LEGISLATIVE COUNCIL

Wednesday 3 April 1991

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Chiropractors,
Roads (Opening and Closing),
Road Traffic Act Amendment (No. 4),
Royal Commissions (Summonses and Publication of Evidence) Amendment,
State Bank of South Australia (Investigations) Amendment,
Statutes Amendment (Water Resources), and
Waterworks Act Amendment.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 152 and 156 to 159.

WORKCOVER

152. **The Hon. J.F. STEFANI** asked the Attorney-General:

1. Will the Minister provide complete details of the expenditure incurred by WorkCover following rehabilitation services in accordance with the terms of its agreements with the various registered rehabilitation providers engaged by WorkCover for the following operating periods:
   (a) 1.7.89-30.6.90;
   (b) 1.7.90-31.3.91?
2. Will the Minister provide the breakdown of the expenditure for the above periods into the following categories:
   (a) Vocational planning and counselling;
   (b) Physical activity assessment;
   (c) Mental activity assessment;
   (d) Job analysis;
   (e) Pain counselling;
   (f) Coordination;
   (g) Job redesign;
   (h) Job seeking;
   (i) Vocational retraining—equipment;
   (j) Vocational retraining—fees;
   (k) Family counselling;
   (l) Rehabilitation support services;
   (m) Children;
   (n) Accommodation;
   (o) Travel;
   (p) Equipment or services—for worker use at home;
   (q) Equipment or services for worker use at work;
   (r) Investigation of need for rehabilitation;
   (s) Ethnic support services;
   (t) Other?

The Hon. C.J. SUMNER: The replies are as follows:

1. Contracted Rehabilitation Expenditure: Totals.

Total expenditure by contracted rehabilitation providers by financial year.

CRP	1989-90 $	1990-91 to date $
Provider A	259 713	251 715
Provider B	675 830	60
Provider C	620 497	686 823
Provider D	2 587 463	1 431 598
Provider E	1 973 058	1 157 946
Provider G	1 010 740	871 795
Provider H	624 558	1 103 524
Provider K	286 376	175 440
Provider L	358 667	479 271
Provider M	423 027	446 884
Provider O	1 523 472	1 395 149
Provider P	671 827	658 533
Total	11 015 231	8 658 737

Note: CRP codes are the same as those used in last year's question to allow comparison. Additional codes have been used where contracts have been issued to new CRPs. Deleted codes indicate a loss of contract.

2. Rehabilitation Provider Expenditure by Category

Total expenditure by contracted rehabilitation providers by service type.

Service Type	1989-90 $	1990-91 $
Vocational planning and counselling	608 768	485 639
Physical activity assessment	855 107	650 061
Mental activity assessment	69 129	46 340
Job analysis	151 527	110 582
Pain Counselling	42 122	18 654
Coordination	6 806 309	4 411 197
Job redesign	100 439	78 831
Job seeking	488 506	436 680
Vocational retraining equipment	21 033	10 178
Vocational retraining fees	101 759	93 150
Family counselling	20 546	5 523
Rehabilitation support services	131 976	75 442
Childcare	9 738	4 724
Accommodation	3 182	2 587
Travel	968 689	653 484
Equipment or services for worker use home	299 652	131 335
Equipment or services for worker use work	101 400	51 901
Investigation of need rehabilitation	78 866	76 063
Ethnic support services	65 205	41 772
Other	136 582	54 888

STATE CONSERVATION CENTRE

156. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage: In relation to the State Conservation Centre—

1. What was the cost of operating the commercial program last financial year and what is the anticipated cost in 1990-91?
2. What profit did the commercial program generate last financial year and what is the estimated profit in 1990-91?
3. Do tenders for commercial work take into account local, State and Federal taxes including land tax, FID, company tax, sales tax, bank account debits tax and fringe benefits tax plus depreciation of plant and equipment?
4. Are general operating costs, for example, telephone, power, and rates apportioned between the commercial program and institutional work?
5. Has expansion of the commercial program to incorporate Artlab required the purchase of additional equipment and, if so, how has this been funded and on what terms?
6. Have Government institutions been instructed to direct all their conservation work through the centre or do they have the liberty to seek quotations from and direct work to conservators in the private sector?

The Hon. ANNE LEVY: The replies are as follows:

1. The cost of operating the commercial program of the State Conservation Centre in 1989-90 was $332 069 and the anticipated cost for 1990-91 is $333 000.

2. The profit generated by the commercial program last financial year was $6 518 and in 1990-91 it is estimated the program will break even.

3. Tenders for commercial work do take into account local, State and Federal taxes, if they are applicable. Depreciation of plant and equipment is covered in Artlab's current price/cost structure. ARTLAB AUSTRALIA is the trading name of the State Conservation Centre from 17 March 1991.

4. Telephone and power costs are apportioned between the commercial program and institutional work. Council rates are not payable.

5. No.

6. No Government directive has been given.

TANDANYA

157. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage:

1. How many people are currently employed at Tandanya and what is the total payment per week or per fortnight for salaries and wages?

2. What are the operating costs on a weekly or fortnightly basis to ensure that Tandanya maintains current opening hours?

The Hon. ANNE LEVY: The replies are as follows:

1. As at 25 March 1991 there were 13 full-time employees at Tandanya at a cost of approximately $10 500 per fortnight. Two of these employees are self-funded through the retail outlet and two are trainees who are 75 per cent funded by the Commonwealth Department of Employment, Education and Training. Also included is the previous Director, Mr P. Tregilgas, whose contract expires on 2 May 1991.

2. The fortnightly operating costs to ensure Tandanya maintains current opening hours are approximately $14 500. However, these costs are partially offset by funding from external organisations which is (and will be) received for forthcoming exhibitions.

CARCLEW

158. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage:

1. What is the cost this year and what arrangements apply at present for maintaining the gardens at Carclew?

2. Is maintenance of the gardens subject to review by the Youth Arts Board and, if so, what other options are under consideration and/or have been determined?

The Hon. ANNE LEVY: The replies are as follows:

1. 1991 budget of $7 500 towards repairs and maintenance of the gardens and building at Carclew. Carclew currently employs a full-time maintenance officer and part of his duties include the maintenance of the grounds at Carclew.

2. In 1990 this position was declared surplus to Carclew's staff requirements and the officer has been placed on the redeployment register. Once the officer is redeployed, the maintenance of the gardens will be offered on contract under public tender.

ODEON THEATRE

159. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage: In relation to the review of the Odeon Theatre:

1. What is the proposed budget?

2. When is the committee due to report?

3. Will the review team be investigating past commitments and/or understandings reached with Wallis Theatres to operate the Odeon as a venue for screening films, including the Film Festival coordinated by Peter Crayford?

The Hon. ANNE LEVY: The replies are as follows:

1. $2 360 expenditure towards review costs.

2. By Friday 19 April 1991.

3. No. No agreements or commitments have been reached by the South Australian Youth Arts Board with Wallis Theatres.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Tourism, for the Attorney-General (Hon. C.J. Sumner)—

- Occupational Health, Safety and Welfare Act 1986—Code of Practice for Asbestos Work (Excluding Asbestos Removal).
- Supreme Court Act 1935—Report of the Judges of the Supreme Court of South Australia, 1990.
- Rules of Court—Supreme Court Act 1935—Supreme Court—Experts Reports and Interest Rate.
- Regulations under the following Acts—
  - Boating Act 1974—Whyalla Zoning.
  - Dangerous Substances Act 1979—Autogas Permits.
  - Marine Act 1936—Uniform Shipping Code.

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

- Animal and Plant Control Commission—Report, 1990.
- Veterinary Surgeons Act 1985—Regulations—Qualifications.

By the Minister of Consumer Affairs (Hon. Barbara Wiese)—

- Administration and Probate Act 1919—Regulations—Fees.

By the Minister of Tourism, for the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

- Regulations under the following Acts—
  - Education Act 1972—Student Accommodation.
  - Industrial and Commercial Training Act 1981—Engineering Trades.
  - Metropolitan Taxi-Cab Act 1956—Fares.
  - Native Vegetation Management Act 1985—Development Clearance.

MINISTERIAL STATEMENT: VIDEO GAMING MACHINES

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: I wish to make a statement on behalf of the Minister of Finance in response to the comments of an honourable member in another place in the adjourned debate on the motion of Mr S.G. Evans to disallow the regulations under the Casino Act 1983 relating to video gaming machines.

The honourable member in another place claims that the casino authority showed disregard to Parliament and the Government by working on the opening with employees from the Casino for a considerable time. It can only be assumed that the casino authority referred to is the Casino

Supervisory Authority, a statutory body vested with responsibility under the Casino Act to supervise the operation of the Casino. If that is correct, the statement by the member in another place is unfounded and simply not true. In fact, at the direction of the Chairman, the Secretary to the authority advised the Chief Executive at the Adelaide Casino as soon as the authority became aware of the proposed opening date that the Casino could not assume that the authority would give all approvals required under the terms and conditions of the licence by that date. This stance is reflected in all correspondence from the authority to the Casino on this matter.

At no stage did the authority or the Liquor Licensing Commissioner, who has responsibility for approving video gaming devices and various other matters relating to their introduction, work on the opening with employees of the Casino. The authority and the Commissioner maintained their independence and impartiality at all times.

The honourable member in another place labours the point that video gaming machines are quite clearly poker machines. Again, that is simply not correct. The video gaming devices approved for the Adelaide Casino require the player to make a decision. The games of keno and blackjack are simply a video version of the games of keno and blackjack played in the Casino. While the game of video poker with its many variations is not a direct replica of the game of poker because of the absence of other players, the player is still required to make decisions similar to those in the game of poker. In other words, on video gaming machines, the player influences the outcome by making decisions whereas on poker machines the outcome is predetermined and unable to be changed.

The honourable member in another place asked for details of the approval process. As stated earlier, the Liquor Licensing Commissioner is responsible under the terms and conditions of the Casino licence for approving all gaming equipment or surveillance and security equipment and systems prior to their installation and use in the Casino. The terms and conditions go further to provide that all such equipment and systems shall be under the control of the Commissioner at all times and that their use shall be in accordance with any instructions given by the Commissioner.

To assist in the extremely complex task of evaluating video gaming machines, the Commissioner engaged the New South Wales Liquor Administration Board's testing authority. The Commissioner was of the view, which the Minister of Finance supports, that the New South Wales testing facility had the expertise, experience and proven record to undertake device evaluation. In addition, an analyst was recruited to the Office of the Liquor Licensing Commissioner to assist in the evaluation process. This analyst, who works closely with the New South Wales testing facility, is well qualified, holding a Bachelor of Science (Physics) degree with honours in mathematical physics, has a Master of Business Management degree and has completed four years of a doctorate in physics. The New South Wales testing facility consists of staff with qualifications in computing, mathematics, physics and electronics.

The testing process involves an initial evaluation of some two to three weeks, followed by a full evaluation taking a further nine to 13 weeks. To date, four initial evaluations have been completed and the Liquor Licensing Commissioner and the Casino Supervisory Authority have given conditional approvals for these four devices. These conditional approvals were given based on the preliminary evaluations. Full approvals will be given once the full evaluations have been completed.

The honourable member in another place claims that the video gaming machines will accept credit cards. This is untrue. However, it is technically possible to modify the hardware by installation of a magnetic card reader, for example, and the software so that the EDT system could recognise and store credit information. To do this would require the approval of the Casino Supervisory Authority and the Liquor Licensing Commissioner—approvals that would not be given under the current Casino Act, which prohibits betting on credit. Any attempt to modify the hardware and software to allow credit betting without the necessary approvals would be detected by the Government Casino Inspectorate.

It is also claimed that there is an interchange of information between the video gaming machines and a central mainframe computer, and that this would provide an opportunity for high level organised crime to infiltrate the system. The honourable member in another place is correct in his assertion that there is a central mainframe computer. This system is referred to as the EDT system, which is an on-line monitoring and auditing system.

It would appear that the honourable member in another place is confusing two systems. The initial statement refers to 'three banks of 16 machines that are connected together as one playing for a jackpot pool'. This link progressive system does not require connection to a mainframe computer. In fact, no mainframe computer is involved at all in these link progressive systems. The machines are connected to a sealed, stand alone link progressive controller, which is a passive one-way communication device. Information is transmitted from the individual machines to the controller which calculates the values of the various progressive jackpot levels. The system does not allow the link controller to transmit messages back to the individual machine. To do so would require modification to the link controller and also the game program in the machine itself. If a game program was corrupted to accept such messages, it would no longer match the game master EPROM (that is, the game program) held by the Government Casino Inspectorate.

The EDT on-line monitoring and auditing system is again a one-way communication system. The system is purely a monitoring system which derives information from the machines via optical isolators which ensure that there is no electrical connection between the machine circuits and the monitoring system interface circuits. These optical isolators are unidirectional and, therefore, it is not possible for the EDT system to either intentionally or unintentionally affect machine operation. The system does not transmit information to the machines and the system is in fact a powerful tool to reduce criminal activity through its monitoring of meters, doors and other aspects of the machines.

Again it might be possible to modify the game EPROM to accept commands and to modify the EDT system to allow the system to send information; however, any corruption of the game program to allow this would result in the game EPROM not matching the game master EPROM. The commissioner is satisfied that the system of controls and procedures approved for video gaming machines are such that any interference would be detected.

The Minister of Finance takes this opportunity to invite any member to inspect the machines and the system of controls and procedures. It is also suggested that, if a member believes they have factual concerns about systems and procedures in the Casino, they should be prepared to substantiate these in a manner which allows the allegations to be investigated by the Casino Supervisory Authority or the

Liquor Licensing Commissioner. This constructive approach would allow any problems to be rectified if necessary.

QUESTIONS

AUSTRALIAN ELIZABETHAN THEATRE TRUST

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister for the Arts and Cultural Heritage, a question about the Australian Elizabethan Theatre Trust.

Leave granted.

The Hon. DIANA LAIDLAW: I appreciate that the Minister for the Arts and Cultural Heritage is interstate, and normally I would delay asking the question until the Minister returns tomorrow. However, I think the matter I raise is of such importance that I should ask the question notwithstanding the Minister's absence, and perhaps an answer could be provided tomorrow when the Minister returns.

Last Thursday, 28 March, the Australian Elizabethan Theatre Trust was put into liquidation; its debts are estimated at millions of dollars. Its assets include some $600 000 in gifts provided to the trust in recent weeks on the understanding the moneys would be directed to nominated arts organisations, including the Adelaide Festival, the State Opera and the State Theatre Company. The demise of the trust has meant that each of these South Australian organisations has lost substantial funds. But they are destined to lose even more if the Federal Government does not expand its list of arts organisations eligible under the Income Tax Assessment Act to directly receive tax deductible donations.

Since 1954, the trust has acted as a conduit for private tax deductible donations to the arts. For many years, however, arts organisations have lobbied for this ludicrously arcane process to be replaced by a direct donation tax deductibility system. Certainly for some years such a simplified system has been a feature of Federal and State Liberal arts policies. Meanwhile, the current Federal Government has consistently refused to implement a direct donation system.

Therefore, it came as some considerable surprise to almost everyone in the arts industry when last week (24 March) Federal Treasurer Keating and Arts Minister Simmons suddenly announced that, after 37 years, responsibility for direct donations would be switched from the Australian Elizabethan Theatre Trust to qualifying arts bodies themselves. This unanticipated announcement, some four days before the collapse of the trust, has reinforced concerns that the Federal Government had knowledge of the trust's financial difficulties before its collapse but deliberately chose to remain silent and to allow the public to continue to channel donations through the trust—donations that have now been lost to the arts. I therefore ask the Minister:

1. Is she aware of how much money has been lost to South Australian arts organisations following the decision to place the Australian Elizabethan Theatre Trust in liquidation and to divert donations to meet the trust's huge debt?

2. Does she accept that the Federal Government has a duty to honour these losses on the grounds that the Government clearly knew about the trust's financial problems but failed to give any indication to prospective donors of the risks they ran by channelling gifts through the trust to their favoured arts organisation?

3. Recognising that no South Australian arts organisation has been listed by the Federal Government as eligible to receive tax deductible donations as from 25 March, what representations has the Minister made to the Federal Government to ensure that South Australian arts organisations, eligible in the past to receive tax deductible donations through the intermediary of the Australian Elizabethan Theatre Trust, now become eligible to receive tax deductible donations under the Federal Government's new arrangements?

I would add that the State Opera, on average, has been able to generate some $30 000 per annum in tax deductible donations, through the trust, and the Adelaide Festival of Arts has received hundreds of thousands of dollars under the same arrangement. These have become essential funds, but such essential funds will dry up if the Federal Government does not recognise these South Australian arts bodies under the Income Tax Assessment Act.

The Hon. BARBARA WIESE: I am quite sure that the Minister for the Arts and Cultural Heritage will be fully aware of the matters that the honourable member has raised and that she will be able to provide a prompt reply. I undertake to refer the question to her and ensure that that occurs.

VIDEO GAMING MACHINES

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question about video poker machines.

Leave granted.

The Hon. K.T. GRIFFIN: In evidence given by the Liquor Licensing Commissioner to the Joint Standing Committee on Subordinate Legislation in July 1990, he acknowledged that he had been directed by Cabinet to apply to the Casino Supervisory Authority to have the terms and conditions of the licence to operate the casino varied to allow the installation of video gaming machines. Quite obviously, the licence has now been varied to accommodate the Government's wish. The commissioner told the Joint Subordinate Legilsation Committee that, if the terms of the licence were varied, the next step would be for him, as Liquor Licensing Commissioner, to approve any equipment, if the matter was to proceed. He said:

> I should have to approve equipment, suppliers of equipment, people who will be doing any repair work on the equipment, as well as the layout of the Casino.

The Commissioner also said that the Commissioner of Police would be involved in investigating any potential supplier of equipment, and that the Liquor Licensing Commissioner would be involved in checking the computer chip in every machine.

In that evidence, the Liquor Licensing Commissioner said that checking the chip against the master would take six weeks for every game and for every type of machine. I understand that, so far, some 450 machines have been installed in the Casino, but that does not necessarily mean that they all have different games. However, presumably they represent a number of varieties of devices.

The Minister has made a ministerial statement which indicates that the task of evaluating video gaming machines is extremely complex. So, the Liquor Licensing Commissioner engaged the New South Wales Liquor Administration Board's testing authority and recruited one analyst to his office to assist in that evaluation process.

The ministerial statement also says that the testing process involves an initial evaluation of two to three weeks followed by a full evaluation of a further nine to 13 weeks; that four devices have been given conditional approval based on preliminary evaluations, but that full approval will be given once the full evaluations have been completed. My questions are:

1. When was the task of evaluating the video gaming machines commenced and what procedures were followed in that evaluation?

2. Will the Minister indicate also the extent of the initial evaluation of two to three weeks and when the full evaluation of a further nine to 13 weeks will be undertaken and completed?

3. As the ministerial statement refers to four devices having been given conditional approval, will the Minister indicate the number of video gaming devices in the Casino to which that conditional approval relates?

4. What procedures have been established by the Liquor Licensing Commissioner for checking the computer chip in each machine, and what time is taken for that process?

5. What is the program for checking, and has each machine currently in operation been checked prior to the commencement of operation?

6. What time has been involved in the exercise of these responsibilities?

7. What work was undertaken by the Liquor Licensing Commissioner to oversee the installation of the machines?

8. To what extent has the Commissioner of Police been involved in the vetting of the supplier of the machines?

The Hon. BARBARA WIESE: I do not have very much of that information at my fingertips. This is a matter for the Liquor Licensing Commissioner, from whom I will seek a detailed report on the numerous issues raised by the honourable member.

However, there is one matter on which I believe I can provide some information at this time. As I indicated in the ministerial statement that I delivered on behalf of the Minister of Finance, currently, four games have been approved for installation in the Casino. As I understand it, the machines that are located in the Casino at this time provide a mixture of those four games. I understand that it is the intention of the Casino progressively to replace some of those machines to provide a greater variety of video games for patrons when the machines have been checked and have received the approval of the Liquor Licensing Commissioner and other appropriate authorities.

As to the issues relating to the commencement of the evaluation process, the details of the process itself and other matters about which the honourable member has asked questions, I will seek a report from the Liquor Licensing Commissioner and bring it back as promptly as possible.

SMALL BUSINESS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Small Business a question about the small business crisis.

Leave granted.

The Hon. L.H. DAVIS: An examination of Bannon Government taxes, charges and initiatives for small business reveals that the climate for small business in South Australia is arguably more hostile than that in any other mainland State in Australia. In the past four years the Bannon Government has grabbed an extra $424 million in taxation from four business taxes: a financial institutions duty, land tax, payroll tax and stamp duty. This represents a massive 74 per cent increase in just four years. It is $250 million more in taxation for Government coffers than would have been the case if tax increases had been in line with inflation over the past four years.

South Australia is the undisputed workers compensation capital of Australia with by far the highest average premium rate—3.8 per cent. It is the only State to include overtime when calculating the benefits payable. There are examples of injured workers receiving 45 per cent above the current rate of pay of fellow employees. Although the Bannon Government in the past few days has claimed that it will reduce WorkCover premiums, it has recently refused point blank to accept Liberal Party amendments to reduce the cost of the WorkCover scheme. South Australia also has the highest financial institutions duty, at 10c per $100. Bannon's financial institutions duty rate is 57 per cent higher than that of any other State.

The Bannon Government still imposes a 10c stamp duty on cheques, although in both New South Wales and Victoria stamp duty has been abolished. A small business in South Australia banking a $200 cheque is slugged a total of 30c in stamp duty and financial institution duty, but in Victoria and New South Wales it would be only 12c and in Queensland just 10c. For many businesses, these charges in FID and stamp duty alone cost thousands of dollars per year. Not surprisingly, there is conclusive evidence that some South Australian businesses choose to bank interstate.

There is also firm evidence that some Government agencies take up to four months to pay accounts, and there have been complaints that some Government agencies lose invoices and accounts. The Bannon Government, in November 1985, promised to consider the establishment of a one-stop shop to make it easier for small businesses to gather information about licences required and regulations that may affect their business and, in fact, suggested that it would consider opening them in suburbs as well. But the one-stop shop has yet to open its doors for business. I seek leave to have inserted in *Hansard*, without my reading it, a table of a statistical nature which underlines the points that I have made.

Leave granted.

BANNON'S BUSINESS TAX SLUG

	1986-87 $ m	1990-91 (Budget estimate) $ m	percentage increase
Financial Institutions Duty	33.3	109.1	228
Land Tax	44.2	80.0	81
Payroll Tax	279.7	471.7	69
Stamp Duties	215.3	335.3	56
	$572.5	$996.1	74

The Hon. L.H. DAVIS: My questions to the Minister are:

1. Does the Minister accept that the facts as outlined have made life more than difficult for small business in South Australia?

2. What specific initiatives does the Bannon Government have to help assist small businesses weather the greatest crisis they have faced since the 1930s depression?

The Hon. BARBARA WIESE: First, I do not accept many of the claims that the honourable member has made about that—

The Hon. L.H. Davis: Tell me where I'm wrong.

The Hon. BARBARA WIESE: If you listen and wait, I will.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It is remarkable: I was only half way through a sentence before he interjected this time; he usually starts before you even open your mouth! The point I was trying to make was that I do not accept the premise upon which the honourable member bases his argument, and that is that South Australian small businesses are in a worse position with respect to the impact of taxes and charges and other Government measures than are small businesses in other parts of the country. In fact, I draw the honourable member's attention to figures that were produced by the Institute of Public Affairs, which I do not

think is particularly noted for being a supporter of Labor Governments. This year the institute produced a table of taxation for each of the States in Australia and measured the rate of taxation per head of population. The figures there—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —indicate that South Australia is in fact a low taxing State with the second lowest per capita tax in Australia—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —other than Queensland, which is the lowest taxing State in Australia. It is important to recognise that, over the past few years, this State Government has been able to offer taxation benefits and reductions in a number of areas that directly impact on the cost structure of businesses in this State. I refer in particular to the changes that have taken place in the payroll tax system, where there have been adjustments to the exemption limits; changes to the land tax system, which have eased the burden on existing taxpayers by broadening the tax base; and electricity tariff restructuring, which provides real terms tariff reductions for commercial consumers.

The fact is that charges in this State have been kept at or below the CPI increases over a number of budget periods. There are numerous other examples of measures which have been taken in recent years by this Government and which are of direct benefit to small businesses in South Australia. Nobody is denying that the current recession is having a serious impact on businesses throughout Australia, and certainly South Australia is not likely to be free from the impacts that the recessionary conditions will bring. But so far the situation in South Australia, as measured by all reasonable and independent observers, has been more favourable than in other parts of Australia.

For its part, the Government is attempting, where possible, to assist small business by the provision of new measures. If possible, we want to minimise or reduce the burden of taxation on businesses in this State in the future. I refer the honourable member to a statement that was made by the Premier about a week ago in which he outlined—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —some of the measures that the Government was hoping to take in the near future. I will not repeat those measures. I think the honourable member should read the statement for himself. I am sure that it has been well publicised as well. A number of measures flagged by the Premier in that statement, along with measures the Government already has in train, will assist small businesses. In the meantime the Government is also making strong representations to the Federal Government on matters over which it has jurisdiction in order to encourage the Federal Government to take appropriate action that will also assist small businesses.

PHYSIOTHERAPISTS' EDUCATION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about physiotherapists' education.

Leave granted.

The Hon. M.J. ELLIOTT: I believe this matter was raised in this Parliament in early December by the Hon. Mr Lucas, and there has been no reply to his question, as I understand it. I had a meeting with representatives of the Physiotherapy School of the University of South Australia and with various people within the field of physiotherapy who have a very grave concern about a situation which they are now confronting and which needs to be resolved before the next State budget; otherwise, what is currently a centre of excellence in physiotherapy by world standards may be lost to South Australia.

As I understand it, the Commonwealth Government, using a relative funding model, has allocated money towards various institutions depending on how many students they have in various categories. The complication for the Physiotherapy School in South Australia is that whereas all other physiotherapy schools around Australia receive assistance indirectly from their State Governments by way of funding people who supervise clinical practice, that does not happen in South Australia. Consequently, the South Australian School of Physiotherapy of the University of South Australia has to pick up all that cost itself.

The University of South Australia is now cutting funds to the Physiotherapy School, based purely on the allocation that is made on the relative funding model. That will mean that there will be a 50 per cent reduction in budget, that the school will lose at least 50 per cent of the current clinical practice that is necessary for students, and students will no longer qualify for the minimum standards that are required before they can be registered as physiotherapists in South Australia. The people from the Physiotherapy School point out that the State gets a great number of freebies because the school places equipment in various hospitals and, by funding the people who supervise clinical practice, the school is actually providing a service within hospitals. It argues that it is not unreasonable that the State should make a contribution.

The school really is between a rock and a hard place: the University of South Australia has cut its funding by 50 per cent and, although it has managed to carry over funds from last year that will enable it to survive through this year, without a Government guarantee of support for the Physiotherapy School in South Australia—probably one of the best physiotherapy schools in Australia and one of the best of any school in South Australia—it may be lost. Will there be a clear undertaking from the South Australian Government of support for clinical practice? I understand that Dr McCoy indicated at meetings that as many as six positions might be funded, but so far has refused to put it in writing. Is the Government happy to see the Physiotherapy School simply fade away?

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

HILLCREST HOSPITAL

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the Hillcrest Hospital.

Leave granted.

The Hon. J.C. BURDETT: I refer to an article by Susan Fryar and Nick Adams in the *Adelaide Voices* of April/May 1991. It commences:

> On 5 February 1991 the Minister of Health, Dr Hopgood, announced plans to develop a 'world class community mental health service'. This proposal largely results from a major review of mental health services in 1988 which indicated the need for a comprehensive community mental health service in South Australia.

The headings for the rest of the article are as follows:

There has been considerable resistance to the proposal to close Hillcrest Hospital. The time frame for development of the plans is unrealistic. Adults with chronic mental illness are a particularly vulnerable group with limited powers of advocacy. Psychiatric hospitals remained the primary service providers to the most severe chronically mentally ill. We are concerned with what appears to be a hasty and poorly researched response to a complex problem.

There has been a long history of objection by the unions involved with the hospital. This has been documented in the *Advertiser* of 6 February 1991, the *News* of 5 March 1991, the *Advertiser* of 8 March 1991, the *Advertiser* of 19 March 1991 and the *News* of 20 March 1991. The *News* of 19 March 1991 also carried an article, as follows:

Hillcrest patients could well be on the streets when the hospital closes, according to a world mental health authority. The warning comes from Professor Gavin Andrews of the World Health Organisation Scientific Committee on psychiatric treatment.

This move towards closure and the placing of residents out in the community is basically a move towards deinstitutionalisation, and I have no quarrel with that in appropriate cases—and most of them are appropriate—although one worries about the residual few who cannot be dealt with in such a way.

A similar move towards deinstitutionalisation was made some time ago in regard to the developmentally disabled, those severely retarded people who were previously in Estcourt House/Ru Rua and who have been successfully placed in houses in the community. I have seen quite a lot of that and I was amazed at the success of the program. There is no doubt that that has been a success, and there is no reason that in the main there should not be a similar success in regard to adults presently in psychiatric hospitals.

So, I have no problem with the concept; my problem is with the way that it has been handled by the Health Commission. It is obvious from what I have read, that it has aroused the ire of the unions, of at least one expert in the field and of the two persons who wrote the article in *Adelaide Voices*. My questions are:

1. In view of the criticisms, will the Minister reconsider the decision, especially as to the details?

2. What consultation has taken place to date?

3. When will the scheme be implemented?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

SPEED CAMERAS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Emergency Services a question about the registration and licensing of speed cameras and other speed detection equipment.

Leave granted.

The Hon. J.F. STEFANI: I have been informed by the Commonwealth Department of Transport and Communications that all equipment that operates by the transmission of a radar or frequency beam, such as that adopted in equipment utilising the Doppler principle, is required to be registered and licensed under the Commonwealth Transport and Communication Act. My questions to the Minister are:

1. Have all the speed cameras been registered and licensed? If so, on what date was each unit licensed? If not, why not?

2. How many other speed detection devices were licensed before the speed cameras were introduced?

3. How many speed detection devices using a transmission beam are held unlicensed by the Police Department?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

KANGAROO ISLAND

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Agriculture, a question about the rural crisis on Kangaroo Island.

Leave granted.

The Hon. I. GILFILLAN: I have just spent the past week on Kangaroo Island which, as honourable members know, is my home farm area. I have seen, first hand, the full extent that the current rural crisis is having on the island. It is overtaking the island community and is having a devastating effect on that whole community. During the past week I met with the rural counsellor for the island, Mr Mike Linscott, and recently I received a letter from him detailing some of the problems Kangaroo Island farmers are having with several banks over farm mortgages. This 'bank blitzkrieg' is being mounted, by not only the State Bank but also the Commonwealth Bank and the ANZ Bank. I will read to the Council some of the contents of that letter from the rural counsellor, as follows:

I know that you are aware that Kangaroo Island is a special case as far as present trends in the rural downturn is concerned. A very high percentage of the Island has had no option but to concentrate on wool production and there are no alternatives. In other words here is no quick fix, no possibility of a good season in cash crops or introduction of other lines. The Kangaroo Island farmer is totally reliant on wool/sheep for his income. In previous downturns there has always been the hope that a new season would bring better returns. This time there is nothing. The farmer's price is being dictated by market forces totally out of his control and he needs help. Particularly he needs Government support. If the rural sector cannot survive then the Kangaroo Island economy will collapse. It is no good saying that the tourist industry will save it, it will help to some degree, but it cannot totally support the Island community. The situation is being exacerbated by the attitude of the banks. Even as recently as 12 months ago—

and this is on Kangaroo Island—

banks were encouraging their clients to take out bigger and better loans and to extend their borrowings to 70 per cent of the value of their property. (Banks even used their own valuers to lift values above the Valuer-General's ratings). The banks were hungry to lend money and were using the farmer for quick returns at high interest rates (up to 28 per cent in one or two cases but usually around the 20 per cent mark).

Loans were based on the client's performance over the previous three years and his assets at the time. Cash flows were always based on historical accounting and returns. But not so now. Forecasts are based on current commodity prices. The banks must have known at the time that it would take very little variation in commodity prices to put their clients in trouble. The collapse of the floor price scheme has done just that and the banks are showing no mercy. There is little or no consultation. Consultation with other rural counsellors shows that this is a common path being followed by all banks in South Australia, and particularly by the State Bank. The bank's procedure has put enormous pressure on my clients and in one case is forcing them to leave the farm. Harassment is carried out by phone calls, often late at night, containing threats of action.

In addition, I have details of letters written to farmers by the Commonwealth Bank and the ANZ Bank, which were provided to me by the counsellor, Mr Linscott. In one case a farmer in financial difficulty has been told by the Commonwealth Bank that it will be extending its mortgage to cover all of his possessions, including furniture and fittings. In doing so it raised the stamp duty on the mortgage, and then informed him that the bank will debit his account! In effect, the bank is asking him to pay more for something he cannot already pay for.

Another case saw the State Bank grant an $800 000 loan in April last year against a $950 000 property. Capitalising interest payments have blown that loan out to more than $1.2 million, while the property value has fallen to $700 000, giving the farmer almost no chance of ever recovering financially. The ANZ Bank has decided to call in its marker on a 77 year old man who, along with his son, purchased land in joint names to help establish a family farm. The bank has decided that they will not have sufficient income this year because of the fall in commodity prices and have demanded the 77 year old man and his son sell everything they own and leave the land. In the light of these events taking place on Kangaroo Island, I ask the Minister:

1. Is the Government aware of the tactics being employed by banks against the rural sector?

2. What level of communication has taken place between the Government and the State Bank, Commonwealth Bank and ANZ Bank over this crisis?

3. What proposals has the Government put to the banks over this crisis?

4. What action has the Government taken to protect farm families threatened with forced sale and/or eviction?

The Hon. BARBARA WIESE: Some of the stories that the honourable member has related about individual farmers' cases are similar to many of the stories that were told to the Premier and the Minister of Agriculture last week during their tours of the Eyre and Yorke Peninsulas.

The Hon. K.T. Griffin interjecting:

The Hon. BARBARA WIESE: The Hon. Mr Griffin interjects and says, 'They don't do too much about it.' That is not true. On previous occasions, when such matters have been brought to the attention of the Minister of Agriculture and the Premier, discussions have occurred with banks in this State about their lending policies. Following the visit of the Premier and the Minister of Agriculture to the Yorke and Eyre Peninsulas last week, the Premier asked the Minister of Agriculture to convene a meeting of all the managers of the five major banks in South Australia so that their lending policies for rural clients can be discussed.

I think it would be the view of the Minister of Agriculture that the banks should be acting with some mercy in the current situation and should handle their rural clients with a degree of sensitivity—certainly with more sensitivity than was shown in the cases outlined by the honourable member. Action is being taken in this area, and no doubt the Minister of Agriculture will have more to say publicly about these matters when he has further meetings with the managers of the five banks in this State.

STATE BANK

The Hon. BARBARA WIESE: The Attorney-General has received a reply from the Premier, and I seek leave to have that reply incorporated in *Hansard* without my reading it.

Leave granted.

In reply to **Hon. I. GILFILLAN** (20 March).

The Hon. C.J. SUMNER: The Premier has provided the following response to the honourable member's question:

Mr Buick's case is similar to that of a number of farmers facing financial difficulty and was a common concern expressed to the Premier during his last visit to the Eyre and Yorke Peninsulas last week. It should be noted that concerns were raised about most major banks and not just the State Bank. As a consequence, the Premier has asked the Minister of Agriculture, the Hon. Lynn Arnold, to meet with the State Managers of the five major banks in South Australia, including the State Bank of South Australia, to discuss their policy regarding rural clients who are facing financial difficulties, including this particular case.

MEDICAL OFFICERS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about further breaches of the South Australian Salaried Medical Officers Award by the South Australian Health Commission.

Leave granted.

The Hon. BERNICE PFITZNER: My previous question identified a breach of the South Australian Salaried Medical Officers Agreement by the Health Commission regarding the recruitment of foreign doctors. It has now come to my attention that a further breach has been committed by the Health Commission regarding term and contract appointments. In 1988, as part of the conditions attached to the 4 per cent, second tier wage increase and approved by Justice Stanley in the South Australian Industrial Commission, it was decided that junior specialists should be offered permanent appointments rather than term appointments. This agreement has been breached by the appointment of a certain foreign doctor employed by the Queen Elizabeth Hospital. It appears that the Health Commission has made a unilateral change from a permanent to a term appointment by appointing this junior specialist on a three-year contract.

There are other concerns surrounding this appointment: that is, she was not registered as a specialist at the time of appointment; and that other local graduates were available. It is also reported that similar breaches have occurred in the Lyell McEwin Hospital, Modbury Hospital, Glenside and Royal Adelaide Hospital. My questions are:

1. Will the Minister investigate these irregularities committed by the Health Commission in the employment of this junior specialist at the Queen Elizabeth Hospital?

2. Will the Minister also investigate the validity of the allegations of further similar occurrences at Lyell McEwin Hospital, Glenside, Modbury Hospital and Royal Adelaide Hospital? If the allegations are valid, will the Minister detail these contracts and give the reasons for these breaches?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

URANIUM POLICY

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Acting Leader of the Government in the Council a question about uranium policy.

Leave granted.

The Hon. R.I. LUCAS: In last weekend's Melbourne *Age*, an article written by Michelle Grattan (a respected national commentator) headed 'Hell of a fight vow over uranium', in relation to the Labor Party policy review states:

> As debate on the policy review intensified, a submission by a member of the South Australian Centre Left faction—which was the stumbling block to change at the 1988 ALP national conference when the policy was last considered—has argued strongly there are no economic grounds for altering the policy.
>
> The submission made to the ALP's uranium policy review committee by the South Australian Mines Minister, Mr Klunder, says there is 'no justification for the opening of new uranium mines in Australia'.
>
> The attitude of the Centre Left is crucial to whether the uranium policy can be liberalised. Within the Centre Left, the stand of the South Australians will be important when the faction takes its stand for the debate at the ALP national conference in June.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: As the Minister and the Hon. Mr Crothers would know, the attitude of the South Australian members of the Centre Left is rather important in relation to a number of matters being discussed nationally within the Centre Left. My questions are to the Minister, as Acting Leader of the Government in the Council and also as a prominent member of the Centre Left faction of the Labor Party.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I would have thought that the Minister was senior; I do not know whether the Hon. Mr Crothers thinks that the Minister is not. My questions are:

1. Will the Minister indicate whether this submission made by the Minister of Mines and Energy represents the views of the Bannon Government, or is it just the view of Mr Klunder?

2. As Minister of Small Business, does the Minister agree with the reported statements of the Federal Minister for Primary Industries and Energy (Mr Kerin) that overturning Australia's current three mine policy would maximise benefits to the nation, especially by way of increased employment at a time of high unemployment within Australia and South Australia?

The Hon. BARBARA WIESE: As to the first question, I do not recall whether the views of Mr Klunder, as outlined in a submission he put to the Party, had the endorsement of the Government, but I will inquire of the Minister and ascertain whether or not he was presenting a Government submission or a personal submission. As to the second question, I am not in a position to make a judgment about that issue without much further work and research being done by the appropriate people in Government. In this case, I suggest that the prime task to determine the economic benefit and significance of such matters would fall to the department of the Minister of Mines and Energy. No doubt the Minister will have a view on that and, if the honourable member would like me to seek a report for him, I shall be happy to do so.

The Hon. R.I. LUCAS: As a supplementary question, are Ministers of the Bannon Government able to express views different from the Bannon Government's views on matters related to their own portfolio interests?

The Hon. BARBARA WIESE: I would have thought that any member of the Australian Labor Party would be free to express a view on a matter of policy at any time, within the forums of the Australian Labor Party, and unless I am told to the contrary that is the view that I hold. That is one of the strengths of our Party; we are able to express our views very freely within the forums of the Australian Labor Party—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —and that is where the policy of our Party is made.

TOURISM SOUTH AUSTRALIA

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Tourism a question about organisational change within Tourism South Australia.

Leave granted.

The Hon. DIANA LAIDLAW: On 14 November last year, the Managing Director of TSA issued a memo to all staff, under the heading of 'Government Agencies Review Group (GARG)'. He noted, in part:

> The first stage of this activity relates principally to the Marketing Division, and with this in mind it is my intention to make a number of organisational changes, to take effect as soon as possible.

The memo went on to state:

> The current positions of Manager, Advertising and Promotions, Manager, International Operations and Manager, Market Services, will no longer be required.

Almost immediately upon the release of this memo, the three officers who had held these three senior positions were all placed on the Government's redeployment list. I am advised, however, that the Managing Director's actions prompted considerable agitation in TSA and led to staff lodging complaints with the Public Service Association that the Managing Director had abused the GARG process by insisting upon the removal of the officers before TSA's submission for organisational change had been assessed by the review group and, subsequently, by Cabinet.

I therefore ask the Minister whether she is able to confirm that, following intervention by the Public Service Association, the Managing Director of TSA has had to back down on his decision of late last year to place the three former managers within the Marketing Division on the redeployment list and that one officer (and I have the names of these officers, but I suspect it is not in their best interests for me to name them), if not all three officers, is again now employed by TSA. Can the Minister also confirm that, as part of this compromise reached by the Managing Director, the officers have not been reinstated to their former management positions but have been placed in charge of special projects—for instance, the Adelaide resort project, which relates to wholesaling Adelaide in Japan, a project that is being funded by TSA for the next 12 months at least? Further, will the Minister confirm whether or not she is satisfied that morale amongst TSA staff is high, notwithstanding the Managing Director's handling (or mishandling) of personnel and related restructuring matters?

The Hon. BARBARA WIESE: My recollection of the proposals made for some minor changes within the Marketing Division of Tourism South Australia is that they were in fact mooted prior to the GARG process commencing. When the GARG process did commence, the details of those proposed changes were incorporated within the GARG proposal, to indicate some of the organisational restructuring that Tourism South Australia felt would be desirable in order to deliver a more efficient service to the tourism industry in South Australia. As the matter was included in the GARG proposal, my recollection is that the union in fact objected to the matter proceeding without consultation occurring, as had been agreed to as being a reasonable part of the GARG process itself.

It was not a matter of the Managing Director of Tourism South Australia attempting to circumvent the GARG process or to undertake some action without proper consultation. It was always his intention to consult with the appropriate people about what is, essentially, a fairly minor restructuring within the Marketing Division of Tourism South Australia. But it became caught up in the GARG process, and so when that was drawn to his attention I believe that his reaction was to call meetings with appropriate people, both within the organisation as well as members of the PSA, and to reach a suitable arrangement for the handling of the matter. That has led to an interim process, whereby, until those matters have been resolved, the individuals who were involved in those proposed changes have been assigned to various other projects. At the moment, I think without exception, all three officers are currently

still within Tourism South Australia, although at least one of them was at one stage seconded to another agency to undertake a project there.

This matter is still under consideration. I have no doubt that the Managing Director of the organisation will follow the appropriate procedures—that he will consult with those people with whom consultation should take place and that he will ensure that the outcome of the consultations will result in a mutually satisfactory and agreed position. I have no information to suggest that relations between the three individuals and the Managing Director are anything but cordial at this time. I have no information to suggest that morale within Tourism South Australia has been affected adversely in a serious way by the events that have occurred through this proposal. I repeat that I fully expect that the appropriate consultations will occur and that, at an appropriate time, when all reviews have taken place, the structure of Tourism South Australia, in a range of areas, is likely to be improved by the examination that it is currently undergoing.

POLITICAL ADVERTISING

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

That this Council:

1. Urges the Commonwealth Government not to proceed with plans to ban political advertising on television and radio and expresses the strong view that such a ban would seriously offend the right of citizens to freedom of speech, would compromise the democratic process, would stifle essential, effective and wide-ranging communication of points of view, would muzzle critics of political activity or inactivity and prevent groups other than political Parties (particularly minority groups) from legitimate lobbying, criticism and praise through the powerful media of television and radio.
2. Requests the President to communicate this resolution to the Prime Minister.

The proposed Federal Government ban on political advertising on radio and television is beyond the power of the Federal Government and is in breach of basic principles of freedom of speech as well as the International Covenant on Civil and Political Rights to which the Australian Government is a signatory. Such a ban is, however, a reflection of the hypocrisy of the Australian Labor Party. The ALP has held itself out to be a Party of principle, but its actions in Canberra, Adelaide, Melbourne and Perth have demonstrated ruthlessness, distortion and manipulation of the truth, political motivation rather than acting on principle and suppression of facts in a wide range of activities and matters.

Banning of political advertising on television and radio is yet another step in the ALP's program of suppression. It cannot win the next Federal election in the current economic and political climate, so it seeks to stop criticism that will undoubtedly be made in the lead-up to an election campaign. The Labor Party is under siege in Canberra, Melbourne, Perth and Adelaide, and any step towards stopping advertising of criticism of any of those Labor Governments would undoubtedly be to the advantage of those incumbent Governments.

It is fascinating to see that Senator Bolkus, the Federal Minister whose brainchild the ban seems to be, said on 19 March that the aim of the policy was to 'sanitise the political process'. That can mean nothing more nor less than political censorship. It is, of course, to be contrasted with a report of the Labor dominated joint standing committee on electoral matters released in June 1989. In paragraph 9.8 of the report entitled 'Who pays the piper plays the tune', which dealt with funding of political campaigns, the committee said:

> While some viewers may support a complete ban on political advertising, it would have a direct effect on freedom of speech by reducing opportunities for discussion during election periods when voters are determining the candidate or Party they wish to support.

What a contrast from the point of view now being promoted by the Federal Government! What, might I ask, has caused a complete reversal of opinion from June 1989 to March 1991? It can only be the drastically depressed political fortunes of the Labor Party across Australia, plus the fact that federally the ALP is seriously in debt and is unable to meet even the cost of its last Federal election campaign.

The Prime Minister (Mr Hawke) is reported in the *Financial Review* of 19 March as saying in Melbourne:

> There are arguments obviously both ways but in the end what we all have to face up to is that the costs of electronic advertising now are becoming just prohibitive. In a Federal election campaign they run into tens of millions of dollars and none of the Parties have substantial membership bases which can support that sort of expenditure.

The Prime Minister was referring to the fact, as I said earlier, that federally the Labor Party is still in debt from the last Federal election campaign and, with its waning political support, is unlikely to be able to raise the funds necessary to campaign for the next Federal election. Of course, it has brought all this on its own head because of its own economic mismanagement and its policies which have sought to be restrictive rather than to free up not only the economy but also the community and government.

On another occasion, in conjunction with the Federal ALP Government policy on election or political advertising, the Federal Government said that the aim of the proposal was to eliminate corruption in fundraising. Nowhere has the ALP asserted that, at least at the Federal level, there is corruption in the context of political fundraising. What it conveniently does is forget the slush funds of the Western Australian ALP that have been disclosed before the royal commission in that State in recent weeks.

The corruption in relation to Western Australian Labor Party fundraising was not because of the need to raise funds to advertise but because the ALP in that State—and, in particular, the Government—allowed itself to be seduced by money and compromised what should have been a strong political principle, namely, that the payment of money will not necessarily bring the results that the donor seeks by way of that donation. In Western Australia, the people who gave money to the Premier's slush fund wanted something specific in return for their political donations and, in some respects, they got it. That compromises the whole political process, but it is not an argument for the banning of election advertising.

We need to start consideration of this issue from a common and fairly simple base: that is, that both television and radio are powerful forms of media. They are used extensively by persons wishing to promote a point of view, whether it be a product, a service or something like an election policy, and that has a tremendous impact on millions of Australians.

Television and radio are used extensively to advertise soap, clothes, houses, cars, alcohol, cricket, football, the Grand Prix, gambling, X Lotto, horse racing, Lotteries Commission products, the Adelaide Casino and the TAB, and even newspapers advertise on television and radio to promote their circulation.

So, every facet of our lives is affected in one way or another by television and radio. As I say, those forms of media are used extensively by people who wish to promote a product or a point of view. Some of those products,

services or points of view are not essential to our daily lives—some are needs; some are wants—but no-one can say that we could not live without most of them.

But, when it comes to democracy, to advertising—whether free or paid advertising—on television or radio about the issues that affect our daily lives, about the Government which governs us (whether properly or improperly) or about whether we have a point of view about the Party or the candidates who ought to govern us as a result of elections, the Federal ALP says that that is to be banned. It is to be censored, and no-one will be permitted to advertise for nothing or by way of paid advertising through television and radio on what is probably the most essential ingredient of our daily lives and community life, that is, democracy.

Under Labor's proposed ban on electoral and political advertising, we will need to obtain all our information about the issues which we should consider and which will be important in determining the way we vote, the Parties we support, the candidates we support at the State, Federal and local government levels, from direct mail letters, from the print media, perhaps from cinema screens at interval time (if we get to the cinema), from door knocking and, perhaps, from public meetings. But we will not be able to find out about a public meeting by watching a paid advertisement or even a free advertisement on television, because that will be banned; we will need to read the newspaper. We will have to rely on journalists to present news or current affairs items, and we will need to rely on their sense of fairness and justice in ensuring that both, or even more, points of view are presented on a particular issue or in relation to particular candidates.

But there will be no way, other than through the print media, of combating what we might regard as a biased point of view by a television or radio commentator, other than through a news program (but then, we are unlikely to get air time), or even where something is said that prejudices something in which we believe strongly, or something which might even be plainly wrong information. We will not be able to correct it by way of a paid advertisement on television or radio.

What the Federal Government is seeking to do is impose a ban on political advertising on the electronic media for individuals, political Parties, third parties, interest groups such as the Conservation Foundation and The Last Resort, and sporting bodies or licensed clubs or hotels. The Federal Government proposes to prohibit Government advertising during election periods, except for that required for national emergencies, electoral information and material from Government business enterprises.

Of course, that makes for a fairly interesting concept, because the State Bank of South Australia will still be able to put on its television advertising which certainly promotes the State Bank but which also tells everyone how good South Australia is, how good the bank is for South Australia and what it is doing, and really pump itself up. The SGIC, the Electricity Trust and other Government business enterprises will be able to continue to advertise, even during election periods, on television and radio.

We saw during the last State election campaign some quite outrageous advertising initiatives in the print media. One was a promotion by the Submarine Corporation and one in relation to the Commonwealth Games. No-one can say that those advertisements were coincidental with the election campaign: they were quite blatantly inserted in the newspapers to promote a good feeling about the incumbent Government. If it can be done in that small context during a State election period, how much more will it be encouraged by Governments if television and radio advertising of political material is banned absolutely?

The Federal Government also wants to impose spot audits on political Parties, third parties or interest groups involved in campaigning at any time. The free time for Party policy launches on the ABC will be continued, but all other free time, that is, the ABC radio and TV two minute spots, will be abolished. The Government also proposes to woo the Australian Democrats by increasing from 45.6c to 91c the public funding entitlement for Senate campaigns to the same level as that of the House of Representatives; that is a doubling of the public funding entitlement at the Federal level, obviously directed towards giving the Australian Democrats a $500 000 carrot to support the ban on electronic political advertising.

It is important to recognise that the Labor Government wants this because, as an incumbent Government, it will be in a stronger position to influence public opinion by the very fact that it is an incumbent Government, and it will have a number of Government business agencies that will be able to be persuaded without too much difficulty, I suggest, to advertise.

The Premier (Mr Bannon), in an early comment on the Federal Government's proposal, expressed some caution about it, but it is notable that, although he is the Federal President of the ALP and, therefore, must have some involvement with the policy, he has not spoken against it or demonstrated that he believes on principle that the issue is one that ought to be rejected and not even addressed in Federal Parliament.

It is interesting to note that a number of groups have already come out in opposition to the proposal. The Law Council of Australia, after a full council meeting, is reported to have opposed the ban completely. In the *Australian* of 25 March 1991, the following is reported:

> The Federal Government has come under renewed pressure to drop plans to ban political advertising on radio and television, with the prestigious Law Council of Australia yesterday condemning the proposal as an infringement of free speech and a contravention of international law.
>
> Describing the move as a breach of both freedom of expression and free elections, the council President, Mr Alex Chernov, QC, said it was difficult to see any justification for such a sweeping interference in basic rights.
>
> 'The International Covenant on Civil and Political Rights, to which Australia is party, provides, in article 19, that everyone shall have the right to freedom of expression, including freedom to impart information and ideas of all kinds, through any medium,' Mr Chernov said. 'The ban will limit that right,' he said.

In addition to the Law Council of Australia opposing it, anti-smoking lobbies have opposed it. Welfare bodies such as the Salvation Army and the Brotherhood of St Laurence have spoken out in opposition to the proposed ban. The National Farmers Federation, advertising agencies, radio stations, newspapers, business groups (including the Business Council of Australia and the Confederation of Australian Industry), the Australian Press Council and many others have joined in opposition to this proposal. Many journalists similarly have taken the view, whether they are engaged by television and radio, by the print media or by the weeklies, that this ban is totally out of context with the basic rights of individuals in a democratic society.

The Federal Government has endeavoured to suggest that in other countries there is a ban similar to that which it is proposing to put in place, but that is quite misleading. Electoral advertising on television and radio occurs in the United Kingdom, Germany and France, although in those countries the electronic media has traditionally been much more heavily regulated than in Australia. But, free electoral advertising on the electronic media is provided in those countries at a cost to the taxpayer. Countries that allow

paid political advertising are Australia, Canada, West Germany, New Zealand and the United States. In those countries, other than the United States, free time also is given to political Parties. In addition, in Austria, Belgium, Denmark, Finland, France, Ireland, Israel, Italy, Japan, The Netherlands, Sweden, Switzerland and the United Kingdom, free time is given to political Parties to advertise on television and radio.

When this issue was raised several years ago, the Liberal Party rejected the concept that free time should be given by the commercial television and radio stations because it did not believe that it was appropriate for the taxpayer to fund that partisan political advertising. It ought to be remembered that the Labor Party actually proposed that there ought to be a legislated requirement that radio and television stations give free time to political Parties, but as I say the Liberal Party has rejected that.

There are some unintended consequences, I suggest, of the proposed ban. Let me identify some of them. Visually impaired and aged people would be denied access to political information from radio as well as the audio aspect of television, as are the illiterate and semi-literate. Many of them rely very much on radio and television to gain access to information. Although they would be able to get information from news and current affairs programs, that would not necessarily represent a fair and balanced view of the issues that are presented at election time.

People in outlying areas and provincial towns would have to depend on newspapers that may only be seen weekly or bi-weekly. Radio stations dealing with the print handicapped would have to exercise great caution in transmitting information. A radio station in Adelaide that provides information for the print handicapped would have to watch very carefully what it presented. The proposed ban would prevent even the advertising on television and radio of a political meeting where such advertising was sought. It would increase the power of journalists in the print media, as I have already indicated. Senator Bolkus in fact admitted, when he spoke on the ABC radio on 20 March this year, that journalists would be more powerful shapers of public opinion with more power to get political assessments across. So, he acknowledges that there would be more power in the hands of journalists.

There would be problems for special interest groups. It would prevent them from acting as full participants in the democratic process, and it would inhibit the activities of new and emerging groups in our political system. According to Senator Bolkus, welfare groups could not use any advertising with the word 'poverty' in it. The ban would force groups to examine every activity they undertake to determine whether their programs are 'political', in the broader context of that word. There would be a number of unintended consequences, although one would have expected that, if there were a proposal to go to Federal Cabinet for consideration, all the issues would have been identified and there really should not be any so-called 'unintended' consequences.

What is in it for the Australian Democrats? Well, as I have indicated, it will get $500 000 on the 1990 election figures in addition to the public funding it already receives. From its point of view, there will be an opportunity to level the playing field, which it has always asserted it has not had because of the small size of its political representation. In doing this, it will deny basic political rights to groups smaller than itself or to individuals, and it will be an opportunity to deny other political groups entering the political system with the same ease with which the Australian Democrats did so.

The proposal of the Federal Government is serious. It is the most serious threat to freedom of speech that we have experienced in Australia for many years. It is my very strongly held view that we ought to take every opportunity possible to express opposition to the proposed ban, and that is the reason for presenting this motion to members of the Legislative Council who collectively represent all of South Australia. One would hope that a similar sort of motion might be passed by the House of Assembly but, because this comes towards the end of the current session, I doubt whether time would permit it.

So, even if only the Legislative Council supports it, and the matter is not taken up at this stage by the House of Assembly, it seems to me that we can still make a telling point because of the broad representation that Legislative Councillors share across South Australia. Any attempt to limit public debate on political or other issues is to be regarded with a great deal of scepticism and is to be rejected, unless there are compelling reasons for at least giving some consideration to such a proposition. There are no compelling or even reasonable reasons for doing so with the ban proposed by the Federal Government.

Countries under dictatorships, either of individuals or of majorities, would give their right hand to be able to express publicly points of view contrary to those of the Government of the day, and to do that through television, radio or in other ways. They would, I suggest, find the proposed ban on television and radio political advertising quite out of step with their own march towards democracy. I talk of the countries of Eastern Europe, in particular. They are emerging democratic nations that want to have information, and want to be able to debate publicly, to express points of view contrary to those of the Government of the day, and they would regard the sort of censorship or suppression that is now being proposed at the Federal level as being quite contrary to the way in which they are seeking to take their countries.

So, I express vigorous opposition to the Federal Government's proposal, as do my colleagues in the Liberal Party, and strongly urge members of the Legislative Council to support my motion as one sign that members of Parliament in South Australia are concerned about the detrimental effect to our democracy of such a ban.

The Hon. G. WEATHERILL secured the adjournment of the debate.

OPEN ACCESS COLLEGE

Adjourned debate on motion of Hon. R.I. Lucas:

That this Council condemns the Bannon Government for its failure:

(i) To ensure the Open Access College was fully operational at the commencement of the school year.

(ii) To guarantee a high quality of education for all students studying with the Open Access College.

(Continued from 20 March. Page 3762.)

The Hon. PETER DUNN: In supporting this motion moved by the Hon. Mr Lucas, I must agree that what he says about the shifting of the Open Access College to Marden is accurate. In the middle of last year the Government made great play about the curriculum guarantee that was being offered to all students in South Australia. The principle is fine, the rhetoric is fine, but the delivery is disgusting. I say from the outset that this has nothing to do with poor teaching; it has nothing to do with there not being students to accept; it does not have a lot to do with unions.

It concerns absolutely appalling administration, because who would have thought that the Government would want to shift a college and an administration centre from the centre of the city to another college a week after school started. That is like saying that I am going seeding in October and will reap my crop in December. It is exactly the same analogy. It is an absolutely disgusting and appalling piece of management. But that is nothing new: this Government is an expert at appalling management. We have only to look at what has happened to the State Bank.

The Open Access College is very important for an area that I want to concentrate on for a few minutes, that is, the former Correspondence School. That was eliminated last year, and it has been taken over, really, by the Open Access College, which will provide most of the resource material and the courses for those people who want to avail themselves of distance education and distance education modes.

In fact, by phone link-up, in Marree last year I attended the opening of The Orphanage at Goodwood, which was taken over by the Education Department and fitted out for the provision of training and seminars. It was to be available for students who take correspondence courses—now open access courses—and who come to Adelaide infrequently, perhaps once a year. At The Orphanage seminars and in-house training courses would be available, particularly for the students who live in remote areas, and they could avail themselves of the teachers who were providing them with courses from the city. During that opening, great play was made about curriculum guarantee. Once again, I support it wholeheartedly. Curriculum guarantee is something everybody should avail themselves of, and the Education Department ought to be making an attempt to see that everybody has an opportunity, at least, to finish secondary education.

In August last year I asked a question regarding rural education. I have the reply, and it is worth quoting, because it indicates that curriculum guarantee has not been available in the past in this State or, for that matter, in Australia. It deals with the education of rural people—farmers, in particular—and the answer, by the Minister of Agriculture, interestingly, is as follows:

> Given that the question seems to be asked largely within the context of farmer education, it is true to say that farmers in Australia participate less in higher education than their counterparts overseas. Only about 25 per cent of our farmers undertook education past year 10—that is not even to senior secondary level—compared with 50 per cent in New Zealand and 90 per cent in the European Economic Community.

That indicates that the curriculum that they wished to pursue in the country was not available, otherwise they would have pursued it. In fact, it indicates that a curriculum to encourage them to continue at school has not been available for a long time. I do not think that it is available now, despite all the rhetoric from the Minister. In his reply to my question, the Minister of Agriculture indicates that 'students performed well and did not appear to be disadvantaged'.

I do not think that is quite true. If one looks at the number of students in the country who continue to tertiary education, one finds that the percentage is far lower than applies to students who live in the city. So, the curriculum guarantee, the provision of service for senior secondary education in the country, is pretty poor. This new curriculum guarantee and Open Access College is a bit of a furphy in that it is not providing what is necessary in the country. If we want students coming out of the education system who are well prepared to go on to tertiary education, we need teachers on the ground.

The Open Access College, by its very nature, means that everybody can access the material, the lessons and lectures. The lesson often is conducted under the diverse use of communications technology or the DUCT system, so those students are disadvantaged right from the word go. Often the supervising teachers have no idea. In country areas particularly, students learning higher grades of maths are being taught by teachers who have not done those courses themselves. Really, those teachers are supervisory only and cannot give the advice that is really necessary. I will admit that they can ring and get that advice, but the distance—as we all know—is a huge impediment.

The Open Access College should have been up and running at the beginning of the year. However, knowing that half way through last year, the Government should have had itself organised and had that college running before the end of 1990: but it did not. Until well into January it could not even make a decision as to where the college would go. We finished up with the decision made the week the school started or the week after. There were no phones and poor facilities for putting material together, and so on. The Government fundamentally knew the number of students that would attend not only in the country but also in the city where schools do not or cannot provide teachers to carry on classes in the discipline the student wants to pursue. Students, even in the city, may wish to do a course, whether it be a language, a higher grade of maths or something that is not common, and it can be done at the Open Access College, and I think that is the proper facility for it.

However, the Marden Open Access College was not up and running before the school year started. I reiterate: that is absolutely disgusting administration by the Government! The Minister must take the blame: who else? The Minister is responsible for it. It is not as though he did not have warning. I can recall warnings being given to the Government through the isolated childrens' and parents' associations more than 12 months ago that, if the Open Access College was to be a success, it had to centralise itself somewhere, make itself well-known and get its act going before too long because the students would be the ones who suffered if it did not. It was already mooted that the Correspondence School, as it was then known, would be phased out. We have got ourselves into this position, and it was forewarned 12 months ago, yet the Government took no decision on it. As I pointed out, that is nothing unusual for this Government. It really could not organise a penny raffle and do it well.

As I have pointed out, the difficulties are greater in country areas. Those areas do not have the facility to be able at short notice to get a teacher who may have some knowledge on a subject. Therefore, students suffer quite dramatically from not having the facilities at hand. Added to that is the fact that some of those students did not get any resource material for up to five weeks after school had started. That puts them back a long way, and at a hell of a disadvantage.

I know—and I think the Education Department dwelt on this fact—that there is no assessment in year 11. Because of that lack of assessment I understand that schools were saying, 'Well, we will just have to take account of that and make it up in year 12.' It is fine to be a teacher or the department saying that, but if the student struggles at any stage and falls a little behind—and, goodness knows, many do—it would be very difficult to make it up in year 12, which is a very difficult year for most students completing their matriculation—a hard year indeed.

I think some concession should have been made for those children who did not get their resource material until five weeks after the school year started. The Wudinna, Karcultaby, Elliston and other schools have rung me saying that they did not have material. They have said, 'We have

children here twiddling their thumbs.' They were actually doing lessons from previous years to try to keep themselves occupied and up to date with what was going on.

We need a good education system in the country: we need a good education system in the city. However, if a good education standard is not provided in the country, we will finish up with no rural community at all. If we are going to attract professional people into the country, such as doctors, lawyers, accountants, and so on, we must have education standards that will allow the families to feel confident that they can rear those children in the country and receive an education at least to senior secondary level. If that does not happen, professional people will not be attracted to the country. We have had that problem before and we will have it again if we do not or are unable to provide a standard of suitable education in the country.

Indeed, there is a deficiency now. In the past there has been a great reticence by people such as stock firm managers to come to the country and more remote areas because they realise that their children could not get secondary education. If one wants to send one's child to a private school in Adelaide, it is extremely expensive. In fact, under today's rural economic conditions it is impossible. It now costs about $15 000 or $16 000 a year to send a student to secondary school at one of the private schools in Adelaide. Even though the education at those places is very good, it is now beyond the financial means of most country people.

That education must now be provided in the country. It is interesting to note how the number of teachers is being cut back; how education facilities are being cut back; how amalgamations of schools have occurred; and how a general cutting back has occurred in those country areas. As I pointed out, open access is not only available to country areas but I am concentrating on it because I understand it more than I understand the city education program.

Some 15 per cent of children did not have any of this resource material at the start of this school year, and it took at least five weeks to correct that situation. So, those students were five weeks behind already, in a less than 40 week school year. That was a considerable amount of time lost, and I would think that it was difficult for them to make it up.

I am not attacking the teachers, and I am not attacking the system—or at least not yet, as it has yet to be proven. However, I am attacking the central organisation in relation to these matters, and I refer to the Minister and the Director, and those people who make the decisions as to where these administration points should be. In this instance we are talking about the Open Access College, which is very important for those kids who are doing School of the Air lessons, previously Correspondence School lessons. Their learning difficulties are inherently great. Many of them live on stations and therefore do not have access to other students. They sometimes have difficulty using two-way radio, which is not always reliable. They have impediments of all sorts and styles, which make it very difficult for them to learn.

To add on top of that all the difficulties experienced through not being able to get this Open Access College material is an unpardonable sin, and it demonstrates very poor organisation on the part of this Government. I believe that, if it happens again, the Government should make some compensation available to those people who do not receive the material which it is their right to have. This problem has also made it very difficult for teachers in those areas to provide courses that bear any semblance to what the true course is, as written by the Open Access College. So, for those reasons, I support the motion.

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

SOUTH AUSTRALIAN TOURISM PLAN

The Hon. DIANA LAIDLAW: I move:

That the Legislative Council notes the South Australian Tourism Plan, 1991-93.

The South Australian Tourism Plan, 1991-93, was released by the Minister of Tourism on Wednesday 13 February. Last year, Premier Bannon nominated tourism as one of the Government's five key strategic areas for economic growth. Certainly, I endorse this focus, as does the Liberal Party. In fact, the focus reflects the Liberal Party's own assessment of the importance of the tourism industry for the revitalisation of our State's economy, for the generation of meaningful job opportunities, and for the salvation of so many of the rural and regional communities in South Australia.

The realisation of all these goals are regarded by the Liberal Party as being critical, particularly at this time of recession—and some would argue, depression—high interest rates, record unemployment and rural misery. In this environment of economic hardship, it can be argued that there could be no more opportune time than the present for the Bannon Government to release its vision for tourism in the early 1990s and beyond. Sadly, the document released by the Minister leaves much to be desired. Once one gets beyond the hype, jargon and bureaucratic verbiage, it is difficult to see what specific relevance the 38-page plan has for the survival in the short term of tourist operators, let alone relevance to their future prosperity and capacity to meet the longer-term expectations of visitors.

I acknowledge that the plan has been based on intensive consultation with representatives of the tourism industry, various business sectors, Government agencies, and interest groups directly and indirectly involved with tourism. The endeavours by TSA and the Tourism Industry Council to involve all those interests have been commendable. I note that the Minister has pushed for such consultation. Certainly, the consultation process on this occasion was in stark contrast to the development of the earlier 1982 and 1986 plans. Ironically, the consultative process itself, over time, became an excuse for the four month delay in the release of the final plan, from September 1990 to February 1991, and led to the seemingly endless production and release of various draft plans, since June last year.

I note that, in terms of strategic plans, it is generally the practice in business and Government circles for a plan to cover successive years of operation. This standard has not been followed in respect of the South Australian Tourism Plan, as released by the Minister last February.

The last plan covers the period from 1987 to 1989. The early drafts of the plan released by the Minister in February covered the period from 1990 to 1993; however, the plan finally released by the Minister covers only the period from 1991 to 1993. No-one, let alone the authors of the plan, has yet been able to answer my question, 'What happened to the year 1990?' In terms of strategic planning for tourism in this State, the year 1990 has been left out—perhaps it was simply forgotten. This fact prompts the question about the real value that the Government places on tourism as a key strategic industry for South Australia and the relevance of the plan to the tourism industry itself. At the launch of the latest plan for 1991 to 1993, the Minister said in her opening remarks:

This document really is South Australia's corporate and community tourism plan.

This statement, however, is at odds with statements in the final section of the plan relating to its implementation, where it is said:

The fragmentation of the industry and the very specific or alternatively peripheral nature of many participants will mean that it would be unrealistic to expect the tourism plan to be directly relevant to a significant proportion of the industry over the period of the plan.

It is stated further:

The tourism plan is often seen as a Government plan and perhaps in effect it has been.

My assessment of this latest plan is that essentially it remains a Government plan, notwithstanding the fact that it has been framed with industry consultation and that the industry is charged with responsibilities associated with product development, community relations and service and management objectives.

The plan does not propose or promote that tourism in this State should be industry driven. Implicitly and explicitly throughout the plan for the years 1991 to 1993, the central role of the Government is always evident. Certainly, the Government has been required to play a leading role in the development of the industry in South Australia over the past decade, but I question whether such a leading role is necessary or desirable in the future.

Tourism is essentially an entrepreneurial industry. If it is to flourish, prosper and meet the expectations of tourists, the industry must be encouraged to be forward-looking, assertive, positive in its outlook and responsive to changing trends. It must not be seen to be confined by the shackles of bureaucratic protocol nor dependent on Government to make the first move. Regrettably, I believe that such an outlook and such a framework is the basis of this latest tourism plan. It is not industry driven; it is a neatly packaged plan to ensure that the industry remains dependent on Government and within its clutches. Even the group charged with overseeing the implementation of the plan, the South Australian Tourism Board, was hand picked by the Minister, and the board is dependent on the Minister's largess for the resources that it will need to effectively drive and monitor the implementation process.

In noting the plan and its relevance to the needs of the industry and expectations of visitors, it is interesting to contrast the plan's 10 key objectives with the issues outlined in the document entitled 'Strategy for the 1990s', released last December by the Australian Tourism Industry Association. I contrast the two documents because, in doing so, I believe that it is valid to question, in relation to the consultation process, to what extent Government representatives listened to the views of industry representatives and of the tourism industry in general.

The 10 objectives and initiatives outlined in the tourism plan are: positioning, product development, promotion, access, environment, planning and policy, infrastructure, community relations, service and, finally, management. The issues and actions outlined in the Australian Tourism Industry Association's 'Strategy for the 1990s' are far more specific and are as follows: the role of Government, transport, economic and taxation policy, investment and infrastructure, marketing, environment, employment conditions, training, and the last one is an outline of other key support issues.

It is quite clear from this document that the subjects addressed are directly pertinent to the capacity of the industry to survive and to meet the expectations of tourists. After all, if we do not ensure that tourism ventures survive, and hopefully prosper, there will not be the opportunity for tourism to realise its key strategic role as outlined by the Government.

I find the South Australian tourism plan to be non-specific on many of the issues that the Australian Tourism Industry Association has identified as being directly relevant to the survival and prosperity of the industry in the future. For instance, in relation to the economic and taxation policy, the Australian Tourism Industry Association makes the following recommendations: that the Australian personal taxation system be overhauled to provide a flatter, more uniform structure; that efforts be made to seek realistic depreciation allowances on commercial buildings, having regard to the economic life of plant and equipment; that there be aggressive advocacy of the case for legitimate business-related entertainment expenses being made allowable deductions from accessible income and the abolition of the fringe benefits tax; that as a policy objective ATIA seek the removal of taxes on legitimate business expenses, including the cost of fuel; that ATIA support the implementation and the thrust of the Beddall Committee's recommendations as they relate to small business taxation, particularly capital gains, rollover and simplification of taxation processes; that the industry strongly oppose any propositions for new discriminatory taxes affecting the tourism industry, such as a bed tax; and that the industry support the case for 150 per cent tax deductibility for tourism research funding under section 72 of the Act.

The recommendations continue in that vein with very specific objectives that are directly relevant to the industry. One does not find such a section in the South Australian tourism plan, let alone specific objectives for which the Government will fight or which the industry has identified as keys to the survival and prosperity of the industry.

From that perspective alone, I think, the plan is disappointing and not specifically relevant to the industry's capacity to meet the Government's expectations or visitor expectations. To give the Government its due, perhaps these issues of taxation have been considered and are to be addressed under various other umbrellas, perhaps at a special Premiers' Conference, I am not sure. If that is the case, I believe it is particularly disappointing that at least one section of this tourism plan could not have been devoted to the very important issues of the economy and taxation policies, particularly at this time of recession and great hardship for small business in general.

The Australian Tourism Industry Association report cites the issue of bed taxes, a matter which I have raised in this place from time to time over the past year and which has also been addressed by the Minister. Certainly, in the past the Minister has made very specific statements that the Government does not support the imposition of a bed tax in this State. She has since watered down that unequivocal commitment and is now trying to have a bob each way. Certainly, the proposition of a bed tax was canvassed in the Minister's submission to the Government Agency Review Group (GARG), much to the disappointment and horror of the tourism industry in this State.

As I said earlier, I wonder about the relevance of much of this document to the tourism industry and to the community in general, because such basic issues as the bed tax are not even raised, let alone hinted at, in the South Australian Tourism Plan 1991-93. In fact, the plan pays little attention to any of the matters that the Minister has outlined in her submission to the GARG. This is particularly sad, because the future structure of Tourism South Australia is important to the future wellbeing of tourism in South Australia. I believe that a section of this plan should have canvassed this issue.

Other issues, including penalty rates, which have not been addressed in the tourism plan, should have been canvassed

as being directly relevant to the capacity and future of the tourism industry in this State. The plan makes no reference to penalty rates yet, if one speaks to operators across the length and breadth of this State, one sees that the issue is raised almost *ad nauseam*. It is certainly at the top of most people's agenda. The operators know that tourists expect to receive services on a seven-day-a-week basis. It has always been my personal view that, no matter the hours or days that one works in this industry, if one works the standard award hours one should be paid a flat wage or salary and, above or beyond those hours, no matter the days worked, one should be paid overtime rates.

I see from an article in the *Sydney Morning Herald* last week that the issue of penalty rates has been raised again by the Federal Minister for Arts, Tourism and Territories. Mr Simmons, wisely, has seen that this issue must be addressed if the tourism industry nationwide is to meet the expectations of tourists and to make a contribution to the recovery of the Australian economy. He notes in this article that the former Federal Minister for Tourism, Mr John Brown, believed that penalty rates were outrageous and should be reduced, because of their adverse effects on tourism industry costs.

However, Mr Simmons is arguing for a six-day week, so that Saturdays would be treated as any other day and would not attract penalty rates. There are other proposals that he said he was prepared to canvass in the interests of the hospitality and tourism industry. However, I note from the same article that the New South Wales Secretary of the Liquor and Allied Trades Union, Mr Peter James, said that the unions would not accept the removal of penalty rates. Mr James went on to say:

> We believe payment of penalty rates is the appropriate way of compensating for working unsociable hours.

In terms of unsociable hours, my view is that if one wishes to be associated with the tourism and hospitality industry—and many people do—one takes into account that the hours may not neatly suit someone on a nine-to-five basis Monday to Friday. That is just a basic fact of the tourism industry: if you wish to be associated with it, I believe that you must take that into account. If you work beyond the standard work hours for a week, you attract overtime payments, no matter the days on which those hours are worked. Perhaps it should be hours worked after 5 p.m. each day or include both Saturday and Sunday.

I believe that these issues are most important for the tourism industry to address, and I am disappointed that they have been so obviously overlooked as an issue in the tourism plan. I honestly question how South Australia will realise all the laudable goals that the Minister and the industry have outlined in this plan without an assessment of some of these basic issues such as penalty rates.

Penalty rates are also a particularly important concern in terms of training. The tourism plan places great emphasis on training—and so it should—but the fact is that many people are being trained to a superb standard in South Australia at various TAFE colleges, in Adelaide, in the country and at Regency Park. However, the jobs are not there to satisfy the level of professional training that people have received, because so much employment in the hospitality and tourism industry is on a casual basis only.

While the penalty rates issue remains, I suspect that the many people whom we have trained to such a superb standard and who are prepared to provide service in this industry are being quickly disillusioned when they go out to seek jobs in which they could utilise their skills.

In the past I have had discussions with Mr John Drumm from the Liquor Trades Union. He understands the concerns that I have raised about the casual nature of employment in the industry. I wish to see permanent part-time work attracting pro rata benefits become an accepted practice in the industry because I believe that by doing so we will be providing a high standard of service that meets not only the expectations of those providing the service but also the expectations of customers and visitors.

I understand that in recent months negotiations may have reached a positive outcome with respect to different grades of training and qualifications through TAFE colleges. This will be very difficult to translate into the industry if we do not look at the overall costs that the industry must bear. These costs include not only the penalty rates subject (which I have dwelt upon today) but also land tax, workers compensation, other sales tax, payroll tax, FID and the like. At present it is becoming particularly prohibitive to run many tourism ventures in this State.

I agree with the emphasis in the report on the growing trend for people who want to have and enjoy experiences outside the metropolitan area and that, generally, tourists are more environmentally aware than was the case in the past. Camping and the like will become an increasingly popular trend for people of all ages. That does not discount the fact that many people who are particularly keen on caravaning and other holidays do not necessarily want an educative sort of holiday. We spend a lot of time ignoring the needs of families and children in lower priced accommodation options. If we can make travel and tourism an attractive option for families with young children there is every expectation that at a later age those families will continue to travel and, if they have come from interstate or overseas, will continue to return to South Australia and, if they are South Australians, will travel further in South Australia.

In recent times the Government has concentrated a great deal of effort on larger scale ventures and higher class accommodation. However, we have seen very few of these ventures succeed, and I cite Mount Lofty and Wilpena. Recently there have been discussions with various developers in the Barossa, but nothing has come from them. No-one quite knows, not even the developers themselves, the current state of negotiations with TSA over Estcourt House. I was pleased to note the Minister's announcement a few weeks ago about the investment of a Japanese company on Kangaroo Island: it is a most welcome piece of good news. However, that development has had a controversial background, as have so many tourism ventures that the Government has been associated with in recent times.

I regret the manner in which the Government has handled so many of these developments because it has divided the community about tourism and its benefits at a time when we should be trying to get the community behind the importance of tourism to this State and its regional economies. There is a great need—and this is addressed in very trite terms in this plan—to convince South Australians that tourism is a vital industry that has important flow-on benefits for all South Australians. So many South Australians, if they are asked about the State, do not speak about it with great pride, and activities or ventures that they believe would be of great interest to visitors from out of this State or overseas do not often come to mind. I believe that, before we can sell ourselves to others with confidence we have an obligation to sell the State and the positive benefits of tourism to South Australians. I believe that that is a priority, and that priority has not been addressed sufficiently in this tourism plan.

The final issue I want to address is the Government's belief in the value of tourism. When the Premier set up the

planning review last year tourism representatives were conspicuous by their absence. I am pleased that, after considerable lobbying by the Minister, by others in the tourism industry and from public statements by representatives of the Liberal Party, the Government saw the wisdom of including a person with tourism experience in a decision-making role on the planning review. I understand that Tourism South Australia has an oversight role as well. However, it is a pity that those positive steps with respect to the planning review were all afterthoughts. I have had considerable reason to believe that so often tourism is an afterthought for this Government and not a matter of top priority.

I certainly have reason to believe that there are grounds for concern about the relationship between officers in Tourism South Australia and officers in the Premier's Department and State Development. I believe that a great deal could be done to promote tourism in this State by developing closer relationships between the Special Projects Unit, State Development and Tourism South Australia because so often Tourism South Australia officers are the last to know what is happening in other departments. It is no longer good enough for tourism to be an afterthought.

The issue of Tourism South Australia and the coordinating or pivotal role it can play in helping developers has often been underplayed. It is quite a frightening process for developers, particularly at times of high interest rates, to conceive a project and then have to make their way through the range of Government departments that all would have an interest in that project. I cite, for instance, the Electricity Trust, the E&WS, the National Parks and Wildlife Service, Planning, State Development, and possibly the Special Projects Unit and the Department of Road Transport. There may also be land tax issues and housing considerations. However, so often Tourism South Australia is not seen as the first point to which many of these developers should come. The role of Tourism South Australia in the context of tourism in this State could have been addressed in greater detail in this plan.

To sum up, the Liberal Party welcomes the release of the South Australian Tourism Plan 1991-93. I have some considerable misgivings about the title 'Making South Australia Special'. It seems to me that it lacks a considerable—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Yes, exactly, Mr Roberts. That is a most timely interjection, because it is rather defensive to entitle a tourism plan that is meant to be a basis or a vision for a strategic industry with the simple term 'Making South Australia Special'. It could have been entitled 'more special'. Certainly, many more imaginative slogans or logos could have been used. It is a defensive title and lacks imagination and flair. Indeed, some may suggest that the whole document does. However, I believe there are some positive aspects to the document. I certainly believe that if we are to win a greater market share of tourism in this State we have to be very careful that, in our current anti-tourism environmental natural experience emphasis, we do not find that every other State in Australia is following the same trends and we are simply seeking to copy and outdo each other. If we are to make South Australia special, as the plan suggests, we may have to develop beyond the same Jacqueline Hine line that is being preached in a number of States in terms of anti-tourism.

On that note, I conclude my remarks by saying that I welcome the plan, although I believe that it could have been far more exciting, it could have been more visionary, and it could and should have been more relevant to the industry, because if the industry does not survive and prosper, there will be few opportunities—whether it be big hotels, small camping sites or whatever—for tourists to appreciate South Australia and have a rewarding time when they do visit this State.

The Hon. T. CROTHERS secured the adjournment of the debate.

DRUGS

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

1. That a select committee of the Legislative Council be established to consider and report on—
   (a) the extent of illicit use of drugs;
   (b) the extent of drug related crime;
   (c) the effectiveness of current drug laws;
   (d) the costs to the community of drug law enforcement; and
   (e) other societal impacts

in South Australia with a view to making recommendations for legislative and administrative change in relation to illicit drugs which may be deemed necessary.

2. 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 permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

(Continued from 22 August. Page 464.)

The Hon. G. WEATHERILL: I move:

Paragraph 1—Leave out all words after 'report on' and insert the following:
   (a) the extent of illegal use of drugs of dependence and prohibited substances;
   (b) the nature and extent of illegal use of drugs of dependence and prohibited substances;
   (c) the effectiveness of current drug laws in controlling, trafficking in prohibited substances and drugs of dependence;
   (d) the cost to the community of enforcement of the laws controlling trafficking in prohibited substances and drugs of dependence;
   (e) the impact on South Australian society of criminal activity arising out of substance abuse and trafficking in prohibited substances and drugs of dependence.

Paragraph 2—Leave out the paragraph and insert the following new paragraph:

'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.'

I do not believe there are many people in this Council, or indeed in South Australia, who are not concerned about the drug problem in Australia and the world. Nor do I believe that my amendments will impede what the Hon. Mr Elliott is trying to achieve with this select committee. Paragraph 1 *(a)* of the motion provides:

The extent of illicit use of drugs.

My amendment is to add 'of dependence and prohibited substances'. This avoids the medical area which may be 'illicit' or 'improper' but not 'illegal', and provides coverage of cocaine as well as heroin, cannabis, and so on. These words aim the inquiry directly at the police area. Inclusion of the word 'illicit' in the original term of reference could be construed to include the illicit, non-medically approved use of licit drugs, which can be anything from aspirin to antibiotics or morphine. 'Drugs' is a trap word that can mean just about anything that is not food. That term needs qualification to be precise in meaning, hence the proposed amendment.

My amendment to paragraph *(b)* is to be substituted for the existing paragraph. My amendment is as follows:

The nature and extent of illegal use of drugs of dependence and prohibited substances.

The original term of reference needs clarification. It will be difficult enough to measure without poor definitions adding to the problems.

Paragraph *(c)* relates to the effectiveness of current drug laws. I have added the following words:

. . . in controlling, trafficking in prohibited substances and drugs of dependence.

Without the additional words, 'effectiveness' is too broad and could mean the effectiveness in regulating medicines.

Paragraph *(d)* relates to the cost to the community of drug law enforcement. I have added to that:

. . . enforcement of the laws controlling trafficking in prohibited substances and drugs of dependence.

Without the addition, the original wording could have meant that the cost of having pharmaceutical inspectors enforcing the Drug Act manufacturers' licensing provisions would be included.

Paragraph *(e)*, relates to other societal impacts. My amendment states:

The impact on South Australian society of criminal activity arising out of substance abuse and trafficking in prohibitive substances and drugs of dependence.

The original wording is far too broad. It should be noted that prostitution falls into this category of criminal activity related to drugs.

The last sentence in the terms of reference is amended to replace the word 'illicit' with 'prohibited', so it would read.

. . . South Australia with a view to making recommendations for legislative and administrative change in relation to prohibited substances of drugs of dependence which may be deemed necessary.

The above information is based on the Health Commission Advisory Committee's report on the Drug and Alcohol Services Council. As I said in the beginning, I do not believe these amendments will impede what the Hon. Mr Elliott wishes to achieve through this select committee. It is necessary to have a six-person committee. It is not one of those select committees that has been set up in the past trying to get political gain for anyone because I think we are all as concerned as each other. The Government will support my amendments.

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

COUNTRY HOSPITALS

Adjourned debate on motion of Hon. Bernice Pfitzner:

That this Council calls on the Government through the South Australian Health Commission to consult with country hospitals and with doctors providing services in these hospitals and with the communities which the hospitals serve; in order to explain and justify any proposed budget restriction or any proposed other steps which might be expected to restrict or adversely affect the service which such hospitals provide to patients and to the communities.

(Continued from 13 March. Page 3523.)

The Hon. M.J. ELLIOTT: I support the motion. The Democrats share the concerns that have been expressed by the honourable member in this motion. There has been a history—and this has been evident to me since I have been in this place—of great concern in rural communities as to what has been happening to their hospitals. They have been under constant attack, either facing closure or a severe downgrading in services. This has been very much driven from the top and decisions have been made long before the communities became aware that there was even any likelihood of change. One of the more recent trends has been increasing regionalisation. The basis for regionalisation in country areas was that it would enable provision of services that the smaller hospitals were not able to provide.

I was in the Riverland only last weekend, and I had the opportunity to briefly visit Berri Regional Hospital. I must say that the hospital itself is very impressive and well resourced in many ways except one, namely, that it does not have sufficient resources to have all its beds open. When it was operating simply as the Berri hospital and was not acting as regional hospital my recollection is that there were about 34 beds. The proposal was that when it became a regional hospital it would have 56 beds and that more specialist care services for the Riverland area would be provided by that hospital. At this stage, however, Berri Regional Hospital has only 40 beds operating.

I have a real concern that the next thing that will happen is that the Government will look at it and say, 'When you consider all the money that we have put into it—much of which has been in the infrastructure—it is not operating efficiently in terms of cost per bed.' Of course, the hospital was never meant to run at its current low level. I think that, too often, the money calculations that are done at head office in Adelaide do not take into account the real situation and the real costs, and what is causing some of those costs in country areas.

In the first instance, the regionalisation which occurred in the Riverland was, I think, driven from the top. Although the general concept has received support in the Riverland, at the end of the day what has been delivered to them so far is not what they were first promised. I understand that one of the problems that Berri Regional Hospital is facing, and the reason why it is not getting increased funding, relates to the proposal to transfer moneys from metropolitan hospitals to country hospitals. The metropolitan hospitals were to have some of the load removed from them, because patients who had formerly travelled to Adelaide would now be able to go to the local hospital and, accordingly, there would be capacity to transfer money from the metropolitan hospitals to the country hospitals. However, this is not happening because the metropolitan hospitals are having such severe budgetary problems. Therefore, the Berri Regional Hospital is unable to fulfil the very purpose for which it was set up.

I will not speak at great length on this matter. It is one, though, of real concern, and it is an ongoing concern. There is no indication that the Government's general attitude to health services in country areas has altered very much. The trend appears to be very much towards a reduction in services. The Government talks in terms of providing more specialists, but in the real world we find that the specialists are simply not there. Berri Hospital has a great number of vacancies for specialists but they are not filling the vacancies at this stage. That is a pattern that is repeated in hospitals that have been nominated as regional hospitals.

So, there are real problems out there. Services have been removed from some areas without consultation, on the basis that the regional services will be available. The regional services are not available as promised. Country people who have lost something that they previously had, namely, a good general hospital service, are feeling greatly aggrieved. Their views should have been taken into account. Many have argued that they would be much happier to have a base level of service, fairly readily available, rather than a more distant regionalised service, and particularly now that

it appears that the latter service does not appear to be eventuating.

What the Hon. Ms Pfitzner is asking for here is reasonable. The Government's idea of consultation is always that it occur after the event, after the decision has been made, rather than before. The Government needs to recognise that the expectations of people in the country are realistic and that they have a real knowledge about the likely impacts of decisions that are made. I believe that those people must be given a greater chance to have an input. The Democrats support the motion.

The Hon. BERNICE PFITZNER: First, I indicate that I am glad that the Hon. Mr Elliott has supported the motion. I make my response to the debate with complete astonishment and dismay, and finally consternation, after reading the reply by the Government concerning the difficulties of the rural medical services and the rural community. The Government expresses its wish to be 'constructive', that is, helpful, but there is nothing constructive in the reply, which is bland, which implies that the blame of budget over-run rests with the rural hospitals, which implies that the Cummins episode was solved amicably and without strife, which implies that private insurance ought to be actively encouraged, and which implies that adequate consultation has taken place. In short, the Government does not believe, nor accept, that it has been screwing the rural medical service and the rural community, leaving them quite harassed and wondering what to do next.

Lo and behold, out of the hat and without any reason, the Government gives $980 000 to the rural medical services. The Government knows that it has mismanaged the rural medical services and is now trying to cover up its errors with extra funding. Mr Roche, Executive Officer of the Hospital and Health Services Association, which represents the 64 rural hospitals, has stated:

> It comes a bit late to some hospitals which have already had to reduce their services.

He further said:

> We are grateful for the money, but the problems in the hospitals will continue for a long time until the whole issue of health resource allocation is properly addressed.

He said that it would have been helpful had it been known three months ago that the money was coming. Dr David Rosenthal, the Chairman of the Rural Doctors Association, said:

> Every year hospitals have had to roll from one crisis management to another.

Let us take this from the beginning and relate it to the four specific areas that the Government refers to in its reply, put by the Hon. Ms Pickles. First, the fee for service method of payment has been a negotiated separate line with Treasury. The rest of the hospital budget was separate. However, in 1989-90, the budget over-run was nearly half a million dollars. This is referred to in the reply given by the Hon. Ms Pickles. She even provided a table with details of the over-run. The over-run was due to a reduction of private health insurance, an increase in hospital admissions, an increase in Commonwealth medical benefits schedules and an increase in specialist fees. As to this over-run, the response from the Hon. Ms Pickles was:

> . . . a budget over-run of $442 000 was not provided for and was a serious cause of concern for the Country Health Services Division.

Further, she said:

> During the 1990-91 financial year . . . the Government has signalled the need for all areas of the public sector to contain costs and to fund cost pressures from within existing budgets.

The Government therefore changed over from a fee for service separate line to a global budget, which includes the other services provided by the hospital—for example, nursing and physiotherapy, and even transport of patients. This change was made without consultation. A letter was sent out informing the chief executive officers of the hospitals that a global budget was intended. Without advance warning this made it difficult for the hospitals to reconsider and adjust their services. Therefore, the over-run was beyond the control of the rural hospitals. It was due to increased admissions, increased schedule fees and decreased private insurance. It is not the case that the medical service was deliberately advantaging itself.

At that time, the AMA reviewed the situation in country hospitals, and the response from the hospitals showed a proposed: reduction of services, especially of their visiting specialists; the closure of operating theatres for a period; and the rationing of elective surgery—all due to the change in budgeting methods. An article in the *Australian Rural Times* of 18 December 1990 reports that the Prime Minister's Country Task Force had stated that the nation's rural health services were in crisis, and further:

> The exodus of doctors from rural areas must be curbed and rural health services improved if rural Australia is to continue contributing to the Australian economy and way of life.

In her speech, the Hon. Ms Pickles stated:

> The Government is committed to the achievement of improved health services for country South Australians . . .

However, she further said:

> . . . it has an obligation to live within the allocated budget.

These two statements are mutually exclusive: they cannot be achieved together as the Country Health Service's proposed budget was under-estimated from its very inception. It is under-funded due to activities not within the control of hospitals, as previously mentioned.

The second issue discussed by the Hon. Ms Pickles is the situation in Cummins. The situation was that there was a solo practice in Cummins and that a Dr Quigley negotiated to have extra help through the husband/wife doctor team of Drs Madsen. This arrangement fell in a hole, so to speak, with the fee-for-service put into the global budget. In a letter published in the *Advertiser* of 18 December 1990, Dr Madsen said:

> I am writing in support of Dr Gerard Quigley regarding the hypocritical stance the South Australian Health Commission has taken on attracting doctors to country areas.
>
> My wife and I are the two doctors who had been recruited by Dr Quigley to join him at Cummins on the West Coast, where he is the only doctor servicing a population of about 3 900.
>
> We had intended basing ourselves in Cummins and had organised to do sessions in Port Lincoln, Coffin Bay and Lock. This was easily arranged due to the well-known shortage of practitioners on the West Coast.
>
> My wife and I have remained in the hospital system for five years, both here and in the United Kingdom, to gain the essential broad spectrum of skills which is required in the country.
>
> We are in the position of having gained experience in anaesthetics, obstetrics, paediatrics and general medicine and now wish to go to the country to make good use of our skills.
>
> Our intentions were to base ourselves in Cummins, until we realised that we could not be guaranteed of being paid for the 'fee for services' that we would be providing to the Cummins hospital.
>
> This problem has come about due to the lack of funding for the fees for services provided to the doctors of this well staffed, well equipped hospital. The hospital is now in the position to employ two well-trained and ideally suited doctors but cannot attract them to Cummins and the West Coast, as much as they would like to go and as much as the Government has stated that country areas require more country doctors.
>
> It is an extremely frustrating situation we find ourselves in and it sent me into a rage to read that the Government wished to attract doctors to the country and was looking at training country people in medicine so they could return to service the country areas.

Well, I fill both these categories, as I am originally from the country and I have trained in medicine and both my wife and I would like to return to an area which is in great need of doctors.

But who is going to uproot their family if it cannot be guaranteed they will be paid due to a decision by the Health Commission not to cover adequately the fees for services provided by the doctors?

Mrs Wendy Treloar, a resident of Cummins, in a letter published in the *Advertiser* of 18 December 1990 and headed 'People in the country need their doctors', said in part:

Cummins and district is seething. Are we to lose another doctor due to what is known as 'GP burnout'?

There are two highly skilled doctors who want to come to live and work in a rural area that may not be possible due to funding policies. What happened to the scheme that encouraged doctors to practise in country areas?

The letter states further:

Our town will die if we lose our doctor and make no mistake, he'll go through sheer exhaustion if we cannot have two more doctors to assist him.

In contrast, I refer to the Hon. Ms Pickles' reply, which is very bland and in which she states:

I turn now to the present situation in Cummins. There is a sole general practitioner at Cummins, who has been there for about 10 months. He is negotiating for a husband and wife team to join him in the practice. I am delighted that two more well trained general practitioners are going to work on the West Coast, and the Health Commission strongly supports that development.

Late in January, commission officers negotiated with representatives of the Cummins, Tumby Bay and Port Lincoln hospitals to increase the fee-for-service allocation to Cummins immediately, and gave an assurance that an appropriate level of fee-for-service payments would be available when the Doctors Madsen start work at Cummins.

You must agree that the situation has been protracted and that time has been wasted in discussion. All this frustration had to be demonstrated before funding was 'made available'.

Thirdly, I refer to the issue of private insurance. The Federal Government has told Australians that Medicare will provide for their health needs. The Federal Government provides health money to South Australia through a *per capita* grant and tied grants scheme. South Australia is unable to distribute this money between competing units, and consequently services are denied. The Federal Government denies responsibility.

The State Government asks people to take private health cover. This Labor health policy of a Federal-State sector is a confidence trick which is politically outrageous. Do not ask the rural hospitals to reverse the trend; only the Federal Government can reverse the trend of people with private insurance electing to be treated as public patients. The public rural hospitals offer the private patients nothing that they cannot get for free. One would like to support privatisation, but why would one do so until the Federal Government provides a lead and community incentive? In the Hon. Ms Pickles' reply she states:

In some cases, medical practitioners are encouraging their patients to be treated as public patients, even though they hold private insurance.

The President of the Rural Doctors Association informs me that this statement is inaccurate and unacceptable. There is evidence that, at the height of the Cummins Hospital dispute, Dr Quigley admitted 53 per cent of his hospital patients as private patients. It should be noted that this occurred in an atmosphere of intense economic hardship.

Finally, the Hon. Ms Pickles states that the Government does seek to take advice from country doctors. The examples she gives do not substantiate her claim. In this respect I refer to the first example, which relates to negotiations with the AMA's Rural Doctors Committee on fee-for-service arrangements. This negotiation was not well conducted. The Health Commission negotiators had no standing, since their negotiating position was not supported by Government, yet they were negotiating on behalf of the Government through the Health Commission.

Example No. 2 related to regular principal medical officer and country specialist liaison meetings with the Country Health Services Division. These meetings do occur, but they tend to be the airing ground for Health Commission policy rather than proper consultation and two-way discussion.

Example No. 3 involves consultation with the Minister personally concurring with the Coffin Bay Community Health Centre. The Coffin Bay Community Health Centre initiative was raised by Dr Auricht, as I understand. This health centre has not progressed as expected, possibly due to lack of funds.

Example No. 4 relates to regional budget meetings initiated for this financial year to which medical practitioner representatives had been invited. Regional budget meetings have not tgaken place according to Dr Rosenthal, President of the Rural Doctors Association from Renmark or, if they have taken place, they were probably held during working hours.

If we are to accept these examples, there has not been any significant consultation, except for the rural training program which, I understand, has been satisfactory. In conclusion, even though $980 000 will ease the pressure on the rural medical service, I believe that the motion which calls for proper consultation is still relevant for future planning. I commend the motion to the Council.

Motion carried.

EDUCATION ACT REGULATIONS

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

That the regulations under the Education Act 1972, concerning senior positions, made on 25 October 1990 and laid on the table of this Council on 25 October 1990, be disallowed.

(Continued from 12 December. Page 2668.)

The Hon. R.R. ROBERTS: The Government opposes this motion. I understand that since this matter first came before the Parliament a great deal of negotiation has taken place. However, it is reasonably important to go back over the issue in respect of regulation 58.

First, I should like to clarify exactly what changes have occurred to regulation 58 over the past couple of years. Regulation 58 has three clauses. Clause 1 has undergone a couple of changes in recent times. About a year ago, clause 1 used to read:

The Minister may appoint seniors in any school.

Clause 2 at that time said:

The number of positions for seniors to be made available from time to time with respect to any category of school shall be determined by the Minister on the recommendation of the Director-General after consultation between the Director-General and the Institute of Teachers.

Clause 3 related to the appointment of special seniors. Members will recall that, towards the end of 1989, the curriculum guarantee created several new promotion positions, so the regulations had to be amended to include these new positions, therefore, clause 1 was amended to read:

The Minister may appoint seniors; advanced skills teachers levels 1, 2 and 3; key teachers; coordinators and assistant principals in any school.

The current amendment brings clause 2 up to date and into line with clause 1 to include those new promotion positions. Where clause 2 still referred only to seniors, it has been amended to refer to all the new promotion positions that are now listed in clause 1, that is, seniors; advanced skills

teachers, levels 1, 2 and 3; key teachers; coordinators and assistant principals. The effect would be to enable the Minister to place a limit on the number of new promotion positions that can be created. The reasons for this are fairly straightforward.

As a result of the curriculum guarantee, approximately one teacher in every four, that is 25 per cent of the teaching force, would occupy a promotion position. Not to have some way of limiting the number of promotion positions would put the Education Department in an untenable situation. South Australia now has the highest paid teachers in Australia. Every teacher can progress automatically to step 12 and, without any extra responsibilities, earn $38 200 a year. In the absence of any restrictions, every competent teacher could eventually move up into the advanced skills levels.

When the concept of advanced skills teachers was being developed, the difference in approach to those positions between the Government and the teachers union was that the union saw good teachers moving into those levels as a reward for being good teachers. The union's concept of promotion on merit seemed to be that everyone who met the criteria should move up into those levels. The Government's position, on the other hand, was that only the most outstanding teachers should become advanced skills teachers, and among the criteria for moving into those levels was that teachers should be doing something extra, something more than just being a good classroom teacher—for example, developing curricula for the school or taking leadership responsibilities.

It is an essential prerogative of responsible management to be able to decide how many people it needs at the various levels of its operational structure. To allow open slather on promotion positions would result in a situation of too many chiefs. In the extreme case, everybody would end up a chief. Promotion above step 12 should be based on merit; advanced skills levels ought not be allowed to become just additional steps in the incremental range.

I note that the Hon. Mr Lucas supported the Government's view in this. In a letter to the Editor of the *Sunday Mail* of 24 June last year, he said that a previous article 'did . . . accurately reflect our opposition to that part of the salary structure which virtually automatically allows an unlimited number of teachers into the advanced skills teacher classification'. In the same letter, Mr Lucas also pointed out the financial implications of not having a quota. He said:

> The budgetary impact of an unlimited number of advanced skills teachers will obviously be an important consideration.

These comments reinforced his statement of 10 June reported in an article in the *Sunday Mail* entitled 'What are our teachers worth?' Mr Lucas was reported in that article as saying that he supported the seniority and merit combination, assuming that probationary conditions continued to apply, and saying that quotas were essential. Mr Lucas was quoted as saying:

> They ought to win those positions in open competition with their peers.

The Government thanks Mr Lucas for those supportive comments, indicating that some limits or restrictions should be placed on access to those levels. We look forward to his continued support for that position in this debate. I also thank the honourable member for raising the important issue of the financial implications of not controlling access to those levels. Forward planning would be thrown into chaos, not knowing how many advanced skills teachers would be created in future years.

How could the Government or the Education Department budget properly not knowing what their financial commitment would be the following year for an unknown number of promotion positions? The amendment to regulation 58, in the absence of an alternative, was seen as essential for the good management of educational resources, for effective forward planning and for responsible financial management. However, this debate has been rendered somewhat academic by subsequent events in the Teachers Salaries Board, which now makes regulation 58 a non-issue.

I am advised that in the Teachers Salaries Board on 6 November 1990 certain agreements were reached between the Education Department and the Institute of Teachers relating to advanced skills teachers, and then the parties were sent away until 1 May of this year to negotiate the remaining matters. The parties agreed on a two or three level salary structure, and that access to the advanced skills levels would be according to rigorous criteria relating to teaching performance and professional development. The institute's proposed criteria were taken as a basis for future negotiations.

It was agreed that the advanced levels will not be subject to a quota, but successful applicants will be subject to a stringent and periodic review of their advanced skills status. The institute agreed not to insist on the abolition of the regulation as a prerequisite for reaching agreement, and the Minister of Education's representative gave an undertaking that regulation 58 would not be used during the period of negotiation. Both parties and the Teachers Salaries Board were satisfied that this was an appropriate arrangement while further negotiations took place. I therefore urge that members oppose this motion.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 20 March. Page 3767.)

The Hon. I. GILFILLAN: I oppose this Bill, which deals with the compulsory third party insurance of motor vehicles in South Australia. As members realise, SGIC is the only third party insurer in this State, and that has been the case since 1976 when other companies showed a reluctance or a lack of enthusiasm to be involved in a business that was not profitable. The Hon. Diana Laidlaw's second reading explanation spelt out the situation accurately and in considerable detail. The Democrats have no argument with her analysis of the situation.

However, we believe that the time is not right for the opening up of compulsory third party insurance to other companies. As the Hon. Diana Laidlaw spelt out, the current Minister has the discretion to determine whether other companies will be accepted as underwriters of compulsory third party insurance. It is reasonable to expect that at some future time other companies will share the business, but that is a matter for later debate. From conversations I have had with the Minister, I believe that he is prepared to look at amendments to the Act further on in the life of this Parliament.

I do not intend to analyse the situation in more detail except to say that I believe that compulsory third party insurance now is more profitable because of amendments to the legislation and stricter surveillance of the fraud that had plagued this area of insurance. In that light, I think

that the SGIC is to be congratulated; it is nice to have an opportunity to congratulate the SGIC for a change.

For the time being, I do not think there is an argument to amend the Act. Although the amendments as proposed by this Bill do not automatically open it up for competitors to enter this market, they allow contending companies to challenge the Minister's decision if he were to oppose their entry, require the Minister to spell out in detail the reasons for such a refusal and allow for an appeal to the Supreme Court. I think that such a procedure is acceptable in the fulness of time when this area of insurance can be opened up to other companies. However, the Democrats do not believe that that situation has arisen and, in those circumstances, we oppose the Bill.

The Hon. DIANA LAIDLAW: I thank all members who contributed to the debate. I introduced this Bill last October, and there has been considerable time for all members to make an assessment of it. As I pointed out in my second reading explanation, the Motor Vehicles Act specifically provides an opportunity for private sector companies to apply to re-enter the market for the underwriting of compulsory third party insurance in this State.

The Bill does not concern the issue of whether there should be competition or whether SGIC should retain its monopoly position. The fact that I personally support competition in this field is not the issue. The Bill simply provides private insurers with a clearer idea of what the Government of the day would expect in terms of the material in their applications. It is simply a matter of accountability by the Minister in assessing those applications.

What I had hoped to achieve by this Bill was to establish the criteria that the Minister must take into account when considering the merits of any application, and I believe that that was a worthy goal. It is a deficiency in the Act. I understand that this year seven private insurers have sought to re-enter the market, and that a number of these companies have put considerable time and effort into their applications. Those applications were to be lodged by 1 April this year, and the Minister has until 30 June to make up his mind whether or not he will support them. A number of those companies have applied in the past. Three years ago one company—FAI—applied; last year three companies applied; and this year seven companies applied. So, it is quite clear that there is considerable interest in the private sector to participate again in the underwriting of compulsory third party insurance in this State.

The Queensland Labor Government has embraced the private sector and competition. New South Wales has done likewise, and I note statements in the *Sydney Morning Herald* in the past week which indicate that there will be a considerable drop in insurance rates, of some 23 per cent, from 1 July this year. I am disappointed that the Australian Democrats will not support the Bill. I think it is a fair and reasonable attempt to try to provide private sector insurers with some guidelines for making their applications and with some knowledge about the way in which the Minister would assess them.

The Bill did not—I repeat, 'did not'—insist that the Minister had to accept any one or all of those applications. I note that, in the *Advertiser* of 14 March in an article by Deborah Reid entitled 'Insurers may share third party', the Minister indicated that he was actively seeking the re-entry of private insurers into the compulsory third party market. This was an about-face on his position of some five months ago. I have not seen or heard from the Minister in relation to this Bill. Certainly, there was no indication from the Hon. Terry Roberts that the Minister was actively considering this area. He did not even say whether or not the Minister was looking at the issue. The Hon. Terry Roberts simply opposed any competition to the SGIC, but I suppose from a member of the left wing of the Labor Party that is not necessarily surprising. His speech did not address the Bill.

I thank the Hon. Mr Gilfillan for at least addressing the provisions of this Bill, even though I am disappointed in the assessment that he made. It is the view of the Federal Industries Commission, in its 1989 report 'Government (non-tax) charges—workers compensation', as follows:

> The superior cost efficiency of a single insurer system over a multi-insurer system is yet to be demonstrated.

The report went on to say:

> Of particular concern is the likelihood that, following the removal of competitive pressures, there will be reduced choice in available insurance policies and diminished incentive for a monopoly supplier to minimise costs.

With respect to the SGIC, there has been a decrease in premiums in recent times. However, the current difficulties being experienced by SGIC do not give one heart that there will be further decreases this coming year. That is not the experience of insurers in all other States, and a moment ago I cited the decreases that are proposed for New South Wales. I also stress that last year the General Manager of the SGIC indicated that he had no objection to competition in this field. He had some concerns about fraud, and these matters were addressed by the Hon. Terry Roberts.

I would point out, however, that New South Wales, by way of its legislation on the Motor Accidents Act, has devoted a considerable portion of the Bill to addressing the issue of fraud and the sharing of information via a direct line of communication between insurers and the Motor Accidents Authority. It is understood that the anti-fraud units and anti-fraud practices in New South Wales are now the most superior in this country. So the issue of fraud, as an excuse for maintaining a single insurer system, is not soundly based.

I believe very strongly in competition in this field. I believe also that this Bill would have encouraged private insurers to be more confident about their entry in the future, although of course it did not insist upon such entry. I recognise that the Bill does not have the majority support of the members of this Council.

The Council divided on the second reading:

Ayes—(8) The Hons J.C. Burdett, Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw (teller), Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes—(9) The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, R.R. Roberts, T.G. Roberts (teller), G. Weatherill and Barbara Wiese.

Pairs—Ayes—The Hons L.H. Davis and R.I. Lucas. Noes—The Hons Anne Levy and C.J. Sumner.

Majority of 1 for the Noes.

Second reading thus negatived.

[*Sitting suspended from 6.2 to 7.45 p.m.*]

PRIVATE PARKING AREAS (DISABLED PERSONS PARKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3683.)

The Hon. J.C. IRWIN: The Opposition supports the second reading of this Bill. The Private Parking Act was passed by the Parliament in 1986 with a number of amend-

ments made possible by the assiduous work of the Opposition, supported by the Democrats.

The Private Parking Areas Act entitles the owner of a private parking area to impose time limits on the parking of vehicles in the private parking area and may set aside any part of the private parking area as: a disabled person parking area; a loading area; a no standing area; a restricted parking area; and a permit parking area.

In the case of disabled persons parking, it is an offence to park in this area unless the driver has a permit issued under the Motor Vehicles Act 1959. Persons with the permit are allowed 90 minutes in excess of the time limit before incurring a fine.

Penalties for persons parking in a disabled area are liable for a penalty not exceeding $200. Where a council and a parking area owner have entered into an enforcement agreement an expiation fee of $20 is now applicable. It there is no agreement an owner may follow up an offence only by issuing a summons. The Minister informs us that adequate enforcement has not resulted since the commencement of the re-enacted legislation. The present situation is that in a lot of cases unlawful parking is not being penalised, and few owners have taken steps to provide for disabled parking spaces.

In her second reading speech, the Minister said:

> As the first step to implement change the committee has recommended that local government councils be empowered to police and enforce disabled person parking areas in neighbouring private parking areas notwithstanding that no enforcement agreement has been entered into between the owner and the council. As a second step it is proposed to amend the Private Parking Areas Regulations to increase the expiation fee for unlawful use of a disabled parking space from $20 to $50.

This paragraph refers to the clause 2 amendment. The committee referred to comprised members of the South Australian Local Government Engineers Association, the disability adviser to the Premier, the Executive Director of Disabled People International and was chaired by an Assistant Director of the then Department of Local Government.

I find it a bit strange that there was no representation from private park owners on that committee. After all, they were (the committee) formulating decisions about areas of land owned by private enterprise. Later in the second reading speech, the Minister said:

> Concurrent with this, a concise reference to the provision and enforcement of disabled parking in the form of guidelines is being prepared for issue to local government councils and developers to ensure that a consistent and fair approach to disabled parking is adopted by all parties concerned.

Again I comment that the Local Government Association was not involved in the committee's discussion. It is local government inspectors who will enforce the law.

Although the Act and these amendments do not move towards setting a ratio of disabled car parking spaces to total car parking spaces, the preparation of a 'concise reference' will lead to a direction to private parking owners in a Planning Act Supplementary Development Plan for Centres and Shopping Development to set aside a certain number of disabled parking spaces in each private park.

I have been informed that there will be considerable resistance to legislation which would enforce all owners of private parks to set aside areas for restricted parking throughout the State. After all, private car parks are 'private' and it should be at the discretion of the owners to decide if they want restricted parking. In some cases it is to the advantage of the traders to have that restrictive parking—and, of course an advantage to those people, such as the disabled, to have some spaces set aside for them. In other cases, it could lead to parking spaces being left vacant for long periods, thus not allowing a car park to be used to its full capacity.

Section 7 (1) of the principal Act provides:

> The owner of a private parking area may by a notice or notices exhibited at or near each entrance to the private parking area impose time limits on the parking of vehicles in the private parking area.

I find it somewhat confusing that the owner may exhibit notices but clause 2 indicates that even if an agreement is not entered into between the council and owner the council inspector will have the power to go onto private parking areas and enforce the law. But the law will only be the somewhat arbitrary time limit set by the owner which may or will differ from one park to the next.

Later, the Minister states that this will occur where the owner has disabled persons' parking signs. Does this mean that, if an owner does not want law enforcement officers on his or her land, he or she has to take down the signs or not display any signs for disabled parking? One example may be in a hotel car park where the owner, out of courtesy, may have set aside a parking area for the disabled but does not want the parking inspectors coming in and upsetting his customers by issuing tickets. He would be better to have no car parks set aside for the disabled. This whole matter will not be addressed properly until the supplementary development plan for centres and shopping development has been accepted under the Planning Act.

I expect this and the acceptance in regulations of national standards will eventually lead to a more useful and orderly use of private parks. There is no doubt that there will continue to be some confusion for some time until the various mechanisms envisaged are in place and working.

Subsections (6) and (7) of section 8 of the Act, for instance, have very little meaning now unless a permit is issued for a specified time every day in a time limit area, be it for able or disabled parking. Unless a council inspector is on the job all the time in every private park they would have no hope of knowing when a time limit commenced or when a vehicle contravened the set limit. This would be one reason why the Minister said:

> The demand for disabled parking permits has grown but it appears that the machinery contained in the Act is now being used to provide disabled parking which can be enforced in private parking areas.

I put it to the Minister that section 8 of the Act to which I have referred, disabled parking space quotas and national standards, will not overcome the problem of policing private car parks. I cannot imagine councils providing inspectors for every private car park day and night; I cannot imagine private car park owners wanting their clients hassled in their parks, which would not be good for business; and I cannot imagine ticket dispensing machines being accepted at every private park, large or small. Somehow a solution has to be found that is acceptable to private car park owners and the people who use the parks which, in the first instance, caters for the disabled.

Section 8 (4) in the Act provides that a motor vehicle must not be parked in a loading area unless the vehicle is a commercial vehicle and is being used for the delivery of goods to the premises of the owner. It is only a pedantic point, but there is no provision for the owner of the premises to load goods or rubbish out of the premises using that loading area. This should be addressed now, as council inspectors will be responsible for policing the private parking areas, including the loading areas.

I seek clarification on a number of matters concerning council inspectors when working in private parking areas. Will council inspectors have a council to council agreement, where they will not cross council boundaries? In other words,

will council inspectors be able to go out of their designated council area into another council area without an agreement with that adjoining council area? Further, will an expiation fee of $50 for an offence be collected by the council inspector for the sole revenue of the council, or will there be some share for the owner of the private park? What will the formulae used to calculate any shared revenue from expiation fees be? Does the Minister envisage any confusion where both an owner of both a private parking area and the council inspector are policing the provisions of the Act applying to disabled parking, where one is using an expiation notice and one a summons?

I understand that owners, managers or agents for shopping centres are seeking permission for these people to place notices on vehicles breaching the provisions of any Act concerning car parks. I am somewhat confused by new section 8a, which provides:

> Notwithstanding that an agreement is not in force under section 9 in relation to a private parking area that includes a disabled persons parking area, section 8 (2) is enforceable in accordance with section 9 as if such an agreement were in force.

However, the Minister's second reading explanation says:

> In the absence of any agreement no expiation powers apply and the owner may only follow up an offence by issuing a summons.

I would like a clear statement from the Minister that, following the passage of this Bill, council inspectors only will police private parking areas in respect of disabled parking and that there will be no need for any agreement between councils and owners of private parking areas. Also, can the Minister indicate if the regulations envisage that a uniform expiation will apply in all areas of the State that are being policed by inspectors? Any uniform form should clearly indicate where to pay a fine—for example, at the shopping centre or at the local council.

With respect, the penultimate paragraph in the Minister's second reading explanation does little to explain the inclusion of new section 16 (provided for in clause 4), which refers to national standards on parking signs. Whilst I applaud any move towards uniform national standards, I find the words used in proposed section 16 (1) and (2) difficult to comprehend, and I do not see why national standards should be automatically adopted in regulations, without the Parliament having some opportunity to discuss the various merits of components of national standards, or at least to be satisfied that owners of private parks have accepted and have been consulted on any standards for their private parks. With those comments, I indicate that the Opposition supports the second reading of the Bill.

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

REHABILITATION OF OFFENDERS BILL

In Committee.

Clause 1—'Short title.'

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

> Page 1, line 12—Leave out 'Rehabilitation of Offenders Act 1991' and substitute 'Spent Convictions Act 1991'.

The point made to me by the Offenders Aid and Rehabilitation Service is that the title of the Bill is misleading and that, whilst it tends to convey the impression that it has something to do with rehabilitation of offenders, it is really nothing of the sort. In a letter from the Offenders Aid and Rehabilitation Service (which I quoted in my second reading contribution), the following observation was made:

> You will appreciate that an Act with this title is of the utmost interest to us. In fact, however, it is a misnomer and should be the Spent Convictions Act, or such like, as applies in other jurisdictions. You know as well as I do that one cannot rehabilitate offenders by Act of Parliament.

My argument is that the time when a person who has been convicted of an offence is most likely to be rehabilitated is when that person is released from prison, if prison has been ordered, or when the fine or other penalty has been satisfied—and not 10 years after the conviction has been recorded. In at least one other jurisdiction, the legislation is described as the Spent Convictions Act, and other titles are given to it in other jurisdictions. I think it is called the Spent Convictions Act in Victoria. It seems to me that that is a much more effective and accurate description of what is proposed in this legislation. There is nothing worse than giving a misleading impression in legislation that is passed by Parliament and of dressing up something to be what it is not. It is for that reason that I have moved my amendment.

The Hon. BARBARA WIESE: The Government is not particularly fussed about this matter. We appreciate the point that the honourable member is making. As he has indicated, in another jurisdiction the legislation is called the Spent Convictions Act. Actually, that is the case in Western Australia, not Victoria. If it makes the legislation more palatable to the honourable member, the Government is prepared to accept the amendment.

The Hon. I. GILFILLAN: The Democrats enthusiastically support the amendment, not with a begrudging tolerance but because it is a much more sensible title which more accurately describes the Bill.

Amendment carried; clause as amended passed.

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: When does the Government intend to bring this legislation into operation if it passes both Houses and what program of publicity is envisaged at this stage to inform the community of the ramifications, particularly with respect to those people who might be innocent victims of reporting the fact of a spent conviction contrary to the provisions of the Act, thus opening themselves to prosecution and possibly a damages claim?

The Hon. BARBARA WIESE: I cannot give a precise idea of when this legislation will be proclaimed, but the Government hopes to be in a position to do that within the next few months. In the meantime, before the legislation can be proclaimed there must be consultation with the police and, in particular, with the Commercial Tribunal, because there is a need for certain recording systems and forms to be changed. Until that consultation occurs and those changes are made it would not be appropriate to proclaim the legislation. The time of proclamation will depend very much on how quickly those changes can be made. It should be said that organisations such as the police know that this legislation is forthcoming and they have already undertaken some work in this area. So, hopefully it will not be very long before the Bill can be proclaimed.

The Hon. K.T. GRIFFIN: In about 1986 or 1987 the Attorney-General indicated publicly that there would be some cost implications for any legislation that sought to expunge criminal records. Will the Minister indicate the cost implications of this legislation?

The Hon. BARBARA WIESE: I cannot be precise about this matter, but I understand that an amount of $7 000 has been allocated to the police for operating costs. Whether other costs will be involved in the short or the long term I cannot say but, if the Attorney-General can provide further information on this matter, I undertake to seek that information from him and to ensure that the honourable member has access to it.

Clause passed.

Clause 3—'Interpretation.'

The Hon. BARBARA WIESE: I move:

Page 2, after line 2—Insert new paragraphs as follows:
(ga) a registered or enrolled nurse;
(gb) a pharmaceutical chemist;
(gc) a speech therapist;.

I believe that both the Government and the Hon. Mr Griffin have identified the groups of professionals in the community other than those listed in the Bill that have direct contact with patients. Those three additional groups have been acknowledged in this amendment, which I recommend to the Committee.

The Hon. K.T. GRIFFIN: As the Minister's amendment is identical with the one that I have on file, obviously I will support it. The difficulty with this legislation, as I indicated during the second reading stage, is that there is a range of persons to whom it should not apply. I have sought in subsequent amendments to address some of those issues, but they are by no means exhaustive. Although there is a provision in clause 4 to identify circumstances to which the legislation will not apply by way of regulation, I do not believe that that is an adequate way to deal with the matter. However, in the circumstances there does not seem to be any option, so I indicate my support for this amendment.

Amendment carried.

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

Page 2, after line 10—Insert new definition as follows:
'social worker' means a person who holds a qualification recognised by the Australian Association of Social Workers Limited:.

The definition of 'medical expert' is relevant to clause 4 (3), where the legislation does not apply in relation to persons who are seeking to obtain or have obtained registration or employment as medical experts. In those circumstances, it does not extend to offences committed against the person or to offences involved in the production, sale, supply, possession or use of a drug. At a later stage I will seek to include in that provision reference to a social worker.

I cannot say that a social worker is a medical expert, but I do say that a social worker is a person who develops a close bond with a client or a person in a similar relationship where confidences are shared and where a social worker can become involved in assisting a person to sort out a range of problems which he or she may have. This may occur personally or with the spouse, other members of the family or people who are not related by blood or marriage. It seems to me that to specifically not refer to social workers in that context is to leave out an important area where the existence of a conviction for an offence against a person or an offence involving the production, sale, supply, possession or use of a drug would be a significant omission.

Because social workers have that same relationship or bond as might exist between medical expert and patient or client, it seems to me that we ought to refer to them specifically. So, the definition of 'social worker' is inserted to give some substance to the description and also to set the scene for the inclusion of 'social worker' in clause 4 (3) *(d)*. According to the definition that I seek to insert, 'social worker' means a person who holds a qualification recognised by the Australian Association of Social Workers Limited, which I understand is the appropriate body to recognise qualifications of social workers. It is for that reason that I move this amendment.

The Hon. BARBARA WIESE: The Government opposes the amendment. As the honourable member has indicated, it relates to a proposed amendment to clause 4 (3) *(d)*. The exemption that exists in that clause is confined to medical experts, because they are people who have direct physical contact with other people and who have the power to prescribe and administer drugs. The Government does not accept that a social worker is in a similar position.

The Hon. K.T. GRIFFIN: As far as I know, speech therapists do not prescribe or administer drugs.

The Hon. Barbara Wiese: They do have direct physical contact.

The Hon. K.T. GRIFFIN: Social workers have direct physical or personal contact. It depends what you are looking at. Social workers are in a position of power and can exert considerable influence over a patient or client. It seems to me that there is more justification for including a social worker than there might be for a podiatrist.

I suppose that one could put a social worker in the same category as an occupational therapist. The social worker is in a position of exercising power and influence in a direct personal relationship between himself or herself and the patient or client, and I do not think that the question of direct physical contact is so much relevant as the position of trust which that person will be exercising. I just cannot accept what the Minister is indicating in relation to a social worker in the context of this legislation.

The Hon. I. GILFILLAN: I oppose this amendment. In fact, I am uneasy that we have already exempted too many categories from the benefit of this legislation. I suspect that at least some of the amendments which the Hon. Mr Griffin has on file are to ensure that people will carry the mark of Cain for ever. In fact, the title, 'Spent Convictions', he does not intend to see apply except in very rare circumstances. We must recognise that a person who has taken the punishment, put that behind him and not reoffended during a period of time should be able to live his life free of the load of that offence in the years ahead. I do not support this amendment, and want it on record that I believe that the categories that have already been embraced in this go too far.

The Hon. K.T. GRIFFIN: A person such as a social worker who exercises power and influence ought not to be covered by this legislation but should be required to disclose convictions. The honourable member may recall that, during the second reading debate, I referred to a number of cases of persons who, although they had committed quite serious crimes, were sentenced to a period of imprisonment of less than 30 months.

There was one case of wounding with intent to do grievous bodily harm in which the duration of imprisonment was two years and six months; a case of wounding with intent to do grievous bodily harm had a term of imprisonment of one year and six months; an assault occasioning actual bodily harm carried a sentence of two years; and a case of armed robbery carried a sentence of two years and six months. There are a number of similar cases such as the case of incest, which carried a term of imprisonment of one year and six months. The honourable member is saying that it is okay to become a social worker and, if after 10 years you have not been caught and convicted for reoffending, you do not need to declare a conviction for incest when the sentence has been for less than 30 months.

That is extraordinary. Who but the social worker goes along to the family in which there is an allegation of incest? Under the Government's own proposals before the select committee on child protection, it is the social worker who goes along and deals with the issue, becoming very much involved in the family's activity. I think it is extraordinary that, if someone happens to be a social worker and has this sort of conviction, after 10 years with no other conviction being recorded, that person, when asked, 'Have you any

convictions for offences against the person?' can say, 'No, I haven't'—and that is a lie. It is extraordinary . . .

The Hon. I. Gilfillan: It doesn't matter who says it: it's a lie.

The Hon. K.T. GRIFFIN: Of course it's a lie; that's right. But a social worker is in a special relationship with the patient, customer, client or whatever you want to call it. Anyone who proposes (as the Government appears to propose) that a social worker with that sort of conviction can after 10 years say, 'I haven't got a conviction' and be involved in the investigation, care and treatment of people who are the victims of domestic violence, of alleged incest or other crimes against the person, must have rocks in his head.

The Committee divided on the amendment:

Ayes (8)—The Hons J.C. Burdett, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (9)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese (teller).

Pairs—Ayes—The Hons L.H. Davis and R.I. Lucas. Noes—The Hons Anne Levy and C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. I. GILFILLAN: I move:

Page 2, line 12—Leave out 'spent'.

The amendments to this clause are similar to the amendments that the Hon. Trevor Griffin has on file, and I understand that they flow from the successful passage of the title and create a more accurate reflection of the character of the Bill.

The Hon. K.T. GRIFFIN: This amendment is consequential and I support it.

The Hon. BARBARA WIESE: The Government will support this amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2—
Line 13—Leave out 'the rehabilitated' and substitute 'a'.
Line 15—Leave out 'the rehabilitated' and substitute 'a'.
Line 17—Leave out 'the rehabilitated' and substitute 'a'.
Line 19—Leave out 'the rehabilitated' and substitute 'a'.
Line 22—Leave out 'the rehabilitated' and substitute 'a'.

The Hon. BARBARA WIESE: The Government supports these amendments.

Amendments carried; clause as amended passed.

Clause 4—'Application of Act.'

The Hon. K.T. GRIFFIN:

Page 2, lines 27 to 30—Leave out subclause (2) and substitute—

(2) The following convictions are incapable of becoming spent convictions for the purposes of this Act:

(a) a conviction for an offence where the person is sentenced to imprisonment for an indeterminate term;

(b) a conviction for an offence where a penalty prescribed for that offence exceeds—
(i) 30 months imprisonment;
or
(ii) $10 000;

(c) a conviction for an offence where the offence is one of two or more offences that are dealt with in the same proceedings, or that arise out of the same incident, and the penalties prescribed for those offences, when added together, exceed—
(i) 30 months imprisonment;
or
(ii) $10 000.

(2a) For the purposes of subsection (2), two or more offences arise out of the same incident if they are committed contemporaneously, or in succession, one following immediately upon another.

I regard this amendment again as a significant amendment. The Hon. Mr Gilfillan may accuse me of seeking to limit the scope of the legislation, and that accusation would be correct, because I see in subclause (2) a breadth of application of this legislation that I think is quite unreasonable. Only a few moments ago I referred to a number of convictions for serious crimes that resulted in penalties of less than 30 months, and they are the sorts of convictions that I would not be prepared to see regarded as expunged or spent convictions.

The Bill provides that the criteria will be a sentence of imprisonment for an indeterminate term, and the Bill will not apply in those circumstances. We are of one mind in relation to that, and that is supported. But, where there is a conviction and a sentence of imprisonment for a term exceeding 30 months, whether or not the sentence is suspended, the legislation will not apply. Or, where a fine exceeding $10 000 is ordered to be paid, again the Bill will not apply.

A $10 000 fine and the 30 months imprisonment are agreed periods, but in a different context. My view is that the application of the legislation should be limited to those offences where there is a conviction and where the penalty prescribed for the offence exceeds 30 months imprisonment or a $10 000 fine, so that any offence with a maximum penalty of up to 30 months prescribed by legislation would be the subject of expunction under this legislation.

I have already referred to the number of serious crimes where the penalties imposed have actually been less than 30 months but for which the maximum penalty prescribed by statute is very much more. In the Supreme and District Criminal Courts the penalty imposed for wounding with intent to do grievous bodily harm in 1989 was one year and six months, but there were additional charges and cumulative penalties for breach of recognisance and suspension of sentence revoked which brought the total period of imprisonment up to three years and nine months. In the context of the Bill, if that person does not reoffend and is not convicted in the 10 years after these convictions were recorded, he or she will be able to regard those three charges and convictions as having been expunged. I have great difficulty with that. I have addressed that issue in proposed new subclause (2) *(c)*.

There are two aspects to this: first, whether the Bill ought to apply to the offence or to the sentence actually imposed (my amendment supports the former) and, secondly, if two or more offences are dealt with in the same proceedings and the penalties prescribed for the offences when added together exceed 30 months or $10 000, whether the Bill should apply. My amendment provides that it should not.

I remind members that there are a number of cases in the 1989 statistics of the Office of Crime Statistics where quite serious crimes have occurred. Each has attracted a sentence of imprisonment 30 months or less but together exceed the 30 months. In one case the major charge was armed robbery, with a penalty of imprisonment for two years and six months. However, two other offences were dealt with on the same occasion: burglary, for which the penalty was two years imprisonment, and damaging property, six months, making a total of five years. I think it is untenable that persons who commit multiple offences with that sort of penalty imposed should gain the benefit of this legislation. There are other amendments to the clause, but for the moment I focus on that amendment to subclause (2), in the two contexts to which I referred.

The Hon. BARBARA WIESE: The Government opposes this amendment. We believe that it attempts to limit the ambit of the Bill in a way that is unnecessarily restrictive, and it is unacceptable to the Government. I also point out that to do this would put us in a position of acting differently

in relation to the legislation that has already passed in the United Kingdom, Queensland, Western Australia and in the Commonwealth Parliament and concerning the provisions that have been included in similar legislation in New South Wales.

The Hon. I. GILFILLAN: The Democrats oppose the amendment.

The Hon. K.T. GRIFFIN: I do not think it matters whether we are in line with other countries or other States. We are entitled to make our judgment on what we believe to be appropriate in all the circumstances. I think it is preferable, if one is going down this track of expunging past convictions, to look at the maximum penalty for an offence, to deal with it on an offence basis rather than by way of sentence.

The Committee divided on the amendment:

Ayes—(8)—The Hons J.C. Burdett, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes—(9)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese (teller).

Pairs—Ayes—The Hons L.H. Davis and R.I. Lucas. Noes—The Hons Anne Levy and C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. K.T. GRIFFIN: That amendment, which was defeated, really had two parts. Neither the Minister nor the Hon. Mr Gilfillan addressed the problem of multiple convictions in the same proceedings or those that arise out of the same incident. Has the Minister given any consideration to that issue, and, if so, what is the result so far as multiple offences are concerned?

The Hon. BARBARA WIESE: That is a matter that has received consideration. It is the view of the Government that each conviction should be examined separately.

The Hon. K.T. GRIFFIN: I may want to recommit the clause in relation to that matter at a later stage. However, I just signal that at this time. I move:

Page 2, after line 32—Insert new paragraph as follows:
(aa) it does not apply to a person who is seeking, or who has obtained, election—
(i) as a member of Parliament;
or
(ii) as a member of a local council;.

This deals with subclause (3). A number of people in some position of influence and authority have been omitted from the so-called protection of this legislation, and what I seek to do is to endeavour to identify a number of categories of persons who should not gain the benefit of this legislation. The first category would be members of Parliament, persons who are seeking to become members of Parliament, or members of a local council, or persons who have obtained election as members of Parliament and members of a local council.

If one looks at subclause (3) *(b)*, one will see that the Bill does not afford protection to barristers, solicitors, judicial officers, including a justice of the peace, a member of the Police Force and a company director. Members of Parliament and members of local councils are in a similar position to those to whom I have just referred. They are law makers (or legislators if one prefers that description) and in a position of influence even to the point where, if they are in a majority Party in Parliament, they can form a Government and can ultimately become Ministers or, if they are members of a local council, they can be in a position of exerting considerable influence about local decisions and local issues.

If one provides that barristers, solicitors, judicial officers, members of the Police Force and company directors should not have the protection of this legislation, then we ought to ensure that members of Parliament and members of local councils also are not afforded the protection of this legislation. Members of Parliament ought to be prepared to live with whatever their past might be and members of local councils similarly, because they do exercise power, influence and authority within the community.

The Hon. BARBARA WIESE: The Government opposes this amendment. It should now be clear to the Committee that the Government is not happy about the attempts of the honourable member to limit the scope of the legislation in some respects and to make provisions for categories of people and other activities that are not included in the Bill. This is one of those cases. The categories of persons who are included in this subclause are in those areas in which people are traditionally required to release details in relation to prior convictions, and it is the view of the Government that these categories should not be expanded.

The Hon. K.T. GRIFFIN: I would suggest that that is a pretty lame reason. I am sure that judges are not included because they release details of prior convictions. I would have thought that the judges would be there because they ought to set a standard for the community and be beyond reproach. If that applies to judicial officers, as I believe it ought, then it ought to apply equally to members of Parliament and members of local councils. I just cannot believe that we ought to be giving some special position to members of Parliament, the people who make the laws and who may form a government, to put them in some position which is different from other arms of Government, although there is an independence and separation of powers between the judiciary, the Parliament and the executive arm of Government. I just do not accept what the Minister has indicated as the reason is anything more than a facade.

The Hon. J.C. BURDETT: I support the amendment. With respect, the attitude taken by the Minister is quite inconsistent. Why is it that a company director, in particular, is outside the scope of this Bill, but a member of Parliament or a member of the local council is not? The company director may be the director of a small company which may not have very much bearing on anything, whereas a member of Parliament does have such an influence.

The Hon. K.T. Griffin: He has no dealings with the public.

The Hon. J.C. BURDETT: Yes. A barrister or solicitor is involved in the administration of the law. A judicial officer or a member of the Police Force is involved in the enforcement of the law. Why should that be different from a member of Parliament who is involved in the law-making process as a legislator? It is inconsistent to include a company director as being outside the scope of the Bill, but not a member of Parliament. As the Hon. Trevor Griffin has indicated by interjection, a company director may have nothing much to do with the public at all. The director is on the board; he is not dealing with the public day by day. He is not concerned with day-to-day contact with the public, as the member of Parliament is. I find this legislation totally inconsistent. Of course, members of Parliament, under the Constitution Act, lose their seat by reason of certain criminal offences. So, it is totally inconsistent to say that members of Parliament ought to be under the protection of this Bill whereas certain other people are not.

The Hon. BARBARA WIESE: I will clarify that point. The issue is that the Government is including the categories of persons who are traditionally exempted from these measures. Company directors are included because of their traditional exemption under companies legislation.

The Hon. I. GILFILLAN: I believe that, regardless of tradition, we are duty-bound, as we always are, to treat the

legislation as it is before us, in the best interests of South Australia. As with industrial matters and others, I think we are bound to look at what the issue is before us as it impacts on South Australia. I agree with the two Opposition speakers that this legislation is incredibly inconsistent. We may have come at it from different angles but by any logical assessment to have included that rather limited list for exemption and not to have gone further seems quite extraordinary.

As I have indicated before, we believe that the benefits of this legislation should be more widely available than does the Opposition. There may be some arrangement that at least goes some way to remove the inconsistency. For example, if a company director were taken out of the Bill as part of paragraph *(b)*, it would seem reasonable that those included in later amendments that the Hon. Trevor Griffin intends to move relating to a body established by statute, a credit union, a cooperative, and so on, ought not be included. With 'company director' remaining in the Bill, it is hard to argue that these other people that the Hon. Trevor Griffin has listed should not be included for the sake of consistency.

In relation to the question whether or not a member of Parliament or a member of a local council should be included in the amendment, I believe that a member of Parliament should be exempt and should not have the privilege of the spent sentence clause because of the unique position we hold. However, I am less convinced and feel uneasy in relation to those offering for local council: it is an unpaid position, and it is one of dedicated service to the community. It is a different role and sphere of government and certainly, for the time being, I regard the two categories as being separate. Therefore, I would be more inclined to support the amendment if it were restricted to paragraph (i) with (ii) deleted.

In a way it is unfortunate that the Minister responsible for the Bill is not here to discuss this matter of company director. I am not sure whether the present Leader of the Government in this place feels that she can entertain an amendment to paragraph *(b)* to delete the reference to company director. However, I put to the Committee that these are my thoughts at this stage, and I invite comments from the Minister and the Hon. Mr Griffin.

The Hon. K.T. GRIFFIN: I am prepared to respond to the Hon. Mr Gilfillan. I would not be at all happy about removing the reference to a company director. I agree with my colleague the Hon. John Burdett that many company directors have no dealings with the public at all. It might involve, for example, the director of a small private trust company, holding assets in trust for a family trust, and not carrying on business. On the other hand, there are company directors who would be in positions of significant influence in the business and professional community and in the wider community. For example, one can look at Western Australia, New South Wales or Victoria, where a number of companies have got into very serious financial difficulty and where charges have been laid for breaches of the Companies Code and other breaches of the law.

It is very difficult with 'company director' to say unequivocally that the exemption should or should not be included, by reference to level of contact with the community and responsibility for funds. In addition, there are companies that do have a lot of public money in them, whether as trustees or as trustees of cash management trusts, or otherwise. It seems to me that the persons who are directors ought to have no criminal record at all, and, if they do, that ought to be known to those people who might be seeking to place their moneys in trust with that company.

I shall deal with the proposed new subparagraphs (v) to (ix) when that amendment is before the Committee. In that case, statutory corporations ought to be included, if company directors are to be included; but whether or not company directors are included, has suggested to me that a director of the SGIC, of the State Bank, of the Electricity Trust, or of any other such statutory corporation which has a very significant business activity, ought to be covered by the same provisions as apply to company directors, under this clause.

I appreciate the Hon. Mr Gilfillan indicating that he is sympathetic to the view which I have expressed, that members of Parliament or candidates for Parliament should not gain the benefit of this legislation. In relation to local councils, I only make this point: that local councils have a significant responsibility within the communities that they govern at the local level, and they have responsibility for very important decisions—planning decisions in particular. Because of that, it seems to me that we ought to ensure that nothing in the history of persons who are local council candidates or who are members of local council is hidden from the view of electors, particularly where it might be relevant to a determination whether or not they are fit and proper persons to exercise the very responsible positions to which they aspire.

I suppose, looking ahead, it becomes even more relevant, in moving towards the super-council concept, which the Government is presently considering in relation to Woodville, Hindmarsh and Port Adelaide. It brings the functioning more in line with the larger local government bodies in other States, and, of course, there are also the various city corporations in Adelaide, Melbourne, Perth, Sydney and Brisbane, which are multi-million dollar businesses with very extensive power. A person who is a candidate or a member of one of those local government corporations ought to be subject to the same exposure as members of or candidates for Parliament.

If the Hon. Mr Gilfillan is still not convinced, it may be possible either for him to support my amendment as it is, with a view to the issue being resolved later if it gets to a conference, or to deal with the two paragraphs separately. When the later amendments are before the Committee, it might be necessary to deal with them on a subparagraph by subparagraph basis—but that is not something that I wish to pursue at this stage.

The Hon. BARBARA WIESE: I did not hear all of the contribution that was made by the Hon. Mr Griffin and I am not quite clear about his attitude to the suggestions that were made by the Hon. Mr. Gilfillan. I have to say that, for my part, I am not really in a position to negotiate on this matter at this time. I have been asked to handle this Bill, at very short notice. I have not had the opportunity to discuss options with the Attorney-General and hence I do not know what his attitude would be to the proposals put by the Hon. Mr Gilfillan. However, I am in a position to raise such issues with the Attorney-General on his return. If some sort of a compromise is likely, perhaps the Attorney-General would be prepared to consider that before the matter goes to the House of Assembly, but, as I say, I am simply not in a position at this stage to say whether that is the case or not. As I said, I am not clear on what the Hon. Mr Griffin's position is on the matters that were raised by the Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: I appreciate the Minister's comments and I sympathise with her position. If the Minister believes that there can be some further discussion when the Attorney-General returns, I will support the Opposition's amendments to widen the scope, as foreshadowed in the further amendments that the Hon. Mr Griffin has on file, and when the Attorney comes back he may wish to

review this, with my proposal, namely, that I am willing to delete 'company director' and support the extensions that the Opposition is proposing.

That may sound an inconsistent position on my part because I have argued consistently that I do not believe that the Bill should be any wider than possible, but there is a problem of inconsistency. The way in which the Bill stands, it is inconsistent to specify 'company director' and yet to exclude some of the other categories listed by the Hon. Trevor Griffin in his amendment. If we follow that path, we should do so on the understanding that, before the Bill leaves this Chamber, the Attorney will be able to consider the situation which the Bill has reached in Committee and make his wishes known. I have made my position quite plain: if 'company director' remains in the Bill, further extensions as outlined should remain as well. However, I would be happier if both were deleted. So, it will be a matter for the Attorney-General to decide upon his return.

In relation to the amendment that is before us, I understand that the Hon. Trevor Griffin has welcomed with some reservation the idea that the exemption of a member of Parliament would be better than nothing. I suggest that the Hon. Trevor Griffin's amendment be considered in two parts, dealing with subparagraphs (i) and (ii) separately. I support the first part of the amendment and oppose the second.

The Hon. K.T. GRIFFIN: I am not favourably disposed towards deleting 'company director' from this clause for the reasons that I have already stated. I believe that there is a compelling reason for adding other categories to the list following 'company director', to which I will refer in a later amendment. I would prefer to exclude from the protection of the legislation members of Parliament, members of local councils and candidates for those offices.

I am happy to continue with the consideration of the Bill. I recognise the difficulty in which the Minister finds herself in relation to a compromise with respect to any of the amendments, but it may be that at the conclusion of the Committee stage it will be appropriate to report progress and to complete the matter on the Attorney-General's return next week. In that way, the matter may be dealt with adequately by both Houses before the end of the session.

New paragraph *(aa)* (i) inserted.

The Hon. K.T. GRIFFIN: Although I feel very strongly about subparagraph (ii), if I lose that amendment on the voices I do not intend to call for a division. However, I will call for a division in relation to other matters contained in the Bill.

New paragraph *(aa)* (ii) negatived.

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

Page 2, after line 41—Insert new subparagraphs as follow:
(v) a member of the governing body of a body established by statute;
(vi) a director of a credit union, building society or friendly society;
(vii) a director of a cooperative registered under the Cooperatives Act 1983;
(viii) a member of the committee of an association incorporated under the Associations Incorporation Act 1985 where the association is required to lodge a periodic return under Division II of Part IV of that Act;
(ix) an accountant, where the person who holds the particular office or position is expected to be a member of the Australian Society of Certified Practising Accountants or The Institute of Chartered Accountants in Australia;.

This amendment is, to some extent, consequential upon the provision in the Bill that a company director shall not gain the protection of the legislation. As I have indicated already, I am not at all happy with the reference to a company director being deleted. I would prefer to see that reference remain in the Bill because of the extent of activity in which a company director can be involved.

Similarly, if a company director is included, members of bodies established by statute, such as credit unions, building societies, friendly societies, cooperatives and associations, where those associations are required to lodge a periodic return—and that is the bigger ones—and accountants, should be included.

If barristers and solicitors are excluded from the protection of the Bill, I see no reason why accountants should not be in the same position. They exercise considerable influence and are frequently placed in positions of trust as auditors preparing tax returns and annual accounts, and they have responsibility for the financial affairs of bodies corporate. I would expect them to have the same high standard that is expected of barristers, solicitors and others to whom I have referred. It would seem to be incongruous if company directors were not given the protection of the legislation, but accountants who might be in positions of equal trust or even greater trust should gain the benefit of the protection of the legislation.

The Hon. I. GILFILLAN: I repeat what I said when I foreshadowed my response to this amendment. It is my intention to support the amendment, but I would prefer it not to be in the Bill. I would prefer also that 'company director' be deleted but, as has been indicated in previous discussion, it is likely that progress will be reported so that the Attorney-General may review the situation. On reading *Hansard*, he will see that I believe that, for the sake of consistency, these categories should be all in or all out. So, I support the amendment, not because I believe all these categories should be included but because the legislation should be consistent.

The Hon. BARBARA WIESE: For the sake of consistency, I oppose the amendment. I indicate again that the exemptions to this Bill have been confined to the basis that, if everyone continued to exempt certain persons and activities from the ambit of the Bill, its operations would be severely restricted. The Bill as drafted is based on the Commonwealth legislation, and the approach that has been taken is consistent with that legislation. However, as I indicated earlier, the Attorney-General may wish to consider this matter again in the light of the debate that has taken place here. As I have already indicated, I undertake to draw this matter to his attention so that, if he wishes to recommit any of these clauses, he may do so.

Amendment carried.

The Hon. K.T. GRIFFIN:

Page 3, after line 2—Insert new subparagraphs as follow:
(ia) the Lotteries Commission of South Australia;
(ib) the South Australian Totalizator Agency Board;.

Paragraph *(c)* of subclause (3) provides that the protection of the Bill is not available to a person employed in or seeking employment in an office or position involving duties connected with the administration of justice or the punishment, probation or parole of offenders, or the Casino—and it is rather curious including them in the same subparagraph. I should not have thought that those involved in duties connected with the administration of justice would have much in common with those involved in the gambling industry running the Casino.

The Hon. I. Gilfillan: Would that be consistent with the Federal legislation, do you think?

The Hon. K.T. GRIFFIN: I have no idea, and I do not particularly worry about that. I cannot imagine that the Federal legislation refers to the Casino, because the Federal Government does not operate or have responsibility for a casino. Quite obviously, that is designed to deal with the Adelaide Casino and with the possibility of organised crim-

inal activity in some way being able to infiltrate the activities of the Casino.

I should have thought that it was a perfectly proper provision but, if we are talking about excluding those who are employed in or seeking employment in the Casino, which is part of the gambling industry in this State, it seems to me to be logical also to include two other agencies, namely, the Lotteries Commission of South Australia and the South Australian Totalizator Agency Board, which are involved even more extensively than the Casino in a wide range of State-promoted gambling activities, because the same issues and considerations apply to employees of or those seeking employment in the Casino as would apply to those involved in both the Lotteries Commission and the TAB. Again, for consistency, it seems to me appropriate that these two agencies be included along with the Casino. For those reasons, I have moved my amendment.

The Hon. BARBARA WIESE: The Government opposes this amendment. When the legislation was being drafted we sought the views of a wide range of organisations on whether they wished to be included or exempted from the ambit of this legislation, and the Casino asked to be exempted. Neither of the two bodies the honourable member has included in his amendment sought that exemption.

The Hon. K.T. GRIFFIN: I do not think that that is a valid reason. The Government must make the decision. There might have been all sorts of reasons why a body or person did not respond, and I do not think that you can presume from that a course of action that has now resulted in those agencies not being specifically named in the legislation. I should have thought that the Government would make the decision to include these two other agencies that are involved in substantial gambling activities in South Australia along with the Casino. It is pretty well accepted that there is always the potential for persons with convictions to become involved in these sorts of activities, which some would regard as the seamier side of life.

The Hon. I. GILFILLAN: The spectre of previous offenders hovering, waiting to reoffend, permeates the Hon. Mr Griffin's thinking through all the ramifications of this Bill. With due respect, I believe that some of the matters he has raised are, at least, logical extensions of what strikes me as a rather hotch potch presentation in the Government's Bill. If the current Minister had had a hand in its presentation and its circularising, we would not have had this rather extraordinary situation where the Casino is in because it responded in a certain way to circularisation, and where others are not in because they did not respond.

That may or may not be the gravamen of the Minister's answer, but I thought that that was what she said. The fact is that we have a Government Bill before us. I have made certain concessions, as I mentioned in previous amendments, but I do not see any reason why the exclusions should be further than those that are in the Bill. It is therefore my intention to oppose the amendment moved by the Hon. Mr Griffin.

The Hon. K.T. GRIFFIN: In relation to the Hon. Mr Gilfillan's reference to the hotch potch approach of the Government, I refer again to the letter from the Offenders Aid and Rehabilitation Service (OARS). It does not seem to me as though that agency was consulted, because the letter from Mr Kidney says:

> This subject has been on the State Attorney's table for about 10 years, and it is a pity that, as usual, the legislation comes up without much time being given for consideration or submissions.

And Mr Kidney received the Bill from me—not from the Attorney-General! That is frequently the case: many bodies that have an interest in legislation receive the legislation not from the Attorney-General but from me, after it has been introduced. People affected by the Statutes Amendment (Criminal Law Sentencing) Bill, the Attorney-General's portfolio legislation, did not receive that Bill. It is no wonder that we have this mass of inconsistencies, when we have an Attorney-General—and this applies equally to other Government Ministers—who does not bother to consult.

Amendment negatived.

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

> Page 3, after line 4—Insert new paragraph as follows:
> *(ca)* it does not apply to a person who has been summoned for jury service;.

This is an amendment that I regard as critical. The legislation should not and must not apply to a person who has been summoned for jury service. A person who is summoned for jury service has the responsibility of determining whether or not a person is guilty and, because of the random selection of jurors and the very important responsibility that they have, it is important that everything in the background of a person summoned for that important duty should be subject to disclosure.

It would be an untenable position to have someone who has been convicted of five offences 10 years or more ago for robbery or fraud, incest, sexual assault, or some other series of crimes and who, in 11 years time, receives a summons for jury service, and either the prosecutor or the defence counsel is not able to ask the question, 'Do you have previous convictions?' They can ask the question in court, but the person asked can deny those previous convictions.

If, under paragraph *(c)* (i), a person who is involved in an office or position involving duties connected with the administration of justice or the punishment, probation or parole of offenders is not protected by the Act, I do not see that those who serve on the jury should be protected.

It may be arguable that persons summoned for jury service do hold a position involving duties connected with the administration of justice, but I remind members that the exemption only applies to those who are employed or are seeking employment in such positions. Jurors do not seek the position, they are summoned. They have a public duty to comply with the summons. It seems to me that it would be quite untenable that their past record, however long ago the conviction might have occurred, should not be the subject of some questioning and comment to determine whether or not they are fit and proper to undertake jury service.

The Hon. BARBARA WIESE: The Government opposes this amendment. Jury members are drawn from ordinary members of society, and for the purposes of jury duty the Government can see no reason to draw a distinction between those citizens who have convictions as defined under this legislation and other citizens. I understand that this is a matter that the Attorney feels very strongly about. Therefore, the Government will oppose it.

The Hon. I. GILFILLAN: The juggernaut of permanent guilt marches on. If this amendment has its way, people who are unwittingly chosen for jury service will be stamped with what may have been offences in their long distant past, and I can see no justification for that. I intend opposing the amendment.

I refer to earlier comments that we are carrying on a commentary of criticism of the evolution of this Bill. The Hon. Trevor Griffin indicated that OARS had not seen the Bill. A similar situation arose with Prisoners Advocacy Incorporated, one group that I would have thought was a prime candidate to have an opportunity to consider the Bill. The Democrats made it available to that group. The first

paragraph of the letter I have, part of which I previously read into *Hansard*, states:

Thank you for the opportunity to comment on the Rehabilitation of Offenders Bill 1991.

At the end of the letter it states:

Thank you again for the opportunity to comment on this legislation.

I note that a copy of this letter went to the Hon. Chris Sumner, Mr Irwin and Mr Griffin. Obviously, Mr Sumner and the Attorney-General's Department did not make the Bill available to the prisoners advocacy group. It really poses the question of how many people were consulted in the evolution of this Bill, or was it just taken out of the Commonwealth statute books as being all right for us. I think we are finding a few blots and blemishes in it as we go.

The Hon. K.T. GRIFFIN: I do not make any apology for moving the amendment. If it is not carried there will be a potential for the administration of justice to be debased, and I think the integrity of the jury system will suffer as a result. I am amazed that the Attorney-General apparently should be so convinced that, if those who serve on juries have previous convictions that occurred more than 10 years ago in circumstances envisaged by this Bill, they should not be required to disclose them. As I say, I think that that debases the jury system and threatens the integrity of the whole basis upon which we determine guilt or innocence. I feel very strongly about this amendment.

The Committee divided on the amendment:

Ayes (7)—The Hons Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (8)—The Hons T. Crothers, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese (teller).

Pairs—Ayes—The Hons J.C. Burdett, L.H. Davis and R.I. Lucas. Noes—The Hons M.J. Elliott, Anne Levy and C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 3, lines 5 to 7—Leave out paragraph *(d)* and substitute:
(d) in relation to persons who are seeking, or have obtained, registration or employment as medical experts, it does not extend to—
(i) offences committed against the person;
(ii) offences involving the production, sale, supply, possession or use of a drug;
or
(iii) offences connected with the performance of their work;.

One of the points I made during the course of the second reading debate was that there are some persons within the definition of 'medical expert' who have committed offences connected with the performance of their work. The obvious example was Medibank fraud. It seems to me that if a so-called medical expert has been convicted of such an offence, and that is obviously connected with the performance of that person's work, it ought not be the subject of protection under the provisions of this Bill. So, the addition is essentially an exclusion from the operation of the Bill of those particular offences, which will stay on the record of those persons when they are seeking or have obtained registration or employment as medical experts. In any event, when it comes to Medicare, probably under Commonwealth legislation they will still have to disclose those particular offences that are connected with the performance of their work.

The Hon. BARBARA WIESE: The Government opposes this amendment. The exemption provided in this clause was, for the protection of other persons, limited to offences against the person and those involving drugs. The offences to which the honourable member refers, such as Medibank fraud, do not fall into this category and they are not relevant to this clause. Therefore, they are opposed.

The Hon. K.T. GRIFFIN: They are relevant. They go to the integrity, competence and character of the persons who are carrying on professional business as medical experts. I would have thought they go very much to the character and integrity of those persons who are in a special position of trust within the community, as well as with respect to their clients, customers or patients.

The Hon. I. GILFILLAN: The Democrats oppose the amendment.

Amendment negatived.

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

Page 3, lines 8 to 10—Leave out paragraph *(e)* and substitute:
(e) in relation to persons employed, or seeking employment, in an organisation, institution or agency that provides health, welfare, educational, child-care or residential facilities wholly or partly for children, it does not extend to offences committed against the person;

There are several aspects to this amendment. It has been expanded to deal with health and welfare responsibilities, in addition to education and child care, and also to deal with residential facilities, because there does not seem to be any other provision in this clause that relates specifically to persons who work in those sorts of agencies, institutions or organisations. However, it is also intended to extend the measure to not only those who have a responsibility for the education, care, control or supervision of children—such as teachers and teachers' assistants—but also those who work in such institutions or agencies—people such as the cook in the boarding school, or the person who is the caretaker of the school or who is in other ways directly in contact with children in one of the institutions or agencies referred to in the amendment.

It is an untenable position to require teachers, for example, to disclose any previous offences committed against the person when they are seeking employment in a school and not to require that same disclosure from persons who come into direct contact with those children, but who do not necessarily have responsibility for their education, care, control or supervision. It may also apply to laboratory assistants. A very direct relationship can develop, but a person who does not have direct responsibility will not have to disclose past convictions. As I indicated from the 1989 report of the Office of Crime Statistics, some of those can be quite serious offences. They can include sexual assault, incest, assault and other offences against the person for which the penalties are less than 30 months imprisonment, but are nevertheless quite serious.

It brings into focus again the issue of multiple charges and convictions, all of which individually carry a sentence of less than 30 months but cumulatively might have appeared to have well in excess of 30 months—five, six, seven or eight years. So, I think it is important for the protection of children to ensure that there is no constraint upon those who employ persons in organisations providing health, welfare, educational or child-care or residential facilities for children to prevent them from asking questions about previous records which go to the quality of the person and determine his or her suitability for that particular position.

The Hon. BARBARA WIESE: The Government opposes this amendment on the basis that the existing exemption in clause 4 (3) *(e)* is wide enough to cover those persons coming into direct contact with children.

The Hon. K.T. GRIFFIN: With respect, Mr Chairman, it is not. It provides for persons in positions involving responsibility for the education, care, control or supervision of

children. That does not extend to the sorts of persons I have mentioned.

The Hon. R.I. LUCAS: I addressed this matter in the second reading debate and, as a result of some public statements I made, I was contacted by a number of parents and persons involved with schools who were very concerned about the potential implications of the Government's legislation. What the Minister is indicating to the Committee, based on advice, is simply not correct. For example, if one takes the position of a school groundsperson—I take that occupation in particular because there are many people who work in that capacity in the hundreds of schools in South Australia, many of them on a part-time basis—in no way at all can someone who is tending the lawns, cutting the grass and lining the oval be taken to have responsibility for the education, care, control and supervision of children. If the Minister is seeking to indicate to the Committee that the current drafting of the Bill covers the circumstances of a part-time or, indeed, a full-time school groundsperson, who attends to the tasks he or she is responsible for—'he' in particular, I guess, as most of them are males—that is simply not correct.

As I indicated in the second reading explanation, there has been significant publicity in the weekend press in the past month about a groundsperson in a Western Australian school who was convicted of quite serious sexual offences against young children. There are a number of examples of persons employed in positions such as that in our schools who have been charged with and convicted of offences and others where people have become aware of the fact that people have had a record in the area. If one has this sort of record, one may well seek employment in schools as a groundsperson for their own reasons.

There will be a lot of concern in the community if the Government and the Democrats are not prepared to seek some amendment to this provision in relation to occupations such as groundspersons in schools. I think that argument can certainly be extended without any doubt to other occupations such as caretakers and cleaners within schools. As I indicated in the second reading stage, it becomes arguable that ancillary staff and certainly laboratory staff might be involved in education, or at least assisting in it. Whether or not they have a related responsibility is a legal matter upon which my colleague the Hon. Mr Trevor Griffin and others may well be able to put varying points of view.

There is certainly an argument in relation to laboratory staff and, perhaps, ancillary staff. However, if one goes to those ranges of occupation such as groundspersons, caretakers and cleaners, in my view—and certainly on the legal advice available to us—there is no argument at all. It cannot be argued at all that a groundsperson, caretaker or cleaner has responsibility for the education, care, control or supervision of children. The intention of the clause was to try to meet the quite natural concerns of parents, particularly in relation to young people in primary schools. However, on the advice available to us, there is a significant problem.

The Government has conceded that it wants to try to cover this. Why not be prepared to ensure that the coverage is complete and that there can be no argument in relation to the significant numbers of people employed as caretakers, groundspersons and cleaners within our schools? If the intention is there, let us make sure that every possible loophole is covered, and let it not be on the shoulders of us in Parliament that at some stage in the future this loophole sees considerable suffering for some young child in a primary school in South Australia and suffering to his or her family.

The Hon. I. GILFILLAN: I am not sure how many members had the opportunity to read the document which was given to me by the Attorney-General some weeks ago and which is entitled, 'Rehabilitation of Offenders Bill 1991: further response to the Hon. I. Gilfillan, Hon. K.T. Griffin and Hon. R.I. Lucas'. It contains some further comments to the Bill. I cannot read the signature. The comments are relevant, and I believe I gave a copy to the Hon. Mr Trevor Griffin.

The Hon. K.T. Griffin interjecting:

The Hon. I. GILFILLAN: I am sorry. I think I promised to give you one, but I did not follow that up.

The Hon. K.T. Griffin: It should have come from the Attorney-General.

The Hon. I. GILFILLAN: Whether or not it should, the guilt should be shared. I received a copy, and I am only sorry that I did not follow through and provide the Hon. Trevor Griffin with the same. Likewise, I guess he could have remembered to ask me for it; the blame can be shared. The point is that in this material there are some comments that are relevant to this matter. In fact, these comments are directly related to concerns raised by the Hon. R.I. Lucas. The document states:

> The honourable member is concerned specifically with clause 4 (3) *(e)*. The clause was drafted with the people who are in close personal contact with children in mind. It was these people that it was considered should not receive the benefit of the legislation, in relation to offences against the person, in view of their direct involvement with children. Ground staff, caretakers and cleaners do not, as a matter of course, have direct involvement with the children of the school. Often they are employed to perform duties outside of normal school hours and, if working during that time, would be under the eye of supervising teachers on yard duty. I believe that it is not necessary, for the reasons stated above, to include such ancillary staff within the ambit of clause 4 (3) *(e)*.

I read that into *Hansard* because it may be of interest to the Hon. Rob Lucas, and also because I find it persuasive. I am not convinced that the amendment is necessary. I think that this 'catch-all' intention of some of these amendments could be virtually interpreted to cover anyone who came within cooee and was being paid to perform any function at any of the institutions that we have in mind in this amendment. I intend to oppose the amendment.

The Hon. R.I. LUCAS: The Attorney's reported further comments, although—

The Hon. I. Gilfillan: I do not believe it is over his signature; it must be someone from his department.

The Hon. R.I. LUCAS: The anonymous comments which have just been read into *Hansard* and which have been persuasive at this stage in convincing the Hon. Mr Gilfillan, reveal a fundamental ignorance of what is going on in schools in South Australia at the moment. Whether it is the Attorney's ignorance or that of one of his officers is not important: it reveals a fundamental ignorance of what occurs in schools.

Cleaners generally operate outside school hours—that is agreed. The statement that at other times they operate at schools under the supervision of teachers is just fundamental ignorance. I will provide a number of examples in relation to this. At schools in the southern suburbs—and that is just one area; it is not isolated—parents drop their children off at school long before they are required, for a number of reasons. In most cases they are not allowed to drop their children at school (unless there is before-school care) before 8.30 in the morning. However, because many of the parents work, many children are dropped off at primary schools between 7 and 7.30 in the morning. Indeed, I have had instances of young children being dropped off at school at 6.30 in the morning because both the parents are, or indeed a single parent is, shiftworkers. That is quite

contrary to guidelines, but children are left there waiting for a teacher to arrive at, perhaps, 8 or 8.30. That is not common, but certainly it is common for young children to be dropped off at schools at 7 or 7.30 a.m.

Another practice that is quite common during the summer months is that ground staff are given great flexibility by some principals as to when they operate. It is sensible to do watering in the very early hours in the morning or late in the evening; it is not sensible to be watering in the heat of the day. To facilitate this, a number of ground staff are allowed quite flexible working hours in the schools, and some of them might start work at 6 or 6.30 in the morning, work three or four hours, have the heat of the day off, and perhaps come back to work at 5 or 6 in the evening.

It is nonsense for whoever gave the information to the Hon. Mr Gilfillan to suggest that the people referred to are not on the grounds at a time when very many children are there. I agree with the statement that generally they are not charged with the responsibility for the care of children, but we are talking about a small number of children being on school premises perhaps at the same time as employees of the Education Department, such as ground staff and when there are no supervising teachers there at all, as they are not required to be on the premises until 8 o'clock or 8.30 or to remain on the premises after, say, 4 o'clock, or perhaps a little later than that if they have afternoon shift responsibility or something like that. Certainly, there would rarely be a supervising teacher on duty between 5 and 6 o'clock, or whatever. There are, however, many cleaners and ground staff who work in our schools after hours, and one certainly sees, particularly in the areas that I have instanced, in the southern and northern suburbs, a number of children waiting at the school, amusing themselves, while waiting to be collected by parents, who might be working in the inner suburbs somewhere.

I hope that the Hon. Mr Gilfillan does not accept at face value the anonymous comments that he has received in relation to the comments I made earlier in the second reading debate. The intention is clear on the part of everyone in this Chamber. The Attorney-General, the Minister in charge of the Bill, the Opposition and the Democrats, as I understand it, all want to see this provision in the Bill. The difference is that the Government believes that the current drafting is sufficiently wide. Certainly, I do not believe that it is sufficiently wide, and the evidence that I have presented to the Committee supports this. One can refer to a number of examples. As I said, the recent publicity in the weekend press concerning the circumstances in a Western Australian school indicates the importance of getting this part of the legislation right. Irrespective of what our views might be on the value or otherwise of the whole Bill, let us make sure that we close every loophole in this area.

I hope that the Hon. Mr Gilfillan, in particular, at least would be prepared to reconsider this provision or, if he is not prepared to support it at this stage, to give some sort of indication of preparedness to give further thought to it. I understand that some clauses might be reconsidered when the Attorney-General returns. I hope that, at the very least, if the Hon. Mr Gilfillan is not prepared to further consider some amendment to this clause this evening, he will give some indication that he is prepared to listen to the arguments I have put and to take some further advice on the anonymous information he has been given on what actually occurs in schools at the moment.

The Hon. I. GILFILLAN: It is probably not fair to call the material that I have been given anonymous information. I believe it is official information that has come from the Attorney-General. I am not apologising for him, but this material is a considered response to the comments raised in the second reading debate. I always listen intently to comments made by all members in this place, and in particular the Leader of the Opposition, and in this case I do not treat the concern that he has lightly. However, in considering excluding more and more people from the benefits of this legislation, I think one has to be realistic about what the risks are, horrific though the risks may be for any child suffering abuse from whatever source. Tragically, very often this occurs owing to circumstances that are not predictable or through family circumstances, where one would have expected a child to be in the most protected environment. I also agree that a school or other institution caring for children should make every effort to provide the safest possible conditions and environment for children. I want to impress on the Hon. Rob Lucas that I am conscious of the matters he has raised. I am not convinced that the amendment is appropriate. However, as he rightly said, final consideration of the Bill is likely to be held over until the Attorney-General returns. I am prepared to consider further the wording of the clause in question and the ramifications of a possible amendment. However, at this stage I do not intend to support it.

The Hon. K.T. GRIFFIN: I want to make two observations. To add to what my colleague the Hon. Rob Lucas has said about the way in which children may come into contact with people such as ground staff and caretakers, it has been my experience that children do actually work with some of the ground staff, for example. They will go out and help lift the sprinklers at lunchtime or they will go out and help mark the oval. They are very happy to be involved in those sorts of tasks. In many instances there is close personal contact between ground staff, for example, and children, and that does put children in a vulnerable position. I would have thought that anyone who has responsibility for employing, say, ground staff ought not to be restricted in what he or she can ask about the background, the antecedents of a person seeking that sort of employment.

So, I say that there is a need to broaden the scope of this subparagraph. What I am proposing takes into consideration the representations that have been made to the Hon. Robert Lucas and to me, and to others, about the limited nature of its application at present.

So far as further consideration of the matter is concerned, I would like to think that, ultimately, if the Bill is recommitted—and I hope it will be—we can find some appropriate wording which comes to terms with the issue, because I think that, without the broader scope provided in my amendment, it is possible that children will be at risk and that those people who engage staff presently outside the ambit of the Government's Bill will themselves be subject to criticism, if not liability.

Abuse of children is not something which is pleasant and it can stay submerged for many, many years. If we are to believe the reports of the police operation in the northern suburbs of Adelaide, it seems that they are uncovering allegations of significant child abuse, some of which has been covered up for many years. The same can equally apply in relation to those people who might be involved in school-type activities but not have the direct responsibility for education, care, control or supervision of children. So, it is a serious matter that does involve some risk. I urge the Hon. Mr Gilfillan not to react to the amendment that I am proposing, only on the basis that it provides for a widening of the range of persons who are not given the protection of the Act but a sensible extension, to ensure that there is total protection of those who might be at risk.

The Committee divided on the amendment:

Ayes (7)—The Hons J.C. Burdett, Peter Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, R.J. Ritson and J.F. Stefani.

Noes (8)—The Hons T. Crothers, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese (teller).

Pairs—Ayes—The Hons L.H. Davis, J.C. Irwin and Bernice Pfitzner. Noes—The Hons M.J. Elliott, Anne Levy and C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. R.I. LUCAS: I seek some advice in relation to the operation of paragraph *(e)*. I have been asked some questions by universities and TAFE colleges about the implication of this legislation as far as they are concerned. As the Minister would be aware, in the main, students of universities are adults aged 18 years and over, but there are significant numbers of 17 year old students studying at our universities. Under the terms of this legislation they are classed as children. Therefore, paragraph *(e)* would probably come into effect in relation to universities.

Regarding the employment options of universities, I want to ask some questions with respect to two general areas. First, I refer to administrative staff from the Vice Chancellor and the Registrar to bursars, clerks and general staff, including persons seeking employment in positions involving responsibility for the care, control and supervision of children. Universities do not deal exclusively with children but their policies would affect children as well as adults. How are universities meant to interpret employment options in relation to administrative staff where it is generally clear that their work must have some effect on the care, control and supervision of some children?

The Hon. BARBARA WIESE: It is intended that paragraph *(e)* should apply to children. Therefore, if children under the age of 18 attend universities they would be covered by this legislation.

The Hon. R.I. LUCAS: I take it that the same situation would apply in relation to general administrative staff in TAFE colleges where there are 16 and 17 year old students as well as adults.

Also, it has been put to me that the situation is a little more difficult in relation to academic or teaching staff, because some teaching staff teach adults only. For example, some courses at the University of Adelaide are adult and continuing education courses. Clearly, those courses are conducted for adults, so the teaching staff at that institution would teach adults. Other teaching staff might potentially teach mixed classes comprising some 17 year old students and adults. They would be the two most common examples with which universities and TAFE colleges would have to grapple.

With respect to lecturers who lecture only adults, would the general response that the Minister has just given in relation to administrative staff still hold? If a lecturer lectures only adults and there are no children within the lecturer's responsibility for education, care, control and supervision, must the university or the TAFE college apply a different process in relation to the employment of that teaching person?

The Hon. BARBARA WIESE: If a person is employed to teach only adults, presumably they would not be covered by this provision. Paragraph *(e)* is designed to relate to the protection of children. Therefore, lecturers teaching adults would not come within the purview of the legislation, but those lecturers who teach children would.

The Hon. R.I. LUCAS: The end position is that the Minister cannot satisfactorily respond to my question, because a lecturer may not know whether a potential course will comprise all adults or some adults and some children. If a 17 year old signs up for a course which, in the main, is conducted for adults—there is no restriction on the course; it just happens that adults generally sign up for that course—where does that leave the lecturer? I suppose that the response will be that TAFE colleges and universities will have to treat all their staff as being likely to teach children, even if that is not likely to be the case, because if a child becomes a student in a class a different process could apply. How university administrators will cater for such a circumstance in the employment of staff, I do not know, and they do not, either. That is why they have asked me to ask the question of the Minister.

The Hon. BARBARA WIESE: I am sure the honourable member would appreciate that this clause was drafted primarily with the interests of young children in mind. Certainly, the honourable member has struck upon a group of young people who are at the very edges of the argument, and he has identified an area that is difficult for people to deal with. It may well be a matter that requires discussion and clarification, and I am sure that, if there is concern amongst people in the TAFE colleges and universities, the matter can be discussed in the near future and, I hope, resolved, so that whatever is decided to be the appropriate course of action can be applied consistently across the institutions in this State.

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

Page 4, after line 16—Insert new subclause as follows:
(3a) This Act does not apply in respect of the disclosure of the existence of a spent conviction or any of its surrounding circumstances where the disclosure is made by a member of Parliament during proceedings of Parliament.

I do not think that this amendment is strictly necessary, but one can never be sure with legislation where there is an attempt to restrict comment and the effect that it might have on restricting comment within the Parliament. I propose that the legislation will not apply where there is disclosure of the existence of a spent conviction or any of its surrounding circumstances by a member of Parliament during the proceedings of Parliament. I do not think there ought to be any restrictions on the right of members of Parliament to raise any issue, subject to the Standing Orders, not the least to suppress information which might be relevant to an issue of public importance.

The Hon. BARBARA WIESE: The Government opposes this amendment. It is not the Government's intention, with this legislation, to interfere with parliamentary privilege and to insert therein a provision in relation to parliamentary privilege. It would call into question all other Acts of Parliament that do not contain a similar provision.

The Hon. K.T. GRIFFIN: With respect, that is not so. I do not know of other legislation that would prevent the disclosure of information in the Parliament relating to other issues. If the Minister can enlighten me as to what other legislation might be affected adversely by the inclusion of this clause, I should be pleased to hear it.

The Hon. I. GILFILLAN: The document that I have, a copy of which I have passed to the Hon. Mr Griffin, addresses that matter on page 3 as follows:

The honourable member [Hon. K.T. Griffin] raised the matter whether or not a spent conviction can be raised under parliamentary privilege. I would expect that the normal principles of parliamentary privilege would apply in this instance, that is, members would enjoy effective immunity from prosecution.

That is certainly my firm conviction. I can see no possible reason why there should be any risk to parliamentary priv-

ilege by the passage of this Act, and I see no reason to re-emphasise the obvious in the amendment, which I oppose.

The Hon. K.T. GRIFFIN: The Hon. Mr Gilfillan has been very fortunate to have this additional documentation, and I appreciate now receiving a copy of it from him. I would have expected that whoever prepared it would also have provided a copy to me and to the Hon. Mr Lucas—which did not occur. It is interesting to note the observation in this paper that the author 'would expect that the normal principles of parliamentary privilege would apply in this instance'.

It is an expectation, not a categoric statement. If one looks at the offence provisions under clauses 8, 9 and 10, one sees that there is a risk of compromise of parliamentary privilege. If the Hon. Mr Gilfillan and the Minister both agree that this Bill is not intended to prejudice the rights of members of Parliament and to compromise parliamentary privilege I, for one, believe that it ought to be put beyond any doubt at all. I suggest that they might reconsider their positions and support the amendment to put that question beyond doubt.

Amendment negatived.

The Hon. K.T. GRIFFIN: I do not intend to proceed with this amendment in the form circulated, as I have already lost the amendment to subclause (2). However, I want to have the clause recommitted at an appropriate time with a different amendment which will accommodate some of the issues that are the subject of this amendment. It is not appropriate to canvass that now, but I expect that, by tomorrow, the further amendments to subclauses (2) and (5) will be available to members, and we can deal with that matter at a later stage.

There is one other matter. Paragraph *(g)* of subclause (3) provides that the Act does not apply in circumstances to which it is declared by regulation not to apply. What regulations might be in contemplation?

The Hon. BARBARA WIESE: The Government does not have in mind any matters in drafting this subclause. It is designed simply to be a catch-all so that, if a matter is identified at some stage as appropriate to be included within the ambit of the legislation, there is the power to do so.

Clause as amended passed.

Clause 5—'Spent conviction.'

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

Page 3, lines 30 and 31—Leave out subclause (2) and substitute—

(2) Subject to this section, the relevant day in relation to a conviction is—

(a) if the convicted person is sentenced to imprisonment—the day on which the sentence expires or is extinguished (whether or not the sentence is suspended and whether or not the person is released from imprisonment before that day);

(b) if the person is not sentenced to imprisonment (either at the time of the conviction or subsequently)—the day of conviction.

This is a substantial amendment. Clause 5 defines 'spent conviction' and establishes the relevant date from which runs the period of 10 years in relation to an adult and five years in relation to a young offender. I hold the view that this is unsatisfactory and that it is more appropriate to have the time run from the date on which the sentence expires or is extinguished than the date on which the conviction is recorded. My first amendment seeks to provide that the relevant day in relation to a conviction is as follows: if the convicted person is sentenced to imprisonment, the day on which the sentence expires or is extinguished; or, if the person is not sentenced to imprisonment, the day of conviction.

I give several examples of this. Ten years from the date of imposition of a fine of, say, up to $10 000 is, in the context of the Bill, not unreasonable. But, if a period of imprisonment is imposed, and it may be that it is to be served cumulatively, the period of imprisonment may expire only a very short time before the 10 year period after the date of the conviction expires.

The 1989 figures from the Office of Crime Statistics give a number of examples, particularly in the Supreme and District Criminal Courts. There is one case where the major charge was common assault and the penalty was three months, but it was to be served cumulatively upon a nine year sentence that was currently being served, making the total duration of the imprisonment nine years and three months. So, if there were a non-parole period in that case, it would only be a matter of two or three years after that offender was released from prison that the 10 years expired, and that is not a very long time for that offender to demonstrate that he or she will not offend again.

Another example concerned a major charge of threatening life where the penalty was two years imprisonment. But, there were other offences, one being producing a prohibited substance where the penalty was 10 months imprisonment. All sentences were cumulative upon a sentence of 13 years and seven months currently being served making a total of 16 years and five months, which could mean that the prisoner still would be serving a period of imprisonment or be under threat of imprisonment even if released on parole well after the 10 year period expired. So, this curious position arises of the 10 year period expiring and the conviction being regarded as spent because the offender is still in gaol and has not committed any more offences, but that person has not had an opportunity to get out into the community and establish that he or she will not reoffend.

There are a number of other cases, such as armed robbery where the penalty was two years and six months but other offences brought the total up to five years. There was a case of incest where the penalty was one year and six months, but another charge of unlawful sexual intercourse where the penalty was four years and six months, making a total of six years. If the full period was served, or even if not, but the offender was released early under the parole system of this Government, the sentence would not expire for six years, leaving only four years within which the offender could prove that he or she would not reoffend.

There was a case of fraudulent conversion where the penalty was two years and six months, other offences of false pretences with a sentence of one year and six months, and forgery with a sentence of one year, making a total of five years. There was another case of false pretences with a sentence of one year and six months and three other false pretences charges each attracting one year and six months imprisonment, making a total of six years.

There was a case of housebreaking and larceny with a sentence of two years imprisonment but, with other offences, the penalties which were to be served cumulatively on the unexpired portion of the non-parole period for which the offender was on parole at the time of the offence, brought the total period of imprisonment up to seven years and two months. So it goes on. There are more than adequate numbers of cases where the cumulative sentence is very much in excess of 30 months imprisonment and where the offender would still either be in gaol or be subject to the sentence even if on parole, and the previous conviction would be regarded as a spent conviction because the person has not reoffended in the relatively short period that he or she might have been out of gaol or even while still in gaol. That makes

a mockery of the proposal in the Government's Bill. For that reason I believe it is more appropriate to relate the date from which the 10 year period runs to the date when the sentence expires or is extinguished than to the date when the conviction was recorded.

The Hon. BARBARA WIESE: The Government opposes the amendment. This matter was considered by the Government and ultimately the Attorney-General decided that the provision should be that the day on which the rehabilitation period begins to run is the day of conviction. That view was taken primarily, I believe, because it had already been included in the Queensland legislation but more particularly because it had been included in Federal legislation, and it was considered appropriate for the South Australian legislation to mirror the provisions of the Federal legislation so that in cases, for example, where a person is convicted of offences under both areas of law the matter could be simplified or at least the provisions would be the same. I believe that that makes considerable sense and for that reason the Government opposes the amendment.

The Hon. I. GILFILLAN: The Democrats oppose the amendment, which is predictable because of the way in which we view the legislation. It is reasonable that, if a conviction is to be spent after a period of 10 years, what proportion of that time is spent in prison is irrelevant. It is a principle of the Act that it is a period of time, and there needs to be an arbitrary date upon which that period of time is measured. We think the Bill is quite reasonable in putting forward the date of the conviction as the day upon which rehabilitation begins. The 10 year period beginning from the date of conviction is our preferred position, and we oppose the amendment.

The Hon. K.T. GRIFFIN: The fact that it is in the Federal legislation does not mean anything as far as I am concerned. I do not think we ought to be dictated to by what is in other legislation. Certainly, it is relevant to consider it, but not to be governed by it. So, I do not place any weight upon that argument for not supporting my amendment.

So far as the Hon. Mr Gilfillan's argument is concerned, it becomes ludicrous when you have a situation where an offender might still be in gaol, or subject to a prison sentence, when the period of 10 years expires. There is no basis for making a judgment that the person has rehabilitated—although I do not think that word is really appropriate here—that is, has not committed any further offence for which a conviction has been recorded, when that person has not been out in the community, involved in community life and has demonstrated that he or she is not going to get into strife with the law again. It makes a mockery of the scheme.

If a person is in gaol for five years and then is out for five years, does not commit an offence and is not convicted in the five years and is then able to say that he or she is rehabilitated, that again flies in the face of what might be described as a test of rehabilitation or, more appropriately, a test of whether or not that person is going to break the law again. So, I have a very strong view that the relevant date ought to be when the sentence expires or is extinguished, if a sentence of imprisonment is imposed, and I will very vigorously promote that point of view through my amendment.

The Committee divided on the amendment:

Ayes—(7) The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, R.I. Lucas and R.J. Ritson.

Noes—(8) The Hons T. Crothers, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese (teller).

Pairs—Ayes—The Hons Diana Laidlaw, Bernice Pfitzner and J.F. Stefani. Noes—The Hons M.J. Elliott, Anne Levy and C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 3, lines 40 to 42 and page 4, lines 1 to 4—Leave out subclause (4) and substitute:

(4) For the purposes of subsection (1), a conviction for a further offence will be disregarded—

(a) if the conviction is quashed or set aside (in which case the conviction will be disregarded from the date that it is quashed or set aside);

(b) if the convicted person is pardoned (in which case the conviction will be disregarded from the date that the pardon is given);

or

(c) if no penalty is imposed or only a fine exceeding $100.

The difficulty that I raised in relation to this subclause is the date upon which the further offence will be disregarded. I do not think the Bill is clear. Under the Bill, a conviction for a further offence will be disregarded if the conviction is quashed or set aside, if the convicted person is pardoned, or no penalty is imposed or only a fine not exceeding $100 or, if some other amount is prescribed, that other amount.

Under my amendment, the conviction for a further offence is to be disregarded if the conviction is quashed or set aside. I specifically provide that it is to be disregarded from the date that it is quashed or set aside. If the convicted person is pardoned, the conviction will be disregarded from the date that the pardon is given. The reason for setting those dates in place relates particularly to the offence provisions and the provision allowing a claim for compensation. I would not want it to be open to argument that, because of someone else's conviction of a further offence, a person publicly discloses what might eventually become a spent conviction by virtue of the conviction for the further offence being quashed or set aside or a pardon being granted. So, I do not think that they should be controversial provisions.

The second part of the amendment is in paragraph *(c)*, where I seek to remove the power to prescribe some amount other than $100 as the fine for some subsequent offence. It seems to me that if the $100 is to be changed, it is appropriate to come back to Parliament with amending legislation, rather than the Government of the day being able to vary that amount either up or down—most likely up—and thus change the impact of the legislation substantially, and to do it by regulation rather than coming to Parliament.

The Hon. BARBARA WIESE: The Government supports proposed paragraphs *(a)* and *(b)* but opposes proposed paragraph *(c)* in favour of the amendment contained in the Bill. The essential difference is that under the Government's amendment the provision is retained for an amount other than $100 to be prescribed. The Government prefers that wording to enable this amount of money to be varied from time to time in order to maintain its value and to keep it in line with increases in fines imposed by the courts. If that occurs, there may have to be a slight alteration in the drafting. If the word 'if' in front of the Hon. Mr Griffin's proposed paragraphs *(a)* and *(b)* were to follow the word 'disregarded' there would be consistency for the three provisions, and I suggest that that should be the way to go.

The Hon. K.T. GRIFFIN: I seek leave to move the amendment in a form so that the word 'if' follows the word 'disregarded', and the word 'if' at the commencement of each of the paragraphs is deleted.

Leave granted.

The Hon. I. GILFILLAN: I do not fully understand the amendment. I believe subclause (4) is to indicate the exclu-

sion of a further offence from interfering with the rehabilitation time of 10 years. If I am not correct I ask either the Minister or the shadow Attorney to enlighten me.

The Hon. K.T. GRIFFIN: Following my record of failure on all my amendments with the Hon. Mr Gilfillan, I will be surprised if I can enlighten him. I hope that I will at last be able to convince him that all that I have been putting has merit and ought to be supported. Under subclause (1) if there is a conviction for a further offence during the 10-year period, the earlier offence can no longer be a spent conviction. Under subclause (4) a conviction for a further offence will be disregarded if the conviction is quashed or set aside, or if there is a pardon. Between the period of a conviction for a further offence and the quashing, setting aside or pardon for a conviction, there is usually a fairly long period. If one looks at the sequence of events one will see there is a further offence and conviction recorded. The earlier conviction is not then a spent conviction.

For example, if the 10-year period expires after the conviction for the further offence, and it may be six months, 12 months or several years before the conviction is quashed or set aside or a pardon is granted, in that period there may be persons who will ask questions of the convict about the spent conviction, or what would otherwise have been a spent conviction. There may be disclosure of it in the media. There could be a number of instances where an offence by a third person is committed by referring to the earlier conviction. What I do not want to see is the subsequent conviction which has acted to exclude the operation of this Bill, when there is a quashing or setting aside of that further conviction, in effect putting in jeopardy the third persons who have referred to the earlier conviction which, at the point of the conviction being quashed, then becomes a spent conviction, and that could be construed as having some retrospective effect.

The Hon. I. GILFILLAN: If an offence is quashed, there is no interference with the effluxion of the 10-year spending period: it is totally disregarded.

The Hon. K.T. Griffin: Yes.

The Hon. I. GILFILLAN: I think my understanding of the clause was right but my understanding of the purpose of the amendment was wrong. With that explanation, I agree that proposed paragraphs *(a)* and *(b)* are worthy of support, and I support them.

I am not prepared to support proposed paragraph *(c)*. I think $100 is a pretty meagre fine at which to put a ceiling for the effect of this clause. Although normally I would be reluctant to accept a prescribed amount as provided in the Bill, on my belief that the amount would be higher than $100, I will oppose proposed paragraph*(c)*.

Proposed paragraphs *(a)* and *(b)* of subsection (4) carried; proposed paragraph *(c)* negatived.

Clause as amended passed.

Clause 6 passed.

Clause 7—'Information on previous convictions.'

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

Page 4, lines 10 to 16—Leave out paragraphs *(a)* and *(b)* and substitute:

(a) a person who becomes a rehabilitated person will be treated, for all purposes in law, as a person who has not committed the offence the conviction for which has become spent, and who has not been involved in any circumstances surrounding that spent conviction;

(b) a person cannot be lawfully asked for, or required to furnish, information relating to a spent conviction or any circumstance surrounding a spent conviction;

and

(c) if a person is asked for, or required to furnish, information relating to a conviction or any circumstance surrounding a conviction, the person cannot incur any civil or criminal liability, and does not commit any breach of good faith, by failing to disclose information relating to a spent conviction or any circumstance surrounding a spent conviction.

Clause 7 deals with information on previous convictions. It identifies the circumstances where a person cannot lawfully be asked for information relating to spent convictions, and authorises the suppressing of information about a spent conviction. I am not at all happy about any provision, but I am least of all happy about this provision in the Bill, because it is an authority to lie. I suppose my amendment could be construed in much the same way, but at least it is a provision that removes the direct identification of suppression of information. I think the balance would be changed significantly from what is in the Bill.

It does so by indicating that a person who becomes a rehabilitated person will be treated, for all purposes in law, as a person who has not committed the offence the conviction for which has become spent, and who has not been involved in any circumstances surrounding that spent conviction. The essence of that, I suppose, is a legal fiction, but it is designed to try to avoid the circumstance where, as I have indicated, there is a suppression of information. The Hon. Mr Gilfillan has also endeavoured to address the issue, but in a somewhat different way. However, at the moment I think my proposition is preferable.

The Hon. I. GILFILLAN: I move;

Page 4, lines 10 and 11—Leave out paragraph *(a)* and substitute:

(a) if a person is asked for, or required to furnish, information relating to any conviction or any circumstance surrounding any conviction, the request or requirement will be taken not to include a request for, or a requirement to furnish, information relating to a spent conviction or any circumstance surrounding a spent conviction;.

I feel very uneasy that the Bill really appears to camouflage a lie and that people, in good conscience, are going to find it difficult, in my opinion, to consistently suppress information, in a way which really is, by whatever way one looks at it, the form of a lie. I say this with some anguish, because, as members know, I fully support the purpose of the Bill. So, it seems to me that there is an alternative approach.

With my amendment, the legal interpretation of any question that a person will be asked will, by law, be assumed to exclude any request for information relating to a spent conviction. I believe that this then enables a 'rehabilitated' person, or a person who has a spent conviction, to answer a question with a clear conscience, and free from this burden that, however the law is expressed in terms of the legislation, they are still being pushed to lie. I believe that my amendment removes that rather odious aspect of the Bill as it currently stands.

The response that was provided to me by the Attorney-General in response to comments made in the second reading debate deals with this matter, and I shall read the relevant part into *Hansard*. This is from the document that I have provided to the Hon. Mr Griffin. Paragraph *(d)* states:

The matter of a person lawfully being able to repress details and surrounding circumstances of a spent conviction has been raised as a concern. The honourable member has made a suggestion as alternative means of achieving the same end: that is, that a question be posed which by its wording excludes spent convictions.

In fact, that is not the intention or effect of my amendment. My amendment does not create a wording that excludes convictions. It creates, by a legal interpretation, the circumstance that a question cannot delve into spent convictions. Therefore, the further comments that I will read into *Hansard* are not accurate in relation to my amendment. This is important in relation to an understanding of this whole matter. It further states:

In answer to this I quote the Howard League Report on this approach:

At first sight such a proposal looks attractive, but on closer scrutiny it turns out to have very undesirable features. To be effective, such a restriction would itself have to be enforced by law, so that people who asked questions going beyond the suggested formula would become guilty of an offence. In a country like ours, that cannot be right: people must go on being free to ask any questions they like . . . Rather . . . we think that the law would be better employed in setting an example by treating convictions of long ago as spent and irrelevant, so that their burden is removed from the rehabilitated offender, and he is made free to answer such questions on that basis.

I do not think it is appropriate to include such a provision in the Oaths Act as adequate protection will be provided on the wording of the Bill before us.

I suppose that these comments were intended for the Attorney-General as much as for any other members here. This does not accurately relate to my amendment. This is so, because the Howard League explanation says:

. . . that people who asked questions going beyond the suggested formula would become guilty of an offence.

That is not the case. Under my amendment, there would be no offence, because a question going beyond the boundaries that we have talked about could not occur. The question itself could not legally probe details in relation to spent convictions. That would be specified in the legislation. I realise that the argument that I have put forward for this amendment might appear to be a little convoluted. I certainly have sympathy with the shadow Attorney-General as to the purpose for it. We both share a common view as to embarrassment the Bill, could cause, I believe that the Attorney-General is also aware of the discomfort involved.

I put to the Committee that my amendment provides the most convenient and honourable way in which to deal with this dilemma: previous offenders who have paid their penalty and spent their 10 years in prison, and who are viewed as rehabilitated, cannot in the terms of my amendment be asked a question that could be interpreted as a request for information about a spent conviction. So, such offenders are absolved from having to lie, which I believe is the case under the present Bill. Although I think the wording of the Hon. Trevor Griffin's amendment may be marginally better, I still believe that a problem may arise when a person will be obliged to lie. Therefore, I urge the Committee to support my amendment.

The Hon. BARBARA WIESE: I believe that the objectives of all the Parties in this place in relation to this matter are very similar, but having had the opportunity to consider the wording of the two amendments proposed by the Hon. Mr Griffin and the Hon. Mr Gilfillan, the Government believes that the Hon. Mr Griffin's amendment is preferable and that its wording is superior to that in the Hon. Mr Gilfillan's amendment. For that reason, the Government supports the Hon. Mr Griffin's amendment but opposes that of the Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: In the light of the response by the Minister, it looks as though my enlightened view of this matter will not be successful. I do not say that with any bitterness, but I feel that the issue is more profound than one in which we can glibly discuss the wording of amendments. It is not a matter of comparison of the wording of the two amendments because the thrust of my amendment is totally different from that of the Hon. Trevor Griffin; so they should not be distinguished on wording. However, the Hon. Trevor Griffin's version is preferable to that contained in the Bill. They are sister-type clauses. However, I believe on balance that the Hon. Trevor Griffin's version is better and I will support it. I deeply regret that the Committee has not seen fit to pursue the principle that I have enshrined in my amendment.

Paragraph *(a)* negatived.

The Hon. Mr Gilfillan's proposed new paragraph *(a)* negatived; the Hon. Mr Griffin's proposed new paragraph *(a)* inserted.

Paragraph *(b)* negatived.

The Hon. Mr Griffin's proposed new paragraphs *(b)* and *(c)* inserted.

The Hon. I. GILFILLAN: I do not intend to move my amendment because it is sympathetic to the one that I have just lost. My amendment was intended to reflect in the oath, affirmation or declaration the same proviso that I argued for earlier: that is, by its very nature under this Act a statement or a declaration made under an oath, affirmation or declaration would not require a person to provide information relating to a spent conviction or any circumstance surrounding a spent conviction. I repeat my regret. The first and second parts of my amendment were well drafted.

An honourable member interjecting:

The Hon. I. GILFILLAN: No, it is just that I recognise drafting brilliance when I see it, particularly when it puts into words an intention which I think is very valuable and important. I would like to feel that further down the track when this reform has been put in place that revision of the Act may include the desirability of changing the emphasis from the line that this Bill retains: that is, consenting to a lie. It is an indulgence of a formalised legal lie and I think that we as a community will be uncomfortable with that. I believe that eventually members will see the wisdom of the alternative that I have proposed and I hope that eventually it may become part of the Act.

Clause as amended passed.

Clause 8—'Disclosure of spent convictions.'

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

Page 5, lines 10 and 11—Leave out all words in these lines after 'circumstances' in line 10 and substitute:

—

(a) knowing that the conviction is a spent conviction or that the circumstances are circumstances surrounding a spent conviction;

or

(b) being recklessly indifferent as to whether the conviction is a spent conviction or the circumstances are circumstances surrounding a spent conviction,

is guilty of an offence.

With this amendment I seek to ensure that an element of intent is required to establish a defence. As subclause (1) stands, there is strict liability on the person who discloses the existence of a spent conviction or any of its surrounding circumstances. I think that is wrong in principle because there are likely to be many occasions where a person who discloses the existence of a spent conviction will not know that it is spent or will not know of the defence provisions contained in this Bill.

For that reason I seek to establish a requirement to prove intent; that is, knowledge that the conviction is a spent conviction, that the circumstances are circumstances surrounding a spent conviction or that the person who discloses the spent conviction is recklessly indifferent as to whether or not it is a spent conviction. That makes the offence provision much more equitable than it is at present.

The Hon. BARBARA WIESE: The Government supports this amendment.

Amendment carried.

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

Page 5—

Line 26—Leave out 'or'.

After line 28—Insert new paragraphs and subclause as follows:

(g) that the disclosure constituted a fair and accurate report of proceedings before Parliament;

(h) that the disclosure constituted a fair and accurate report of information disclosed under a preceding paragraph;

or

(i) that the disclosure constituted a fair and accurate report of information reported in a newspaper or other periodical publication.

(3) This Act does not affect—

(a) the enforcement of any process or proceedings relating to any fine or other sum imposed with respect to a spent conviction;

(b) the issue of any process for the purpose of proceedings in respect of any breach of a condition or requirement applicable to a sentence imposed in respect of a conviction;

or

(c) the operation of any disqualification, disability or other prohibition imposed in respect of a spent conviction.

I suggest that the new subclause be voted upon separately, as it is a reflection of the provision in the United Kingdom legislation. The Minister obviously wants to rely on precedent in some instances, and I think there is some merit in subclause (3). So, I will address my remarks, first, to paragraphs *(g)*, *(h)* and *(i)*.

I have expressed the view that subclause (2) is very restrictive and could prevent a fair and accurate report of proceedings before Parliament where a spent conviction might be disclosed in the context of a debate. The Minister has indicated that there is no intention to compromise parliamentary privilege or the rights of members of Parliament. That is all very well, but a necessary consequence of that is that there can be a report of the proceedings before Parliament and that that not be suppressed.

It does not follow from the fact that the Minister and the Hon. Mr Gilfillan are of the view that parliamentary privilege is not compromised by the legislation that there can be fair and accurate reports of the proceedings before Parliament, because the two are, in effect, separate. We ought not to prevent the report of any proceedings where there might be disclosure in the Parliament of a spent conviction or the circumstances surrounding it.

It is likely that, where there is a fair and accurate report of earlier proceedings where the conviction was actually recorded, subclause (2) would prevent a later reference to that after the 10 year period had expired and the conviction had become a spent conviction.

Also, the use of a law report, which might be a report of the proceedings relating to the offence out of which the spent conviction arose, might be prevented from being used publicly, except in the limited circumstances referred to in paragraph *(e)* of subclause (2). In addition, if there were an earlier newspaper report of the actual events surrounding the conviction that subsequently became a spent conviction, clause 8 (2) could be construed as preventing a disclosure of the original report in the newspaper.

You cannot change history, and I do not think that we ought to try to do so legislatively, because it makes a nonsense of the law. I want to put it beyond doubt that, in those three areas covered by paragraphs *(g)*, *(h)* and *(i)*, no offence is committed as a result of those disclosures that are already in the public domain, anyway, because of the area in which they were originally reported.

Subclause (3) seeks to ensure that the Act making a conviction a spent conviction does not affect the enforcement of any process or proceedings relating to any fine or other sum imposed with respect to a spent conviction. That may involve a young offender who may have a fine imposed and, after the expiration of five years, the fine may not have been paid because the young offender may have left the State and subsequently returned, and there is still an outstanding warrant to pay the fine—or it may be compensation, for that matter. There is an argument, at least, that, by virtue of the operation of the Act, unless my subclause (3) *(a)* was there, the Act could compromise the enforcement of the payment of fines, the compensation or other sums imposed with respect to a spent conviction.

In addition to that, the issue of any process for the purpose of proceedings in respect of a breach of a condition or requirement applicable to a sentence imposed in respect of a conviction ought not to be compromised. There may be a bond with conditions attached which may not have expired at the end of the relevant period of five or 10 years from the time of conviction, and it seems that we ought to put beyond doubt that there can be no compromise of the process by virtue of the effluxion of time.

In addition to that, the operation of any disqualification, disability or other prohibition imposed in respect of a spent conviction is not prejudiced by the terms of this legislation. One could think of a period of disqualification from obtaining a drivers licence, which might be for 15 years or even for life, which could be compromised by the operation of the legislation. I want to put it beyond doubt that that does not occur. So, I have moved the amendment, but suggest that paragraphs *(g)*, *(h)* and *(i)* be treated separately from subclause (3).

The Hon. BARBARA WIESE: The Government opposes the amendment to line 26 and the amendment after line 28 down as far as paragraph *(i)*. I assume for the purposes of the debate that we can separate the new subclause (3). I will address my remarks to the first part of those amendments. The Government will oppose the amendments on the grounds that the purpose and intent of the Bill would be defeated if a spent conviction could be reported by the press, if it was published in the newspapers at the time of the conviction or if the matter was raised in Parliament. It really makes something of a mockery of the intentions of the Bill if we were specifically to allow that procedure to be undertaken as proposed by the Hon. Mr Griffin. For that reason, the Government will oppose it.

The Hon. I. GILFILLAN: It is my understanding that parliamentary privilege will continue to prevail. In recent weeks we have had interesting reflections on the effect of parliamentary privilege on the ability of the media to publish the Westpac letters. I do not believe that that matter was completely resolved in spite of the answer that you, Mr Chairman, gave to a question I asked in this place. Without reflecting on the quality of that answer, it did not really define the matter clearly enough to assure any media outlet just what it could or could not publish. I do not believe that this Bill or this debate really addresses that, nor should it attempt to address that dilemma.

I am not attracted by the amendments. I think that the normal application of parliamentary privilege and the response of the media to that will take place, and we do not need to gratuitously put clauses into this legislation as if this legislation has unique and particular requirements for parliamentary privilege to be spelt out in this way. The Democrats will oppose the amendments.

The Hon. K.T. GRIFFIN: I am disappointed to hear that. I think there is a very real potential prejudice to the publication of information raised in the Parliament. I take the Hon. Mr Gilfillan's point about the issue of parliamentary privilege in relation to the Westpac letters, but I suggest that this issue is somewhat different because we have, presumably, an Act of Parliament that will create a prohibition against publication even though an issue might be raised in Parliament.

As I said when I moved the amendments, I think it is quite extraordinary that we are endeavouring to prevent reference to material that is in the public arena through newspapers, *Hansard* and others. Even if that does appear to relate to what might be regarded as spent convictions, I

do not think you can rewrite history. I regard this as a matter of significance. If I do not divide after losing it on the voices, that is not to be taken as an indication that I regard it any less seriously, it is just a recognition that the hour is late. I still have on the record very firmly the Liberal Party's very strong support for the amendments.

Amendment to line 26 negatived; proposed new subclause (3) inserted; clause as amended passed.

Clause 9—'Offences.'

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

Page 5, lines 30 to 34—Leave out subclause (1) and substitute:
(1) A person who is guilty of an offence against this Act is liable to a division 6 fine.

A division 6 fine is an amount of $4 000. This amendment removes the two tiered provision in the Bill where, for a first offence, the fine may be $8 000 and, for a second or subsequent offence, a division 4 fine which is $15 000 or division 4 imprisonment which is four years. I hold very strongly to the view that it is wrong to put ordinary citizens in a position where they are liable to such a draconian penalty for second and subsequent offences, and even for first offences, for disclosing a spent conviction.

I cannot believe that the Government wants to go to such an extent of providing relief for persons who have been convicted of criminal behaviour, and lean so heavily towards favouring them, as opposed to ordinary citizens who are most likely to be law-abiding citizens and who should not be subject to the draconian penalties imposed by the Bill.

The Hon. BARBARA WIESE: The Government opposes this amendment. The penalties contained in the Bill are appropriate, especially in light of the agreed amendment to clause 8, which requires knowledge or reckless indifference prior to a disclosure of a spent conviction.

The Hon. I. GILFILLAN: The Democrats oppose the amendment.

Amendment negatived; clause passed.

Clause 10—'Compensation.'

The Hon. K.T. GRIFFIN: I oppose this clause. I do not believe that a person who is liable to conviction should also be liable to pay compensation under this Bill. It is a matter of judgment as to which course of action is appropriate. The Liberal Party does not believe that there ought to be a right of recovery of damages for the disclosure contrary to the Act of the existence of a spent conviction or any circumstances surrounding it.

Clause passed.

Clause 11—'Regulations.'

The Hon. K.T. GRIFFIN: I wonder whether this is an appropriate point for the Minister to report progress, on the basis of the earlier discussion that there are matters upon which there will be consultation with the Attorney-General and, in any event, I indicate that even if we pass clause 11 I will be seeking to have the Bill recommitted, at least in relation to clause 4. Of course, there may be others as a result of the Attorney-General's consideration of the debate at the Committee stage.

The Hon. BARBARA WIESE: I agree that this is an appropriate time for the Committee to report progress.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly with an amendment.

FREEDOM OF INFORMATION BILL (No. 2)

The House of Assembly intimated that it had agreed to the recommendations of the conference.

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 19 March. Page 3684.)

The Hon. L.H. DAVIS: This Bill is providing for the appropriation of some $850 million, which will allow the Government to fund the public services of South Australia through the balance of this financial year and into the first quarter of 1991-92. We normally have this Bill in the autumn session. There is nothing irregular about the Supply Bill before us. It is a long-standing custom for the Parliament to accede to two Supply Bills in each year, the first of which takes into account the expenditure through to July and August, and the second of which covers the period prior to the Appropriation Bill, that is the Budget Bill, being approved by the Parliament.

The second reading explanation makes the point that there is a 6 per cent increase in expenditure being sought this year. This Bill is seeking to appropriate $850 million as distinct from the $800 million which was sought at this time last year. The second reading explanation notes that this is in line with increases in costs faced by the Government.

Whilst it is not customary to introduce matters of deep political debate in the consideration of the Supply Bill, it is not inappropriate to say that the Government has been slow to recognise the extent of the economic downturn in South Australia. It has been slow to recognise that around Australia Governments of all persuasions have been belt-tightening, cost-cutting and commercialising governmental activities. South Australia trails by some margin in all those areas. It can be demonstrated quite clearly by the fact that the 1990-91 State budget increased State taxation by a massive 18.3 per cent, which is almost three times the expected rate of inflation. It can be underlined by the fact that the GARG review committees of each department were expected to report by the end of December 1990. From my latest information some of those committees have yet to report. That says a lot about the Government expediting cost-cutting and ensuring that Government operations run more efficiently and more tightly. Finally, in the area of privatisation—or as the Labor Party would prefer to call it 'commercialisation'—the Labor Government is still coming over the horizon in South Australia.

One matter which does surprise and disappoint me is that, faced with the massive debt of the State Bank, which has effectively increased the net State debt from $4.5 billion to $5.5 billion—an increase of some 22 per cent—this Government has not in any way adjusted its economic strategy. The Premier and Treasurer, Mr Bannon, publicly stated as little as two weeks ago that he certainly was going to review some strategies; he was going to cut WorkCover premiums; and he was going to review policies impacting on businesses in South Australia. But, that was just words, and that is all we have heard from this Government: just words, no action. It had the chance to action a significant reform in WorkCover premiums in South Australia, and it failed to do it when it rejected the reasonable amendments of the Liberal Party in the recent debate on the WorkCover Bill. So, South Australia remains the workers compensation capital of Australia.

Whilst the Government seeks continued increases in taxation and charges, it is driving further nails into the coffin of small business and big business in South Australia in these straitened economic times, which are arguably as bad as we have seen in our lifetime. So, whilst this Supply Bill is purely a mechanical Bill which is by tradition supported without question by both Houses of Parliament, it is not inappropriate to say that it is being debated in the shadow of this enormous economic thunderstorm hovering above South Australia that is causing devastation in rural areas and a large number of business failures in the metropolitan area. The Bannon Government seems unable or unwilling to recognise the plight of the community. It has made no adjustment in any respect in its policies, and has, by its inaction, abdicated any pretence of leadership of the community in this State. It saddens me to think that, in almost three months since the State Bank debacle was first unveiled, the Government has not in any way altered its direction and cut its cloth according to these changed circumstances. It reflects the financial naivety of the Government; certainly it reflects a lack of willingness to accept reality. With those comments, I support the second reading.

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

COOPER BASIN (RATIFICATION) (ROYALTY) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 March. Page 3774.)

The Hon. L.H. DAVIS: This Bill seeks to amend the Cooper Basin Ratification Act of 1975. It is useful to reflect on that Act, which was passed through the Parliament some 16 years ago. The Hon. Mr Chatterton, who was moving the Bill in the Legislative Council on 11 November 1975 (which I recall was a very special day in Canberra) said:

> It ratifies and approves an indenture between the producers of natural gas, in the Cooper Basin natural gas field, and the Government of this State. The approval of the indenture by this Council and the entry by the parties into certain other agreements, notably the Unit Agreement and the Pipelines Authority of South Australia Future Requirements Agreement, will go a long way to ensuring the future supplies of natural gas for this State as well as enabling those supplies to be extracted from the field in a rational and orderly manner.

A detailed explanation was then provided, setting out the parties to the indenture, details of petroleum licences and the royalty payments, and variations to the indenture. Before I deal with those matters further, which I think are important as a background to the Bill presently before us, I think it will be useful to point out what benefits to South Australia have stemmed from the natural gas and oil discoveries in the Cooper Basin.

It is hard to believe that when I was in primary school, and I suspect also in secondary school, the only thing that was said about the possibility of discovering oil and gas in South Australia was that it was most unlikely because the geology of the State was unsuitable for oil and gas reservoirs. That, of course, proved to be totally untrue. It says a great deal about the persistence and provision of notable South Australians such as Mr John Bonython, Professor Eric Rudd, Mr Reg Sprigg, and others, who were associated with the exploration for and ultimately discovery of oil and gas. Santos, the acronym for South Australian and Northern Territory Oil Search, a publicly listed company, was formed in 1954. It searched for many years without reward and, ultimately, gas and, subsequently, oil were discovered in the remote north of South Australia. Santos has now risen in stature to be one of the great companies in Australia, well led under its current Managing Director, Mr Ross Adler, and a very strong executive team and board of directors.

It should also be noted that one of the other producers, which is a signatory to the indenture, is Delhi Petroleum. Interestingly enough, in the current round of negotiations, Delhi has refused to sign the agreement. One of the other groups that has come to the fore in oil and gas exploration is the South Australian Gas Company, and in recent years, under the leadership of Mr Fraser Ainsworth, the Gas Company has also emerged as a company of national status. I think I am right in saying it is the fourth largest publicly listed oil and gas explorer and producer in Australia. It not only has the traditional activities in relation to reticulating gas to metropolitan Adelaide and supplying gas to commercial users, but it also has a very successful oil and gas exploration arm, not only within but also without South Australia. Both Santos and the South Australian Gas Company are ranked in the top 100 companies in terms of market capitalisation on the Australian Stock Exchange.

So, the indenture that was entered into in 1975 provides a useful background in the matter of examining this Bill, which seeks to amend the indenture, to amend the royalty payments made by producers. I have looked at the indenture, and I want to say that, notwithstanding what perhaps may have been said publicly, one has to accept that the original Cooper Basin (Ratification) Act of 1975 did give the Government of the day the right to vary the royalty. In fact, section 12 of the indenture specifically provides:

> (1) Royalty shall be calculated and paid in respect to all unitised substances sold in accordance with the sales contracts at whichever is the lesser of:
> *(a)* the rate prescribed from time to time under the Petroleum Act 1940-1971;
> or
> *(b)* the rate of ten (10) per centum of the value at the well-head of all such unitised substances for the period from 1 January 1975 up to and including 1 January 1988.

This clearly makes provision for the fact that the royalty rate can be varied, either under the terms of the Petroleum Act, or the 10 per cent rate could be varied after 1 January 1988. So, on behalf of the Liberal Party I want to say that I accept the right of the Government to amend the royalty payment—but that is all the Liberal Party accepts.

In amending the rate of royalty payment, upwards to a 50 per cent increase, effectively the Government seeks to bring the royalty payment levels in South Australia in line with those of other States. That is an argument that some people might see as reasonable. Certainly, the Government will claw an additional $20 million into its rather empty coffers as a result of this move. However, I wish to put the following point of view very forcefully and very strongly in argument against the proposition that we have before us in this Bill.

I refer to the claims made by the Government (in the second reading explanation of this Bill) that the Bill before us is as a result of complex negotiations that were initiated by the Minister of Mines and Energy on 15 August 1989. The second reading explanation goes on to say that, as a result of those negotiations, agreement has been reached between the State and 10 of the 11 Cooper Basin indenture area producers to a new royalty regime, to apply throughout their licence areas for 10 years from 1 January 1991. The eleventh Cooper Basin producer, who refused to sign that agreement, was Delhi Petroleum, which of course is owned by Esso, the parent company of which is Exxon Corporation. I think it can be truly said that it is not an agreement

as such that has been reached between the State and the Cooper Basin indenture producers, but rather the Government telling the Cooper Basin producers what will happen.

[*Midnight*]

It is a bit like the man at the gallows being told that he is going to die and that he has a choice of being hanged or shot. I suppose a literal interpretation would be that he has agreed to die because he chooses to be shot rather than to be hanged. That, of course, is what has happened to the Cooper Basin producers. They have not willingly agreed to this 50 per cent increase in the royalty; they have been forced to accept it with a gun at their head. Delhi has felt so strongly about it that it has refused to sign.

It is claimed that, of the basic 10 per cent royalty rate that currently exists, the State would receive less than 5 per cent of the net present value of future Cooper Basin petroleum sales revenue compared to the 6.5 to 7 per cent that would be received if the royalty regimes that existed interstate had applied. So, there has been an adjustment in the royalty payment to bring South Australia into line with the Eastern States.

It is forecast that with the increase in royalties the South Australian Treasury will receive an additional $18 million in 1990-91; $8 million due to the agreed decrease in allowable royalty deductions; $1 million from royalty owing on gas paid but not taken by AGL in the 1970s; and $9 million as a one-off benefit because in future payments will be made monthly rather than six monthly.

I want to elaborate on two points in particular. The first is that this will affect not only the producers of gas—and there are many, notably, Santos, the South Australian Gas Corporation and other interested parties in the Cooper Basin—but also the suppliers of gas—people who are taking gas and creating energy. I am talking principally about the Electricity Trust of South Australia and the South Australian Gas Company. Finally, it will affect the end users, and I am talking about the commercial and industrial users of gas, as well as the many domestic users.

The one thing that must be said is that it will undoubtedly impact particularly on the large industrial consumers, of whom there are many. I suggest that there are 80 big industrial groups that will be penalised as a result of the royalty increase being passed on quite understandably in the form of higher gas prices. I instance companies such as Penrice, Adelaide Brighton Cement, ACI, Michells. Petroleum Refineries and BHP at Whyalla. Undoubtedly, there will be a dramatic impact on these commercial users of gas.

Let me relate the experience of Penrice, which was not consulted in any way. This company was sold recently by ICI to some of its senior managers—a management buyout, if you like. This company, which employs 390 people in South Australia and exports some 20 per cent of its soda ash overseas, is in competition with imports from overseas. This increase in gas prices came out of the blue to them with no consultation whatsoever. Undoubtedly, that company is a major contributor to the South Australian economy. It is a big user of electricity and water, of Australian National for transport and of the port of Adelaide for export, but the Government did not pay it the courtesy of consulting it.

What does this mean to Penrice? It means an increase, in its judgment, of at least 1.5 per cent on gas prices, or $170 000 per annum. In a depressed economy such as we are facing now, it means that this company simply cannot pass on this cost—it must wear it. It means also that this Government is contributing to inflation by pushing up prices.

Let us look at what it means to the Adelaide Brighton Cement company. Like the South Australian Gas Company and Santos, it enjoys a reputation as a very well-managed and efficient company. This publicly listed company is in the process of commissioning a new and enlarged cement plant. It is increasing its throughput from 800 000 tonnes to 1.3 million tonnes of cement, which will make it the largest plant in Australia and one of the largest cement plants in the Western world.

This Government, in its financial naivety, in its pigmy-like approach to matters of business, again did not consult with the Adelaide Brighton Cement company, which is the biggest user of gas after the Electricity Trust of South Australia. That company cannot as a matter of course increase its prices; it must seek an increase in the price of cement through the Prices Surveillance Authority. Of course, it is one thing to have the mechanism or ability to increase cement prices, but it is another thing to increase cement prices in a building industry that is struggling to survive. It does not need me to tell the Government how desperate the building industry is.

The Adelaide Brighton Cement company, which has had one of the more successful profit records over the past 20 years, in the first half of this current financial year reported a downturn of 35 per cent. That is the extent to which industry is hurting. So, what does this Government do? It increases royalties retrospectively to 1 January 1991 and lands Adelaide Brighton Cement with an increase in gas prices of 1.5 to 2 per cent, which it cannot pass on in any way. That will cost the Adelaide Brighton Cement company a minimum of $200 000 a year and they, along with Penrice Soda Products, with its world headquarters in South Australia, are sufferers.

I could go on with other examples but, at this late hour, I will resist that temptation. So, what does it mean to the South Australian Gas Company, which is one further back in the chain? Certainly, it will pass on its increases to domestic and commercial users—and understandably. I have looked at the latest annual report of the South Australian Gas Company and, if one looks at the latest royalties paid, one sees that in aggregate they are $6.6 million. There is an overriding royalty to Santos, and I deduce that the Government royalty is some $3 million or $4 million. If that is increased by 50 per cent, that is equivalent to an additional $1 million to $1.5 million after tax which the South Australian Gas Company will need to find.

That is the bottom line—although I do not think the Government really understands what a bottom line is. The bottom line is profit—a dirty word for the Government, but the only word that matters if we are to have industry surviving. On my estimate, the South Australian Gas Company will be down by $1 million to $1.5 million after tax as a result of this increase in royalty.

Understandably, as I have said, the producers of the gas will pass on the increase to the industrial customers and to the domestic users of gas. Interestingly enough, the second reading explanation suggests that there will be only a .5 per cent increase in the price of gas for domestic consumers, but the largest industrial consumers will bear the brunt of it, because it is estimated that that increase will be of the order of 1.5 per cent.

I do not agree with the principle of this increase in royalty that necessarily will flow through as an increase in cost to industry, because the fact is that for many industries energy is a major cost component. It will not only impact on the commercial sector of Adelaide, particularly on those 80 large companies but it will, of course, also act as a deterrent to

further gas exploration. This whole exercise seems to be running at odds with Minister Klunder's recent pronouncements that gas is the way that South Australia should go.

So, whilst I accept that the indenture has not been broken and that it provides for royalty increases such as we have before us in this Bill, I simply cannot accept that this royalty increase should take place now.

In particular, the Liberal Party is very angry at the retrospective nature of the Bill—that it dates back to 1 January 1991. I wish to indicate that an amendment on file seeks to vary the commencement date to 1 July. I find that this Government has thrown out the window any concept of cost advantage for South Australia. Certainly, during the Playford years, it was a tradition that South Australia would operate with a cost advantage to attract industry—to give us a competitive edge over our Eastern State counterparts to enable South Australia to have a strong and prosperous economic base.

Now we find not only that we are the workers compensation capital of Australia, with the highest FID, with stamp duty on cheques and with many other taxes and charges for business as high as if not higher than any other State, but also that we have lost that competitive edge. In this Bill, particularly, we see again that we have thrown away that competitive advantage by bringing the royalty payments into line with those of other States, acting as a deterrent to possibly more aggressive and very necessary exploration for oil and gas in South Australia and, of course, acting as a dampener on profitability in the most important industrial sector of South Australia. If that is not enough, the Government has seen fit to make the Bill retrospective to three months before we are debating it in the House.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ADJOURNMENT

At 12.16 a.m. the Council adjourned until Thursday 4 April at 11 a.m.