bill as it stands. In all four Parts, considerable powers are vested in the regulations yet the Bill gives no indication as to who would undertake the various requirements, or who would set the standards or the criteria against which standards could be compared.

Part II prohibits the sale of goods unless an efficiency standard has been promulgated. There is no exclusion provision included, so the effect will be that all sales are prohibited unless such a standard has been established. Thus the efficiency standard will have to list all appliances, machines or forms of equipment.

This is not a feasible undertaking. The Government further believes that to be feasible the procedure would have to be reversed so that appliances, etc., can be sold until an applicable efficiency standard has been established. Regardless of which way the provision is framed, the proposal sets a potentially enormous task in setting standards, testing and policing. For a market the size of South Australia, the provision would impose significant costs onto interstate manufacturers and importers wishing to sell their goods within south Australia. The point reinforces my earlier comment about the need for a national approach to be undertaken to ensure a workable system is developed.

Assuming that a useful standard could be produced and facilities provided to test compliance. It is very likely that the efficiency standard would need to be progressively improved in line with technological improvements. Hence anything produced before the standard would probably not comply and hence could not be sold—except interstate.

Defining efficiency standards, while possible, would not be as simple as it would appear. Establishing adequate test facilities could be very costly and whereas it might be possible to sample new appliances and to control product manufacture and importation, policing at the point of sale as implied by the Bill would be impractical. Regulation of manufacture, installation, etc., can also be counter-productive in preventing innovation with potential for much greater energy efficiency. This Part does not control after sales modifications which were a concern following the introduction of emission controls on motor vehicles.

Part III covering packaging standards is subject to many of the criticisms I have made about Part II, and I will not cover it further.

Part IV covers deposits and returns, areas already covered by the Beverage Container Act 1975. This Act, together with the Dangerous Substances Act and the Waste Management Act, could serve to achieve the controls suggested here. With the diversity of types of containers and contents that may need to be or should desirably be controlled, extension of such existing provisions is likely to be a much more effective approach.

Part V covers Government agencies and addresses energy conservation and recycling. The existing Government Energy Management Program has already achieved substantial success in reducing the use of electricity and fossil fuels, and its operations are ongoing. Legislation requiring the Government—

The Hon. Peter Dunn: Who wrote this?

The Hon. T. CROTHERS: The Hon. Mr Dunn did not, because he cannot write, and I do not think that he can read either. Legislation requiring the Government to take these measures is unlikely to add to this, except to institutionalise this program in its present form and possibly restrict the type of innovation which led to its formation. The recycling requirement while fine in principle is essentially meaningless.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: The Hon. Mr Davis interjects when the last word that I used from my prepared speech is 'meaningless' and it is appropriate that he should interject at that point. Anything containing metal, glass or paper already consists wholly or partly of recycled materials and all are potentially recyclable. The question is not so much whether an item is wholly or partly recyclable but whether the whole-of-life resource use is higher with one material relative to another.

If I may be allowed the latitude, Mr President, to take a simple approach—

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: Again it is significant that when I use the phraseology 'to take a simple approach' the Hon. Mr Davis interjects.

The Hon. Anne Levy: He thinks he might understand a simple approach.

The Hon. T. CROTHERS: But do you think that he would?

The PRESIDENT: Order! The honourable member will return to the Bill.

The Hon. T. CROTHERS: Taking a simple approach, a supermarket bag can be produced from paper, it can be of biodegradable plastic or semi-degradable plastic. If paper is used for the bag, the tree from which it was produced can either be replaced by another tree or not be replaced. If the tree is not replaced, less carbon dioxide will be absorbed. If it is replaced, more carbon dioxide will be absorbed. Producing plastic bags requires oil or natural gas and additional energy. This diverts oil or gas from being burnt to provide energy for other purposes.

Members interjecting:

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

The Hon. T. CROTHERS: Another source would be required producing more or less carbon dioxide. A biodegradable plastic bag will release the carbon dioxide or methane—both greenhouse gases—during its decomposition, whereas a non-biodegradable plastic bag will lock these in. Plastic bags being stronger than paper, they could be used more times than paper bags, and this would affect their efficiency. Thus, without carefully studying the total life cycle of the products in question, it is not possible to predict which would be more environmentally benign.

The issues would be far more complex for the many other products which would need to be considered. The provision in the Elliott private member's Bill about recycling does not have regard to cost factors, but only to whether goods consisting of recycled materials are available or not. This would clearly need to be considered and weighed alongside the other factors involved.

The Hon. M.J. Elliott: You didn't read that clause properly: you better read it again.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Davis!

The Hon. T. CROTHERS: It is always difficult for the Democrats to comprehend simplistic verbal clauses that are read out with the clarity of an Oxbridge speaker—and I understand that. For the sake of the Hon. Mr Elliott, who introduced this private member's Bill, I will read it again. In all my simple, multicultural English I will read it again.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: The provision about recycling does not have regard to cost factors, only to whether the goods consisting of recycled materials are available or not. This would clearly need to be considered and weighed alongside the other factors involved. In summary, therefore, the Government considers that, while it supports the broad intent of this Bill, it has too many flaws to serve as a basis for legislation.

Its social and economic implications would need to be thoroughly canvassed. Its manner of operation would need to be defined and, indeed, it would need to dovetail into measures being developed in the national and international arenas in regard to the greenhouse effect. The Government, through the Climate Change Committee it has established, will be addressing many of the issues covered by this Bill, but will consider them far more thoroughly than is evident in the Bill. The Government opposes the Bill in its present form.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

URANIUM MINING HEALTH RISKS SELECT COMMITTEE

Adjourned debate on motion of Hon. I. Gilfillan:

1. That a select committee of the Legislative Council be established to examine the evidence on the health risks of uranium mining, milling and processing, the adequacy of exposure standards in the Roxby Downs Indenture Ratification Act, and the need for any further action in relation to the Indenture.

2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this Council permit the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 16 August. Page 302.)

The Hon. R.R. ROBERTS: I rise to oppose this motion. At the outset we need to clear up a bit of a misconception that has been put around. The Hon. Mr Gilfillan, obviously in an attempt to ride on the back of the good reputation of the delegates to the Australian Labor Party convention, has suggested in this place that they moved a motion in similar terms to that which he has proposed here today. Unfortunately, what the honourable member has revealed is an amazing lack of understanding of the rules of the Labor Party and, in fact, the rules of meeting procedures. There was an original motion—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: An original motion was put up which was amended on the motion of Messrs Cambridge and Dunnery and, secondly, that was further amended by delegates Klunder and Abfalter. The usual rules of debate were followed, and the Klunder-Abfalter amendment, being put first, was subsequently carried. That second amendment was standing against the first amendment and, on winning that contest, became the amendment. The second Cambridge-Dunnery amendment which, by the rules of meeting procedure, incorporated the words of the Klunder-Abfalter amendment, was then put and carried, which left that in the position of being the amendment to the original motion.

This final form was then tested against the motion, and it won. Having become the motion, it was carried. For the benefit of this Council I quote from a contribution in the *Herald*, which is the Labor Party paper. I encourage the honourable member to pay a few bob for and get a copy of it, so that in future when he makes a contribution in this place it would be accurate. The motion stated:

> The State Government examine the evidence on the health risks of uranium mining, milling and processing, the adequacy of exposure standards in the Roxby Downs Indenture Ratification Act, and the need for any further action in relation to the Indenture.

This was the motion passed at the convention. No mention was made in the final motion of select committees. Clearly, the honourable member has been caught out. He does not understand the rules of debate. He has indicated his willingness to act as a servant of the Labor Party in this matter, and I intend to indicate to him how this laudable objective can be achieved. He should withdraw his motion and move the resolution that I have just read—the resolution that was passed at the State convention of the ALP on 1 July 1989.

I advise the honourable member and the Council that the State Government has already begun the process of putting into place the necessary arrangements for a review and examination of the evidence referred to in this resolution. The State Government at this time has no reason to doubt the adequacy of the present health and safety requirements, nor the compliance with these requirements by the joint venturers. The regular monitoring of radiation exposure levels is conducted by officers of the South Australian Health Commission, and the results are examined for compliance with the Indenture requirements and the ALARA (as low as reasonably achievable) principle.

The Government has already stated that it has no objection to the release of the results of the radiation exposure levels and, in fact, tries to encourage those levels being released. However, the provisions of the Indenture require that the joint venturers must agree to such release. As members will be aware, this agreement has not been forthcoming. I clarify that: it does not have to come.

The Hon. I. Gilfillan: Why don't you amend the Indenture?

The Hon. R.R. ROBERTS: You say 'amend the Indenture'. This afternoon in this place the honourable member stood before this Council with high principles about retrospectivity to the extent that he is prepared to let at least 200 proven criminals out early and inflict them on the community in a desperate bid—

The Hon. Peter Dunn interjecting:

The Hon. R.R. ROBERTS: One of them might come over your way, Mr Dunn, and might sort out some of the nonsense there. I do not know whether the victims of those crimes or their families would be too happy about it. In an endeavour to reach a solution to this apparent impasse, negotiations are proceeding with the joint venturers for a summary of the monitoring results to be published in the annual reports of the relevant State Government departments. However, I must stress again that this agreement (the Indenture) was not made by our Government but by someone else.

The Government, by a process of consultation and encouragement, is trying to have these figures made available, and will continue to do so. However, it is interesting to note that the details of radiation exposure levels at Roxby Downs, by the admission of one of the joint venturers' officers during a recent interview on the ABC *7.30 Report*, are available in various specialist scientific papers and publications.

It is as secret as one wants it to be. I point out to honourable members that if the State Government had been concerned about compliance with the standards set out in the indenture, or the ALARA principle, it would have acted before now.

As regards the other mining and milling operations and the processing aspects at Roxby Downs, I advise the Council, following my investigations, that the Government has commenced putting in place arrangements for examination and review of the health risks associated with these activities. The Roxby Downs operation is required to comply with the provisions of the Occupational Health, Safety and Welfare Act. That Act was introduced by the Government, with provisions for safety representatives and consultation, in addition to the Mines and Works Inspection Act, which covers areas not specifically covered by the Occupational Health, Safety and Welfare Act. If the State Government had received any evidence that the requirements of those Acts were not being observed, it would have acted already.

I assure honourable members that the Government is serious about the protection of the health of Roxby Downs workers. The Government's record on occupational health and safety is second to none. The introduction of the Occupational Health, Safety and Welfare Act and the buttressing legislation of the Workers Rehabilitation and Compensation Act stands the Government in good stead in the eyes of the community. The procedures and mechanisms are in place for this ongoing review.

The move to establish a select committee is unnecessary and would be a waste of taxpayers' funds. I suspect that it is nothing more than a forum for the Hon. Mr Gilfillan to peddle his arguments in pursuit of his own political agenda, in an attempt to hoodwink the workers at Roxby Downs into believing that the Democrats are the only ones looking after the health of the workers. I urge that the motion not be supported by members of the Council.

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

BRIDGEWATER RAIL SERVICE

Adjourned debate on motion of Hon. M.B. Cameron:

That this Council calls on the State Government to reintroduce a rationalised rail service to Bridgewater with the aim of providing an effective commuter facility plus support for the tourist industry in South Australia.

(Continued from 16 August. Page 302.)

The Hon. M.B. CAMERON (Leader of the Opposition): When I last spoke on this matter I faded into the sunset. I shall attempt to ensure that that does not happen again.

The motion is brought forward in an attempt to support people who live in the Hills, where the population is increasing astronomically in what is probably one of the fastest growing areas of the State. Despite this, people who live in the Hills have found themselves deprived of a rail service by a Government which in 1985 put forward a policy called 'Transport moving ahead'. In a glossy brochure, with a nice photograph of the Premier on the front, the Government said:

> The Australian Labor Party's transport policy acknowledges the principle that all South Australians should have access to safe, coordinated, efficient, economic transport, so as to reduce the isolation that occurs in urban and non-urban living, and to provide ready access to goods and services.
>
> The Bannon Labor Government is committed to public transport as a social service and recognises that for many people, it remains the only means of transport, particularly for people at home, the aged, the young, the handicapped and the less affluent.

Under the heading of 'Service', it said that the Government's major transport objectives include 'the provision of adequate passenger services to provide reasonable opportunity for mobility for all members of the community.

The Hon. Diana Laidlaw: Was that a promise?

The Hon. M.B. CAMERON: That was a promise by the Labor Party prior to the last election. Since then the Government has closed the railway line to Bridgewater. The Government has moved in and said, 'This is uneconomic; we will no longer have a rail service to Bridgewater.' This was said by a Government that was not prepared to assist the rail service in gaining more passengers, because the key to success of a rail service is to get more people to travel on it. An article which describes what was occurring on that service reads as follows:

> . . . no attempt was made to speed-up the journey at peak-times and, added to this, were frequent delays due to mechanical failure of rail cars and signals. Various forms of discomfort also had to be endured—such as cold draughty railcars, some leaking in wet weather often with windows that would not open and doors that would not close.

Who on earth will travel on a rail service that provides that sort of facility? It certainly was not an attractive alternative to travelling in air-conditioned buses on the South-Eastern Freeway. One advantage of the rail service is that it cuts down on vehicle and bus traffic on the freeway, but, because the Government was not prepared to take that into consideration, it forced the closure of the service. That was a pity: it was indicative of a Government that was not prepared to assist in the provision of the rail service but was more interested in closing a service to the community. I suggest that, if the rail service had been anywhere near a marginal seat, the closure would never have taken place.

The Hon. Diana Laidlaw: It was not a political decision?

The Hon. M.B. CAMERON: I am sure it was. I am sure that a service in a marginal seat would not have been closed, but the people in the Hills are one of the forgotten races because the Government does not hold this seat. The Hon. Mr Roberts laughs at that, but that is a simple fact of life. We are fully aware of the reasons behind the Government's actions, and that is a major reason.

If the rail service had been fast and efficient, tourists might have been attracted to it and it would have provided traders in the community with customers at the weekends; but the Government does not care about them. Anyone who travels frequently through Mount Barker and Bridgewater knows that the area is expanding rapidly, even out to Strathalbyn. I urge the Government to provide the people of the area with a rail service, and I ask members to support the motion.

The Hon. M.J. ELLIOTT: I rise to support the motion. I attended a small rally which was held yesterday at the Mount Lofty railway station and which was sponsored by the Stirling District Ratepayers Association, a group that has been making a call similar to that of the Hon. Mr Cameron. The association has suggested that a terminus be set up at Mount Barker, which is a major growth centre that has been very poorly serviced with public transport for a long time, and that trains should leave from there first thing in the morning. That is sensible, because the first major movement of passengers is from that direction into the city, and at night the last major movement would be back to that area.

The association looked at it from a number of aspects, and an aspect that the Hon. Mr Cameron also touched on concerned the tourist potential. The association argued that, by upgrading the railway and putting good rolling stock on it (possibly during peak times the Steamranger might be interested in running an odd train), there would be real tourist potential that would negate any claimed need for the cable car, which is part of the Mt Lofty project.

The Hon. M.B. Cameron: There was an interesting reaction from the Minister to the proposal.

The Hon. M.J. ELLIOTT: That is what we have come to expect. The association's idea was excellent. It would not require any new infrastructure, although there is a need for new rolling stock. But, that rolling stock is capable of being used elsewhere. That idea does not impinge on the hills face zone, and addresses not only the question of tourism, and of getting tourists not just to Mt Lofty but to Hahndorf and other areas further into the Hills—which could be a real boon to the Hills area—but also, and more importantly, that of giving good public transport to those living in the hills.

I find it interesting that this Government mouths—and mouthed only a short time ago in this place—its concerns about energy consumption and says that it is doing all in its power to address this problem yet is not doing one of the best things that can be done to tackle energy consumption—that is, encouraging people back into public transport. We must look at public transport from many viewpoints, not only as a service for the community but also in relation to energy consumption questions.

As the Hon. Mr Cameron said, we need to get people off the roads, and particularly off the freeway. The Government has toyed with the idea of trying to straighten the freeway, but that would be not only expensive but also an absolute disaster. The major cause of road accidents are not curves but fogs and rain. I hate to think what would happen if we straightened the freeway. Commuters travelling at high speeds in the fog and rain would have catastrophic accidents on a regular basis. The answer to the problems on the roads is not to straighten them out, although some of the worst curves could be removed. We should be looking at getting as much local traffic as possible off the roads—and of course getting freight traffic off the roads, although that is not relevant to this motion. The Democrats strongly support this motion. Perhaps we could have modified it slightly, but we are right behind its basic intent.

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

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 16 August. Page 303.)

The Hon. M.B. CAMERON (Leader of the Opposition): It is with some sorrow that I once again raise this matter. This is the fourth time that I have introduced this Bill, which is based on a report that was delivered to the Attorney-General in 1984. It involves the right of the public to know what a Government is doing; the right of the public to gain information without having it released by the Government of the day; and the right of the public to go to the Public Service to ascertain what the Government is doing.

The Hon. M.J. Elliott: It sounds like democracy to me.

The Hon. M.B. CAMERON: One would think that. I read a booklet entitled *South Australia: Handbook on Information Privacy Principles and Access to Personal Records.* I could not help thinking that a fair portion of it could be carried out in one small Bill, because that is all that it needed. One does not need all this nonsense as contained in that booklet, which contains nothing that has any legal back-up.

The Hon. J.F. Stefani: How much did that cost to put that together?

The Hon. M.B. CAMERON: It must have cost an enormous amount. This booklet was tabled by the Attorney-General on 15 February 1989. It is important to remember in a democracy—

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: That is right, it has nothing to do with the Government. It really does not achieve anything in terms of Government. There are some very important factors in relation to freedom of information, not the least of which was outlined in 1901 by Mr Quick and Mr Garran in relation to the Commonwealth Constitution. They said:

> The Federal Government and State Governments are in fact merely different grantees and trustees of power, acting for and on behalf of the people of the Commonwealth . . . the Constitution is the title, the master and the guardian of all those various governing agencies. At the back of the Federal and State Governments are the people of the Commonwealth, organised within the Constitution as . . . a national State.

That contains a very important subject—the people are behind every Government. Too often these days Governments forget this. We hear Governments say, 'We are giving you, the people, this.' In fact, that is not the case; it is the people's Government acting on behalf of the people. I was interested to read—and I think I have raised this matter before—an article dated 6 July last year which came from Moscow and which stated:

> The Soviet Communist Party conference affirmed the right of every Soviet citizen to have access to full information and to discuss any issue openly and freely according to resolutions published yesterday . . . The inalienable right of every citizen to full and authentic information—other than State and military secrets—on any issue of public affairs, and the right to discuss any socially significant matter openly and freely.

Yet, when I raise the matter of freedom of information in this place it somehow is not supported. I find that amazing. On 10 July 1984 Craig Bildstien in the *News*, in an araticle entitled 'New law will free Government files' stated—

The Hon. Carolyn Pickles: Isn't he a member of the Liberal Party?

The Hon. M.B. CAMERON: Yes he is now, and he is very good in Victoria. Is the honourable member indicating that as a journalist he did not report this matter fully and frankly? I suggest that if the honourable member wishes to go further she can go to Randall Ashbourne, who, on the same day, wrote a similar article. I can cite article after article in realtion to this matter, but this happens to be the one I picked up. It was not picked up for any other reason. It certainly was not picked up because he is a Liberal. The article stated:

> South Australians will have greater access to Government files under legislation outlined today. The Attorney-General, Mr Sumner, announced today that freedom of information laws will be introduced next year [1984] ... Mr Sumner said the proposal proved that the Bannon Government was serious about freedom of information.

This occurred in 1984. It is now 1989. If I am correct, that is five years and four Bills later, and we still do not have what was promised. In fact, when I drew up this legislation, I did not set out to forestall or beat the Government; I just got sick of waiting for it. In fact, on every occasion I have introduced this Bill I have suggested that the Government take it over and treat the Bill as its own, and get all the credit for introducing it, if that is what it wants. I make that offer again. If the Government is really genuine about freedom of information, as they claimed to be then—

The Hon. I. Gilfillan: You promise you will never mention again that it was your idea first.

The Hon. M.B. CAMERON: That is right, because it was not my idea first, as I freely admit. The first person who dreamt this up was the Attorney-General, Mr Sumner. He set up the committees and working parties and got the report, got it into Parliament and promised to bring it in. I admit that and give him full credit up to that point. The problem starts at that point. He has not got on with it. He got nobbled somewhere along the way or he was only pretending. I do not know the reason, because I do not know the working of the Party.

I now draw attention to an issues paper on freedom of information dated 1978. One of the questions in that issues paper was, 'Why legislation?' I will quote from that issues paper:

> Legislation is a public and more permanent commitment to a measure. It entails public discussion and debate which draws wide attention to the proposed reform and educates the public in its aims and practices.

This is a clear statement of Government intention and priority. It goes on:

> Freedom of information reforms could alternatively be introduced by administrative instructions, subject to the secrecy and disclosure of information provisions of the Public Service Act. However, longstanding practices and attitudes would be difficult to overcome merely by administrative measures. The results of different approaches adopted in the United Kingdom and the USA suggest that legislation is a necessary precursor for changing attitudes to disclosing information.

I am sure that no-one could disagree with that. Could one imagine setting out a document such as we see here and saying to public servants, 'These are your rules from now on. Thou shalt do it this way,' and expect them to do it? It will not work that way. They will not operate on that basis. That is a good reason for bringing in legislation.

In the final report, delivered to the Attorney-General, this is was what was said:

> Considerations in favour of a legislative scheme are:
>
> In the absence of legislation, the administration, of a freedom of information policy is more likely to be affected by departmental or administrative convenience such as the availability of resources in records management and information functions. Documents which might well be disclosed may, in the absence of a statutory requirement to disclose, be withheld because release of them would be embarrassing or too much trouble.

Surely that is correct. There is not a person in this Parliament tonight who would not accept that, if it is possible to save embarrassment, the majority of public servants would set out on that course. It would be a natural human reaction. It is no reflection on them; that is the way that human beings operate. The report goes on:

> A policy directive given by the Government would not be legally binding upon its successor Governments, notwithstanding that a pattern of disclosure had been established.

In other words, if a new Government got in, there would be nothing to stop it pulling out this privacy principles document and saying, 'You do not operate under that any more.' Who would be the wiser? The report continues:

> Legislation would be an earnest of the good intentions of the Government.
>
> Unlike a policy directive by the Government, legislation would give a person a legally enforceable right of access to documents which could be released without damage to the public interest.
>
> Legislation could have a significant educational role in creating a climate in the administration where access was the general practice. As a corollary, legislation would increase public awareness of the needs for restrictions on access to Government documents, and the nature of these restrictions.
>
> The Working Party finds the arguments in favour of legislation compelling and recommends the enactment of freedom of information legislation providing for a legally enforceable right of access to any document in the possession of Government departments and agencies unless that document is in a category of exempt documents to which access may be denied.

That covers what I am saying, which is an argument in favour of freedom of information legislation, not some set of rules set out by the Government of the day. That does not and never will work. This document, which is claimed to be the alternative route, does not deal with anything to do with government; it merely deals, as the Hon. Mr Elliott pointed out, with personal records, so it does not achieve anything at all.

I now move to the Fitzgerald report of which everybody in this Chamber will be aware. It is an interesting document and well worth reading. It has some important principles laid down in it because it deals, among other things, with democracy and the need for democracy in a Parliament and State. I give full credit to Mr Fitzgerald for the way in which he has laid out an excellent report. He states:

> In order to be an effective forum Parliament must have sufficient resources to enable it properly to research topics and evaluate Government proposals. Parliament can easily be prevented from properly performing its role by being denied time and resources. Any Government may use its dominance in the Parliament and its control of public resources to stifle and neuter effective criticism by the Opposition.
>
> This can be prevented by mechanisms such as an impartial Speaker. Because of its necessary numerical strength, the Government in a parliamentary democracy is obviously able to change or ignore the rules. In these circumstances the authority and neutrality of the 'referee' is of critical importance ...
>
> An effective Opposition is also essential for the proper functioning of parliamentary democracy. The members of the Opposition are the constitutional critics of public affairs.
>
> Non-government Party members must be provided with appropriate resources and detailed information to enable them to supervise and criticise, just as Governments naturally are well equipped and staffed.
>
> Without information about Government activities and research staff to properly assess it, the Opposition Party or Parties have no basis on which to review or criticise the activities. Without information, there can be no accountability. It follows that in an atmosphere of secrecy or inadequate information, corruption flourishes. Wherever secrecy exists, there will be poeple who are prepared to manipulate it.
>
> One of the functions of any Opposition Party in Parliament is to expose errors and misconduct by public officials. Unless the Opposition can discover what has happened or is happening and give consideration to events with expert assistance, it cannot

expose and criticise activities and the people involved. It is effectively prevented from doing its job.

Apart from isolated incidents which are brought to its attention by individuals with inside knowledge, the Opposition is dependent for information on the Government's own accounting to Parliament. There is a need for structures and systems to ensure that the Parliament and the public are properly informed.

Obviously there are some matters which are appropriately kept secret. These include matters of national security, foreign relations, personal privacy and business affairs and some aspects of law enforcement, at least where the balance of public interest justifies secrecy. In these cases, it is essential that the application of exceptions and exemptions should, as far as possible, be placed in the hands of Parliament or independent tribunals and the judiciary. It is essential that the Government is not able to claim that secrecy is necessary when the only thing at risk is the exposure of a blunder or a crime.

I believe that those words need to be carefully considered by the Government of this State. In another paragraph, 'Secrecy', the report goes on, 'Although leaks are commonplace'—and in my portfolio area leaks are very commonplace. There is a huge truck going past all the time providing me with information. I should like to meet some of the public servants who have been brave enough to provide it, because what they have done has allowed proper debate in the area of health, at least, because they have been prepared to provide the information.

The Hon. G. Weatherill interjecting:

The Hon. M.B. CAMERON: I do not think they have yet, and I have been here a long time, and I do not think they will. The report goes on:

Although 'leaks' are commonplace, it is claimed that communications and advice to Ministers and Cabinet discussions must be confidential so that they can be candid and not inhibited by fear of ill-informed or captious public or political criticism. The secrecy of Cabinet discussions is seen as being consistent with the doctrines of Cabinet solidarity and collective responsibility under which all Ministers, irrespective of their individual views, are required to support Cabinet decisions in Parliament.

It is obvious, however, that confidentiality also provides a ready means by which a Government can withhold information which it is reluctant to disclose.

Let me give an example of that—the matter of the Mitcham and Henley and Grange councils. I recall saying to the Minister of Local Government that we would like to get hold of a copy of the Henley and Grange document to find out exactly what the proportions are there. Goodness knows why it was hidden. The Minister's reaction was, 'It is somewhere where you cannot get hold of it.' Now that sort of attitude is what I am talking about. When the public pays for these matters to be dealt with why should not the public know? Why should the Minister have the right to make that sort of statement when, in fact, the public have paid? It is not the Government's possessions; it is the public's possession. The public that runs this State, not the Government.

The Hon. M.J. Elliott: It is prepared by a non-political committee.

The Hon. M.B. CAMERON: That is right. Why not disclose it, and why can we not have freedom of information and be entitled to that? Why should that be hidden from the public, the Opposition or anybody else who wants it? There is no reason at all, yet that is the sort of attitude that we get in Government when a Government does not have a freedom of information requirement. The Fitzgerald report also states:

A Government can deliberately obscure the processes of public administration and hide or disguise its motives. If not discovered there are no constraints on the exercise of political power.

The rejection of constraints is likely to add to the power of the Government and its leader, and perhaps lead to an increased tendency to misuse power.

The risk that the institutional culture of public administration will degenerate will be aggravated if, for any reason, including the misuse of power, a Government's legislative or executive activity ceases to be moderated by concern for public opinion and the possibility of a period in Opposition.

As matters progress and the government stays in power, support will probably be attracted from ambitious people in the public service and the community. Positions of authority and influence and other benefits can be allocated to the wrong people for the wrong reasons. If those who succeed unfairly are encouraged by their success to extend their misbehaviour, their example will set the pattern which is imitated by their subordinates and competitors.

The ultimate check on public maladministration is public opinion, which can only be truly effective if there are structures and systems designed to ensure that it is properly informed. A Government can use its control of Parliament and public administration to manipulate, exploit and misinform the community, or to hide matters from it. Structures and systems designed for the purpose of keeping the public informed must therefore be allowed to operate as intended.

Secrecy and propaganda are major impediments to accountability, which is a prerequisite for the proper functioning of the political process. Worse, they are the hallmarks of a diversion of power from Parliament.

Information is the lynch-pin of the political process. Knowledge is, quite literally, power. If the public is not informed, it cannot take part in the political process with any real effect.

Mr Fitzgerald goes on to talk about the freedom of information. He says:

The importance of the legislation lies in the principle it espouses, and in its ability to provide information to the public and to Parliament. It has already been used effectively for the purpose in other Parliaments. Its potential to make administrators accountable and keep the voters and Parliament informed are well understood by its supporters and its enemies.

I am sure that those few words from Mr Fitzgerald must make the Government stop and think, because they are very important. He has done an investigation into various problems within a State and, at the finish, what he is saying is that the Government of the day must be accountable to the people and the Opposition of the day and the people of the State must be properly informed because without that we will have the growth of executive power to the point where inevitably there will be corruption—not in forms of money but in forms of misuse of power. Corruption can come in many different forms. It does not have to be just in money. In a democracy, a Government should never be frightened of the people. In fact, the more information you give people the less likely they are to be frightened by your decisions.

The Hon. J.C. Burdett: No-one would disagree with that.

The Hon. M.B. CAMERON: No. The Government would find it much easier to deal with me, for instance, if information was available and I did not have to receive it through the back door, and say to Rex Jory, or Randall Ashbourne or somebody else, 'I've got a leak for you.' That makes it more exciting. You have no idea what you are doing as a Government when you refuse this sort of information and when you try to hide what you are doing.

The Hon. J.C. Irwin: You stop the actual debate too.

The Hon. M.B. CAMERON: Yes, that's right, because when it does come out it comes out on a rationed basis from someone, perhaps in the Public Service, who has their own agenda, so they might give you only half a story, but half the story is enough story for the press. The Government is quite mad to take the attitude it takes, particularly as FOI was its idea in the first place, and I thought it was a good idea. I have always thought so. What I find surprising is that having got everybody excited about it and on side with it, the Government then ran away and pulled the rug from under it. There must be some very strange woolly thinking within the Government.

The Hon. Diana Laidlaw: It is commercial confidentiality, I think.

The Hon. M.B. CAMERON: Yes. What it does is raise in the minds of people like me the question: what have you

got to hide? That is the automatic reaction. If the Government is not prepared to disclose, what does it have to hide? If it does not have anything to hide, why not disclose?

The last time I raised this matter I received, from Mr Alan Bundy, National Vice-President of the Australian Library and Information Association, the following letter:

FREEDOM OF INFORMATION THREATENED

Rejoice, Sir Humphrey Appleby. Your gulling spirit flourishes in South Australia.

Attorney-General, Chris Sumner, has confirmed to us in a recent discussion that the State Government remains committed to Freedom of Information (FOI) legislation to permit public access to the records of State Government departments and instrumentalities. But there is a difficulty in supporting the private member's Bill for FOI now before State Parliament. No, there is nothing intrinsically wrong with the Bill itself. Unfortunately it will, from figures provided by departmental heads, cost just too much to implement at present.

I want members to remember the words 'provided by departmental heads'.

The Hon. Diana Laidlaw: Did they have an independent costing?

The Hon. M.B. CAMERON: No, never. These were done by the very people who would want the last thing on earth to be freedom of information because it would cause difficulty within the department. That was taken as the only costing that should be done.

The Hon. J.C. Burdett: Do we have details of the costing, anyway?

The Hon. M.B. CAMERON: We obtained some, and they were extraordinary. It was about four times as great per head of population as the actual cost of the freedom of information to the Commonwealth. The letter continues:

Financial prudence by the State Government we respect. Ambit costs from its departmental mandarins we do not. High costs for retrieving information quoted by some—not all—departments reflect an insensitivity to the need for FOI in our increasingly complex society. Or they reflect very inefficient information retrieval systems. It is one or the other.

It could be both. The letter continues:

FOI has three tangible benefits. Fostering accountability to the taxpayer; reducing the 'fell off the back of a truck' nonsense which is a part characteristic of the informal FOI already in place; and forcing Government departments and instrumentalities to organise themselves properly for the information age.

If the Government cannot convince its departmental heads to rethink their FOI costings an independent external audit is required.

I couldn't agree more. The letter continues:

The Australian Library and Information Association, for one, would be happy to assist in an audit because we consider that with some cost charges to minimise the undeniable abuses that have occurred with FOI overseas and in Australia this comprehensive legislation would cost the taxpayer little. It would probably, in fact, cost no more than proposed changes to administrative regulations to permit South Australians access to their own files only.

And whatever it does cost will be a pittance set against other accepted costs of sustaining a free and open society—a small price for a big principle. If this important private members Bill is not supported on its merits by all Parties in State Parliament it is likely to be the end of proper freedom of information for South Australians for the next decade. Is anyone else concerned to ensure that this does not happen?

That letter was given to the Government, and it just ignored it. When FOI was first mooted it was supported strongly by the Attorney-General. I have, for the Hon. Ms Pickles, who was talking about Mr Bilstien earlier, a copy of the document from Randall Ashbourne if she feels Mr Bilstien was nobbled.

Just to back up what I am saying about freedom of information, I will quote from Commonwealth *Hansard* (page 1230, 8 April 1981) and I will quote none other than Senator Evans, who is not a man of my political persuasion. I ask Government members to listen carefully to this, because this is what a member of their own Party is saying:

The case for such legislation is overwhelming, and indeed it has been documented in overwhelming detail in the 1979 report on freedom of information by the Senate Standing Committee on Constitutional and Legal Affairs, one of the most substantial and comprehensive reports ever presented by any committee to this Parliament. Stripped to its essentials, the argument for freedom of information is simply this: on the one hand, effective freedom of information legislation is necessary to improve the quality of decision-making on both policy and administrative matters in the public sector.

It is necessary to remove the unnecessary secrecy which can be used to conceal weak or inappropriate or sometimes even improper grounds for decision-making. It is necessary to enable groups and individuals to be kept informed of the workings of the decision making process as it affects them and to have access to that process so far as that is appropriate and possible. It is necessary to enable groups and individuals who are affected by Government decisions, for example in the welfare and the legal aid areas, to know the kinds of criteria that will be applied by Government departments and agencies in making those decisions. And not least, freedom of information legislation is necessary to maintain and improve the quality of our political democracy.

I emphasise those words that 'freedom of information legislation is necessary to maintain and improve the quality of our political democracy.' I cannot say it any better than Senator Evans. He went on to say:

It is true that the quality of democracy ought not to depend, as it tends to at the moment, on the quantity of leaks. The leaks system, as it presently operates in the political process, might be very satisfactory for the insiders in that particular political process, including the press, but it is not satisfactory as a basic operating rule for everybody else in the community, who all too often is unable to penetrate the barriers posed by that decision-making process. The other quite different rationale for freedom of information legislation ... is that it is necessary to enable individuals, except in very limited and exceptional circumstances, to have access to information which is held about them on Government files: so that they know the basis on which decisions which can fundamentally affect their lives are made and so that they can have an opportunity to correct those files ...

So freedom of information legislation has far-reaching implications in a civil liberty sense, from the point of view of personal individual issues and interests. And it also has crucially far-reaching implications so far as the whole conduct of public administration and Government is concerned. It is for these reasons that this Bill is among the most important pieces of legislation ever to have been introduced in this Parliament.

Those are the comments of Senator Gareth Evans speaking in the debate on the introduction of freedom of information legislation in the Commonwealth Parliament. My Bill is based entirely on the report given to and accepted by the Attorney-General without any attempt at trickery or anything else. My only instruction to the Parliamentary Counsel was to draw up the Bill in exactly the same form as the recommendations provided in the report of the Attorney-General's committee.

I must give full credit to the Parliamentary Counsel, who has followed that instruction fully. At no stage did I make any change, except at the request of the Auditor-General in one small area. The legislation is absolutely foolproof in terms of the recommendations from the Attorney-General's committee. The legislation includes the following aspects.

The basic principle to be embodied, should be that a person has a legally enforceable right of access to any document in the possession of an agency unless that document is in a category of exempt documents to which access may be denied. That is in the Bill.

Agencies should cause to be published information setting out their functions, the information they hold, and their 'internal law'. That is in the Bill. The legally enforceable right of access should not apply to a document that is available through other channels. That also is in the Bill. The legislation should apply to all Government departments. The legislation should apply to documents in the possession of a Minister relating to the affairs of a department. The legislation should apply only to the administra-

tive and support services of the Parliament, courts and tribunals.

The term 'document' is intended to include all forms in which stored information may be held. The right of access should not be restricted to documents which come into existence after the legislation comes into operation.

A request for access to a document should be made in writing and contain such information as is reasonably necessary to enable that document to be identified. Agencies should assist in formulating requests. An agency should refer a request to another agency if that agency is in possession of the document or the subject matter is more closely connected with the function of that agency.

The charge for access to a document should be calculated in accordance with the principles set out in the legislation. An agency should be required to notify a decision on a request for access within 45 days. The time period should be reconsidered and reduced if this proves feasible.

The right of access to a document might be met by allowing the person to inspect the document, by providing him with a copy, by allowing him to hear or view sounds or visual images or by providing a transcript of words recorded in a manner in which they are capable of being transcribed. Where a document contains, in part, matter that would be within an exempt category, and it is practicable to delete or excise the exempt matter, a copy of the document with the exempt material excluded should be made available.

Where access to a document is denied the applicant should be advised of the reasons for the denial and informed of his rights to have the decision reviewed. Where documents, the subject of a request, are defined only in terms of the subject matter to which the request relates, an agency should be entitled to refuse the request if to answer it would impose an unreasonable administrative burden on the agency.

The legislation should provide protection against actions for defamation, breach of copyright and breach of confidence. There are then detailed a number of categories of documents that should be exempt from mandatory access under the legislation. Where a decision to refuse access is made by other than a Minister or departmental head an applicant may apply for an internal review of the decision. The Ombudsman should have jurisdiction to review decisions to deny access to documents, except where a Minister has made the decision to deny access.

Where a document containing information relating to the personal affairs of a person is released to the person who is the subject of that information that person should be entitled to request the correction or amendment of any part of that information where it is inaccurate, incomplete, out of date, or where it would give a misleading impression. There should be provision for appeal to an administrative appeals tribunal or, in the absence of such a body, to the District Court. The Minister responsible for administering the Act should report annually to Parliament. It is essential that agencies are adequately prepared to administer freedom of information legislation.

A Freedom of Information Implementation Unit should be established immediately. Three months after the establishment of the Freedom of Information Unit freedom of information should be introduced on an administrative basis. That is now unnecessary.

All these matters are the subject of recommendations from the committee established by the Attorney-General. In closing, I want to say that unfortunately the Government has failed seriously in this matter. It has failed because it did promise the people of South Australia this right. When the Labor Party came into Government in 1983 it led people up the garden path. For the fourth time the Government has the opportunity of correcting the situation that it has created.

It has the opportunity of giving what Mr Fitzgerald would call the very basis of democracy, that is, it has the opportunity to give people the right to information. Surely that is not too much to ask of a Government that has been in power for so many years. Unfortunately, I think the Government is frightened of the Bill. It is frightened of the legislation.

I believe that the Government is frightened to allow people access—I wonder why? It is a pity that the Government has racked up so many problems that it is not prepared to let people find out about them. I say to the Attorney-General and to the Government, 'Go back to your original principles. Go back to the high-minded attitude that you had when you first raised this matter and support this Bill, or take it over, if you want to, make it your own and take the credit for it.' That is an offer that not many members of the Opposition make to the Government, but it is a genuine offer and one I would be only too happy to discuss with the Attorney-General.

Unfortunately, I fear that this will not happen; that the Government has made up its mind and the Attorney-General has received his instructions. He has proved to be not the man I thought he was when I first came into this place. I am extremely disappointed in him and in the Government. I seek leave to incorporate in *Hansard* the clauses of the Bill without my reading them.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides that the Act binds the Crown.

Clause 4 sets out the various definitions required for the purposes of the Act. Of particular importance is the definition of 'agency', being an 'administrative unit' or a 'prescribed authority'. An administrative unit means an administrative unit under the Government Management and Employment Act 1985 and a prescribed authority includes a body corporate established for a public purpose by or under an Act, a body created by the Governor or a Minister, a prescribed body over which the State may exercise control, a person holding statutory office and the Police Force (but does not include, amongst other bodies, a royal commission, a local council or a school or school council).

Clause 5 requires the Minister responsible for each agency to publish certain information concerning the functions of the agency, the documents that it maintains, the type of information that is distributed by the agency and the boards, committees and other bodies of the agency that are open to the public. The information is to be revised annually.

Clause 6 requires the disclosure of certain information relevant to the making of decisions and recommendations under or in pursuance of an Act. The section is particularly concerned with documents that are used as directives to officers for determining the rights or liabilities of a person under an Act.

Clause 7 is intended to ensure that a person will not be prejudiced by an agency failing to disclose a document to which clause 6 applies.

Clause 8 requires the Premier to make available certain information relating to Cabinet decisions.

Clause 9 requires an agency to prepare a statement specifying various documents that are created within the agency. the statement will be revised annually. As in the case of the

preceding four clauses, this clause is intended to assist members of the public in finding out the type and number of documents that an agency deals with.

Clause 10 allows a person to challenge the completeness of statements produced under clause 6 or 9.

Clause 11 prescribes the right of a person to gain access to a document of an agency or an official document of a Minister, except where the document is an exempt document.

Clause 12 provides that certain documents are not accessible under this Part (being documents that are available in any event).

Clause 13 requires Ministers and agencies to administer the Act with a view to making the maximum amount of Government information easily available to the public.

Clause 14 provides for the making of applications for access.

Clause 15 allows a request for access to a document to be made to any agency which has a copy of the document. A request made to an agency that does not have the particular document must be handed on to the appropriate agency.

Clause 16 deals with the situation where although information may not be available as a discrete document it is available through the use of a computer or other equipment.

Clause 17 requires access to a document to be given on request.

Clause 18 requires an agency or Minister to take all reasonable steps to process an application for access quickly and a decision on an application must be given in any event within 45 days.

Clause 19 deals with the fixing of charges. The charge for gaining access to a document must in no case exceed $100. An applicant will be informed if the charge is likely to exceed $25. An applicant can apply for the review of a charge.

Clause 20 prescribes the various forms in which access may be given.

Clause 21 provides for the deferral of access where the document has been prepared for presentation to Parliament or release to the press.

Clause 22 provides that where exempt matter can be deleted from a copy of a document so that it is no longer an exempt document and the applicant is still interested in that copy, access shall be given accordingly.

Clause 23 allows a decision on access to be given on behalf of an agency by the responsible Minister, the principal officer of the agency or an officer authorised pursuant to the clause.

Clause 24 requires a refusal to access to be accompanied by prescribed information.

Clause 25 provides that Cabinet documents are exempt documents. A certificate signed by the Chief Executive Officer of the Department of Premier and Cabinet establishes conclusively that a document is an exempt document.

Clause 26 provides that a document is an exempt document if its disclosure would be contrary to the public interest and would disclose information or matter affecting intergovernmental relations or confidentiality.

Clause 27 provides that certain internal documents used to advise an agency, a Minister or Government are exempt documents if their disclosure would be contrary to the public interest.

Clause 28 provides that documents used in the processes of law enforcement are exempt documents, for example, if they prejudiced the fair trial of a person.

Clause 29 provides that a document that is privileged from production in legal proceedings on the grounds of legal professional privilege is an exempt document.

Clause 30 provides that a document is an exempt document if its disclosure would involve the unreasonable disclosure of information relating to the personal affairs of a person, whether alive or dead. Where it is decided to grant access to a document containing personal information about a person other than the applicant, the agency or Minister should attempt to notify the person and inform him or her of the appeal rights that exist under the Act.

Clause 31 restricts the disclosure of information arising from a business, commercial or financial undertaking.

Clause 32 protects information or matter communicated in confidence.

Clause 33 provides an exemption to a document where its disclosure would be contrary to the public interest on account of the fact that the disclosure would be reasonably likely to have a substantial adverse effect on the economy of the State.

Clause 34 provides an exemption to documents arising out of companies and securities legislation.

Clause 35 grants an exemption to documents where disclosure would contravene a prohibition provided by another enactment.

Clause 36 provides that a person who obtains information about himself or herself may request the correction or amendment of the information where the information is inaccurate, incomplete, out of date or misleading.

Clause 37 prescribes the form of a request made under clause 36.

Clause 38 provides for the amendment of personal records.

Clause 39 provides for notations on personal records.

Clause 40 requires that a decision on a request for the amendment of a personal record be made within 30 days.

Clause 41 specifies that a decision on a request must be made by a person referred to in clause 23.

Clause 42 provides for the application of certain other provisions.

Clauses 43 and 44 prescribe procedures that may be followed if a court confirms a decision to refuse to amend a personal record.

Clause 45 confirms that certain notations added to records under clause 44 may be communicated to persons who received information contained in the records before the commencement of the clause.

Clause 46 provides for the correction or amendment of original documents.

Clause 47 provides for the making of appeals from decisions under the Act.

Clause 48 provides for an internal-review process where the initial decision was made otherwise than by a Minister or principal officer.

Clause 49 prescribes a 60-day time limit for the making of an appeal.

Clause 50 relates to situations where notices of decisions are not received within the time limits prescribed by the Act or where complaints are lodged with the Ombudsman.

Clause 51 prescribes who shall be the defendant to an appeal application.

Clause 52 provides that on an appeal, the agency or Minister concerned has to satisfy the court that its or his or her decision was justified.

Clause 53 allows the court to require the production of an exempt document for examination by the court.

Clause 54 allows for the intervention of the Ombudsman.

Clause 55 relates to costs.

Clause 56 allows the court to order a waiver of costs under the Act in certain cases.

Clause 57 relates to the joinder of parties.

Clause 58 allows the court to report cases of misconduct or breach of duty under the Act.

Clause 59 provides that for the purposes of appeal proceedings, the Supreme Court (the court vested with jurisdiction on an appeal) may be constituted of a single Judge or Master.

Clause 60 provides protection from actions for defamation or breach of confidence when access is given under or pursuant to the Act.

Clause 61 prevents criminal liability attaching when access is given under or pursuant to the Act.

Clauses 62 and 63 are reporting provisions.

Clause 64 provides for the making of regulations.

Clause 65 provides for the retrospective operation of the Act in certain cases.

The schedule contains a list of bodies that are specifically exempted from the application of the Act.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

ANTARCTICA

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council strongly supports—

1. The principle of Antarctica becoming a world heritage wilderness park and opposes the notion that Australia should become a signatory to the Antarctic Mining Convention.

2. The Federal Government's proposal to negotiate a comprehensive environmental convention for Antarctica.

(Continued from 9 August. Page 108.)

The Hon. M.J. ELLIOTT: The Democrats support this motion. We had a meeting with representatives of the Australian Conservation Foundation before this Parliament resumed, and gave them a clear undertaking that we were willing to move such a motion ourselves. However, we were beaten in the rush to do so on the first day of sitting. I will not dwell on the issue of Antarctica itself, what an important place it is and how fragile it is. Those sorts of things have already been touched upon and are evident to most of us. I want to look at this motion from the viewpoint of the concept of sustainable economy.

If one comprehends the notion of sustainable economy, one can see that there would never be any need to carry out any economic functions at all in Antarctica. The concept of sustainable economy at its most basic is that we have an economic model which can go on *ad infinitum*. Most people recognise that this planet has limited resources, and that we cannot forever keep on digging holes, because eventually we use up the high grade reserves, then the medium grade reserves, then the low grade reserves.

By the time we are plundering the low grade reserves, we are consuming enormous amounts of energy. The levels of pollution, etc., that we start creating as we perform these sorts of actions poison the seas, the rivers and the air; we bring on the greenhouse effect, etc. We need an economic model which does not do these things, and we must recognise that we cannot go on looking for another place to dig a hole. Those people who look to Antarctica as another place in which to recover minerals must realise that, if we need to do that, we have avoided the important question—what do we do after we have dug up everything in Antarctica?

What we have is a planet of limited resources. If we go to Antarctica in desperation, that is exactly what it is—an act of desperation. It is an admission that we do not have a sustainable economy, and it is as simple as that. It is time for the world to readjust its thinking as to the types of economies that are going to continue on this planet in the longer term and the way in which people can live on this planet. It is from that basic premise that I can say that going to Antarctica for economic reasons, for mining or for whatever else, is totally unnecessary.

When one comes to that recognition, one can look at Antarctica through much clearer eyes and recognise that it is a place of world heritage. It is a place we do not need to touch. There are very few places left on this earth which are virgin wilderness. In fact, in Australia there is virtually none left, yet Australia has been the last of the continents before Antarctica to be intensively settled and economically exploited. We already have virtually eliminated all of our own wilderness. It is most important for us to recognise the values the wilderness can offer, what it can offer for future generations, and to leave one part of the earth in something like its natural condition would be one of the truly great things humanity could do.

The Democrats very strongly support the motion.

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

ADELAIDE ENTERTAINMENT CENTRE

Adjourned debate on motion of Hon. Peter Dunn:

That the Report of the South Australian Parliamentary Standing Committee on Public Works on the Adelaide Entertainment Centre, dated 5 July 1989, be returned to the Public Works Standing Committee with notice that, in the opinion of this Council—

1. The report is currently in breach of section 8 (5) of the Public Works Standing Committee Act 1927; and

2. That the report be corrected in accordance with the said Act and relodged with the President for tabling in this Council as a matter of both urgency and importance.

(Continued from 16 August. Page 305.)

The Hon. T.G. ROBERTS: I rise to support the motion and must report to the Council that the Public Works Standing Committee deliberated on this matter today and the situation has been corrected. The Chair raised some doubts about the contribution of the Hon. Mr Dunn not being in line with the resolution, but I will not be taking any of those points to task in the Council tonight, because there is a course of action correcting the situation, and the matter is in hand. It is a facilitating motion that is being corrected at this time. All I can do at the moment is indicate my support for the motion.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 August. Page 115.)

The Hon. L.H. DAVIS: I rise to support this Bill, which was introduced by my colleague the Hon. Trevor Griffin. The Bill is important and should not be emanating from this side of the Council: it should have been a Government initiative, if the Government was dinkum about ensuring that malapportionment did not continue to exist in State electorates into the 1990s. The Hon. Mr Griffin, in introducing the Bill, spoke clearly about the background of this important legislation and the reasons for introducing it.

Legislation was passed by the Parliament in 1973 to establish an independent and permanent Electoral Boundaries Commission to make redistributions of electoral bounda-

ries. From 1975, for the first time, redistribution of State boundaries ensured that, at the time of the redistribution, each electorate had a voter enrolment within a 10 per cent tolerance or variation above or below the electoral quota. That number was obtained by dividing the sum of electors for the House of Assembly by the number of electoral districts, namely, 47. As a result of the new provision, the number of metropolitan seats was increased by five, from 28 to 33, and the number of country seats was reduced from 19 to 14 in the 1976 redistribution of electoral boundaries. That redistribution was effective for the State elections of 1977, 1979 and 1982. I seek leave to have inserted in *Hansard* a statistical table which sets out the number of electors on the roll for the elections from 1970 to 1985.

Leave granted.

THE REDISTRIBUTION OF ELECTORAL BOUNDARIES—1970-1985
House of Assembly
Electors on Roll
Metropolitan and Country Electorates

Election Date	Electors on Roll			Electors on Roll—Average Per Electorate		
	Metropolitan	Country	Total	Metropolitan	Country	State Average
1985*	635 226	270 281	905 507	19 249 (33 seats)	19 306 (14 seats)	19 266
1982	623 434	247 791	871 225	18 892 (33 seats)	17 699 (14 seats)	18 537
1979	590 245	236 341	826 586	17 886 (33 seats)	16 881 (14 seats)	17 587
1977*	585 781	232 560	818 341	17 751 (33 seats)	16 611 (14 seats)	17 412
1975	552 305	219 109	771 414	19 725 (28 seats)	11 532 (19 seats)	16 413
1973	496 958	199 332	696 290	17 749 (28 seats)	10 491 (19 seats)	14 815
1970*	449 263	186 270	635 533	16 045 (28 seats)	9 804 (19 seats)	13 522

* The first election held following a redistribution of electoral boundaries.

The Hon. L.H. DAVIS: The 1983 redistribution effectively maintained 33 metropolitan seats and 14 country seats. In fixing electoral boundaries, as my colleague the Hon. Trevor Griffin mentioned, the Boundaries Commission is obliged to take into consideration the provisions of section 83 of the Constitution Act. I will not restate those provisions, but I draw attention to section 83 *(e)*, which states that the commission is obliged to take into account, as far as practicable, 'the feasilibity of communciation between electors affected by the redistribution and their parliamentary representatives in the House of Assembly'. That section is significant.

The commission sets the electoral boundaries after taking evidence from interested parties and studying demographic trends. The commission has an unenviable task in trying to balance forecast rates of growth, which are provided from many sources, including demographers and evidence from the major Parties. Where the voting population of a region grows strongly in a period before the next scheduled redistribution, the boundaries of that electorate will be redrawn to take into account that growth. In theory, the commission will provide for a number of persons. In some cases, the figure may be below the quota. On the other hand, in regions such as Elizabeth, which are expected to have static or declining growths, the electorate number will be set above the quota.

An examination of the table incorporated on page 112 of *Hansard* by the Hon. Trevor Griffin illustrates that strong growth has been experienced in enrolments in the outer metropolitan and peri-urban electorates of Alexandra, Baudin, Briggs, Bright, and Fisher. At the time of the 1983 redistribution each of the five electorates were under the quota, but by the date of the election on 18 November 1985 all electorates were above the quota. There was an exceptional 19 per cent increase in the number of voters enrolled in Fisher in the two year period. By the time of the 1985 election Fisher was well over the quota. On the other hand, Elizabeth had already fallen below the permissible tolerance.

One should not criticise in any way the findings of the commission in 1985. The commission had an unenviable task of forecasting, which is perhaps as difficult as weather forecasting. It is difficult for the commission to make judgments which are always accurate. In its 1983 report the Electoral District Boundaries Commission noted:

> . . . all the criteria must be regarded as interlocking.

It also noted:

> In considering rural electoral boundaries, the commission has kept firmly in mind that it would be wholly unacceptable to adopt any notion that would permit of a discrimination between rural and urban electors, merely on the footing that electors in rural areas have commonality of interest disparate from those of electors in urban areas. To adopt an approach of this kind would, in the eyes of the commission, offend against the basic objective of Parliament to ensure that, within the permitted tolerance from the quota, there shall, as far as practicable, be an equality of voting values.

That quote is contained on page 10 of the report.

The Hon. R.I. Lucas: A good selling report.

The Hon. L.H. DAVIS: It was a good selling report, and with good reason. There were a number of interested parties, and my colleague, the Hon. Mr Lucas, was one of the interested observers. I seek leave to incorporate in *Hansard* a purely statistical table.

Leave granted.

TABLE 2

	Redistribution 30.6.76	1977 State Election	Redistribution 29.7.83	1985 State Election
Country Enrolment	224 595	232 560	257 907	270 281
Electors on Roll—average per country electorate	16 042	16 611	18 422	19 306
Metropolitan Enrolment	564 314	585 781	619 334	635 226
Electors on Roll—average per metropolitan electorate	17 100	17 751	18 768	19 249

	Redistribution 30.6.76	1977 State Election	Redistribution 29.7.83	1985 State Election
Total Enrolment.....	788 909	818 341	877 241	905 507
State Quota.....	16 785	17 412	18 665	19 267

The Hon. L.H. DAVIS: This table sets out the average number of voters enrolled in country and metropolitan electorates at the time of the 1976 and the 1983 redistributions, and looks at the number of electors at the time of the subsequent elections. This interesting table shows that at the time of the 1976 redistribution the average country electorate contained 16 042 voters and the average metropolitan electorate contained 17 100 voters. The table shows that at the 1977 State election there were about 1 000 fewer voters in the average country electorate compared with the average metropolitan electorate and that by the time we reached the 1985 election 19 306 people were on the average country electorate roll as against 19 249 being on the average metropolitan electorate roll.

It is significant that, arguably, for the first time in an election anywhere in Australia, be it State or Federal, there were more voters on average in country electorates than in metropolitan electorates. I accept what the Electoral Boundaries Commission said: that it was no longer making distinctions between metropolitan and country electorates, but the fact remains that one of the criteria is that it must take into account the feasibility of communications between electors affected by the redistribution and their parliamentary representatives in the House of Assembly. I fail to see how that is reflected in the figures that were presented at the last election in 1985.

It might be argued that the country electorate number was higher because there was a sharp growth in the so-called peri-urban areas, such as the electorates of Alexandra, Heysen, Light, and Kavel. Even if those electorates are taken out of the 1985 statistics, enrolments in the remaining 10 country electorates increased by 3 per cent between the redistribution in 1983 and election day in 1985 compared with the 2.6 lift in metropolitan enrolments for the same time. That, in itself, is, I think, an argument for the Hon. Trevor Griffin's Bill. But, of course, his argument goes much deeper than that.

If we address table 2 (page 112 of *Hansard*), we see that the facts speak clearly for themselves. If one looks at the persons on the House Assembly electorate rolls at the time of the redistribution (29 July 1983) and at the numbers of electors on the roll as at 31 May 1989 (table 1 on page 111 of *Hansard*)—the most recent figures available—one can see that 10 out of 47 electorates are already outside the permissible tolerance of plus or minus 10 per cent of the quota.

Even more alarming is that another six seats, on the trends shown since the redistribution six years ago, will shortly be outside the quota. The 10 seats outside the permissible tolerance are Baudin, Elizabeth, Eyre, Fisher, Florey, Goyder, Mawson, Newland, Ramsay and Whyalla. The seats which are rapidly heading in the same direction and which on present trends will fall outside the permissible tolerance of 10 per cent above or below the quota in a couple of years are Alexandra, Custance, Flinders, Hayward, Ross Smith, and Walsh.

So in three or four years time a total of at least 16 seats, or more than one-third of the 47 House of Assembly seats, could be outside the permissible tolerance. The point that must be made is that we are taking figures that are less than six years from the date of the redistribution (July 1983) through to May 1989. As the Hon. Mr Griffin very forcefully pointed out in his contribution, the fact is that it could be another nine years before there is another election on the existing boundaries. Clearly, that is unacceptable. It makes me angry that this Government has known full well that this malapportionment has been building up in recent years.

It is not as if the Hon. Mr Griffin has introduced this Bill as a pre-election stunt. The fact is that we have talked about it ever since the last election in November 1985. No politics were in the air immediately after the last election, when that point was made very publicly, certainly by the Leader and certainly by me, on more than one occasion. So, it is disappointing to see the Government, which has in the past championed equity in electoral boundaries, now turning its back on the opportunity to rectify what clearly is an inappropriate and inequitable situation.

We can look at individual electorates, as the Hon. Mr Griffin did, such as Fisher, which is almost 30 per cent over quota. Because the provisions regarding the adjustment of electoral boundaries are entrenched in the Constitution Act, the Hon. Mr Griffin has been forced to make the move that he has. The Electoral Districts Boundaries Commission is required to commence proceedings for the purpose of making an electoral redistribution either—

as soon as practicable after the enactment of an Act that alters presently or prospectively the number of members of the House of Assembly or within three months after a polling day if five years or more have intervened between a previous polling day on which the last electoral distribution made by the commission was effective and that polling day.

Therefore, unless the State Government increases the size of the House of Assembly—and that is an unlikely option in these straitened times—the next redistribution will not commence until after the State election following the 1989 or 1990 State election. That means that the redistribution provision will be triggered only after the following election, which could be in early 1994. Only after that election will the commission be required to commence proceedings for the purpose of making an electoral redistribution within three months after polling day.

Conceivably, the redistribution could be for an election to be held in 1998. So 15 years would have elapsed between the 1983 redistribution of boundaries and the subsequent redistribution. That compares very unfavourably with the nine-year span between the 1976 boundaries commission report and the 1985 election with new boundaries which were set in 1983.

From the early 1970s, when the Legislative Council franchise was altered, in this State there has been widespread support from major political parties and widespread acceptance in the community at large for an equitable electoral system free from malapportionment. Certainly Federal Government legislation recognises the need for flexibility when it comes to electoral redistribution. The Commonwealth Electoral Act has that flexibility which enables malapportionment to be attended to. We do not have that flexibility because of the entrenched provisions of the Act.

Another point I want to develop is that the country population is expanding and that the gap between the average number of electors in country electorates versus metropolitan electorates might continue to widen. One can see compelling reasons why the country population may continue to expand. Farming families are selling up or retiring from the land and tending to settle in nearby provincial centres. There is an increasing tendency for retirees from metropolitan Adelaide to become permanent residents in coastal or river resorts or provincial cities; and increased leisure opportunities, greater mobility and early retirement have contributed to a surge in tourism, so there is a growth in employment opportunities in many areas. More and

more people are establishing holiday homes which later become their retirement homes. There are encouraging employment opportunities in popular provincial centres and old mining towns rich in heritage, and there is some population drift to country areas. That will be an encouraging trend.

Country population growth has matched metropolitan growth over the last decade. The implications from projected population forecasts for South Australia suggest that in the next 15 years enrolments in country electorates should continue to increase at a faster rate than in metropolitan electorates. They reflect the economic and non-economic factors that I have briefly mentioned. They also reflect the Second World War baby boom in country areas, and the flow-on from higher fertility patterns in country areas will in turn show up in the 18-year-old and over age group in the period from 1986 through to the turn of the century. There are individual areas, such as Roxby Downs, where the mineral deposit has led and will continue to lead to a sharp expansion in the number of people in that area. The mirage in the desert is no more.

Two matters of grave concern emerge from examining the legislative provisions relating to the redistribution of electoral boundaries. First, 15 years may elapse between the date of the last redistribution in 1983 and the first election held after the new redistribution of electoral boundaries, as distinct from the 1976 redistribution which had a life of only nine years before the 1983 redistribution came into effect at the 1985 election.

Secondly, there is strong evidence from the 1985 State election enrolments and population projections prepared by Government sources that suggests that enrolments in country electorates could grow, on average, at a faster rate than in metropolitan electorates through to the turn of the century. When talking about growth rates in country areas. I emphasise that we are talking not only about the peri-urban electorates such as Kavel, Heysen, Light and Alexandra, but about country electorates beyond the metropolitan fringe which embrace expanding provincial cities and new areas such as Roxby Downs.

This will continue the trend, established in 1985, that country electorates on average could have more electors on the roll than metropolitan electorates. That argument is hard to sustain given the geographic distances in country electorates. I am not suggesting a return to the days when there was gross malapportionment between country and metropolitan electorates, but there must be proper recognition of the tyranny of distance, which is a factor and a great difficulty for many House of Assembly country members.

The State legislation, unlike Commonwealth legislation, does not provide for a redistribution automatically if severe malapportionment occurs. The fact is that this is occurring. I have demonstrated that in 10 out of the 47 electorates in South Australia malapportionment already exists, and that is after only six years in operation, and we have another nine years to run.

I have also pointed out that another six seats will quite clearly, on any reading, also fit into that category of being beyond the tolerances permissible under the Act: either 10 per cent above quota or 10 per cent below quota.

The truth has to be said, Mr Acting President, that both major Parties and the Australia Democrats did not recognise, when we introduced a four-year term to the South Australian Parliament with bipartisan support, the consequences on the redistribution of electoral boundaries. If one examines the debate which took place in both Houses at that time, no mention was made of the flow-on consequences for redistribution. The dilemma facing us now as members of Parliament is that we have created a rod for our own back. Instead of having a three-year term which would have resulted in a redistribution in the early 1990s, we now have a four-year term which has pushed the redistribution down through the decade to as late as 1998. Quite clearly it will result in severe malapportionment and an inequitable electoral redistribution.

What the Hon. Trevor Griffin has done without fear or favour, without jeopardising the opportunity for any Party at the next election, is to follow the sensible option, that is, to hold a referendum in conjunction with the next State election, because by doing that we will be able to right the wrong that has resulted from the introduction of the four-year term and to enable a redistribution to take place before the 1993 or 1994 election. By holding the referendum with the next State election, which must be held before March 1990, it will save the State Government at least $2.5 million.

I would hate to think that malapportionment becomes a characteristic of the electoral system in South Australia. So the Parliament must grasp the nettle now and accept the merit of the legislation before us. The provisions of the Constitution Act relating to redistribution of electoral boundaries were introduced in 1975. They have not been amended since that date. It seems unreasonable, as I have said, that 15 years could elapse between the 1983 redistribution and the first State election held after a new redistribution. Failure to amend the redistribution provisions will result in even more electorates falling outside the 10 per cent permissible tolerance level. As I said, it will also result in country electorates progressively moving out of kilter with metropolitan electorates, given the projected demographic trends.

All major political Parties accept the need for regular redistribution of electoral boundaries. A redistribution every eight years, and certainly not less than every 10 years, would appear to provide a reasonable solution to this important problem. If the Hon. Trevor Griffin's proposal is accepted, it would mean that a redistribution could be effected in 1991 or 1992 before the State election is due to be held in 1993 or 1994. In other words, eight or nine years would have elapsed between the 1983 redistribution and the 1991 or 1992 redistribution which, of course, will be possible if this Bill is supported. So, Mr Acting President, I believe it is a matter of fundamental importance; it is a matter of equity; it is a matter of commonsense; it is a matter that deserves bipartisan support. I commend the Bill to the Council.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

URANIUM MINING

The Hon. I. Gilfillan: I move:

1. That a select committee of the Legislative Council be established to consider and report on—
   (a) the circumstances surrounding the compilation of the report dealing with the health effects of ionising radiation on workers engaged in the mining and milling of uranium by the South Australian Health Commission in May 1982; and
   (b) any other relevant matters.
2. That in the event of a select committee being appointed, a request be transmitted to the House of Assembly requesting that this report to the Select Committee of the House of Assembly into the Roxby Downs Indenture Bill be made available to the select committee.
3. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order

389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

4. That this Council permit the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the council.

In moving this motion, I want to make plain at the outset that the issue is of a wider nature than the specific which is outlined in the terms of reference of the proposed committee and, to a certain extent, the matter that I will be addressing in substance in my speech. The issues are, first, appropriate conduct by Ministers of the Crown in relation to reports from statutory authorities and for Government departments; secondly, the intervention between ministerial responsibilities and, in the case that I am bringing forward, between the ministries of Mines and Energy and Health; thirdly, that it is an issue of freedom of information—and that must appeal particularly to the Hon. Martin Cameron, whom we just heard speaking impassionately in relation to establishing freedom of information in this State; and fourthly, the right of public servants to speak out in their areas of expertise. All those four issues are vitally concerned in the matter which I address in the terms of reference of this proposed select committee.

I am arguing from the experience relating to the request for any presentation of the submission to the House of Assembly Select Committee into the Roxby Downs Indenture Bill by the South Australian Health Commission in May 1982. I will quote selectively from *Hansard* of 8 June 1982 (page 4389) to build up the image of what I believe was quite outrageous intervention by the then Minister of Mines and Energy, Mr Roger Goldsworthy, and his inconsistency, to put a polite point on it—downright deception may be nearer to the mark—in describing, at various times, what actually went on. My quotation relates to the presentation of the South Australian Health Commission's written submission to the committee and to Dr Wilson, who featured through this saga as a principal officer in the commission. The Hon. Mr Goldsworthy said:

As I understand it, Dr Wilson was on leave at the time. Subsequently, a submission was sent to the select committee. Dr Wilson chose to revise that, which he did. When the written evidence came from the Health Commission the Labor members of the select committee requested that those persons again appear as witnesses. Dr Wilson appeared. They asked him the questions they wanted to ask and he retired. I guess the member for Eyre did not ask precisely the same question because he was satisfied with the answer he got the first time. The reason why they came back again was the Labor members wanted to ask him questions about the written submission.

That will be shown in subsequent quotes to be completely false, as far as the involvement and the situation of Dr Wilson.

I refer also to *Hansard* of 8 June 1982 (page 4391). The Hon. D.J. Hopgood, who was on the select committee to which this submission was presented, was at this time completely ignorant of what manipulation had taken place behind the scenes. He said:

I found it an extraordinary meeting—

this is the meeting at which the submission actually came before the committee—

because we were told that following a request from the committee for certain information in relation to radiological protection, a report had been prepared, had been sent to the Secretary of the committee and had been inserted in our folders (and you, Sir, will recall that in the earlier part of the proceedings of the committee we were leaving our folders, with evidence, with the Secretary until he brought them up to date and collecting them in time to prepare ourselves for the following meeting), but then, at the request of the Health Commission, had been removed for correction, and a subsequent report sent down. That report reached us about an hour and a half before the meeting at which it was to be considered.

I now refer to another quote from the Hon. E.R. Goldsworthy on the same day. This is where he goes into an alleged description of events. The *Hansard* report is as follows:

The sequence of events is as I have outlined to the House. As I understand it, a report was prepared by some officers of the Health Commission and was sent directly to the select committee before it had been read by any of the superior officers, including Dr Wilson and Dr Brenton Kearney, who was the Acting Chairman of the Health Commission in the absence overseas of Dr McKay. On becoming aware of the submission and its contents, Dr Wilson withdrew it. There was some discussion, as I understand it, within the Health Commission. I understand that a report written by Dr Wilson was submitted to the committee.

On Tuesday morning I became aware of the fact, via the Minister of Health, who had returned from overseas, that there was a serious matter of dispute within the Health Commission; that a group of officers who prepared the report (I think there were about four or five of them, who, by the way, fronted up as observers, one may have noticed, to the hearing of the select committee) there was a serious dispute. That is the way it was described to me.

It is quite staggering and alarming to read this *Hansard* excerpt and then compare it, as members will have the opportunity to do, with the statements which were made by the Hon. Roger Goldsworthy in a *Sunday Mail* article only a few months ago and which show how false his statement was and how inaccurate a representation of the real situation it was. In the transcript the Hon. R.G. Payne then interjected, as the transcript shows:

The Hon. R.G. Payne: There were so many there observing that I thought we were going to have a movie when we walked in.

The Hon. E.R. GOLDSWORTHY: These professionals take their jobs seriously, and so they should. There was a serious dispute as to the effects of low-level radiation, and in fact Dr Wilson was being challenged. That is the way it was put to me: that he was being challenged in terms of the conclusions that he had drawn.

What rubbish! The fact was, as I will establish a little later, that Roger Goldsworthy had brought Dr Wilson before him and told him to change the submission. This is the man who had just given those instructions to Dr Wilson, putting up this benign smokescreen that, in any circumstances, must be described as grossly and deliberately inaccurate. The *Hansard* report continues:

It was not in anyone's interest for there to be any air of controversy, as far as I was concerned, in relation to the report that the select committee put to Parliament. To those on the select committee it may have appeared to be a minor point, but, as relayed to me by the Minister of Health on Tuesday morning, it was a matter of some controversy and not just a fly-by-night, minor matter. To us it was a minor matter, but to the health professionals it was considered to be a major point.

I point out that in further quotes to which I will refer it was a major matter to Mr Goldsworthy. I am tempted to describe what he is saying in this speech as bullshit! How he, as Minister, could have lied to Parliament, as I believe he did, is quite beyond tolerance by me and is to me quite unacceptable as behaviour from a Minister of the Crown. The *Hansard* report continues:

In other words, there was a disagreement with Dr Wilson's view.

I now move to a further quote of Mr Goldsworthy after a couple of other comments were made by him and Dr Hopgood, as follows:

The only comment I make is that, ultimately, it is the senior officers in departments who are responsible for what comes forward as authoritative material from departments.

I hope that that quote is emphasised in my speech. Although few members are paying proper attention to my speech in this place, I hope that they will pick up the significance and hypocrisy of a man who has ordered one of the senior Health Commission officers into his presence and instructed

him to change a submission. As members will see in the fullness of time, that officer quite properly refused to do that. The same Minister, who had gone through that procedure had the gall, virtually at the same time, to make this statement:

. . . ultimately, it is senior officers in departments who are responsible for what comes forward as authoritative material from departments.

I now turn to a later quote and refer to *Hansard* of 19 August 1988, where the Hon. Mr Goldsworthy was again speaking on the same issue but in a different time frame, bearing in mind that it was then six years later. It seems that there was a court action in which the Hon. Mr Goldsworthy got some damages from an ABC *7.30 Report*. Even at that stage he just wanted an apology. He stated:

But I put on record the fact that at that stage we had a problem with the Health Commission. A report was to be put before the select committee. This matter has not been in the public arena, but I throw it in to show one of the difficulties we had to confront.

This is new material coming forward, and it reflects interestingly with what was being given as ministerial fact in 1982. The *Hansard* report continues as follows:

There was a report talking about the increased number of cancer cases which would occur if this mine went ahead. I confess, quite honestly I was very suspicious, because Dr Richie Gunn, the failed Labor candidate for Kingston, was a member of that unit. I called Dr Keith Wilson (who was then in charge of the unit) into my office—

I ask members to note how this conflicts with the statement that this same Minister was making in 1982 about the same incident.

The Hon. Peter Dunn: What are you reading from?

The Hon. I. GILFILLAN: I am reading from *Hansard*. You can check the pages.

The Hon. Peter Dunn interjecting:

The Hon. I. GILFILLAN: You haven't taken any notice of it. The *Hansard* report continues:

I called Dr Keith Wilson (who was then in charge of the unit) into my office and said that I wanted it changed. I said that I did not believe it was a fair representation. This was only one of the minor obstacles, I might say, but it is the sort of obstacle we were up against. I said 'I don't believe this is a fair representation of the radiation controls which the Health Commission helped us negotiate and I don't believe these hazards outlined in this report can be justified in terms of current medical knowledge.'

Dr Keith Wilson adamantly refused to change the report because, he said, it would reflect poorly on his officers. Good luck to him! I was very worried and I made no bones about it. I honestly believed that this was another attempt in cahoots with the Labor Party, to sabotage this project. This matter has not seen the light of day, but I remember the details perfectly well.

Perfectly well! He might remember things perfectly well in 1988, but he did not remember them too well in 1982, when I believe he lied to the House of Assembly. The *Hansard* report continues:

I then rang Dr Brenton Carnie who was the Acting Head of the Health Commission and said, 'I don't believe this is a fair and honest report; would you look at it?' As a result of Dr Carnie's knowledge of the scene, the report was modified.

I now refer to the article in the *Sunday Mail* of 30 October 1988. In this report Mr Goldsworthy, the Mines and Energy Minister of the Tonkin Liberal Government, explains the history of the project and the political drama that unfolded. I will quote a few paragraphs from this article, as follows:

The Health Commission's health physics section nonetheless submitted a report to be presented to the select committee inquiring into the project, suggesting a likely increased incidence of cancer among miners at Roxby Downs as a result of the mining operation. The Government project team was alarmed at this report because it was not supportable in view of all available scientific evidence.

We believed the report was a deliberate attempt to sabotage the project, an objective the Labor Opposition pursued throughout the period between its election loss in September 1978, and its attempt to defeat the indenture in Parliament in June 1982.

I called Dr Keith Wilson, who was in charge of the Health Physics Unit, to my office and told him the report was inaccurate. He adamantly refused to consider any changes. He stated that to change it would reflect adversely on his officers.

I was greatly concerned and rang Dr Brenton Kearney who was acting director of the Health Commission at that time. He took the matter in hand and the commission's report to the select committee was modified.

Not only is this a Minister ordering that a report be changed, but it is a Minister with a different portfolio. This is the Minister of Mines and Energy directly intervening in the affairs of a statutory body, the Health Commission, which is under the direction of a completely different Minister. This outrageous claim—or boast, I would consider it—by the Hon. Roger Goldsworthy prompted the medical experts involved in that original report, who had remained dissatisfied but quiet up to that point, to write on 12 April this year to the Speaker of the House of Assembly. I do not intend to read this letter in full. The signatories to it are Richie Gun, Department of Community Medicine, University of Adelaide, Leon Le Leu and David Hamilton, all three of whom are doctors who were involved in the preparation of the original report. In part the letter states:

Dear Mr Speaker. We write to express our concern over matters raised on 19 August 1988 in the House of Assembly by Mr R. Goldsworthy MP in the course of a debate on the Radiation Protection and Control Act Amendment Bill. Mr Goldsworthy's remarks concerned a report submitted in 1982 by the South Australian Health Commission to the Parliamentary Select Committee established to examine the Roxby Downs indenture. As Mr Goldsworthy admitted in his speech to the House of Assembly, he personally intervened to have the content of the report amended by the South Australian Health Commission.

As contributors to the original report, we were particularly concerned at the time that the report may not have been seen by the committee members (other than the Chairman, Mr Goldsworthy) for whom it was intended. We have refrained from raising this matter previously but now that Mr Goldsworthy has himself referred to it in Parliament, we wish to express our concern at what has happened.

The statutory responsibilities of the South Australian Health Commission include 'the dissemination of knowledge in the field of public health to the advancement of the public interest'. (South Australian Health Commission Act, section 16, clause 1 (i)) and 'To ensure as far as possible that the people of this State live and work in a healthy environment.' (Section 16, clause 1 *(k)*). The report was prepared and submitted pursuant to these statutory functions.

The letter further states:

We also take this opportunity to rebut the statement by Mr Goldsworthy in 1982—

The Hon. R.J. Ritson: Who were the doctors?

The Hon. I. GILFILLAN: If you had been listening, I read them out beforehand. I will not waste my time or that of this place going back over them again.

The Hon. R.J. Ritson: Wasn't Richie Gun a former Labor member of Parliament?

The PRESIDENT: Order!

The Hon. I. GILFILLAN: I pick up this interjection, because I would like to clarify it. Is the honourable member impugning the reputation of Dr Richie Gun on the basis that he lost a seat in Parliament? Is that the inference to be drawn from the interjection?

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan should address his remarks to the Chair.

The Hon. I. GILFILLAN: Because if it is, I consider that to be a slanderous remark and interjections which are slanderous should be picked up and negated in this House.

Members interjecting:

The Hon. I. GILFILLAN: Correct. If all people who lose seats in Parliament then lose their integrity and their right to be taken as responsible members of this community, a lot of Liberals would be pretty shady characters as well. It

was a totally uncalled for and quite unworthy interjection. I carry on with the quote from this letter as follows:

We also take this opportunity to rebut the statement by Mr Goldsworthy in 1982 (page 4392) that the report prepared by officers of the Health Commission 'was sent directly to the select committee before it had been read by any of the superior officers including Dr Wilson and Brenton Kearney who was the Acting Chairman of the Health Commission in the absence of Dr McKay'. Members of Parliament could easily verify this with the persons concerned.

The letter further states:

We would like to mention in passing that our projections on the risk estimates of lung cancer from underground uranium mining have been completely vindicated by epidemiological studies published since 1982. We are pleased that the Minister of Health has now tabled both the original report and the substitute report—the latter having being written as a result of Mr Goldsworthy's intervention which he has now admitted. We hope that members of the Parliament and the public will now take the opportunity to examine the original report for themselves and make their own judgment on it.

Meanwhile we request clarification from you on the following matters:

(i) was the original report actually received by the members of the select committee?

(ii) if not, what was the nature of the intervention which prevented the report being seen by the committee members for whom it was intended?

(iii) were the circumstances of such intervention in accordance with proper parliamentary practice?

We also ask that members of Parliament be made aware of the facts relating to the original submission; in particular that it was not a personal statement made by certain officers of the Occupational Health and Radiation Control Branch, but an official submission by the South Australian Health Commission, prepared pursuant to its statutory responsibilities.

The Speaker responded to that letter directly to Dr Gun at the Department of Community Medicine, University of Adelaide, in the following terms:

Thank you for your letter of 12 April in which you and Messrs Le Leu and Hamilton raise a number of concerns about a submission to a select committee of the House. On my instructions, officers of the House of Assembly have checked the records of the Select Committee on the Roxby Downs (Indenture Ratification) Bill 1982. Although there is a reference in the transcript of evidence to an 'original submission which was subsequently withdrawn by the Health Commission', there is a record of only one submission actually being formally presented on behalf of the South Australian Health Commission. That submission was the one described as 'Final Submission' when the Minister of Health recently tabled both submissions in the Parliament on 11 April 1989.

While I appreciate your concerns as to which submission was presented by the Health Commission back in 1982, an explanation of how that presentation came about is a matter for the Health Commission. Any alleged intervention of the Chairman of the select committee in his ministerial role outside the committee can of course be questioned in the House by members, but not by me as the Speaker. Regardless of what may have transpired prior to the Health Commission's submission being presented to the committee, I am satisfied that the select committee's proceedings in 1982 were quite properly conducted.

It is not appropriate for me to convey your concerns to the House or to individual members. However, if you wish to do so yourself, you may communicate directly with individual members in the customary way.

In conclusion, in moving the establishment of the select committee I challenge members to question, if possible, detached from the detail of the case that I have put forward, whether this is a pattern of ministerial intervention which is to be accepted and tolerated either by the Government or the Opposition in their role as either Government or Opposition. I put it to members that the public is entitled to have from statutory authorities and public servants an unabridged, uninterfered with presentation of fact as the statutory authority or the public servants responsible for it see it.

If we are to have uncertainty as to what has been the interference or the ministerial direction before such material comes before select committees, before the public or before Parliament, how can we have confidence that the material before us is of the utmost integrity and can be relied on for the purpose for which it was asked? This example throws into doubt the whole validity of public sector contribution to parliamentary committees, and reflects what must be a very frustrating experience for public servants who do their job to the best of their capacity, in all honesty, and then find that this form of intervention can completely subvert the work they then, as the Hon. Mr Goldsworthy said earlier, are responsible for. It is ultimately those people in those statutory authorities who stand as being responsible for providing the report or the material.

In urging the Council to pass the motion to establish the select committee, I emphasise strongly that the incident that prompted the motion is not the major reason for wanting to establish the select committee; the main reason is to establish the precedent, protocol or expectation in the Council and the public that statements from public servants in Government departments are genuine, uninterrupted, unchanged and honest expressions of their work and representations of the material they have been asked to present. Unless the select committee is set up to monitor this type of interference, we will have concerns, profound doubt and suspicions about what happens behind the scenes when we are asked to take at face value reports from the public sector. This report relates to a serious matter—the health of uranium mining workers at Roxby Downs. I urge members to support the motion.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

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

Consideration in Committee.

The Hon. BARBARA WIESE: I move:

That the Legislative Council do not insist on its amendments.

The Hon. M.B. CAMERON: The Opposition urges the Council to insist on its amendments.

Motion negatived.

COUNCIL BOUNDARIES

Adjourned debate on motion of Hon J.C. Irwin:

That this House censures the Bannon Government and the Minister of Local Government for their inept and undemocratic handling of the Mitcham debate which led to the proclamation of the City of Flinders. The Minister's performance on behalf of the Bannon Government has done great damage to local government, to people's perception of what is fair and undermined the democratic process.

(Continued from 9 August. Page 124.)

The Hon. M.B. CAMERON (Leader of the Opposition): It is not with any great enthusiasm that I stand to support this motion against a relatively new Minister. However, I am sure the Hon. Mr Irwin would agree that if the Minister had simply made an honest mistake in the way she approached the matter, the motion would not have been moved. I believe that there was more to this than just an innocent proclamation of a recommendation from the Local Government Advisory Commission. Even had I not become aware that at the time of the Minister's proclamation she

had before her the consideration of Henley and Grange, it would have seemed strange that the Minister was able to bring to such a speedy conclusion the consideration of the recommendations on Mitcham, while Henley and Grange was left in the drawer. The action indicated that the Minister was willing to bring forward a recommendation because she or the Government thought that it might be politically advantageous, whereas any other action would have been politically disadvantageous.

How could any Minister believe that a council which has existed for as long as Mitcham could be divided into sections and one section could be thrust into the never-never? One must question the recommendations of the Advisory Commission. How could a Minister try to sneak that in and announce it in the press, without giving any indication of it to local people or seeking their opinion? That action indicates that the Minister has not one ounce of politics in her body.

If one local group wanted a new council and another group wanted the existing council to remain, and a recommendation were made to ignore the views of the group that wanted a new council and transport them down the valley, there would have to be some flak from local people. It would have been sensible to make the provisions public and find out what the people thought before taking a recommendation to Cabinet.

It was interesting to read the press reports of the Minister on this matter. She demonstrated a wonderful 'Rambo' attitude towards the whole matter. She said, almost immediately, 'I have brought the matter before Cabinet and have got the Government to sign it; therefore, it is law.' That was her final, unchangeable attitude. I cannot believe that a Minister could take that attitude in the face of clearly mounting public concern and anguish about the decision. Today the Minister stood up in the Council and blamed two members of the Opposition for rousing the people of Mitcham to oppose the issue. That shows her complete misunderstanding of the feelings of the people of the area. The Minister thinks that the member for Mitcham and the member for Fisher are able to rouse the people of Mitcham.

The Hon. J.F. Stefani: All 15 000 of them.

The Hon. M.B. CAMERON: Yes. If those members have that ability, I will have to have a look at them. I have tried many times to rouse public concern, and it is beyond my ability. I once roused public concern in Millicent, but that was only because they wanted me to. I found the statement of the Minister somewhat amazing.

The Minister said, 'As the days went by the size and strength of the opposition to the change became more and more apparent, fanned by two Liberal MPs whose electorates cover the council area.' One cannot do that to people if they are not upset. Does the Minister think that these politicians, not once but twice, waved a big wand and said, 'Come on people; get going.' The Liberals were accused of seeking to misrepresent the facts with the aim of raising fears and making political mischief. Only one person—and that is the Minister—made political mischief by the stupid way in which she approached the whole issue when she said, 'The proclamation to change the council boundaries has been signed by the Governor, Sir Donald Dunstan.' It was signed, and to heck with the people! On 17 July the Minister said, 'The formation of the city of Flinders will go ahead despite the protest.' She also said; 'The proclamation to change the boundaries was signed by the Governor,' and that was final.

The Hon. J.C. Burdett: Has she changed her mind since?

The Hon. M.B. CAMERON: Yes, and she failed to see the point of having a poll. She was adamant that there would be no turning back. Well, Mr President, it took the Minister a while to wake up to the fact that people have rights that they have the right to protest; that people should know what is going on; and that they should have a say. The Minister also said:

> In a Cabinet system of Government, reports from Ministers to Cabinet are not made public.

Maybe they are not made public, but they are made public when they are passed by Cabinet. To have this document signed and sealed without in any way, shape or form taking it to the people really indicates a strange attitude towards the democratic system as we know it.

The Minister also indicated at that time that she had had a proposal from Henley and Grange, that she was not going to make it public, and that it would be proclaimed without being made public. That is her second sin, in my opinion and, I am sure, in the opinion of many people. It is important in a democratic system such as ours that the people have a say. It is important that the people have an opportunity to put a point of view. To say that this was the thirty-fifth change was quite deceitful because the majority of the other changes were small adjustments to boundaries, not large scale demolitions of local government areas.

It is my opinion, and I am sure, the opinion of many people, that this issue was put into the public arena in such a hurry because the Minister and the Government perceived a political advantage. They thought that by transporting these people to Happy Valley they could get some political advantage in the seat of Fisher. On the other hand, in relation to Henley Beach, they did want to bring it in because they saw some political disadvantage. So, Minister, you politicised the whole commission and the way in which the commission worked by doing that. It was a most inept performance. We might have believed the Minister if she had brought the other matter forward, but she did not have the gumption to do so, because she knew that it would cause a problem to the Labor Party's sitting member. The Minister therefore ran away from that. It was an inept performance and the people saw straight through it.

The Hon. Peter Dunn: Ham fisted!

The Hon. M.B. CAMERON: It was a most ham-fisted, amateurish performance. If, instead of storming off into the never never, the Miniser had said to the people, 'I am sorry. It was probably a mistake not to bring it before you, but we will now give you an opportunity of having a say,' she would have got away with it and won the crowd that day. But, no, she stamped her feet and said, 'That is it. We will go on with this regardless.' The Minister has had plenty of opportunities to change her mind.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: The Minister has had the opportunity to reverse the proclamation and give the people a say.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: You have done all sorts of things, but your first reaction was, 'It's final; you can all jump in the lake.'

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: That is not the way in which democracy works. The Minister is now saying, 'We may need to look at having a poll. We will not interfere with the commission, we will just inquire into the way in which it operates to see whether we need to make some changes.'

That is the first indication that the Minister is starting to learn a lesson from all this. I can assure the Minister that when select committees were formed in the other place they

were terrible. They got themselves into such a mess that in the end the Council offered to have select committees and, after that, they worked. Every member who has been in this Council for some time will know that, on numerous occasions, select committees were held on sensitive changes to council boundaries, and that they worked because we worked together to bring about change. Those committees were not politicised in this Chamber. Those committees related to Port Pirie and Port Lincoln—but perhaps the Minister was not around in those days.

The Hon. Anne Levy: Oh yes I was. I was on them.

The Hon. M.B. CAMERON: Well, that is good.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: At least the Minister knows that those select committees worked.

Members interjecting:

The PRESIDENT: Order! Members will have the right to speak in this debate later. The Hon. Mr Cameron has the floor.

The Hon. M.B. CAMERON: The Minister said, 'When the thirty-fifth report by the Local Government Advisory Commission was received by me, I did as my predecessor had done on each of the thirty-four previous occasions. I examined the report. I accepted its recommendation.' There is nothing wrong with that; the Minister can accept the recommendation. But, she should have put the report out in the public arena. However, the Minister did not tell us that she did not accept the report in relation to Henley Beach and put these recommendations out in the public arena, and that is the key to the whole issue. Why did that happen with one and not the other? That is why I do not believe anything that the Minister has said on this issue.

The Hon. Anne Levy: You know that Randall couldn't even get a seconder.

The Hon. M.B. CAMERON: Don't worry about Randall. You are the person who has it hidden in your little safe or somewhere where I cannot get it because I am a member of the Opposition. You are absolutely childish.

The PRESIDENT: Order! The Hon. Mr Cameron will address the Chair.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: I sent it back because I did not like it. That's what I did.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: The Minister said that we had attempted to weaken the commission. That is not true at all. She has weakened the commission, because she went out into the public arena with this issue without giving the people an opportunity to know the final result before she got the Governor to sign it. If she had done the right thing and had the proclamation reversed—and there is no problem with that—the people of this State might have believed her. But, the Minister has tried to put it off until after the election—that is what is all about. Because of the Minister's inept performance in this matter, she has been a real embarrassment to the Premier.

The Minister today said, 'The question immediately arises as to what question should be asked in the poll. Who should be polled?' Well, Mr President, I would have thought that that was perfectly obvious—the people should be polled. That is the basis of democracy. Maybe that is a problem; maybe the Minister does not want the people polled. The Minister also talked about whether the majority views in a poll should be decisive. I would have thought that that was fairly reasonable and was the basis of a democracy. In any situation one can put up enough questions to give reasons for not doing the right thing. She pointed out:

> Some people would choose to concentrate their efforts on raising community fears and drumming up opposition to change in anticipation of a poll rather than presenting arguments to the commission. The process of rational debate and presentation of evidence may be placed in jeopardy.

I think she is saying that at the next election we should not have any debate; we should have a commission to which we put our arguments, and the commission should decide who will form the Government. That is the end result of this sort of woolly thinking.

Members interjecting:

The PRESIDENT: Order! The honourable member should address the Chair, not other members.

The Hon. M.B. CAMERON: They are trying to help. She went on to say:

> Getting a clear and useful indication of those views is difficult, as the current Mitcham situation has demonstrated.

I might be stupid, too.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: I should have thought that what the people of Mitcham thought was clear. If the Minister is in any doubt about getting an indication of views, perhaps she should be conducting the poll, not Mitcham council. I guarantee that she will get 90 per cent of people opposed to what she is attempting to bring in without giving them the opportunity of having some input.

The Hon. Anne Levy: They have had 18 months.

The Hon. M.B. CAMERON: Don't talk nonsense. Do you imagine that every citizen up and down every street goes to a local government commission and says, 'I want to put in a point of view'? It would never finish. The easiest way is to draw up the proposals, put the matter back in the public arena, take a poll, and get a result straight away.

I do not want to go on and on, but the issue revolves around whether or not the Minister and the Government have been inept. There is no doubt in my mind that they have been inept, because they have treated this matter insensitively. I have never seen a new Minister act in such a Rambo fashion in a very sensitive area in the early stages of his or her career. It was amazing to sit back and hear the Minister say to the people who were protesting, 'The decision is final. There is nothing you can do about it.' If that is her attitude, I am pleased she is not the leader of this State, because the people would have no say whatsoever. That sort of attitude leads to dictatorship. We must give people a say; we have to listen to them. Ministers cannot prance on to the stage and, after two months, tell them what they shall have. It does not work that way. If Ministers think they can do it through market research, they must think again because that will not work either. In the end, the people must have a say. It is the people who have to be listened to, because they are affected by the decision.

There is to be another committee—an expert committee—to look at how the commission works and conducts itself. I think the Minister is saying, 'I have made an absolute mess of it. I cannot think of any way out of it, except by having another committee.' That is the way that this Government appears to operate. The Government has made an exception for Mitcham. I shall be interested to know what will happen to Mitcham. An undertaking was given and a fellow called John Halbert is, I hear, very angry about what is happening in Mitcham. The indication to him was that the Mitcham situation would be ready within a fortnight. I shall be interested to see what happens. When Mr Bannon met the Mitcham council he said that the Flinders decision would be reviewed immediately; it would be fast

tracked, and in two weeks it would be finalised. In the *Advertiser* on 17 August, the Minister is quoted as saying, 'We requested a speedy resolution but we always knew it would be at the end of September at the earliest.' In other words, what they said to the Mitcham council was wrong.

The Hon. Anne Levy: We did not.

The Hon. M.B. CAMERON: I am telling you what Mr Halbert said, and he was there.

The Hon. Anne Levy: He is wrong.

The Hon. M.B. CAMERON: He might be, but you go and tell him.

Members interjecting:

The PRESIDENT: Order!

The Hon. Diana Laidlaw: Maybe it is a misunderstanding.

The Hon. Anne Levy: I have never pretended—

The PRESIDENT: Order!

The Hon. M.B. CAMERON: In other words, you have never pretended that you were going to withdraw the decision or get a new decision in a fast track way.

Members interjecting:

The PRESIDENT: Order! Honourable members will have the right to enter the debate.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! The honourable Minister will come to order. Every member will have the right to enter the debate.

The Hon. M.B. CAMERON: The facts are that they have attempted to put off Mitcham until after the election because it has become a huge embarrassment to the Government. I would love to have been a fly on the wall at some of the meetings between the Premier and the Minister after the Mitcham residents rose up in anger at the way that the Minister treated them. I bet that it was a hostile meeting. It is the most inept, amateurish handling of any situation by a Minister that I have seen in my time in Parliament. I ask the Council to support the motion.

The Hon. ANNE LEVY secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Second reading.

The Hon. ANNE LEVY (Minister of Local Government): 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

This Bill proposes amendments to two of the provisions of the Motor Vehicles Act 1959 relating to compulsory third party insurance.

The Bill proposes an amendment to section 99a of the Act which provides for expiry of the compulsory third party insurance 14 days after the expiry of the registration of the vehicle. Vehicle drivers are thereby afforded 14 days grace as protection against driving an uninsured vehicle after the registration of their vehicle has expired.

The onus is on the driver not to drive an unregistered and uninsured motor vehicle.

An extension of the third party insurance grace period to 30 days would provide additional protection for drivers against committing the offence of driving an uninsured motor vehicle. The practice of backdating registration renewal payments for up to 30 days where payment is made late was adopted in 1986. To provide a grace period of 30 days insurance cover after the registration has expired is consistent with the current practice of backdating registration and insurance periods.

This matter has been discussed with the State Government Insurance Commission and an extension of the grace period is not expected to have an impact on the level of insurance premium rates.

The Bill provides for an amendment to section 102 of the Motor Vehicles Act 1959 regarding the penalty for driving an uninsured vehicle.

Section 102 of the Act provides that a person shall not drive a motor vehicle on a road or on a wharf unless a policy of insurance against third party risks is in force. The penalty for breach is a minimum of a division 11 fine, that is, $100 and disqualification from holding and obtaining a driver's licence for a minimum period of three months. The minimum penalties can be reduced where special reasons are established.

The Chief Magistrate has recommended that any decision regarding the length of disqualification should be left to the court and that the provision for the three month minimum disqualification should be repealed. He argues that the minimum disqualification works severe injustice in some cases and wastes court time as a result of the special reason applications.

The main criticism of minimum penalties is that they fail to take into account the variety of circumstances in which offences are committed and the characteristics of the offender.

The minimum penalties for driving an uninsured vehicle attract most criticism in cases where the driver is not aware that the vehicle is unregistered and uninsured—for example where the vehicle has been borrowed or is a work vehicle. The loss of a driving licence for a minimum period of three months for an offence which may have been caused through little or no fault of the offender does not fit well into the category of minor offences suitable for a minimum penalty.

At the time the minimum penalty was introduced a person injured in an accident had no redress if the vehicle which caused the injury was uninsured. This was before the time of the nominal defendant. The main reason for regarding the offence as serious now is that if the practice of not insuring became widespread the third party fund could be seriously depleted.

Further, it is questionable if the existing penalty is a serious deterrent—in 1987-88 there were 3 444 prosecutions for driving an uninsured vehicle. The penalty for the offence will not deter a person who has forgotten to insure or is unaware that the vehicle is uninsured.

By removal of the minimum penalties, a magistrate will be able to consider the evidence presented and set a penalty consistent with the seriousness of the breach.

I commend this Bill to honourable members.

Clause 1 is formal.

Clause 2 amends section 99a of the principal Act which deals with compulsory third party insurance. Subsection (8) of the section presently provides that a third party insurance policy in respect of a vehicle remains in force for the whole of the period for which the registration of the vehicle is granted or renewed and for a further period of grace of 14 days. The clause amends this provision so that the period of grace is increased to 30 days.

Clause 3 amends section 102 of the principal Act which constitutes the offence of driving a motor vehicle for which there is no third party insurance policy in force. The section

presently provides that the penalty for such an offence (except in relation to certain vehicles or circumstances) is not more than a division 9 fine ($500) and not less than a division 11 fine ($100) together with a licence disqualification for a period of not more than 12 months and not less than three months. The section provides that a court may not reduce or mitigate the minimum fine or disqualification unless, in the case of a first offence, it thinks fit to do so for special reasons. The clause amends the section by removing the minimum fine and minimum disqualification and the related provision governing mitigation of the minimum penalties.

The Hon. PETER DUNN secured the adjournment of the debate.

EQUAL OPPORTUNITY ACT AMENDMENT BILL

The Hon. Anne Levy, for the **Hon. C.J. SUMNER (Attorney-General)**, obtained leave and introduced a Bill for an Act to amend the Equal Opportunity Act 1984. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

This Bill, among other things, seeks to amend the Equal Opportunity Act 1984 by extending the ambit of its protection and rights to those who have an intellectual impairment.

During the course of preparation of the Bill for the principal Act it became apparent there was an emerging groundswell of opinion that the benefits it would confer should be extended to the intellectually disabled. However, the momentum of opinion gathered very late in the process of drafting the original Bill and, it was considered, if the Act was to proceed without further or inordinate delay, the position of the intellectually disabled should receive separate and mature consideration. To this end, in November 1984 that is, even before the principal Act itself was assented to), the Government established a Working Party whose primary term of reference was:

> To formulate and prepare guidelines for legislation:
>
> *(a)* that will proscribe discrimination and discriminatory practices against people who have intellectual disabilities; [and]
>
> *(b)* that will promote equal opportunity for people who have intellectual disabilities.

The Working Party was convened by the Disability Adviser to the Premier and comprised representatives of the Intellectually Disabled Services Council, the Commissioner for Equal Opportunity, the Department for Community Welfare, the Health Commission and the Department of Technical and Further Education.

It was charged with the task of inviting comments and submissions from interested persons and organisations. In May 1985 the Working Party issued a discussion paper canvassing proposals for reform.

A substantial number of persons and organisations made submissions to the Working Party as well as comments on the discussion paper itself.

The Working Party prepared its final report in August 1985 and, again, consultation has continued both with regard to that and an early draft of this Bill.

As can be readily seen, the amendments have the effect of extending the protections afforded by Part V of the Act to the intellectually impaired. Thus, with respect to all matters that are the subject of proscription, the adjective 'physical' is deleted and the word 'impairment' is left to do the work because it is now defined to mean both intellectual and physical impairment.

In turn, 'intellectual impairment' is defined by reference to an imperfect development or permanent or temporary loss of mental faculties resulting in a reduced intellectual capacity, otherwise than by reason of mental illness. Such a definition appears better to reflect current thinking on, and terminology in the area of, intellectual disability.

It was also considered important to distinguish such persons from those who suffer from mental illnesses in the strict sense. The Working Party considered it inappropriate to treat discrimination, in these two contexts, in the same way.

The advisory, assistance and research functions of the Commissioner for Equal Opportunity are commensurately extended and the Bill also enhances the capacity or facility for the making of complaints under the Act, with regard to the intellectually impaired. In this context, the Working Party's report observed (at page 57):

> The success of the legislation will depend on several factors including:
>
> There must be a provision enabling someone else to file a complaint on behalf of an intellectually disabled person.
>
> We suggest that anyone who can satisfy the Commissioner for Equal Opportunity that he or she has a proper interest in the care and protection of the disabled person should be able to lay the complaint. This category of complainant is provided for in the Mental Health Act and has proved successful there.

The Government believes these reforms are both necessary and desirable and, given their period of gestation, ripe for implementation. As the Working Party noted, 'There is definitely a momentum which has not existed before.' This Bill is a sensible and timely response to gathering community expectations that are legitimate and reasonable. It is time they found expression in the statute law of this State.

It should be noted that substantially similar objectives have already been achieved in the relevant legislation of both New South Wales and Victoria.

The Bill also contains an amendment to the principal Act to enable a temporary acting appointment (to the Office of Commissioner of Equal Opportunity) to be made in respect of a public servant. Presently no such appointment can be made and that fact gives rise to some administrative difficulties.

The Bill is also designed to achieve several other important reforms relating both to substance and procedure:

(i) to extend to unpaid workers—as opposed merely to remunerated employees—the protections afforded by the Act against discrimination in employment;

(ii) to deal with discrimination by certain associations on the grounds of marital status or pregnancy, in addition to sex, and to cover expulsion of members on these grounds;

(iii) to amend section 34 of the Act to refer to 'work' as opposed to 'position', which is considered too narrow. In short, the amendment will have the effect of an employer being required, before dismissing a woman on the ground of her pregnancy, not merely to satisfy himself or herself that no formal vacant 'position' exists, but also that no other duties are available, regardless of whether they are attached to any single, identifiable position. This will therefore enhance the protective ambit of the Act for pregnant women. Employers will need to do more than merely see if an alternative position is available; they will need to see if other duties cannot be performed by a pregnant woman;

(iv) to enact a new section which will make it unlawful for employer bodies and trade unions to discriminate on the basis of sexuality. It is considered by the Government that exclusion from such bodies on that ground ('sexuality' means heterosexuality, homosexuality, bisexuality or transexuality) is not uncommon and compounds the difficulties a person may have in social adjustment especially via the enhancement of his or her chances for gainful employment;

(v) to amend section 66 of the Act which defines the criteria for establishing discrimination on the ground of 'impairment'. A further ground is sought to be added, that is, that discrimination on the basis of physical or intellectual impairment will be established if the discriminator fails to provide special assistance or equipment required by the other person and the failure is unreasonable in the circumstances of the case. In section 66 there is already special accommodation for blind or deaf people who rely on their guide dogs;

(vi) to amend the Act to widen the class of potential complainants. It is in similar terms to section 50 of the Commonwealth Sex Discrimination Act 1984. In short, it will allow for representative complaints to be lodged with the Commissioner;

(vii) to enact a new section which will allow the Commissioner to conduct inquiries. There are checks and balances on the exercise of that power:

(i) it can only be exercised pursuant to a reference by the Equal Opportunity Tribunal; and

(ii) a reference can only arise after the Minister has approved the Commissioner making an application to the tribunal.

Section 52 of the Commonwealth Sex Discrimination Act 1984 is in somewhat similar terms. At present, the Commissioner can only act when a complaint is lodged. There are many cases, where persons are not prepared for a variety of reasons to lodge complaints, that could usefully be the subject of inquiry.

Finally, the schedule to the Bill effects formal changes to the principal Act to ensure that the language of the Act is, in all appropriate places, gender neutral in accordance with Government policy on good drafting principles. I seek leave to have the explanation of the clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement on one or more proclaimed days.

Clause 3 amends the long title to the Equal Opportunity Act 1984 ('the principal Act'), so that this general statement of the principal Act's purposes covers intellectual, as well as physical, impairment.

Clause 4 amends section 5 of the principal Act which is the interpretation provision.

'Employment' is extended to include unpaid work.

'Impairment' is defined to mean intellectual impairment or physical impairment and is the term that will generally be used in the principal Act.

'Intellectual impairment' is defined to mean imperfect development or loss of mental faculties, otherwise than by reason of mental illness, resulting in reduced intellectual capacity.

'Physical impairment' is redefined in consequence of the definition of 'intellectual impairment' and is also extended to cover loss of any part of the body and not just loss of a limb.

The definition of 'services to which the Act applies' is expanded to include umpiring services.

Clause 5 amends the general interpretative provision by spelling out that 'treating a person unfavourably' on the basis of a characteristic means treating that person less favourably than some other person who does not have that characteristic is treated. This provision saves considerable repetition in the three later provisions that define discrimination.

Clause 6 amends section 8 of the principal Act; first, to permit the appointment of a public servant as Acting Commissioner for Equal Opportunity and, secondly, to make this section consistent with the provisions of the Government Management and Employment Act 1985.

Clause 7 substitutes section 9 of the principal Act. This section, which provides for the appointment of the staff of the Commissioner for Equal Opportunity, has been redrafted in accordance with the Government Management and Employment Act 1985.

Clause 8 amends section 11 of the principal Act which sets out the Commissioner's functions in relation to fostering informed and unprejudiced public attitudes, undertaking research, discriminating information and recommending legislative reforms. As amended, this section will apply in respect of intellectual impairment as well as in respect of other possible grounds for discrimination.

Clause 9 amends section 12 of the principal Act so that the Commissioner will give advice and assistance to persons who are intellectually impaired in the same way as advice and assistance is now provided for persons with physical impairments.

Clause 10 repeals section 13 of the principal Act. This amendment is consequential to the amendment of section 11.

Clause 11 amends section 14 of the principal Act. This amendment is consequential on the repeal of section 13.

Clause 12 amends section 28 of the principal Act which provides for the appointment of the Registrar of the Equal Opportunity Tribunal. The amendments conform to the provisions of the Government Management and Employment Act 1985.

Clause 13 amends the exemption given to employers in respect of pregnant women. It is provided that an employer will not be guilty of discrimination on dismissing a pregnant woman on the ground of safety if there is no other work that the employer could reasonably be expected to offer the woman.

Clause 14 provides that associations with male and female members must not discriminate on the ground of marital status or pregnancy and must not discriminate against a member of the association by expelling the member or subjecting him or her to any other detriment.

Clause 15 inserts a new provision making it unlawful for a trade union or employer organisation to discriminate on the ground of sexuality.

Clause 16 removes from the section dealing with the provision of services the limitation that the services must be provided to the public or a section of the public.

Clause 17 provides that associations must not discriminate against a member of the association on the ground of his or her race by expelling the member from the association or by subjecting him or her to any other detriment.

Clause 18 is a similar amendment to that effected by clause 16.

Clause 19 amends the heading to Part V of the principal Act. This amendment, together with the amendments to be made by subsequent clauses, will have the effect of extending the application of Part V to persons who are intellectually impaired. (Section 84, however, is not to be amended since it relates to the inaccessibility of premises to persons with physical impairments.)

Clause 20 substitutes section 66 of the principal Act and this new section sets out the criteria for establishing unlawful discrimination on the ground of physical or intellectual impairment. It is made clear that impairment includes a past impairment. It is also provided that discrimination occurs where a person treats another unfavourably because the other person requires special equipment or assistance and it is unreasonable for the person to fail to provide that assistance or equipment.

Clauses 21 and 22 remove references to physical impairment from various sections of the Act so that those provisions will apply to intellectual as well as physical impairment.

Clause 23 provides that an association must not discriminate against a member of the association on the ground of his or her impairment by expelling the member from the association or by subjecting him or her to any other detriment.

Clauses 24 to 33 (inclusive) effect consequential amendments.

Clause 34 repeals the section that exempted discrimination on the ground that a person with a physical impairment needed special assistance or equipment. This section has now been incorporated in new section 66.

Clause 35 is a consequential amendment.

Clause 36 redrafts those provisions in section 87 (sexual harassment) that refer to voluntary workers. References to voluntary workers are deleted as the definition of 'employee' now includes a voluntary worker, or, as now referred to under the amendments, an 'unpaid worker'.

Clause 37 amends the heading to the enforcement provisions so that it encompasses inquiries as well as complaints.

Clause 38 sets out a wider range of persons who may lodge complaints with the Commissioner. Representative complaints are allowed for.

Clause 39 inserts a new provision empowering the Commissioner to apply (with the Minister's consent) to the Equal Opportunity Tribunal for permission to institute an inquiry into suspected discrimination.

Clauses 40 and 41 are consequential upon clause 39. It is also provided in clause 41 that a complainant who wishes the Commissioner to refer a complaint to the tribunal must do so within six months of being notified that the Commissioner will not be taking action on the complaint.

Clause 42 is consequential on clause 39.

Clause 43 is a consequential amendment.

The schedule makes a series of amendments to the principal Act to render the language of the Act 'gender-neutral'. The amendments are not intended to alter the substance of the Act, except in relation to sections 18 and 19 where the opportunity has been taken to delete spent transitional provisions relating to the initial constitution of the Equal Opportunity Tribunal.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 11.30 a.m. on 24 August, at which it would be represented by the Hons J.C. Burdett, T. Crothers, Peter Dunn, K.T. Griffin, and C.J. Sumner.

WAREHOUSE LIENS BILL

(Second reading debate adjourned on 22 August. Page 452.)

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

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 22 August. Page 453.)

The Hon. L.H. DAVIS: The Opposition indicates general support for the proposed amendments to the stamp duty legislation, although we have on file one amendment. Stamp duties from residential and commercial properties have increased dramatically in recent years as a result of inflation. That can perhaps best be exemplified by looking at the very significant increases in stamp duties payable by home buyers. If we look at the average prices of houses at the time the Bannon Government took office in December 1982, it was in the order of $47 000 in the Adelaide metropolitan area.

In the June quarter of 1989 that figure had increased to $108 635, well in advance of the June quarter figure of 1985 of about $82 000. Over the 6½ years since the Bannon Government took office there has been a percentage increase in the average price of houses in the Adelaide metropolitan area of about 130 per cent. However, stamp duty payable for home buyers of an average house during that time, has increased from $1 090 to $3 178, a savage increase of 192 per cent. In fact, that figure is even higher for first home buyers, assuming that they are buying a house at the minimum level.

Stamp duty for a first home buyer has increased from $310 through to $1 048, in the same period, an increase of 238 per cent. If one takes into account a 400 per cent increase in Land Titles Office registration fees, the introduction of FID and soaring interest rates, one can see that it is a far from pretty picture for a first home buyer. It is rather more a nightmare.

When the Bannon Government sought re-election in 1985 it committed itself to increase the exemption level for stamp duty to reflect the steady increases in house prices. That was an election policy commitment for the 1985 election. Yet it has waited four years to introduce this exemption and in that time there has been an increase in the average price of houses from $82 000 to $109 000. That is an increase of about 35 per cent.

The inflation in house prices has meant money in the coffers for the Government. It has been very slow to take the pain out of the pockets of first home buyers and that is reflected in the growing disillusionment in the Bannon Government of first home buyers and home dwellers. The first part of this four pronged package which seeks to amend

the stamp duty legislation does raise the first home stamp duty exemption from $50 000, which was an exemption level introduced in 1985 to $80 000 but, as I mentioned, there has been a massive increase in average home prices since then.

In another place it was suggested that 70 per cent to 80 per cent of first home buyers would be buying houses below the $80 000 threshold level. I have not had an opportunity to check that statistic. However, it is a statistic about which I have some doubts. Certainly it is little consolation to those people who, because of jobs or other reasons, have been forced to look for a house which will cost them more than $80 000. The stamp duty is still going to be crippling for them.

In moving to lift the exemption level the Government will obviously relieve the burden for home buyers, but the point that we wish to make from this side of the Council is that it is relief which has come too late and, in my view, it is quite parsimonious. The other point that needs to be made is that this legislation will take effect from 9 August 1989, the date on which the announcement was made by the Premier. I indicate to the Council that my amendment on file seeks to ensure that stamp duty will be levied only at the time of settlement, when the title and the transfer is registered at the Land Titles Office on the settlement date.

Prior to the announcement on 9 August, many people would have entered into contracts to purchase houses, some with a 30-day settlement, some with only a seven-day settlement, and some with a settlement as long as 90 days or even longer. The point I make to this Government, which has little practical experience of business, is that the contract is only consummated at the time of settlement, and that is the time at which the stamp duty should be levied. Therefore, it seems highly appropriate that this amendment should be put forward and supported. It is inequitable to insist that purchasers of property will be required to pay stamp duty at the old rate, even though their settlement may not have been effected until after the announcement had been made. It would be a small price to pay for this Government to accept this amendment, which seeks to have some equity and to recognise that the contract is only consummated at the time of settlement.

Other matters are addressed in this Stamp Duties Act Amendment Bill, two of which relate to the Australian Stock Exchange and which recognise that technology is resulting in significant improvements to the transfer, settlement and registration of equity shares and other quoted securities. The new system which is being introduced in Australia under the acronym FAST (the Flexible Accelerated Security Transfer system) will involve uncertificated shareholdings in Australian companies. This amendment is necessary to avoid the imposition of double duty by exempting transfers into and out of certain nominee accounts which, apparently, are necessary to facilitate the scheme.

In other words, instead of having certificated share holdings or physical evidence of ownership (a share certificate), in future there will be a register that will recognise the holding of an individual or a corporation. This will be similar in principle, I suspect, to the Commonwealth bond registry which is evidence of title in itself as distinct from a certificate, which has, of course, been common in the past as evidence of shareholding in individual companies.

The second reading explanation assures us that there will be no reduction of current revenue. That assurance comes as no surprise, because this Government has been very reluctant to give up revenue and seems to be at its best in giving up revenue only with the breeze of an election fanning it along.

The final exemption is a small matter which will reduce Government revenue by a mere $75 000: that is, raising from $15 000 to $24 000 the exemption level for rental duty. That does not apply to rents from real estate and is a very minor amendment.

This legislation was foreshadowed by the Premier and Treasurer. It is part of a package of measures which are being debated in this Council, and part of a pre-election spree on the part of this Labor Government which has, fairly cynically, used such measures to try to gee-up its faltering support in the electorate.

What concerns me is that it has taken the Government so long to honour its 1985 promise of raising the first home stamp duty exemption because, quite clearly, while house prices are rising steadily under a Federal and State Labor Government, interest rates are also rising steadily, and that relief should be made at regular intervals. I hope that in future exemption levels for first home buyers can be adjusted on a regular basis, at least in line with inflation, or perhaps through an adjustment involving a mix of the movement in inflation and the movement in average house prices. It does not seem too difficult a proposition. Certainly, it is unacceptable for first home buyers to have to wait four years to obtain relief in relation to the measures that we have before us tonight.

Bill read a second time.

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 August. Page 454.)

The Hon. L.H. DAVIS: This measure, whilst it offers relief to employers who must pay pay-roll tax does little to improve South Australia's competitive position against the other States. It is interesting to reflect on the history of this legislation. I note that at the time of the 1985 election the Liberal Party proposed to lift from $250 000 to $300 000 the level of pay-roll tax exemption. That was the commitment. In what I think was a very sensible proposal, the Liberal Party stated that it would lift the exemption level progressively by $50 000 annually.

One does not need to have done grade 7 arithmetic to understand that, if the Liberal Party had been in power and that promise had been honoured (as it surely would have been), the exemption level would currently be running at $450 000 to $500 000. That is well in excess of the exemption level which we see proposed to be amended from $330 000 to $360 000 on 1 October this year, and then, in a second stage, to $400 000 on 1 April 1990.

I note and recognise that the exemption level was increased from $270 000 in the last financial year to the current level of $330 000. But, if we look at other Australian States we see that South Australia is still trailing. Queensland, with a payroll tax exemption level of $450 000 in 1989-90, will be $50 000 over the exemption level of $400 000 that will be established next April in South Australia; and South Australia will be well behind Tasmania's exemption level of $500 000. I recognise that our exemption level will be well below the exemption level of New South Wales which, in the current financial year, is $432 000; and that our exemption level is better than the levels in Victoria and Western Australia, the two adjacent States.

As I have mentioned on more than one occasion, South Australia suffers the tyranny of distance and must fight hard to attract business. We should be more than competitive in the payroll tax area, but under the Bannon Government South Australia has lost the competitive edge in this

area. South Australia is certainly not very competitive in relation to stamp duty on small businesses and, as I remarked in the Address in Reply debate, we have lost significant ground in the important area of energy costs. The payroll tax exemption level of $400 000, which will come into effect on 1 April 1990, will still place South Australia behind the exemption level in most States.

I suppose that an increasing number of employers and small businesses in South Australia would see 1 April as being an appropriate time for that exemption level to be introduced—because 1 April is April Fool's Day. Many South Australian employers would perhaps believe that too many people have been fooled by the shenanigans of the Bannon Government. The Cabinet team does not contain a member who has operated a small business, and Cabinet does not understand the punitive effect of the payroll tax system. Increasing the payroll tax exemption level to $400 000 early next year means that employers with as few as 10 and 15 employees will still have to pay payroll tax.

I do not want to enter into the merits and demerits of payroll tax at this late stage of the evening, but it seems ironic that State Governments have not been able over the past few years to get together to abolish this crazy tax on employment that penalises businesses progressively as they employ more people. Payroll tax is an iniquitous tax: it is a tax on initiative and productivity. It is a tax of no sense at all. I hope that—

The Hon. J.C. Burdett interjecting:

The Hon. L.H. DAVIS: As my colleague the Hon. John Burdett has rightly observed, the origin of payroll tax was interesting—it was to finance child endowment, but that reason has long since gone. I hope that the States, perhaps in conjunction with the Commonwealth, can rectify the situation regarding payroll tax, because it has a regressive effect on employment. We have the dilemma that people cannot agree to an immediate substitute for payroll tax. The Opposition agrees with the provisions of this Bill but finds it disappointing that the increases are not more generous and that the Bill does not recognise sufficiently that South Australia's competitive position very much turns on matters such as this. The Opposition again emphasises that, even with this initiative, South Australia will remain behind New South Wales, Queensland and Tasmania. In our view, that is not good enough.

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

SUPPLY BILL (No. 2)

Adjourned debate on second reading.

(Continued from 22 August. Page 452.)

The Hon. DIANA LAIDLAW: At this very late hour I shall be making only a few comments on the Supply Bill. First, I note that one advantage of sitting after 11 p.m. is that one gets a copy of the next day's *Advertiser*. I notice from page 1 that Mr Olsen has released details of the Bannon Government's budget.

The Hon. M.B. Cameron: All very accurate.

The Hon. DIANA LAIDLAW: Accurate, I understand. While many popular issues are noted in terms of education, employment, health, children's services, environment, tourism, agriculture and the aged, again poor old community welfare misses out. Under this Government it has become a very poor relation in the area of Government initiative and social justice.

I highlight this point because there are enormous staff problems within the Department for Community Welfare. Indeed, at least one office—the Gawler office—was closed temporarily for three days on 24, 25 and 26 July as a direct consequence of staff shortages. I shall read briefly from a circular issued by the Gawler office of the Department for Community Welfare, dated 21 July 1989, from the Manager, Welfare Services, Michael Colin, alerting those who may use the DCW to the closure of the office. It reads:

> Due to staff shortages, the Gawler District Office will only be able to provide a limited service for the week 24th-28th July, 1989.
>
> The office will be closed on Monday, Tuesday and Wednesday—at this time the following arrangements will apply:
>
> All Concessions—Applicants can collect forms and either return with the necessary documentation to this office on Thursday/Friday or any of the offices indicated later. No appointment is necessary.
>
> Emergency Financial Assistance—All applicants will need to either contact a neighbouring office by phone for an appointment or be referred there by an agency.
>
> Appointments will be essential.

As an aside, I would say that an appointment for emergency financial assistance is an interesting phenomenon. The circular continues:

> Petty cash may have to be provided by the referring agency for fares, etc.
>
> Agencies are requested to consider favourably the use of their own resources and services as well.
>
> Financial Counselling and Maintenance—Appointments can still be made by contacting the Gawler office.
>
> Child Protection—The office will continue to receive by phone any allegations concerning the care of children. If staff are not available, please contact Crisis Care.

Under 'General inquiries'—this is within the Gawler area—people are invited to contact the Clare office. I am not entirely familiar with kilometres, but I imagine it would be at least an hour away if travelling by fast car. It also refers to the Nuriootpa office, the Elizabeth office and the Salisbury office. It goes on:

> Staff will be available at the office by phone. However, this will be on a limited basis and your are requested to limit it to essential contact only. We will endeavour to return all phone messages as soon as we can, however your forbearance will be essential.
>
> At this point these arrangements are only expected for a week; however we may continue to experience difficulties for a further two weeks.

I understand that the Gawler office continued to experience difficulties and other DCW offices around the State are experiencing staff difficulties.

I highlight this problem because members may recall that in 1987 similar staff difficulties led to work bans being applied by DCW. It was having difficulty in temporarily filling paid vacancies because of long service leave arrangements and the like. It was unprecedented at that time—1987—for the department to impose work bans. I understand that similar pressures are building up in the department at present. Therefore, we should be cautious, careful and alert to these situations because no-one would wish to see work bans again applied within the department arising from staff shortages similar to those of two years ago and staff shortages which are being experienced now.

I highlight the problem in relation to the Supply Bill in the knowledge that the budget will be brought down tomorrow. In the details of the budget released by John Olsen today I note no reference to this important matter. I shall be most interested to see the budget tomorrow. In the meantime, I hope that under this Minister of Health, Community Welfare and the Aged we will not see the same neglect of the Department for Community Welfare as we have seen under successive Ministers in this Government.

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

ADJOURNMENT

At 12.4 a.m. the Council adjourned until Thursday 24 August at 2.15 p.m.