LEGISLATIVE COUNCIL

Wednesday 16 October 1991

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

PETITIONS: PROSTITUTION

Petitions signed by 358 residents of South Australia concerning prostitution in South Australia and praying that the Legislative Council will uphold the present laws against the exploitation of women by prostitution and not decriminalise the trade in any way were presented by the Hons L. H. Davis and R.R. Roberts.

Petitions received.

QUESTION ON NOTICE

The PRESIDENT: I direct that the following written answer to question No. 13 on the Notice Paper be distributed and printed in *Hansard.*

HYPERBARIC UNIT

13. **The Hon. R.J. RITSON** asked the Minister of Tourism:

1. In the 24 months up to 31 July 1991, how many people were treated in the hyperbaric unit of the Royal Adelaide Hospital as a consequence of diving?

2. Of those treated, how many had been diving for purposes other than recreation, that is, business, industrial or scientific purposes?

3. In the case of each of the non-recreational divers treated, and without identifying information but merely listing them as case 1, case 2, case 3, etc., will the Minister give in each case—

(a) the dive profile;

(b) the general commercial or scientific purpose of the dive; and

(c) the location of the dive?

4. In each case of non-recreational divers treated, did the professional qualifications of the divers conform to AS 2299?

5. In the case of each non-recreational dive resulting in treatment of the diver, what was the composition of the dive team and did the composition of the dive team conform to AS 2299?

6. Does the Minister realise that this information should be readily available from the hyperbaric unit and should not involve an unreasonable amount of research and, therefore, there should not be a long delay in answering this question?

The Hon. BARBARA WIESE: The replies are as follows:

1. In the 24 months up to 31 July 1991, 47 people were treated in the hyperbaric unit at the Royal Adelaide Hospital as a consequence of diving.

2. Eleven were involved in non-recreational activities.

3-5. In the case of each of the non-recreational divers treated the following information is provided:

Case 1:

Diver was diving near Port Lincoln. He was part of the Cousteau diving team, which was in Australia, filming a documentary on the great white shark.

Case 2:

Diver was working at Port Douglas. The diving party was inspecting and laying a gas pipeline.

The dive profile, professional qualifications, dive team and back-up of the above two divers conformed to the AS 2299.

The next four divers were abalone divers:

Case 3:

Presenting symptoms were joint pain. The diver required several treatments. The diver had no professional qualifications.

Case 4:

The precipitating factor in this diver was a profile of a quick ascent to the surface due to failure of the air supply. No 'bale out' air bottle had been carried. Symptoms involved the central nervous system and required several treatments to achieve a good clinical result. The diver possessed no professional qualifications.

Case 5:

The presenting symptoms were neurological and joint pain. The diver presented with a bleeding disorder induced by self-administration of at least 3 grams of aspirin because of severe joint pain. The diver had tried recompression by immersion in water on three occasions without success and had also used surface oxygen. The diver possessed no professional qualifications.

Case 6:

This diver had neurological involvement and inner ear barotrauma (fistula). The diver presented a difficult clinical and personality problem. The diver possessed no professional qualifications.

Cases 7 and 8:

These divers were involved in fish farming; neither diver was professionally qualified, being basic recreational divers hired to do commercial work. They failed to comply with AS 2299. Their dives, while not deep, involved the very provocative practice of multiple ascents to the surface.

Case 9:

Ex abalone diver on a salvage operation near Port Lincoln. Extremely provocative dive profile with nothing conforming to AS 2299. Poor clinical response with partial paralysis. No back-up.

Case 10:

Diver contractor doing underwater inspection in Backstair's Passage to depths in excess of 40 metres. Did not conform to AS 2299 and his practice was extremely poor. No back-up.

Case 11:

Diving in Papua New Guinea as commercial scallop diver. Reviewed for residual symptoms at Royal Adelaide Hospital where he had further treatment with no improvement.

6. Yes.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—

Reports, 1990-91—

Attorney-General's Department;
Construction Industry Long Service Leave Board;
Department of Correctional Services;
Electoral Department;
South Australian Multicultural and Ethnic Affairs Commission and the Office of Multicultural and Ethnic Affairs;
Promotional and Grievance Appeals Tribunal.

Occupational Health, Safety and Welfare Act 1986; Code of Practice of Logging Stanchions and Bulkheads.

Crimes (Confiscation of Profits) Act 1986—Regulations—Forms.

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

Credit Union Deposit Insurance Board—Report, 1990-91.

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

Reports, 1990-91—

Department of Agriculture;
Office of the Commissioner for the Ageing;
Electricity Trust of South Australia;
South Australian Housing Trust;
Department of Industry, Trade and Technology;
Nurses Board of South Australia;
Physiotherapists Board of South Australia;
Technology Development Corporation.

Racing Act 1976—Rules—Harness Racing Rules Board—Driver Age.

Regulations under the following Acts—
Drugs Act 1908—Capton Seed Coating.
Mining Act 1971—Delegations.
South Australian Health Commission Act 1976—Pensioner Contribution for Drugs.
Veterinary Surgeons Act 1985—Registration and Practice Fees.

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

Reports, 1990-91—
Department for the Arts and Cultural Heritage;
Carrick Hill Trust;
Office of Transport Policy and Planning.

South Australian College of Advanced Education—Report, 1990.

Motor Vehicles Act 1959—Regulations—Transaction Fee.

MINISTERIAL STATEMENT: RURAL CASE WORKER

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement, on behalf of my colleague the Minister of Family and Community Services, on the Eyre Peninsula rural family case worker.

Leave granted.

The Hon. BARBARA WIESE: On 10 October 1991 the Hon. Peter Dunn asked me a question concerning the Eyre Peninsula counselling service. The Minister of Family and Community Services has supplied the following response.

In 1988, the Department for Family and Community Services devoted a half-time position to assess the 'emotional needs' of those farming families on Eyre Peninsula who were experiencing financial and emotional stress as a result of the effects of the drought. Four hundred families were visited.

A part-time position of rural family case worker was created and Ms Geraldine Boylan was given the task of providing personal and family counselling, disseminating information and linking people through a referral process to appropriate resources.

In 1990, due to a continuing demand and a change in the nature of the 'crisis', Ms Boylan recommended that there be a change to the rural family case worker role to one of creating community networks through the implementation of support groups that could advocate for people's needs and rights, and to develop and train a community aide network to enhance the community's own power to take control of the situation. The Family and Community Services Department's role was to respond to self and agency referrals, provide information and address public meetings and workshops.

While a number of improvements in services had been made since 1988, it was very clear that one person could not do all of this alone. Forward planning within the Department for Family and Community Services office identified a number of strategies to enhance its service response capabilities. This prudent management became urgent due to the personal costs exacted from Ms Boylan as she attempted to increase the community's capacity to meet its own needs through the development of support action groups, while at the same time being called upon to meet the individual needs of so many members of her community, not only inside office hours, but in supermarkets whilst shopping and in garages whilst refuelling her car.

Ms Boylan's success in identifying needs has been due to her skills and to her familiarity and identification with generations of Eyre Peninsula farmers. Ms Boylan reported in May 1991 that 94 per cent of families were experiencing fear about their future on Eyre Peninsula and that the majority of farming families were experiencing financial difficulties leading to family breakdown, conflict, domestic violence, poverty and an increased vulnerability towards suicide. Her report, and the continuing pressure that the work had placed upon Ms Boylan, were considered by management to demand a sharing of the load between office team members and a more planned approach by both this agency and others in meeting the accelerating personal service needs of families on Eyre Peninsula.

The immediate changes made were to extend the number of workers who could be available to respond to referrals and to allow Ms Boylan the time required to provide the agency with a well planned strategy that would incorporate the expansion of resources to service provision. This included the development of new roles and positions in the Port Lincoln office that would take into account the continuing and emerging needs across Eyre Peninsula.

It was considered that Ms Boylan would benefit from stepping back from the intense role that she had played since 1988 while offering a significant contribution to the development of services to meet the challenges of what could only be a demanding future for human service agencies.

Ms Boylan is presently working with the Northern Country Regional Office and policy and planning officers, to have an agency strategy available by the end of November. The local Department for Family and Community Services office has picked up the work that Ms Boylan was doing. Social workers have made 72 visits to rural families in the past four months. Thirty-three of these visits were to Cleve and Cowell. The use of the 008 crisis number that was installed in April this year has doubled each quarter since then and continues to rise, as do calls from this area to the department's after hours crisis counselling service and the debt line service.

The Financial Counsellor has been made full-time and has helped 110 families this year with emergency financial assistance for food, electricity and travel, etc. He has travelled more than 30 000 kilometres over the last few months and has 40 active cases that consist of assistance with debt restructure, negotiation with banks and reviewing, through the Social Security appeals mechanism, decisions on eligibility for benefits.

A joint community and Department for Family and Community Services sponsored seminar which was held on 28 September 1991 at Tumby Bay included representation from key Commonwealth and State Government agencies, community service groups and leading community representatives. The aim of the seminar was to develop a coordinated approach to meeting the predicted needs of the Eyre Peninsula rural communities over the next two years. The findings and recommendations will be incorporated into Ms Boylan's project and will be considered by Government agencies in terms of rural service policy development and service coordination.

Rather than a withdrawal of services, as has been suggested, Government agencies individually and together have shown a genuine commitment to an effective and planned approach to the service needs of families on the Eyre Peninsula.

QUESTIONS

SCHOOL SALES TAX EXEMPTION

The Hon. R. I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister

of Education a question about sales tax exemption for schools.

Leave granted.

The Hon. R.I. LUCAS: When schools returned for term 4 this week, they were confronted with a memo from the Director-General of Education, Dr Boston, advising that, for the first time, school students will now have to pay 20 per cent sales tax on items such as stationery, pens, pencils and other consumable goods when supplied by schools and where related directly or indirectly to a fee or charge. The memo stated explicitly that, in a number of circumstances commonly occurring in schools, the previous sales tax exemption applying to schools and to students will not apply. Page 3 of the memo that went to all schools, under the heading 'Non-exemption from sales tax', states:

It is common practice for schools to stock stationery and other materials for direct individual sales to students through bookshops, canteens/tuck-shops, offices, etc. at the schools or for supply to students in return for a specific charge, fee or levy for those particular goods.

The Hon. M.J. Elliott: They will get a GST soon anyway, won't they?

The Hon. R.I. LUCAS: That's an interesting point.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The memo continues:

Where stationery and other taxable goods are sold directly to students by the school it follows that the goods are for sale and not for use by the school and exemption does not apply. Where a charge is made by the school in its annual accounts—

that is a common circumstance—

or other form of notice to parents specifying an amount or amounts charged for materials supplied (for example, stationery $10, duplicating $15) exemption under item 63A will not apply to purchases of these materials. Similarly, where a composite fee or subject fee is charged—

that is a common circumstance in schools as well—

without specifying separate charges for stationery, art materials, duplicating and any other goods supplied and property in those goods passes to the student, then section 3 (4) of the Sales Tax Assessment Act (No. 1) 1930 operates to deem a sale to have taken place. As a deemed sale has occurred, exemption under item 63A would not apply.

As you, Mr President, would expect, my office has already been contacted by a number of schools and parents protesting strongly at another added impost on schools and struggling families. Many of those parents have made the comment and, in my view, rightly pointed out the hypocrisy of the Labor Government which is opposing a goods and services tax perhaps of the order of 10 per cent or 12.5 per cent yet, at the same time, is imposing its own 20 per cent consumption tax on school materials which are being made available to school students. My questions are:

1. What options has the Government considered to assist schools and families concerned at this additional impost?

2. Has the Minister had any discussions with the Federal Government to see whether amendment to the legislation is advisable?

3. Is there any way of schools constructing their school fees and charges and the processes for the provision for such items so as to comply with the Act and obtain the sales tax exemption?

The Hon. ANNE LEVY: I will refer those three questions to my colleague in another place and bring back a reply. As indicated by the honourable member, this is obviously a Federal matter, but I am sure that my colleague can have discussions with his Federal counterpart about it.

RESIDENTIAL TENANCIES TRIBUNAL

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

Leave granted.

The Hon. K.T. GRIFFIN: I continue to receive a number of criticisms about the operation of the Residential Tenancies Tribunal, particularly from parties who believe that they have received a raw deal from the tribunal and its officers. During the recent budget Estimates Committees, Mr Ingerson, MP, raised one example involving a Mr Willis. The most recent criticism received by me is from a Mrs Brook who sent a 10 page letter to the Chairman of the tribunal with copies to the Minister and the Attorney-General, as well as to me. In her letter to me Mrs Brook writes:

I had a fixed term lease with my tenants. They abandoned the house after arguing with each other and deciding to split up. They left behind a sublet—

I think that that means a subtenant—

about whom I had never been consulted so I do not consider her to be part of the lease. If I had been consulted and agreed it would be different. I feel that their leaving without any forwarding address constitutes abandoning the house and the lease, and I should have received rent up until I found new tenants. I received bond rent only to cover up to the day before I finished cleaning up. I did not receive any bond money for advertising at all. My clean-up costs were refunded. I feel that the tribunal constantly misinforms itself and the mixture of non-verbatim clerk reporting, patronising 'care' for tenants and retreating into legal language and loopholes when contronted with evidence plus the fact that there is no automatic right to appeal or question a judgment even when full of errors is hardly a recipe for justice.

Her accompanying 10-page letter contains a very detailed explanation of what Mrs Brook believes was wrong with the way in which her matter was dealt with by the Residential Tenancies Tribunal. These are serious matters, which must be addressed. Has the Minister addressed the issues raised by Mrs Brook in the letter and, if so, with what result? Secondly, when will any review of the Residential Tenancies Act be completed and released publicly and can the Minister indicate both the scope and the membership of such a review which, I understand, the Government is undertaking or has undertaken?

The Hon. BARBARA WIESE: The Department of Public and Consumer Affairs receives a large number of inquiries and complaints relating to residential tenancies matters. In fact, many thousands of such complaints are received by the department each year. In only a very small number of those cases do parties feel that perhaps the outcome has not been as it should have been or that a satisfactory resolution has not been reached, so I would not like the honourable member to give the impression to the Council, in asking his question about this case, that the operation of the Residential Tenancies Tribunal is somehow falling into disrepute, because I do not feel that that is true. The impression I have gained from speaking with representatives of various parties or organisations that represent both landlords and tenants is that, by and large, the legislation is working quite well and that the Residential Tenancies Tribunal is also working well, in a fair and impartial way, in attempting to resolve disputes between landlords and tenants. Of course, there will always be a few cases where a party feels aggrieved or feels that the outcome has not been satisfactory, but I think that, overall, the number of such cases is very small indeed.

As to the particular case about which the honourable member has spoken, I believe that it is still being reviewed and I have not yet heard the outcome but, certainly, I will be communicating with the writer of that correspondence as soon as that case has been reviewed. As to the review of

the Act, the honourable member asked who is represented on the working party that is examining at the Act. I can advise that the Real Estate Institute of South Australia, the South Australian Landlords Assocation, the Consumers Association of South Australia, the South Australian Council of Social Services and the Office of Fair Trading are represented. I hope that very soon the working party will be in a positon to provide a report to me on the work it has been undertaking now for some time but, from very brief verbal information that I have received so far, I understand that the review working party will recommend a number of amendments to the Residential Tenancies Act.

As I understand it, the recommended changes will not represent a significant departure from the practices that have been followed by the Residential Tenancies Tribunal over a number of years. By and large, the feeling of the working party is that the legislation is working reasonably well. Of course, longstanding positions have been taken by both landlords and tenants' representatives on some issues. I doubt whether their views on those matters have changed over time and, at the end of the day, it will be a matter for the Government and Parliament to determine what is a fair and reasonable position. Certainly, that is what happened when the legislation was first introduced into Parliament. However, as I indicated, the report of the working party should be available very soon—I hope in the next couple of months—and I will then have an opportunity to consider any recommendations with a view to introducing any necessary legislation next year.

HARDSHIP DRIVING LICENCES

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Attorney-General a question about hardship driving licences.

Leave granted.

The Hon. DIANA LAIDLAW: Last week the Law Society wrote to the Attorney-General highlighting cases where people who live in the country suffer a much harsher penalty by reason of mandatory driving licence suspensions or periods of disqualification for various categories of offences than people who live in towns, the city or the suburbs. For instance, when in March this year the Parliament passed amendments to the Road Traffic Act in relation to drink driving offences, it agreed to incorporate mandatory minimum periods of licence disqualification of six and 12 months.

The Law Society, following a campaign by country practitioners through the Northern Lawyers Association and the South-East Law Association, recommends that some amendment be made to the Road Traffic Act to introduce the concept of a hardship drivers licence to redress the 'gross distortion of penalty' now experienced by country people. It wants magistrates to be able to take notice of the lack of facilities in the country that may need to be called upon in the event of a licence suspension; for example, no access to public transport, taxis or other public conveyance vehicles. It also wants magistrates to be able to consider the serious hardships suffered by farmers with land separated by public roads, shearers who travel between farms in the course of their employment, and children of farmers who may be lucky enough to obtain employment in regional centres and travel to work from the farm.

I understand that in South Australia the Road Traffic Act used to provide for a hardship licence. In Tasmania and some other States there continues to be provision for a hardship licence that enables a magistrate when considering a case to grant to the defendant a very restricted licence. I, therefore, ask the Attorney:

1. Does he consider that the absence of a hardship licence provision in the Road Traffic Act causes, as alleged by the Law Society, a gross distortion of penalty between those who live in the city and those who live in the country?

2. Does he agree that the Road Traffic Act should be amended to allow country people, whose traffic offences attract a mandatory minimum sentence of licence suspension, to apply to a magistrate for a reduction or variation of the sentence and for the magistrate to issue a restricted licence in circumstances where it is thought appropriate by the magistrate?

The Hon. C.J. SUMNER: The Road Traffic Act is the responsibility of my colleague the Minister of Transport. The submission from the Law Society will be considered by the Government in due course, and a reply will be sent to it.

PUBLIC TRANSPORT ALTERNATIVES

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations, representing the Minister of Transport, a question relating to public transport.

Leave granted.

The Hon. I. GILFILLAN: A front page report in today's *Advertiser* by Consumer Affairs writer Stephanie Raethel reports Adelaide as the most car-dependent city in Australia in the mould of some of the world's metropolises such as Los Angeles, New York and Washington. The report is based on the findings by the Australian Consumers Association which says that our driving habits are having a harmful effect on the environment, with high levels of carbon dioxide emissions through the use of ever-decreasing supplies of non-renewable fossil fuels.

In addition the report states that, unless there is a significant change in our reliance on motor vehicles, our roads will be increasingly choked and congested, making daily travel difficult, time consuming, expensive and environmentally damaging. Approximately 75 per cent of all Adelaide workers use cars to get to and from their places of employment and, of the seven million trips a day made around Adelaide, the Department of Road Transport estimates that five million daily journeys are being made in motor vehicles.

Adelaide's urban design is largely dictated by the geographical constraints placed on it with the Adelaide Plain area squeezed in between the coast to the west and the Adelaide Hills to the east, which has pushed new housing developments further and further to the north and south of the city, making journeys to and from work longer each year. In fact, according to figures released by the RAA, the average speed on South Road during peak hour is around 26 km/h, with more than a third of what is somewhat inaccurately called 'travel time' being spent stationary.

Despite this remarkable data, which clearly illustrates the massive transport problems facing Adelaide, this Government has continued to wind back public transport services and options. Rail services have been consistently cut; ticketing facilities at stations seem designed to deter rather than attract commuters, which in turn has forced many to rely on cars; public transport policy has concentrated on bus services, which must still contend with traffic congestion on our increasingly choked roads; and implementation of cross-suburban public transport options have simply failed to materialise. It is widely regarded that the failure of Government public transport policy has made Adelaide a public transport and environmental embarrassment to this nation.

I think it is appropriate to note that my motion to set up a select committee to assess, review and recommend improvements in public transport is currently on the Notice Paper, and I hope that honourable members will see fit to support that motion and set up a select committee. In the meantime, I ask the Minister:

1. Does the Minister agree that current public transport policy has failed to reduce this city's dependency on motor vehicles, and cut dangerously high levels of greenhouse gas emissions? In the light of the information in the *Advertiser* article, it is hard to see how he could disagree.

2. If so, can the Minister provide details of public transport options designed to remedy this disastrous situation?

3. When does the Minister expect these options to be in place?

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

OMBUDSMAN

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council, a question on the subject of the State Ombudsman.

Leave granted.

The Hon. L.H. DAVIS: Members of the Council would be aware that, over the past three weeks, there has been controversy about what is known as the 'Marion triangle affair'. In 1986 and 1987 wives of SGIC executives were used as a cover to buy residential properties around the Westfield Shoppingtown Marion. SGIC was a member of a working party, along with Marion City Council and Westfield Shoppingtown Marion, looking at future redevelopment and zoning in that area. The properties purchased by SGIC were subject to rezoning proposals. SGIC bought the properties from members of the public, who were obviously unaware of the potential for redevelopment. Some Marion city councillors, obviously the former residents who sold their houses unwittingly and, indeed, the South Australian Superannuation Fund Investment Trust have raised objections to the course of action taken.

The international property consultant Colliers Jardine, who act on behalf of the South Australian Superannuation Fund Investment Trust, have publicly raised concerns about the inclusion on the working party of developers such as SGIC, and that these developers were privy to a confidential report for one year before it was made public. Colliers Jardine, who act for the South Australian Superannuation Fund Investment Trust which owns the Castle Plaza shopping centre, were clearly unhappy about what happened. So, as the Attorney-General will be aware, we had the remarkable spectacle of two heavyweight Government agencies engaged in public disagreement. Colliers claimed there was an inherent conflict in having developers and landowners help to decide rezoning proposals.

Last week, Mr Brindal, the member for Hayward, in another place, advised that he would ask the Ombudsman to examine whether there had been any administrative impropriety. This morning's *Advertiser* confirmed that the State Ombudsman had commenced his inquiry into the Marion triangle affair. At the same time, to quote the *Advertiser*, the State Ombudsman, Mr Eugene Biganovsky, made the point:

> Government departments and agencies had to be open to scrutiny and that recent comments made by the Attorney-General about the role of Ombudsman were nonsense.

Mr Biganovsky was referring to a speech that the Attorney-General had made to the 12th annual conference of Australasian ombudsmen in Adelaide last week. The Attorney-General was quoted in the *Advertiser* this morning as telling that conference that ombudsmen should not interfere in matters of Government policy and public interest. Those areas, the Attorney-General was quoted as saying, were the domain of politicians and should remain in the custody of elected officials. Mr Biganovsky, in that same article, responded by saying:

> . . . the Marion triangle controversy was of public interest and matters of policy could well be an issue in the investigation.
>
> He said it was clear that matters of policy involving Government departments, agencies and local councils—not ministerial or Cabinet policy—were within the jurisdiction of ombudsmen.
>
> Mr Biganovsky warned that if ombudsmen were prevented from investigating areas of policy, Government departments and agencies would simply start hiding behind the 'it's a matter of policy' defence.
>
> 'I am required by the Ombudsman Act to look at public interest', he said.
>
> 'And we are required by legislation to make recommendations on legislation and obviously policies that flow from legislation are a part of that.
>
> It is nonsensical to say policy cannot be looked at—that would allow Government agencies to say anything is a matter of policy'.

While I appreciate that the Attorney-General's remarks to the ombudsmen's conference were of a general nature and not directed specifically to the Marion triangle affair, I would appreciate it if the Attorney-General could advise the Council, first, whether he supports the State Ombudsman investigating the Marion triangle affair and, if not, why not; and, secondly, whether he agrees with the comments of the State Ombudsman as reported in this morning's *Advertiser* and, if not, why not?

The Hon. C.J. SUMNER: If the Ombudsman has been properly called in to investigate that matter and has jurisdiction to investigate it, I have no objection to his carrying out those inquiries. Regrettably, this is a case where the media have been involved in what I can only describe as a beat-up. In particular, the *Advertiser* unfortunately has beaten up this story in a way which I find unacceptable. It is quite extraordinary that the reporter—

The Hon. L.H. Davis: Why is the South Australian Superannuation Fund Investment Trust objecting?

The PRESIDENT: Order! The honourable Attorney.

The Hon. C.J. SUMNER: I am not talking about the Marion triangle matter; I am talking about the speech given to the ombudsmen's conference as being a beat-up by the *Advertiser*. The honourable member made a long explanation in which he canvassed a whole lot of things that had nothing to do with the Marion triangle affair, but with the speech that I made at the opening of the ombudsmen's conference and the response to it by Mr Biganovsky, the Ombudsman. Then he asked a question about the Marion triangle affair. I dealt with the Marion triangle affair in the first part of my answer. However, I think it is worth while dealing with the issues that constituted the most part of the honourable member's lengthy explanation in asking the question.

The Hon. R.R. Roberts: It had nothing to do with the question.

The Hon. C.J. SUMNER: As the Hon. Mr Roberts interjects, it had nothing to do with the question. That, of course, is not an unusual feature. It is somewhat extraordinary that the reporter from the *Advertiser* was actually present at the ombudsmen's conference when I gave my speech. Although he must have written something up—I am not sure whether he did—the *Advertiser* the next day did not run it. They then read the *Australian*, where there was a reasonable report of what I said, and decided, 'Oops! We have made a mistake here. We can beat up a bit of a dispute here

between the Attorney-General and the Ombudsman.' That is what the reporter the day after proceeded to do in—

The Hon. L.H. Davis: Was it the same reporter?

The Hon. C.J. SUMNER: Yes, it was the same reporter.

The Hon. L.H. Davis: It's a she, not a he.

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

The Hon. C.J. SUMNER: The first reporter, as I understand it, was a male. The reporter in this morning's article was a female.

The Hon. L.H. Davis: That is right; it was a different one.

The Hon. C.J. SUMNER: He obviously has not listened to what I have had to say. I said that the reporter at the ombudsmen's conference wrote the story not the day after the ombudsmen's conference for that day but the day after, because they missed it the first day. They then decided the day after the day after that they would take the matter up, because they had been scooped by the *Australian*. They then made some inquiries of my office and took some quotes, which my Press Secretary alleged were quite wrong, and beat up a story that somehow or other I was attacking the Ombudsman in my speech.

What I did, as I am sure the Hon. Mr Griffin will agree, as he was there, was to make a serious contribution to the debate on the issue of administrative law and the role of elected officials in the determination of matters of policy and matters of public interest. I dealt with that in the context of the role of ombudsmen and, indeed, the role of the judiciary in reviewing administrative decisions. I dealt with issues of policy and the public interest. This is an issue to which I have directed my attention on a number of occasions in previous forums, including this Council when we debated the freedom of information legislation. I did not say that ombudsmen should not, in appropriate cases, make determinations of the public interest. I certainly did not say that they should not investigate matters of public interest, as reported in today's paper, and anyone who read the speech would have realised that. It certainly was not an attack on Mr Biganovsky in his role as Ombudsman and it was not seen to be—

The Hon. L.H. Davis: Why did he respond?

The Hon. C.J. SUMNER: He did not respond until he was no doubt rung yesterday by the *Advertiser* reporter looking for a further beat-up of the issue. In the light of the *Advertiser's* performance on this issue, it would not surprise me if Mr Biganovsky had been completely misquoted this morning in the paper. It was not an attack on Mr Biganovsky, and anyone who was there, including the Hon. Mr Griffin, would not have seen it as an attack on Mr Biganovsky, the South Australian Ombudsman. They would have seen it for what it was: a considered paper, in the context of the opening of the conference of ombudsmen, about a serious issue of administrative law—the one that I have repeated—and the respective roles of elected officials and independent officers, whether they be ombudsmen or judicial officers, in reviewing the activities of Government. It was extremely well received by the people in the audience, including the Ombudsman and other people who had been invited to the opening, as I made clear, as a contribution to a debate on an important issue.

It really does concern me that rational debate in our community is, unfortunately, undermined by the sort of trivialisation of issues which we have to put up with daily in our media, and this was just one further example of it. It is a pity if we are to have sensible debate about issues in the community, which are fundamental to our democracy and our democratic processes, and the relationship between elected officials, members of Parliament, minutes and independent bodies whether or not they be the Judiciary, is central to the issue of our democratic community. It was one of those important issues that ought not to be trivialised by the media trying to find some personality conflict. It was a pity, and I hope that I have set the record straight. I intend writing to the *Advertiser* explaining the position and I am sure that it will give my letter reasonable prominence when it arrives.

TOURISM DEVELOPMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism a question about tourism developments in South Australia.

Leave granted.

The Hon. M.J. ELLIOTT: In April this year a tourism policy for Kangaroo Island was released. The policy was prepared by a working party on the Island, although it was finally written up by Tourism SA. The policy has a similar format to those developed for many areas of the State in that it identifies present markets and potential new markets and the facilities considered appropriate for both the tourists and the Island, taking into account the views of the Islanders and the environment, both natural and social. To the surprise of the people on the Island involved in the formulation of the policy, including members of the committee, it included a proposal for a facility in the Dudley South area—something which nobody knew anything about. The proposed facility is described as a 'nature retreat'.

I have been told that at no time did the working party discuss the Dudley South area as the possible location of a nature retreat and that the proposal appeared in the document after it had been through Tourism SA. The inclusion of the Dudley South nature retreat in the tourism policy takes on new meaning in the light of the controversial approval of a 'private' resort for Black Point, on the south coast of the Dudley Peninsula. I have asked questions about this resort previously and there is considerable opposition to it from within the Department of Environment and Planning, neighbouring landowners and conservationists.

Understandably, many Islanders have been speculating as to the possible connection between the two events, suggesting that either the site was identified by Tourism SA and targeted for development before the developer was found or that the development proposal was in the pipeline and the nature retreat was inserted into the policy to facilitate its approval and acceptance. I have information that the Government has a list of sites around South Australia that it considers appropriate for tourism development and has been involved in actively seeking private parties to undertake developments on those sites. This is apparently happening behind closed doors, keeping the public and the developers, who have not been approached, in the dark. This, once again, sets up the situation where unfortunately, as with the Wilpena Resort, only one developer was involved in putting forward proposals for solving accommodation problems in that area and with one site chosen before any public involvement was instigated. That threw the State into a divisive development versus anti-development debate which could have been avoided with a little bit of open government practice and consideration of all the options. Conservationists are keen to avoid that kind of conflict, but find it difficult to do so when the Government is seen to be constantly cooking up developments and targeting sites without any reference to the public. My questions to the Minister are:

1. On what basis was the Dudley South nature proposal included in the policy for Kangaroo Island?

2. Who identified it as an appropriate site for tourism development?

3. Is it one of the list of sites identified by the Government to be targeted for development?

4. Will the Minister inform the House as to what other sites are on the list?

The Hon. BARBARA WIESE: The Hon. Mr Elliott seems to have some sort of conspiracy mentality when it comes to development proposals in South Australia, particularly tourism developments, for some reason or another, and I find it rather destructive and totally unnecessary. The policy being pursued by Tourism SA at the moment with respect to tourism development has been a very open and clear policy and, if the honourable member had informed himself about the work being done by Tourism SA, he would agree that it is a very open and clear policy that is being pursued. First, Tourism SA is actively encouraging local councils to develop their own tourism policies for their own areas, particularly if they happen to be in a part of the State that has the potential to be significant from a tourism perspective. Active encouragement has been given to councils to work on developing their own tourism policies and, where possible, incorporating forward looking plans within their supplementary development plans.

Councils are being encouraged to identify areas within their own districts that may be potential tourism development locations for the future and to make provision for that up front in the supplementary development plan, which allows for adequate public consultation and debate to occur on whether or not a location is an appropriate area for development. If the community agrees that it is and provision is made within the supplementary development plan, we can also overcome some of the planning difficulties that have occurred with previous tourism applications, going through the whole planning process, with community debate surrounding an individual development taking place, when there may have been the ability for some of that discussion and debate to have occurred at an earlier point, thereby giving a developer a much clearer view about what is acceptable to a local community, local government and the State Government before embarking on any development proposal. Also, in many cases they will save themselves huge amounts of money that would otherwise be spent arguing the point, sometimes through the courts.

Forward planning and a more orderly approach to tourism development is being advocated. Tourism SA has identified a small number of key locations in South Australia that would be suitable for tourism development. The honourable member would be well aware of all such locations. If he has followed the tourism debate at all and read any of my speeches or press releases and listened to or spoken to anyone in Tourism SA, he would have a clear idea of what some of those areas are about. The locations include such places as the Flinders Ranges, Kangaroo Island, the Barossa Valley and the Estcourt House property at Tennyson, which have all been identified as key locations for future tourism. In some cases pre-feasibility studies have been developed by Tourism SA, which have been made available to potential investors who in some cases have taken up the ideas presented and have pursued them.

What we have seen is a proposed development in the Flinders Ranges. We have seen two proposed developments coming out of the material in the Barossa Valley. There is no secret agenda about tourism development, and the Government is encouraging community discussion to take place about these issues.

As to the Kangaroo Island tourism policy, as the honourable member indicated that policy was a document that essentially came from the local community. Local community people have worked with relevant Government—

The Hon. M.J. Elliott interjecting:

The Hon. BARBARA WIESE: Be quiet and listen to the answer. Do you want an answer or not?

The PRESIDENT: Order! The Council will come to order.

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! The Hon. Mr Elliott asked a question. If he wants an answer I suggest he listen.

The Hon. BARBARA WIESE: There has been a working party. There have been numerous public meetings at which members of the public on Kangaroo Island with relevant Government agencies and the two local councils have worked together in developing a tourism policy. I have had no involvement in the work that has been done—

The Hon. Diana Laidlaw: I think you should take an interest in—

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —in developing that tourism policy, as is appropriate, Sir, because it is essentially a document that must have community support, and community representatives have had good opportunities to have input into it. The private development to which the honourable member refers is not a development that Tourism South Australia has had anything to do with; it is not a development that Tourism South Australia, as far as I am aware, has been asked to support, because it is a private development. As I understand it, they have made their own applications through their own local council to achieve their ends.

I am not sufficiently familiar with the details of that application to comment on it except to say that I understand it is rather a large development for the purposes to which the proponents suggest it will be put. It will go through the usual planning procedures and, hopefully, appropriate judgments will be made about it. I would be astonished, absolutely astonished, if there is any connection whatsoever between that particular development proposal and the results of the tourism policy planning process that took place on Kangaroo Island. I would be highly surprised if there is any connection whatsoever.

As I said, I have not taken part in the meetings. I do not know who suggested what during the course of that planning process. All I can say is that Tourism South Australia officers were asked by the local community to participate in that process and have essentially been acting in a supportive capacity to assist local people in developing their own local tourism development strategy. Any suggestion that Tourism South Australia has been attempting to impose its own ideas or hoodwink the people of Kangaroo Island in the development of a tourism policy is preposterous in the extreme and quite an outrageous thing to be suggesting here, because it attempts to work in a cooperative way with all local communities who are interested in developing tourism strategies for their regions.

As to the provision of a development site in the Dudley South area, I will have to refer that question to Tourism South Australia to seek further information and the circumstances that led to the inclusion of such a provision in that policy document.

The Hon. M.J. ELLIOTT: As a supplementary question, can the Minister say that there are absolutely no specific sites under consideration for tourist development other than those that are currently public knowledge?

The Hon. BARBARA WIESE: I do not quite know what the honourable member is asking me to assure him of.

Numerous proposals come forward from time to time from people in the private sector relating to tourism development right around the State. Certainly, there would be individual officers within Tourism South Australia who may very well have their own ideas about regions of the State and sites that may be suitable for tourism development. I do not see what the problem can be in that taking place because if there is to be tourism development anywhere in South Australia it will be subject to the usual planning processes.

Whatever proposal may come forth it will have to go through the planning system. It will either go to a local council for consideration, which means that there will be community consultation; or, it will go to the South Australian Planning Commission, which will also mean that there will be community consultation; or, if there are sites that seem appropriate for tourism development, well in advance of any proposals coming forward provision will be made by local councils incorporating such sites in their supplementary development plans thereby overcoming some of the problems that have emerged from time to time in the past when development proposals have been put forward in areas where the community did not wish them to occur. That is as specific as I think I can be.

AUTOMOBILE INDUSTRY

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Industry, Trade and Technology, a question about the automobile industry.

Leave granted.

The Hon. G. WEATHERILL: In March this year the Federal Government announced a program to greatly decrease the level of protection to the automotive industry in this country between now and the year 2000—in fact, a decrease of 15 per cent. The Federal Opposition for its part threatened to reduce the rate to zero by that time. Certainly, the Federal Opposition's proposal would be disastrous for the Australian automobile industry, but even the Federal Government's policy would cause problems especially if no consideration was given to the enormous subsidies that other countries provide to their automotive sectors.

I understand that the European Community Commission in July this year approved a plan by the Portuguese Government to grant $600 million to Ford and Volkswagen to build a new plant for the production of passenger vans. This grant is made up of a direct payment of $446 million and a tax holiday worth $150 million over five years.

The Hon. R.J. Ritson: Someone must have written that for you.

The PRESIDENT: Order!

The Hon. G. WEATHERILL: I also understand that despite complaints from other producers of passenger vans such as Renault, the commission rejected claims that the grant was an 'unfair advantage'. There is no way the Australian taxpayer could afford such a gift as $600 million to our car industry to protect it against such payouts to competitors. Passenger vans made in that factory will be able to enter—

The Hon. R.J. RITSON: On a point of order, Mr President, Standing Orders provide that members may not read. This is beyond the pale. It is somebody else's speech; he has not looked at it before and he cannot even pronounce the words. It is just too blatant.

The PRESIDENT: Order! I think the honourable member is referring to copious notes; there is no point of order.

The Hon. G. WEATHERILL: If the honourable member has made a point of order on this, everybody else here should have a point of order made against them.

The PRESIDENT: Order! If the honourable member wants to head down that trail it is against everybody's interests.

The Hon. G. WEATHERILL: I believe subsidies such as this represent a great threat to our automotive industry, which at all times is asked to be competitive and yet here faces competition that is being featherbedded by enormous taxpayer subsidies. What representation is the South Australian Government proposing to make to the Federal Government concerning the lack of a level playing field in international automobile products?

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

POLICE HIGH SPEED CAR CHASES

The Hon. J.C. IRWIN: Has the Attorney-General an answer to my question of 11 September about police high speed car chases?

The Hon. C.J. SUMNER: The Minister of Emergency Services has provided the following response:

Following a marked increase in the illegal use of specific-motor vehicles and a significant number of high speed chases throughout the metropolitan area with some offenders 'baiting' police, 'Operation Locket' was implemented.

The aim of the Operation, conducted between 23 May and 3 July, 1991, was to identify, detect and apprehend illegal use offenders with emphasis on those responsible for the illegal use of late model prestige type vehicles.

Operation Locket was a success and nominated 'targets' were apprehended, including suspects originating from Western Australia who have all been placed before the court. The reduction in the number of 'high speed pursuits' also indicates that the 'core' of the offenders baiting police into pursuits have been apprehended.

The matter of illegal use of motor vehicles is continually under review and although Operation Locket was a special operation staffed by the Regional Responses Groups ('Flying Squads') similar operations are staffed and managed by Divisional Commanders where the need is identified.

IMMIGRATION REVIEW TRIBUNAL

The Hon. J.F. STEFANI: Has the Attorney-General an answer to my question of 27 August about the Immigration Review Tribunal?

The Hon. C.J. SUMNER: The Minister of Ethnic Affairs has provided the following response:

1. Yes. I have already written to the Federal Minister for Immigration, Local Government and Ethnic Affairs (the Hon. Gerry Hand) expressing concern that the decision to close the South Australian Registry of the Immigration Review Tribunal will disadvantage the South Australian and Northern Territory communities.

2. Yes.

NIGHT SPEED CAMERAS

The Hon. J.F. STEFANI: Has the Attorney-General an answer to my question of 29 August about night speed cameras?

The Hon. C.J. SUMNER: The Minister of Emergency Services has provided the following responses:

1. Three.

2. A pilot program was commended in early July and full time deployment began on 23 July 1991.

3. 94 929 traffic infringement notices issued.

4. No statistics are compiled which separate day use from night use of speed cameras. However, 3 592 frames have been taken to date during the night use and on average 64 per cent of frames result in the issue of an infringement notice. On this basis it could be estimated that 2 300 infringement notices have or would be issued from night use of speed cameras to date.

OCCUPATIONAL HEALTH AND SAFETY

The Hon. R.J. RITSON: I ask the Minister representing the Minister for Labour—

An honourable member: Are your reading that?

The Hon. R.J. RITSON: —just be quiet—where contract work is done for any clients, does or should the client have any obligation to ensure the contractor's compliance with industrial safety and health law and codes of practice? In the case of contract work for Government departments, does the Government have a policy of looking to ensure that the contractor is obeying industrial safety law?

The Hon. C.J. SUMNER: I will seek a reply.

HILLCREST HOSPITAL

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

That this Council—

1. Recognise a significant level of community concern in relation to the proposed closure of Hillcrest Hospital.

2. Further recognise that there are potential benefits from the redirection of resources to community-based services.

3. Call on the State Government to release a timeline and detailed information both structural and financial in relation to redirection of psychiatric resources.

4. Call for an undertaking from the State Government that no service at Hillcrest Hospital close until another service is in place which will properly cater for the displaced patients.

(Continued from 9 October. Page 975.)

The Hon. M.F. FELEPPA: I support the motion. The proposal to devolve services from Hillcrest Hospital is central to a planned reorganisation of mental health services, which aims to ensure that resources are available to clients where they most need them—in the community. We have known for some time that services need to be more accessible, more responsive, less stigmatised and directed towards providing a more extensive range of community support.

The reorganisation should not be seen as a reflection on the quality of services provided at Hillcrest Hospital. The pattern of demand for services at Hillcrest has mirrored changes around the world, as improved treatment regimes have led to less frequent and shorter periods of hospitalisation. We can no longer support two psychiatric hospitals in a State of this size where there is strong demand for less stigmatised and restrictive forms of treatment.

It is pleasing to note that the honourable member recognises the benefits of the proposed reorganisation. A working party of a large number of consumers, carers, service providers, unions and administrators also supported the move towards the provision of acute psychiatric care in general hospitals and the significant enhancement of community based support services. There is widespread agreement that 24 hour mobile emergency services, supported accommodation, rehabilitation, vocational and treatment services are essential components of a comprehensive, area based service.

The National Mental Health Working Group, reporting through the Overarching Committee in Health and Aged Care to the special Premiers conference, has recommended that integrated mental health services should be provided within a mainstream framework. Wherever possible, clients of mental health services should have access to the same range of health, housing welfare and financial support services as other members of the community.

These moves towards the use of mainstream services and development of community based services do not constitute 'deinstitutionalisation' in the sense that services will be closed without development of appropriate alternatives. It is important to recognise that all 130 beds to be relocated from Hillcrest will be re-opened in other sites. Cabinet has approved capital expenditure for establishing appropriate units for people requiring inpatient care at general hospital sites and Glenside Hospital. In addition, properly trained staff will be relocated to these units as they become operational.

A feasibility study to cost the reorganisation was developed in some detail by Health Commission officers and reviewed and confirmed by an independent firm of chartered accountants. Although, at this early stage in the planning process, it is not possible to provide detail of the operation of many of the community services, costing is made possible by examination of the many examples of such services that exist in Australia and overseas. I am well aware that staff and consumers, as well as Opposition members, would like to see a detailed operational plan for the reorganisation of services. However, it would be quite inappropriate for such level of detail to be developed at this time.

A new organisation, the South Australian Mental Health Service, came into operation on 12 August 1991, with the responsibility for directing and controlling all mental health services in the State. The first task of the board has been to appoint a Chief Executive Officer, and it will be the responsibility of that person to develop a detailed operational plan in consultation with his or her executive, staff, unions and consumers. The plan and time frame will need to address the sequence of events involved in the relocation of current services, the subsequent release of resources and priorities for the development of new community services.

I share the honourable member's concern that this transfer of services occurs without disadvantage to consumers. All change is disruptive, but I am convinced that the proposal has the potential to significantly improve the quality of life of those with mental illness, and I am sure that the South Australian Mental Health Service will tackle the task of providing comprehensive and integrated services with enthusiasm and wisdom.

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

STATE GOVERNMENT INSURANCE COMMISSION

Adjourned debate on motion of Hon. L.H. Davis:

That this Council condemns the Government and Treasurer for their failure to fulfil the duties and responsibilities set down in the State Government Insurance Act and demands the Government agrees publicly at the earliest opportunity to—

1. introduce appropriate legislation to ensure that the State Government Insurance Commission complies with the appropriate Federal insurance legislation and the requirements of the Insurance and Superannuation Commission;
2. ensure that the SGIC makes public its 1990-91 annual report no later than 31 October 1991;
3. ensure that the 1990-91 SGIC Annual Report contains a separate revenue statement, profit and loss account and balance sheet for both the life insurance business and general insurance business;
4. ensure that a supplementary report should be published no later than 31 October 1991 which contains a separate revenue statement, profit and loss account and balance sheet for both the life insurance business and general insurance business of SGIC for the financial year ending 30 June 1990;
5. seek an independent detailed assessment from persons acceptable to the Government and Opposition of the investment strategy, investment guidelines and any conflicts of interest in respect of property transactions and commercial mortgage loans entered into by SGIC since 1984.

(Continued from 11 September. Page 730.)

The Hon. CAROLYN PICKLES: I oppose the motion. As the Hon. Mr Davis acknowledged in his speech, there have been a number of major developments regarding SGIC since he moved this motion, and many of the issues that were raised have now been overtaken by events. Consequently, I do not intend to spend a lot of time debating what, effectively, is a redundant motion, but will deal as succinctly as I can with the specific issues raised and highlight what action has already been taken.

First, regarding the introduction of appropriate legislation to ensure that SGIC complies with the appropriate Federal insurance legislation and the requirements of the Insurance and Superannuation Commission, one of the recommendations of the GMB review of SGIC's operations is that each fund should conform to the disclosure and reserve requirements specified in legislation covering private insurers. As already stated publicly in the Premier's ministerial statement regarding the GMB review of SGIC, the Government has already agreed in principle to this recommendation and has requested that the matter be examined in detail by the working group which has been established as a result of the GMB review.

Specifically in relation to the life fund, the Treasurer has already written to the Chairman of SGIC (on 9 July 1991) requesting, amongst other things, that the life fund observe appropriate prudential requirements. In addition, the GMB review recommends that the SGIC Act be reviewed to reflect the committee's recommendations where appropriate. The Government has already agreed publicly with this recommendation (again in the Premier's ministerial statement) and has requested that the working group assess the extent to which this can appropriately be done by legislation.

In relation to the second point of Mr Davis's motion, which calls on the Government to ensure that the SGIC makes public its 1990-91 annual report no later than October 31, I note Mr Davis's own comment regarding the SGIC's accounts that there have been 'greater disclosures than ever before in relation to many aspects of its business activities'. As members opposite are well aware, SGIC's 1990-91 annual accounts were tabled in conjunction with the 1991-92 State budget on 29 August 1991, considerably earlier than in previous years, a fact that has already been acknowledged by the Hon. Mr Davis. The final colour version of SGIC's 1990-91 annual report is currently being printed and will I understand be available shortly if not already available.

The third point that the Hon. Mr Davis has raised calls on the Government to ensure that the 1990-91 SGIC annual report contains a separate revenue statement, profit and loss account and balance sheet for both the life insurance business and general insurance business. Whilst presentation of full separate financial statements for the life fund, the CTP fund and the general fund was not pursued for the 1990-91 financial year, the 1990-91 annual accounts provide considerable information about the operations of each fund as follows:

The profit and loss statement of SGIC (non-consolidated) on page 6 of SGIC's annual accounts, presents the results of the general and compulsory third party funds combined.

The balance sheet for SGIC (non-consolidated) on page 7 of SGIC's annual accounts reflects the financial position of the life fund, the general fund and the CTP fund.

Notes 18 and 19 to the accounts (pages 15 and 16) detail the provisions for unearned premium income and for outstanding claims respectively, for each of the following segments of SGIC's business: life, CTP, general and health.

Note 25 to the accounts provides a statement of operation of segments detailing operating revenue, operating profit/loss before tax, income tax expenses, operating profit/loss after tax and total assets for each of the following segments: life, CTP, general, health and other industries.

Note 31 to the accounts presents a full revenue statement and balance sheet for the life fund (including notes to those statements and balance sheet for the life fund (including notes to those statements) prepared in accordance with the life insurance accounting standard issued by the insurance and Superannuation Commission. Whilst this standard is not mandatory for the commission, as noted in the opinion of the Auditor-General on SGIC's 1990-91 accounts, it provides a set of accounting standards generally accepted in the life insurance industry.

As noted already in relation to the first item of the motion, it is one of the GMB review's recommendations that each fund conform to the disclosure requirements specified in legislation covering private insurers. I have already pointed out that the Government has publicly agreed in principle to that recommendation, subject to the working group's detailed reveiw of the matter. In addition, the GMB review recommended that the SGIC Act be amended to require SGIC to comform to Australian accounting standards. As stated in the Premier's ministerial statement, SGIC is already required by the Public Finance and Audit Act to be guided by Australian accounting standards. Also, the Auditor-General is required to audit SGIC's accounts and can be relied upon to disclose any significant departures from the standards, The Government has agreed in principle to the GMB's recommendations and has referred to the working group for consideration of the detail and practical implications of this recommendation. The combination of the foregoing measures will result in SGIC's financial statements conforming to the disclosure standards generally applying to the insurance industry.

The fourth item of the motion requires the preparation of a supplementary report which contains a separate revenue statement, profit and loss account and balance sheet for both the life insurance business and general insurance business of SGIC for the financial year ending 30 June 1990. Given that the considerable information provided in SGIC's 1990-91 accounts as itemised already was also provided in relation to the 1990 results in that report, it is suggested that such an historical reworking of SGIC's results would be a time consuming and unnecessary exercise.

The fifth item of the motion seeks to have an independent assessment conducted covering investment strategy; investment guidelines; and conflicts of interest in respect of property transactions and commercial mortgages entered into by SGIC since 1984. The GMB review considered the SGIC's investment strategy and recommends that each fund should have its own investment strategy. As stated in the Premier's ministerial statement, the Government has agreed in principle to this recommendation, and referred the matter to the working group for detailed review in order to report to

the Treasurer on the investment guidelines which should apply to each fund operated by SGIC.

Specifically in relation to the life fund, the Treasurer has previously written to the Chairman of SGIC regarding the establishment of investment guidelines. The Treasurer has requested that SGIC continue to maintain a high level of liquidity in the life fund. In addition, SGIC previously engaged Macquarie Bank to provide advice in relation to SGIC's investment portfolio, investment procedures and strategy. The recommendations made by Macquarie Bank are in the process of being implemented by SGIC. Given the attention which has already been applied to this area by the GMB review, Macquarie Bank and the further review of the working group, any additional assessment of the investment guidelines and strategy at this time would seem superfluous. In relation to an assessment of 'any conflicts of interest in respect of property transactions and commercial mortgages entered into by SGIC since 1984', the Crown Solicitor has already investigated the property transactions involving Mr Kean and SGIC and has reported to the Government, clearing Mr Kean of any impropriety.

As I said at the outset, I have tried to deal with the points raised as briefly as possible. This is a redundant motion, and I urge honourable members to oppose it.

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

STATE TRANSPORT AUTHORITY

Adjourned debate on motion of Hon. I Gilfillan:

1. That a select committee be established to inquire into and report on—
   - *(a)* the efficiency, effectiveness and appropriateness of STA and other urban public transport services in the Adelaide metropolitan and adjoining areas;
   - *(b)* the economic, environment and social costs and benefits to be obtained from public funding of urban public transport;
   - *(c)* the advantages and disadvantages of alternative methods of providing transport services and alternative relationships between service providers and government;
   - *(d)* any other matters relevant to maximising the community benefits of public funding of urban public transport; and
   - *(e)* measures necessary to ensure the community benefits of urban public transport are continually maximised in a changing environment, paying particular attention to—
     - (i) industry structures and roles of Federal, State and Local Government that provide the flexibility to adapt to change;
     - (ii) levels, sources and methods of public funding that maximise community benefits;
     - (iii) organisational and management arrangements that encourage continual improvement in performance, especially in respect to customer service and efficiency; and
     - (iv) any other measures to achieve this aim.
2. That Standing Order 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 presented to the committee prior to such evidence being reported to the Council.

(Continued from 11 September. Page 736.)

The Hon. DIANA LAIDLAW: The Hon. Mr Gilfillan has moved for the establishment of a select committee to inquire into and report upon a wide range of matters relevant to the future operation of public transport services in the Adelaide area. All the matters listed as proposed terms of reference are worthy of debate and consideration by members in this place, and I commend the honourable member for raising those issues. However, the same issues are already the subject of thorough and constant assessment and review by the Liberal Party, and that is why I, as shadow Transport Minister, can indicate on behalf of the Liberal Party that we will not support this motion. Honourable members may recall that 18 months ago I moved a motion in this place to note the State Transport Authority's business plan 1990-93, and that in March of this year I moved a similar motion to note the STA's Corporate Plan 1991-94.

On both occasions I outlined a range of concerns about the operation of the STA, the growing incidence of ministerial interference in the administration of the authority and increasing subsidy costs at a time of declining patronage. On neither occasion did the Hon. Mr Gilfillan choose to make a contribution to either motion. Instead, he raises many of the same issues today as the grounds for the setting up of a select committee.

While I respect the fact that the Hon. Mr Gilfillan may have wished to stand on the sidelines for the past 18 months on some of these matters—a matter that I regret—much work has been undertaken by the Liberal Party and, in its own way, by the the Labor Party on the matters that have been raised by the Hon. Mr Gilfillan on this occasion. While the Government and the Liberal Party certainly do not see eye to eye on the nature of these issues, the reforms that the Government is pursuing or the timing and introduction of such reforms, a good deal of work has been and will continue to be undertaken. The Liberal Party sees transport reform as a critical policy issue in the lead-up to the next election and, looking at the Morgan *Bulletin* poll released yesterday, it is even more imperative that the Liberal Party has its policy in order in this respect in order to win the confidence of the electorate.

The Hon. I. Gilfillan: You are keeping it to yourselves, are you?

The Hon. DIANA LAIDLAW: I am going to outline a number of issues now that are of concern to me. In public statements over many months, I have criticised the Government's approach, and, reading between the lines of those statements, the Liberal Party's direction in many of these matters has been apparent.

I am appalled about a range of facts and figures relating to the operation of the STA. This year, the Government, on behalf of taxpayers, will be spending $136.1 million subsidising the operations of STA and a further $31.3 million will be spent on fare concessions. That is a matter of some concern to the Liberal Party, although I note and accept the move announced in the budget to increase fare concessions to half the full adult fare. That move has been a long time coming. The matter was raised at great length by Professor Fielding in his acclaimed report on reforms to metropolitan transport in the Adelaide area in the 1990s.

The operating costs of the STA are alarming, particularly in the light of declining fare and concession paying patronage on its services. The Auditor-General has remarked about that decline in successive reports. It is of particular concern in relation to the railways. Today, some very fundamental questions have to be asked about the future of rail operations in this State, because questions have been put in the too hard basket for too long. It is important to recognise that our suburban rail system incurs disproportionate costs for the benefit that it provides. The annual net cost of $57 million for only 9 million journeys for rail should be compared with a net cost of $76 million for buses and trams for 46 million journeys. In other words, 43 per cent of the STA deficit goes to pay for only 16 per cent of journeys on

the STA system—journeys which in the main comprise long distance travel.

The Hon. Mr Gilfillan, in moving his motion, spoke at some length and with some enthusiasm about a move to light rail travel and transport. I note his sentiments, but I cannot accept them in a practical sense, because this Government has committed this State and taxpayers generally to a very heavy investment in rail. Knowing of our commitment of $143 million over the next few years to rail carriages, it is economic nonsense to think that we can break those contracts and move to an entirely different mode of transport. We may not like the decision taken by the Government in terms of investment in heavy rail—I would not have made that decision—but the decision has been made and it is a fact of life. We have to live with and work around that decision in terms of planning strategies for urban public transport in the longer term.

The Hon. I. Gilfillan interjecting:

The Hon. DIANA LAIDLAW: One would assume that extending the rail system beyond Noarlunga, unless we put in an entirely new line, would mean continuing with the heavy rail transport down south. At the last election the Liberal Party proposed an O-Bahn to the south. That matter is still under consideration by the Liberal Party for the delivery of public transport services in various areas. There is no doubt, as the Minister would acknowledge, that there are multiple benefits from an O-Bahn system. Like rail, it uses the dedicated track, but unlike rail it has a glorious flexibility in terms of being able to meet the needs of the greatest number of people. It can roam around picking up people at either end of the dedicated track in a manner that light or heavy rail cannot and will not be able to do. I would be in favour—and I think it would be the view of the Liberal Party as a whole—of encouraging more flexibility in our systems in future so that we can cope with the transport needs of this very long, narrow city of ours, which causes many problems in organising an efficient and effective transport system that will win the confidence of people in this State.

One of the saddest things about public transport in this State at present is that declining numbers of people are willing to use public transport, and I suspect that even fewer are happy about the service with which they are being provided. I would point out, as I have on other occasions in this place, that when I inspected the Queensland system a couple of years ago it was an amazing experience to approach people on the platform, ask about their views on public transport in that State, and hear that it was a source of great civic pride. That is not the experience that one encounters with the Adelaide system, and I am keen to see that reversed.

It is important that we encourage much greater patronage of our public transport services to see whether we can get value for money in terms of the investment that we are committing to public transport. The Minister for the Arts and Cultural Heritage is present. Often the arts are talked about as being a highly subsidised area—and it is an area in which she and I would like to see more money spent.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, but that is not always the common understanding of the arts.

The Hon. Anne Levy: But it is true.

The Hon. DIANA LAIDLAW: It is certainly true and some of the money directed towards public transport, which is seen as a sacred area for many, is money which I know in these hard times is being sought by many Ministers for a whole variety of programs. The Minister of Transport indicated last September that he was looking at the closure of 20 railway stations. The Minister of Transport and the Premier both stated in June this year, during the 25-day rail strike, that they were looking at the possibility of closing down the rail system totally in this State. Such announcements by the Government hardly instil confidence in the public at large in this State that the Government has confidence in public transport, particularly in rail. That reinforces the low morale and esteem generally in which the public transport system is held in this State.

It is interesting to see the advertising and publicity campaigns undertaken in Melbourne, Sydney, Brisbane and Perth. For example, for rugby matches, races, football matches and other events a major public relations campaign is carried out advising that such services will be available on those days. In general, regular advertising campaigns on the value to the community of public transport and the benefit of travelling on it are undertaken. We do not see that confident appeal to the public in this State as is practised in other States in Australia. That is a major problem for the STA and one that Professor Fielding addressed.

The Hon. I. Gilfillan: It would be addressed under a Liberal Government, though, would it not?

The Hon. DIANA LAIDLAW: It certainly would be. The Liberal Party would certainly address the issue because, if you do not advertise and promote yourself with confidence there is little encouragment for people to use the service, and that is one of the major problems with the STA today. Professor Fielding strongly recommended a public relations officer and campaign. That officer has been appointed, but he spends all his time just dealing with complaints and reacting to problem after problem. He is rarely involved in or given funds to undertake a positive campaign initiative on behalf of the STA.

I also raise the issue of the new ticketing system on trains. I do not know who dreamt up the approach that train travellers have to travel out of their way, either by car, walking or cycling, to get a ticket, and return to the train station to catch a train to their desired destination, but I do not think they could have come up with a scheme that was less user-friendly. It defies logic and commonsense and certainly is not in the interests of the STA or public transport in this State.

In Question Time today, the Hon. Mr Gilfillan raised the issue of the *Choice* survey on the number of people travelling in cars in this State. I have no doubt that the problems highlighted in that article have been exaggerated in the years since *Choice* did the survey and will be exaggerated further in future because of the Government's approach to ticketing and to travel on trains. People will not go out of their way to find tickets in order to travel on an old, drafty Red Hen train that is often stopping because of mechanical problems. One can hardly get in the doors of some of them as they rarely work. It is not a pleasant experience to ask people to go out of their way to get a ticket to travel on such a vehicle. It is most unfortunate. I plead with the Government to reconsider that ludicrous approach, to at least try to provide ticket vending machines at stations or on vehicles. Every other public transport authority in this State is able to provide ticket vending machines at stations or on trains—every other authority except the STA—and I cannot understand why this authority alone sees fit to deny passengers the opportunity to purchase a ticket at the station or on the vehicle.

I note that the STA has installed a ticket vending machine at the Adelaide Railway Station within the past couple of weeks and I hope that the machine remains a permanent fixture. I hope that we will see further machines installed throughout the metropolitan area. A further example of the

STA's practices, which essentially thumbs its nose at passengers, was the decision to cut the hours for the sale of tickets at the Customer Information Centre on the corner of Grenfell and King William Streets. I cannot understand why the Government would do that five or six weeks before stating that it will bring in a ticket vending machine on that site. Why not install the machine, see that it is working and then look at cutting back the hours of opening at that site, as it is now difficult for people, unless they wish to be late for work or leave much earlier, to purchase a ticket from that office.

The STA does not put the interest of passengers first, which is one of the reasons why we see this bleak situation with the decline in patronage, at a time of increasing costs for the operation of the STA. In terms of passenger numbers, the Government is talking about cutting out stations and cutting back services on both rail and buses. It is of considerable concern to the Liberal Party that the STA's response to financial problems is to cut back on services. There are other ways of addressing this issue of operating costs and I have raised the matter on several occasions, namely, the issue of competitive tendering of services. Professor Fielding some two or three years ago made exactly the same point, but we have seen little action by the STA in recent times and certainly no inclination by the Government to participate in competitive tendering practices on certain routes.

This is the trend and the style of operation in an increasing number of overseas countries, irrespective of the political persuasion of their Government. It is happening with great zeal in socialist Sweden and other Scandinavian countries. It happened under the Thatcher Government and is occurring throughout Canada and the United States. Yet in South Australia this Government cannot face up to the prospect of gaining, for the same amount of money, an increasing number of services by introducing the private sector in competitive tendering arrangements; instead, for the same amount of money, we see this Government cutting back services.

That trend will only increase the disillusionment amongst the general public with public transport in this State, and that is tremendously disappointing. They are matters that the Liberal Party is addressing and will continue to pursue in the next few years before the State election.

I will briefly mention the issue of ministerial interference in the operations of the STA. The Auditor-General has commented about this in the past. The Government has sought to encourage the STA to establish, first, business plans and then corporate plans. However, on each occasion the STA has not been able to realise its targets because the Minister has interfered in a variety of decisions, either in industrial negotiations, in the price of tickets or in the quality of services. Recently he further complicated a very tense relationship between the STA, the board and the Minister and his office by appointing the General Manager of the STA to the position of Chairman of the board. Now the Chairman of the board of the STA is also the General Manager of the same organisation.

That conflict of interest is most undesirable at a time when the STA is under considerable pressure to perform. It also further clouds the relationship between the Minister, the board and the STA, and I believe that that is most undesirable and is a matter that the Minister should correct immediately. It places the STA in a most invidious position. If the Minister does not want the board he should change the Act, get rid of the board and run the STA himself. He should not try to do it both ways so that when it suits him he can say, 'It is an STA decision; it is for the STA to decide', and when, on another occasion, he wishes to be very involved, he can take over or interfere in that decision making. That is one of the reasons why the STA is a very confused organisation.

I have visited a number of depots recently, and will be visiting more, and morale amongst bus drivers at those depots is low. Bus drivers are not sure where the Government is going with the STA because the STA itself is not sure where it is going. Those drivers would like a clear direction from the Minister that he and his Government have a commitment to public transport. They would like to know what that commitment is and in which direction public transport will move in the future. The morale of workers on the trains is even lower. The Minister has a great responsibility, as the ultimate manager of the STA, to ensure that there is an improvement in human and industrial relations within the STA, and that the STA management in particular returns to a customer-oriented operation for public transport in this State.

The issues that the Hon. Mr Gilfillan raises are important for public debate and are constantly matters of assessment by the Liberal Party. We will continue to work on them because we recognise the importance of public transport in this State. We want the STA to perform more competitively and efficiently than it has in the past in order to meet the needs of our growing population. The Liberal Party wants to reverse the decline in patronage on STA services, and we believe that is possible through the competitive tendering of those services and the breaking up of the STA monopoly in this field.

I am not one who is single mindedly obsessed with the private sector. My basis for operation is, as it has always been, competition. I do not like a monopoly whether that be in the public or private sector. What I am very keen to see in terms of the public transport field in the future is no private or public monopoly but strong competition to ensure that the needs of public transport users in this State are met and that public transport users increase in the future. Under such a competitive arrangement there would continue to be subsidies for operations on some routes, and there would certainly continue to be concession arrangements for those people who cannot afford to pay full fare.

The Liberal Party believes that it can bring down, by a competitive tendering arrangement, operating costs and I know that the private sector in this State is keen to participate in such an arrangement. I commend the Hon. Mr Gilfillan for bringing forward these matters and can assure him wholeheartedly that they are and will continue to be under active consideration in the Liberal Party.

The Hon. I. GILFILLAN: I am sorry to hear the contributions of both the Government and the Opposition with respect to this motion to establish a select committee. I will not take up the time of the Council in attempting to put further points in support of the select committee. Suffice to say that it seems to me to smack of hypocrisy to lament the needs of public transport yet not use one of the most effective vehicles the Parliament offers to creatively develop policy recommendations, review performance and articulate criticisms through the select committee process, particularly as members, as the community's representatives in this place, are keen to develop public transport and encourage the public's use of it.

I cannot help being persuaded that one of the reasons for the reluctance—and this may be more appropriate to the Hon. Diana Laidlaw than the Government—is that the Hon. Ms Laidlaw has maintained a notable public image and presence as a critic and commentator on her shadow

portfolio area, and perhaps she feels that a select committee would limit her opportunity to be publicly heard in her strident criticism of the Government in this respect. It seems to me that if that is any part of her reason for her reluctance to support a select committee, it does her normally high standing less than credit.

The Hon. Diana Laidlaw: Well, it's not true.

The Hon. I. GILFILLAN: Well, it seems to me very strange that, as someone who has incessantly harped on the deficiencies in the Government's performance in public transport, and who has been very vocal about what they are doing and what they are not doing—

The Hon. Anne Levy interjecting:

The Hon. I. GILFILLAN: The Minister has interjected that she is surprised that I am impugning motives, saying that I have not done it before. I think that shows how strongly I feel about this issue and how important I believe it is for a select committee to be established to deal with the issue. The correctness of my position is only reinforced by the article on the front page of the *Advertiser* this morning that puts Adelaide in the infamous top five or six cities in the world with gross overuse of motor vehicles and underuse of public transport.

I would have thought that the shadow Minister would realise that we would get much further in the non-partisan, non-adversarial climate of a select committee in looking at the details and actual facts of a situation, as would have been possible had this proposal for a select committee been carried, than in the public slanging matches of the Parliament or the media. So, I leave my inference still in the air that I am not satisfied that the rejection of this select committee by either the Government or the Opposition is on grounds that I can accept as really motivated by anything other than political expediency.

The Hon. Diana Laidlaw: You just don't realise that people really do have integrity in this place.

The Hon. I. GILFILLAN: The shadow Minister is responding in a rather peevish way which I think indicates that I have stung her on a rather sensitive flank. Perhaps she is too busy to take part in this select committee. She should realise that there are others in her Party who are quite competent to work on the select committee and who would refer to her from time to time for the top level advice and observations that she is prone to make. So, it is with deep regret that I foreshadow that my motion will not be successful, judging by the contributions made by the Government and the Opposition spokespeople and, unless some outstanding independence is shown by individual members in this place, I expect my motion to be lost.

The Hon. Diana Laidlaw: That is a reasonable deduction.

The Hon. I. GILFILLAN: That is a reasonable deduction? I think that the issues raised will remain critical for the development of proper and responsible movement of the public in Adelaide through the term of this Parliament and, possibly, well into the term of the next. Perhaps by then there will be a change of regime and it will be with some expectation, if that is the case, that the possible then Minister of Transport, the Hon. D.V. Laidlaw, will give hope for a new dawn in real stimulation and promotion of public transport. I repeat finally that I have regretted the tenor of the contributions made by the Government and the Opposition. I do at least acknowledge that the Hon. D.V. Laidlaw has recognised the importance of the issues raised in the terms of reference of the select committee. I hope that we can achieve something other than hyperbole and rhetoric in trying to improve the lamentable state of public transport in this State, and I am sorry that the opportunity to establish this select committee has been lost for the time being.

Motion negatived.

PROSTITUTION BILL

Adjourned debate on second reading.

(Continued from 9 October. Page 981.)

The Hon. M.S. FELEPPA: In contributing briefly to the second reading of this Bill, which proposes the decriminalisation of prostitution, I wish to bring some deficiencies to the attention of the Council. I do not intend to detail my opposition to prostitution; that is now on public record. What I have to say is that prostitution is cloaked in the shame of all those concerned and, from reading history, it is perhaps easy to recognise that prostitution will not be eliminated by legislation against it.

In all this, the emphasis is on the word 'control'—administrative control of that which is tolerable and criminal control of that which is not tolerable. At present, control is by blanket criminal sanctions which fall heavily on the providers and not on the users and which are difficult to enforce. Criminal sanctions have never been really effective and the Bill before the Council attempts to decriminalise brothels while at the same time intending to create some legislative measures to keep them under administrative control.

Other aspects of prostitution such as soliciting, child prostitution and so on, will remain criminal offences and carry suitable penalties. The Bill proposes administrative control by a board, which will have the power to license brothel operators and approve of managers. Clause 10 provides:

10. The board has the following functions:
   (a) to determine applications for licences to operate brothels and for renewal of such licences;
   (b) to approve brothel managers;
   (c) to keep licences and approvals under review and to suspend or cancel them where necessary or desirable;
   (d) to cause investigations to be made by the Police Force of complaints (including complaints from prostitutes) relating to the management of licensed brothels;.

As I interpret this clause, the board is empowered to cause investigation to be made only in relation to the management of licensed brothels. On this matter alone the control of small brothels should be by licensing.

The rewording of section 25, which allows police to enter any brothel, is really of not much help as the police are empowered to ascertain whether the Act is being complied with or to investigate suspected offences. What is needed is tighter control, and the licensing of all brothels, in my humble view, would better achieve that aim.

Nowhere in the Bill does the board have power to approve the location of a brothel. This is another major defect of the proposed legislation about which many in the community would be greatly concerned. It is well known that many city councils are concerned about the location of brothels. The location should be the approval responsibility of one body or another, an area with which I will deal in a few moments.

The Bill is deficient because it allows what are called small brothels to operate without a licence and without any restriction on their location. I must confess that I am very disappointed with the Hon. Mr Gilfillan. I had hoped that the intent of his Bill would remain the same as I understood it in his second reading speech of 10 April. On that occasion, the Hon. Mr Gilfillan said:

A licensed system will allow individual prostitutes to apply for licences to run a brothel, if they wish, and take control of their own lives.

This interpretation is borne out by the rest of the paragraph from which that quote is taken. It was based on this reasoning that I understood that all brothels, including small brothels, must be licensed. Clause 14 of the revised Bill provides:

Where prostitution services are provided at an unlicensed brothel (not being a small brothel) any person involved in the operation or management of the brothel is guilty of an offence.

It is clear from that provision that small brothels do not have to be licensed and can be located in any area at all. If small brothels are allowed to operate without the operator's being licensed and without approval of the location being given, they will slip beyond administrative control and, in this way, will be like escort agencies: out of sight, hidden from view and beyond control. This is completely opposed to what the aim of this Bill should be.

With reference to the board, an idea was floated around the place that instead of having another board, so multiplying the bureaucracy, perhaps the administrative control of brothels could fall under one or other existing Acts of Parliament, such as the Local Government Act, the Commercial Tribunal Act, the Planning and Development Act, or the Public and Environmental Health Act. Research on each of these Acts shows that none of them is suited to the task of regulating prostitution or the administrative control of brothels. Not only is the Local Government Act unsuited to the control of brothels but also there would be strong objections on the grounds of being seen to be associated with them by granting approval.

The Commercial Tribunal does not license and approve the location of commercial enterprises. The tribunal acts as a court, dealing with disputes. Because of its intended function, it could not deal with the administrative control of brothels or with regulating the broader matter of prostitution. As a tribunal, it has the power to make orders under the provisions of a relevant Act. Brothels would have to be covered by a relevant Act before the tribunal could act, and then only on matters of dispute.

Under the Planning and Development Act, the State Planning Authority is not set up to act, except to develop land and zone areas, and the like. Looking at a list of members of the authority, I suggest that they are in no way competent to regulate prostitution or to administratively control brothels.

None of these Acts, including the Public and Environmental Health Act, in my view embodies the possibility of being suited to the task of regulating prostitution without radically changing the content and intention of the Act. The suggestion, therefore, that the regulation of prostitution or the licensing and locating of brothels may be possible under any existing Act is, in my view, quite beyond reasonable possibility, unless, as I have said, they are radically altered.

The Bill proposes a licensing board, which provides only half of the administrative control that prostitution would require. Some research into prostitution shows quite clearly that administrative control of prostitution needs power to license and to approve the location of all brothels, while acknowledging that local councils have a right to some input into decision making.

At this point, I wish to bring to the attention of the Council a report of a survey of prostitution conducted by the Local Government Association amongst all councils in South Australia. Some time ago, the Local Government Association distributed a questionnaire to which some councils responded by voicing their rejection of any form of legislation on prostitution without completing the questionnaire. Of the 71 councils to which the questionnaire was sent, 63 completed the questionnaire. Of that number, a majority of 39 councils preferred the options in the first and third questions, resulting in the following responses:

Planning approval should be decided by local government; the Planning Act should be amended to provide for local government as the relevant planning authority; and a brothel licensing board should determine licensing but subject to amendments to the Prostitution Bill.

A total of 60 councils noted their concerns in questions 5 and 6. This overwhelming majority believed that the following considerations must be addressed in any form of legislation on prostitution and brothels with respect to licensing and planning.

1. That local government policy and planning are a guide to licensing (57 councils).
2. That there must be included a process of notification, hearing of objections and a process of appeal (60 councils).
3. That licensing should include small brothels (58 councils).
4. That the provisions regarding restricted zones should be expanded to include areas where children and other sensitive populations congregate (58 councils).
5. That policing illegal brothels should be the responsibility of the Police Force and not local government (59 councils).
6. That local government inspectors should have a right of entry to brothels to conduct necessary business (43 councils).

Finally, I would like to say that, in the revised Bill, the right of entry applies to all brothels. As I have pointed out already, all brothels should fall under the licensing and locating provision and the right to be inspected. After all, all brothels have this in common. As businesses, brothels are of two kinds: there are small brothels, which are discrete and are operated by the prostitutes themselves as a small business; and there is entrepreneurial prostitution, advertised as such and owned by the licensee and operated by the licensee or a manager. The difference between these two kinds of business means that each needs a set of requirements and conditions peculiar to itself. The differences are in the conditions of the licence, the guidelines for the approval of the location and the kind of advertising used.

There is also a difference in supervision within the brothel. Small brothels are self-supervising, while a manager or licensee is responsible for the supervision in a larger brothel. It is not that there is a fundamental difference in brothels: the differences that the Bill should accommodate are in the conditions of operations.

In conclusion, the Bill itself, as I have said, is far from what it should be when one speaks of controlling prostitution. There are some drafting weaknesses, about which I am also concerned, and I will consider some minor amendments should the Bill pass the second reading stage. However, I will not propose amendments to cover the major areas which I have indicated. It should be the responsibility of the Hon. Mr Gilfillan to remedy the defects to which I have referred. I simply think that I have a duty, and indeed the whole Council has a duty, to pass Bills which have no defects or which have the minimum number of defects that one can anticipate. Only when this Bill is in a form in which, in my judgment, it can be accepted by the majority of people will it receive my support.

I acknowledge that prostitution activities have always existed and will continue to exist in spite of or because of legislation. I am convinced that it would be desirable from the community's point of view that something be done in relation to protecting the under-aged and, prostitutes and the management and control of the industry.

I believe that the spirit of the Bill before the Council is aiming at achieving that target, but I must also say that, unfortunately, I am not persuaded by the present draft of the Bill that we are aware of. Therefore, I must indicate to the Council and particularly to the Hon. Mr Gilfillan that I will be very interested to hear his response to my concerns, and I certainly think that it is right if I indicate clearly what

my position will be if those areas of the Bill are looked at and amended during the Committee stage. Only then will I consider my support. If not, I foreshadow that I will bar the Bill in its third reading stage.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I support the second reading of this Bill. My basic reason for doing so is to remove the current discrimination in our law where a prostitute is charged with an offence and a client is not. The prostitute, of course, is usually a woman, though not always; the client is always a man. Having always maintained that sexual acts between consenting adults in private are the business of the individuals concerned, and nobody else, I maintain that the law should not interfere whatever some people may think of the morality of the activity.

In general, our twentieth century law has followed this principle and it does not criminalise sexual activity which can be described variously as adultery, fornication, homosexual behaviour or by other epithets, both tasteful and otherwise. I have never really understood why the involvement of money should make the behaviour criminal, particularly as those who object to decriminalising prostitution are usually ardent supporters of the market economy and the capitalist system.

I repeat, the law should not concern itself with the sexual behaviour of consenting adults in private. Each of those words is important. Consent implies that there is no coercion, fraud or trickery; adults only are involved—and I am glad that this Bill has strong protective provisions relating to minors—and the words 'in private' indicate that any such activity is not paraded before others who may feel offended by it.

I will resist the temptation to give the Council a history of prostitution. The Hon. Mr Gilfillan has mentioned some of the well-known facts of that history and, of course, there are libraries full of information about it. Not for nothing has prostitution been called the oldest profession. It is interesting, though, to speculate on the reasons why the prostitute is regarded as the social pariah, as being utterly debased, sometimes as the personification of evil, while the same attitudes have never been extended to the male clients.

The Hon. R.J. Ritson: They should be.

The Hon. ANNE LEVY: But they are not. I am stating a fact. If she is debased, why isn't he? To call a woman a prostitute is to insult her profoundly—or at least attempt to do so—whereas to say that a man visits brothels is not generally regarded as the worst possible insult that can be levelled at him.

I should like to quote from a recent paper by Marcia Neave, who has been mentioned previously in this debate. This comes from a paper entitled 'The Failure of Prostitution Law Reform', which formed her address when she recently delivered the Sir John Barry Memorial Lecture. She states:

> Laws which determine the circumstances in which prostitutes (mainly women) provide sexual services to clients (mainly men) reflect the overwhelming dominance of a masculine ideology of women's sexuality, in which the exciting but wicked stereotype of the whore is counterpoised to that of the wife or mother.
>
> To paraphrase the words of the eminent feminist legal scholar, Catherine McKinnon, prostitution laws are an essential part of a legal system which sees and treats women from a masculine perspective embodying and ensuring male control over women's sexuality at every level.
>
> According to this dominant masculine ideology, prostitution is necessary, indeed inevitable, because men's sex drive cannot be repressed, and those who cannot express their sexuality may become rapists or child molesters. At the same time, women who challenge the ideal of female chastity by making themselves available to all takers must be stigmatised in order to ensure that the sexuality of all women is disciplined and controlled. This basis for laws which punish prostitutes, but not their clients, may be largely unconscious, but sometimes it is openly articulated.
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> During the course of the inquiry into prostitution I was struck by the number of submissions which argued that the criminal sanctions for prostitution were necessary to prevent a flood of respectable wives and mothers into the business. The words 'whore' and 'prostitute' are powerful epithets, often applied to all women categorised as promiscuous, regardless of whether they accept payment for sex. No similarly opprobrious term is applied to men who purchase sexual services.
>
> Prostitutes are characterised as deviant because they do not conform to the idealised image of women as passive, monogamous and faithful. But it is also assumed that this deviance extends beyond their sexual behaviour. In the words of the sociologist Edwin Schur:
>
> > 'Since (deviants) are viewed as cases or instances of the disvalued category, rather than full human beings, numerous unwarranted assumptions are made about "the kinds of people" they are.'
>
> Ironically, it is this view of prostitutes as 'fallen women' which makes them such potent symbols of female sexuality for many men. It is not coincidental that those who visit prostitutes often act out fantasies of violence and degradation which are repressed in other aspects of their lives. These assumptions are reflected in a literature on prostitution which, until recently, was blind to even the most startlingly obvious social and economic factors affecting the involvement of women in the business. In the past those who investigated the phenomenon of prostitution concentrated almost exclusively on the personal and family background of those who sold sexual services. By contrast, the behaviour of clients was characterised as a normal expression of male sexuality and consequently of little interest to psychologists or social scientists.

It is obvious from this—and many other examples could be given—that it is recent feminist analysis of the role of prostitutes in a patriarchal society which explains most clearly the reasons why prostitutes have been criminalised and penalised throughout the centuries without the same penalties and sanctions being levelled at the male client. It is only in recent years that it has been understood that, without the demand from men, there would be no supply from women, and that to penalise only the prostitute is unfair and discriminatory.

It is also only in recent times that the incidence of prostitution has been considered in relation to social and economic conditions that prevail in the employment and skills training and job opportunities and relative wages offered to prostitutes. While there have been numerous studies of prostitutes themselves, they have rarely been undertaken in a social context—and to this day I am unaware of any serious study of the clients of prostitutes to analyse their attitudes to prostitutes in general and why they choose paid rather than free sexual activity.

One small piece of history may be of interest to honourable members. There is a study of prostitution in South Australia from 1836 up to the time of the First World War. This occurs in a book, *So Much Hard Work*, edited by Kay Daniels, and the chapter on South Australia is by Susan Horan. She made extensive use of police records and records of the industrial school as well as those from reformatories.

She indicates, from her careful analysis, that in 1881—that is, 110 years ago—police claimed that in the city of Adelaide and the suburbs of Norwood, Kensington and Hindmarsh there were 500 known prostitutes. Since the number of adult males in these areas was then 14 426, this means there was one prostitute to every 28 adult males—a rather remarkable figure for those who talk about increases in prostitution. I am sure that non-one would suggest that we have one prostitute per 28 adult males at the moment. While this extraordinarily high ratio may say a great deal about nineteenth century sexual mores, to me it is a damning indictment of the employment opportunities available to women at the time and the abysmal pay offered for the few jobs they were allowed to undertake. For many it was sell themselves or starve.

It is clear that attitudes towards prostitution have changed in recent years. All surveys of public opinion now show a clear majority of the population favouring decriminalisation of prostitution, with majorities of the order of 75 per cent supporting the general principle.

If this Parliament has the guts to finally remove the shame of existing discriminatory laws from the Statute Book it will have the approval of the majority of people in this State. Those opposing the move may be noisy but, rest assured, they are the minority. I say this to reassure those here who might hesitate to do what they know in their hearts is right and fair, but fear ctiticism that they do not express the views of those in the community whom they represent. The reverse would be true.

With regard to the Bill before us, I do share some of the concerns which have been expressed by the Hon. Ms Pickles and the Hon. Ms Laidlaw, particularly regarding the health provisions and planning aspects. I shall certainly give careful consideration to the foreshadowed amendments when we move into Committee, but at this stage I wholeheartedly support the second reading. I congratulate the Hon. Mr Gilfillan for his initiative in raising the whole topic yet again, and I trust that we can finally achieve the removal of our current disgraceful law on prostitution from the Statute Book.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 10 October. Page 1055.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading of the Bill. In debating it, it is appropriate to perhaps make some contextual comments on the economic situation in South Australia before proceeding to comment on some key aspects of the Bill. I will not repeat all the comments that I made a month or two ago in the wide ranging Supply Bill debate that we had in this Chamber. It is an extraordinarily difficult time for South Australians and the community generally as well as for the Parliament, whether one is in the Government or part of the alternative Government of the day. It is therefore in that context that we ought to be viewing this Bill before us. We ought to look at the major and significant problems that exist in South Australia currently and try to see whether the Appropriation Bill will do anything to assist the significant economic problems facing South Australia. It is clear from press and media debate that the pre-eminent social and economic issue currently for Australians is unemployment. One only has to pick up a national or local newspaper to see the continuing series of articles with viewpoints and concern about the level of unemployment nationally and locally.

To that end I will refer to the most recent labour force figures that were released at the end of last week and look particularly at the South Australian situation in relation to unemployment. The most recent figures indicate that some 75 000 South Australians were unemployed and that 640 000 South Australians were employed. If one looks at the trend in the employment and unemployment figures over the past six to 12 months one will see that it is not very encouraging particularly in relation to the number of people who were in employment, As I said, at the moment that is some 640 000 people, but just four months ago, in June this year, some 656 000 South Australians were in employment. In the short space of four months some 16 000 South Australians have lost their jobs, or as economists would put it, there were 16 000 fewer South Australians in employment in September compared to those in employment in June. That brings home the stark reality of unemployment in South Australia and the dire economic circumstances that exist in industry in this State.

If one compares the December 1990 figure to the September 1991 figure one will see that some 26 000 jobs have been lost in the South Australian economy—a drop from 666 000 in December last year to 640 000 in September this year. In the space of nine or 10 months 26 000 jobs have been lost in South Australia, but that is only part of the problem. One of the other tables included in the labour force figures that does not get much publicity is the participation rate and that is, technically, the percentage of the labour force in the civilian population aged 15 years and over.

The participation rate figure indicates those people in South Australia who are either in employment or actively pursuing it. The labour force figures show that the participation rate has dropped from around 63.5 per cent in April this year to 61.9 per cent in September. If you tear away all the economic jargon from the participation rate, what that figure shows is that more and more people are dropping out, that they are not even actively seeking employment in South Australia. It is not only those who are registered as being unemployed in South Australia we need to be concerned about; to give an indication of the true level of unemployment in South Australia there is a hidden level of the unemployed, and the participation rate gives some indication of that. What that participation rate figure shows is that, as South Australia continues to get further into the trough of this economic recession or depression, more and more people are throwing up their hands and saying, 'It is all too hard,' and they are not actively pursuing employment in any way. Those people are being hidden in the unemployment figures published every month by Commonwealth departments.

Obviously it is a matter of concern that nationally we now have almost one million unemployed, as Dr Hewson and my Federal colleagues have often cited in the media. Moreover, 26.4 per cent of 15 to 19 year olds in South Australia are currently unemployed. It must be a matter of concern to any member in this Chamber who has children or perhaps grandchildren of that age to know that more than one in four (and as we head to the end of the school year perhaps one in three during the school holiday period) of our 15 to 19 year olds will not be able to get a job if they are actively looking for one.

Recently some members may have been involved in the limited number of cadetships that were advertised widely by the *Advertiser*, which set tasks for those potential journalists to undertake. I know that my office and those of many other members were literally flooded with requests by young job hopefuls trying to secure one of those five or six positions. I understand that sometimes the *Advertiser* gets 500 to 700 applications for such a limited number of positions.

If one talks to the major retail employers such as John Martin's, Myer or David Jones one will find, as we head into the Christmas period, that they have literally been flooded with thousands of applications from school students or school leavers who are looking for casual work during the Christmas break or permanent work on completion of their schooling. I am sure that all members would know of young people who are presently belting their heads against

a brick wall trying to find jobs so that they can get off the unemployment benefit.

It is very sad to see the 18 or 19 year old young men and women who have passed that magic age of 15 to 17 years which some employers, particularly retailers, fast food outlets and supermarkets, see as a cost benefit in relation to wage payments. They apply for those jobs but are unsuccessful, and find themselves with no experience to win the few positions that are advertised by other employers.

For a Labor Party and a Government that is supposedly built on and closely tied with the labour and industrial movements the unemployment situation is certainly a disgraceful record. It would be particularly galling to members of the Labor Party and its supporters to have, as we have seen in the past, its leading spokespersons, such as Paul Keating, the former Treasurer, saying that this recession and this level of unemployment was created deliberately by the Federal Government because it was a recession we had to have.

That statement, which was made by Paul Keating and supported by others, has come back to haunt the Labor Party and the Government. It will sound the death knell of Labor Governments in both Adelaide and Canberra when the working class supporters of the Labor Party realise that we are not just going through a brief lull in economic activity but, as some economists are predicting, are potentially looking at an unemployment level of 8 per cent to 10 per cent for maybe the next one to two years. The current Treasurer, John Kerin, is predicting an unemployment level of 8 per cent to 10 per cent for the next 12 to 24 months as well.

So, I do not think there is any use now for members of the Labor Party, the Federal caucus or even the State caucus to start wailing, gnashing their teeth and beating their breasts, saying they are concerned about the levels of unemployment in Australia and South Australia. They have the responsibility; they have been the Party of Government, both in Canberra and in Adelaide, for some eight years now. They have had the reigns of economic leadership. As Paul Keating would have said, they have been pulling the economic levers to create the present situation that we are in at the moment, and they can blame no-one but themselves. They can blame no-one but their own leadership in Canberra and here in Adelaide for the economic circumstances that exist in South Australia and Australia at the moment.

They cannot talk in terms of national or international recessions; they cannot talk in terms, at least for a good part of the past eight years, of a major rural drought over the whole of Australia. Both of those conditions did apply at the time of the last recession we had in 1982-83. This recession or depression has been brought about substantially by circumstances created by the leadership of the Labor Governments in Canberra in particular and also in the various States.

At this time of significant unemployment in Australia and South Australia it is interesting to see what the Labor Party leadership and its Caucus are concerning themselves with. I must say that the unedifying spectacle of the past three to six months in Canberra of the battle for the leadership of Paul Keating and his supporters and Bob Hawke and his supporters must be particularly galling for those almost one million unemployed Australians. I do not know how many of those unemployed Australians would have read the front page of the *Australian* today but, if they had, any prospect of support for the Labor Party in Canberra would have gone right out of the window. Under the heading 'Perks debate overrides the plight of our jobless', the political correspondent for the *Australian*, Glenn Milne, takes the political hatchet to the Federal Labor Caucus in no mean fashion. I want to quote briefly from the introduction to that article as follows:

> With unemployment already through the tragic 10 per cent barrier, the Federal Government yesterday fiddled while the jobless burned. The Labor Caucus, which has publicly been wringing its hands over the need to do something, yesterday spent more time discussing their own parliamentary perks of office than the plight of those out of work.
>
> Instead of taking the chance to pressure the Cabinet over the need to generate jobs, the 110-member Caucus took 45 minutes of its allotted 90 to complain about the threat to their luxury chauffeur-driven limousine service.
>
> As the jobless queue lengthened, they whinged about having to take taxis instead of white LTDs. They lamented the fact that as a result of cost-cutting measures, they sometimes could not get a car and driver the moment they walked out of the $1 billion Parliament House.

I will not read the rest of that article by Glenn Milne for the benefit of members but, needless to say, it continues in that fashion and concludes:

> Given the disgrace of yesterday's debate, they will need them [cars less visible than LTDs].

That is the frustration that our community and now the political correspondents are feeling with respect to the action or, more particularly, the lack of action by the Federal Labor Government in relation to the critical question of unemployment.

If we look at this Appropriation Bill in the context of what it does, if anything, for unemployment in South Australia, we can see that this Bill can very easily be described as a tragic failure. There are certainly a number of references to unemployment and I want to refer to two or three of those. First, we must concede that there is some small solace for some employers in that the payroll tax level has been reduced from 6.25 per cent to 6.1 per cent so, in a very small way, there is some benefit to some employers in South Australia. If one looks at the fact that the level of taxes and charges in this Appropriation Bill are budgeted to increase by some 11.5 per cent, or over 8 per cent in real terms, and that that comes on top of the budget last year which increased State taxes and charges by some 18 per cent, one can see that this Government is certainly not in the business of creating the economic environment where businesses can go out and confidently predict that the economy will turn around, that the level of State taxes and charges will at least be held at the same level or reduced, and that they can take the risk of hiring extra young people in their firms, waiting for the upswing in the economy if and when it comes.

The simple economic fact is that if we slug businesses with an 18 per cent increase in taxes and charges in one year, and an 11.5 per cent increase in taxes and charges the following year, businesses will not be encouraged to go out and employ more people and, in fact, the reverse will occur. Businesses will shed labour; they will sack people and move to rely on capital to a greater degree, rather than on labour; or they will just close down. As my colleague the Hon. Legh Davis reminded this Chamber only last week, the increasing number of bankruptcies in South Australia is testimony to the problems that small businesses in particular are confronted with as a result of the economic and financial climate and environment that confront them in South Australia.

The second area that the Government and particularly the Minister for unemployment, the Hon. Mr Rann, might refer to in this Bill, is in the area of this supposed new high flying program called Kickstart. When Kickstart was first launched, certainly on the surface it sounded a wonderful project and people were enthused that here was something the Government was doing to try to assist the young unemployed in particular. I remind members that on 12 August

the Premier put out a press statement headed, 'Premier kickstarts employment and training strategy', as follows:

> The Premier Mr Bannon today launched Kickstart, a $16 million employment and training initiative... 'Training is vital for our future,' Mr Bannon said. 'We need to ensure that South Australia is well placed to come out of this national recession in a better position to take advantage of emerging opportunities.'

Further, there is talk about an extra 1 000 prevocational places for this year. Without my reading the whole press release, generally it is a particularly upbeat press release and is an indication by the Bannon Government that it was concerned about the level of unemployment and that it was doing something about it, with its $16 million employment and training initiative called Kickstart.

I must congratulate Premier Tonkin and his Cabinet (we have a member of the Tonkin Cabinet in the Chamber this afternoon) on the initiative of the Estimates Committees. One of the advantages of the Estimates Committee process of this Parliament is that one can go behind the rhetoric and on occasions (not always successfully—nothing is perfect) one can get to the truth of what is and is not being done in relation to a particular program, such as Kickstart. In the Estimates Committee on the Department of Employment and Technical and Further Education, the truth came out in relation to Kickstart. As I said, instead of this $16 million bold new initative for employment and training, what we found was that Kickstart in essence was a con—a cruel con—by the Minister for unemployment and his sidekick, the Premier, on the young unemployed in particular here in South Australia.

All that occurred in relation to Kickstart was that the Government abolished about half a dozen existing employment and training programs, repackaged them and came up with a trendy new name—Kickstart. It put its Minister for unemployment and publicity in charge of this initiative and told him and the Premier to publicise the fact that the Government had a new $16 million employment and training initiative. That is a cruel deceipt perpetrated on the young unemployed in South Australia, because the simple fact is that, in real terms, there will be no significant new additional effort in relation to employment and training this financial year compared with last year. All we have is a program called Kickstart, and the Government has got rid of programs such as WorkReady, WorkLink, the local employment assistance program, the local employment development program and the self employment support program.

In addition, the Bannon Government has abolished the public sector youth recruitment program, which provided about 300 jobs for young people in the public sector. At the launching of Kickstart, it was reported:

> The Premier (Mr Bannon) today launched Kickstart, a $16 million employment and training initiative.

The word 'initiative' certainly stretches the imagination, but people might have inferred from the reference to $16 million that this was a State Government initiative. However, the truth of the matter is that the State Government is contributing only $6 million and the Commonwealth Government is contributing $10 million. In real terms, the $6 million that the State Government is contributing to Kickstart is a very, very, very small increase in the amount of money provided by the Bannon Government to those six programs in the previous financial year.

So, when the young unemployed of South Australia become aware of that cruel con by the Government, community anger will be directed at the Government and, in particular, at the Premier and the Minister of Employment and Further Education. With reference to the areas of taxation and charges, investment, employment and training and Kickstart, if one analyses the Appropriation Bill in the context of the major problem in the economy at the moment—the level of unemployment—one can see quite clearly that this Bill and all it suggests in regard to management by this Government over the next 12 months is a failure. It will fail to do anything about improving the level of employment in South Australia.

The other matter relating to the Appropriation Bill that also impinges on the potential level of employment in South Australia is the question of the State Bank bail out. I do not intend to go into the detail of the State Bank's problems, but I want to concentrate on the way in which they impinge on this Bill. We all know that there is a $2.2 billion bail out of the State Bank, but the major effect on this budget is the cost of the interest repayment for this financial year—$220 million. That amount will not be paid off any of the principal, it is only an interest repayment on our debt for the State Bank bail out. That amount of $220 million will be repaid next year, the year after, and well into the next century.

I repeat: that is only an interest repayment. If we seek to repay the principal on the State Bank bail out, we will have to put into each Appropriation Bill significant sums of money greater than the amount of $220 million that has been budgeted for this year.

From discussion about the State Bank bail out, I have discovered that many people have difficulty comprehending the enormity of the figures of $2.2 billion and $220 million.

The Hon. J.F. Stefani: In perpetuity.

The Hon. R.I. LUCAS: As my colleague, the Hon. Mr Stefani said, it is in perpetuity, unless the Government can find more money to start repaying the principal rather than an interest only repayment. In an attempt to bring home the enormity of this amount of $220 million, I will indicate some of the things that an alternative Government might have done with that sum in this budget if we had not got ourselves into the tragic mess that the Bannon Government has managed to get us into over the State Bank.

We could have created 4 000 jobs for the young unemployed by giving a training subsidy to employers—4 000 young people could have gone straight into employment by the payment to employers of a significant employment and training subsidy. We could have taken $200 off the annual electricity or water bill of every household in South Australia. We could have abolished every hospital waiting list and we could have given to each of the 700-odd schools in South Australia $60 000 this year and every year to enable them to buy essential equipment, hire extra staff, increase their level of maintenance or purchase computers.

We could have employed an extra 300 police to try to reduce the number of burglaries and car thefts that afflict and concern most South Australian families. We could have spent $10 million to clean up every major park in our State. That would have been one way of spending the $220 million that we are currently spending on the annual interest repayment on the State Bank debt. I am sure that other members would spend that money in different ways. Certainly, the $220 million could have been diverted towards reducing the level of taxation and charges faced by employers in South Australia to try to create a positive investment climate in which business could expand and which would attract business to South Australia in an effort to increase the level of job opportunities.

I call that a Liberal model for employment generation. The socialist Left or the Labor model of employment creation could have spent the whole $220 million on providing 8 000 to 10 000 unemployed with jobs in the public sector. If we wanted to follow that model and put them all on the

public payroll, we could have reduced the level of unemployment in South Australia by 15 to 20 per cent in one fell swoop.

The Hon. G. Weatherill: Would you do that?

The Hon. R.I. LUCAS: No, I said that is the model of the socialist Left. That is your model and your line of thinking; it is certainly not ours. I am saying that the Government could have spent the $220 million on creating an investment climate to enable the private sector to invest and to employ more young South Australians.

The Hon. G. Weatherill: Would you do that?

The Hon. R.I. LUCAS: Obviously, that is a model that we would like to encourage. We are saying that, whichever model is adopted, whether it be the model that the members of the socialist left such as the Hon. George Weatherill would like to adopt, or whether it be the model that we would like to adopt, let us not argue about that this afternoon.

The Hon. G. Weatherill: You aren't keeping up with the times, are you?

The Hon. R.I. LUCAS: Let us not argue about that at the moment. The simple fact is that neither of us will be in that position, because this Government has bungled and, in effect, that means that we must spend that $220 million on interest repayments on the State Bank debt. The Hon. Mr Weatherill and I will not have the possibility of being able to think of how we might have better spent that money to put more young South Australians in jobs, whether in the public or private sectors. The simple fact is that every year we will make interest repayments of $220 million, and that money is lost. We cannot use it for job creation or job generation because of the State Bank bail-out debacle.

As I said, I do not want to enter into a debate as to which employment creation model is best: that is for another time. We are here talking about the Appropriation Bill and a lost opportunity for South Australians, in particular, for the young unemployed in South Australia, because this Government has put us in such a mess that we have lost that $220 million, not just for this year or for next year, but forever and a day, until we, in some way, can find extra money to pay off the principal. So we have lost this $220 million forever. That $220 million is the equivalent of $600 000 every day of the year: every day of the year that we sit in this Parliament and do or do not pass Bills, another $600 000 in interest repayments must be paid off because of the State Bank debt. That is $600 000 each and every day of this year and for every year that takes us into the next century. That is the tragedy of the State Bank bail out. That is the tragedy for the young and unemployed in South Australia as a result of the policies of this Government—policies that have been supported, I am sad to say, even by members of the socialist left in South Australia, such as the Hon. George Weatherill and the Hon. Terry Roberts.

The last general area I want to touch upon briefly includes some of the major assumptions made in relation to the Appropriation Bill. Certainly, one of the major problems in the budget is the fact that last year the Bannon Government made an allowance of $126.6 million for unanticipated wage and salary increases. This year the Bannon Government has said that there will be a 2.5 per cent increase in wages and salaries and that if there is any increase over and above that, the individual departments will have to absorb the increase. Mark my words: come the second six months of this financial year and the early part of next year, we will see departments getting themselves into trouble as the Police Department is at the moment in relation to having to pay for wage and salary increases of a order greater than the 2.5 per cent that has been budgeted for.

To have a situation where, on the surface of it, the Government saves $126 million this year by not making any allowance for unanticipated wage and salary increases is really an illogical shortcut in relation to the economic accounts of the State which will put us in a lot of difficulty come the second part of the financial year. The budget is also predicated on the basis of a very dodgy prediction in relation to the inflation rate in South Australia. The budget documents are based on assuming an inflation rate of 2.5 per cent in South Australia this year. That figure is a full 1 per cent lower than the Federal Government's own estimate for the level of inflation in Australia for the current financial year, and that estimate is included in the Federal budget papers. We know that in recent years South Australia's inflation rate has been higher than the national average, so for Mr Bannon to predict that we will be a full 1 per cent lower than the Federal Government's estimate is economic lunacy. Again, that will build a further pressure point in these budget figures, and we will see problems in the early part of next year as the Government tries to balance its books.

The final major problem relates to the position of the Consolidated Account and the borrowings implicit in this budget. I seek leave to have incorporated into *Hansard* a purely statistical table headed 'Consolidated Account Overall Position'.

Leave granted.

CONSOLIDATED ACCOUNT
OVERALL POSITION

	1990-91 Estimate ($ m)	1990-91 Actual ($ m)	1991-92 Estimate ($ m)
Recurrent Operations			
*Receipts	4 616.8	4 594.2	5 071.7
†Payments	4 654.5	4 710.4	5 218.9
Deficit	−37.3	−116.2	−147.2
Capital Works			
*Receipts	334.3	321.6	311.5
†Payments	557.0	564.5	494.2
Shortfall	−222.7	−242.9	−182.7
Borrowing Requirement to Fund			
Recurrent Deficit	37.3	116.2	147.2
Capital Works	222.7	242.9	182.7
	260.0	359.1	329.9
Borrowings from			
*SAFA	266.3	365.5	326.3
*Commonwealth Government	3.7	3.6	3.7
	270.0	369.1	330.0
Consolidated Account Cash Surplus	10.0	10.0	0.1

Source:
*Estimates of Receipts 1991-92—page 7
†Estimates of Payments 1991-92—pages 5 and 7

The Hon. R.I. LUCAS: This table indicates that on recurrent operations—the day-to-day spending—the Bannon Government will this year run a deficit of some $147 million. On the capital works there is a shortfall of receipts compared to payments of some $182 million. Therefore, the borrowing requirement to fund both the recurrent deficit and the capital works shortfall is a total of some $330 million: $147 million for the recurrent deficit and $182 million for the capital works. Those amounts will be funded by borrowings from SAFA of $326 million and from the Commonwealth Government of $3 million to give a Consolidated Account cash surplus of some $100 000.

It is interesting to look at that figure, because members in this place with a long memory will know that Premier

Bannon roundly castigated Premier Tonkin for borrowing to balance the recurrent books—for borrowing sums of money to ensure that the day-to-day spending of the Government could be balanced. Premier Bannon used to be very prominent in his criticism that, over some three years, the Tonkin Government ran deficits on the recurrent account but borrowed to pay off those deficits, and over three years borrowed $147 million.

The hypocrisy of Premier Bannon and his Cabinet is quite clearly evident when one looks at the table which has been incorporated into *Hansard* and which shows that Treasurer Bannon is running a deficit on the recurrent account of $147 million in this financial year and that he is borrowing from SAFA, the international markets, and from everywhere to pay for his day-to-day spending. In the space of one year, Premier Bannon is running a deficit on the recurrent account of a size equivalent to the deficits run up over three years by Premier Tonkin. As I said, he roundly criticised those deficits.

That is a further indication of the hypocritical nature of much of the substance of the approach to the economy and the Appropriation Bill that is evident in the management by Premier Bannon of the State's finances. In the Committee stages of the debate I intend to raise a number of questions in relation to the area of education, to which I will not seek immediate responses. However, I want to raise one request for information with the Leader of the Government in this Council, because it covers all portfolio areas. The Financial Statement 1989-90 referred on page 169 to an average employment for 1989-90 for all the administrative units in the SA Health Commission in South Australia, with a total being shown on page 170.

This year's Financial Statement on pages 151 and 152 provides a table of employment in relation not to average employment but to actual employment as at June 1991. As honourable members will be aware, it is not possible to compare the table in this year's paper with the table in the previous year's paper. My request to the Leader of the Government, in his response to the second reading, is whether he is prepared to ask the Premier and Treasurer and Treasury officers to provide a table which is directly comparable with pages 169 and 170 of last year's Financial Statement; that is, estimates of average employment for 1990-91 in the administrative units and the South Australian Health Commission. I seek that response from the Leader of the Government in his reply to the second reading debate, because, if we are not to get it by way of a general response, we will try to pursue it by way of specific question to the Minister and perhaps other officers who might be called in to assist during the Committee stage. I support the second reading.

The Hon. J.C. IRWIN secured the adjournment of the debate.

[*Sitting suspended from 5.43 to 7.45 p.m.*]

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 12 September. Page 808.)

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): In winding up this debate I would like to refer to the speech made by the Hon. Mr Griffin. In doing so, it is important that we put on one side issues which relate to the State Government Insurance Commission and look at this Bill on its own merits. The purpose of the Bill is to bring claims for damages by persons injured whilst travelling on trains or trams operated by the STA or by ANR and any other prescribed person or body into line with what already happens with regard to motor vehicles. Motor vehicles, of course, include buses operated by the STA or by private companies. For the information of honourable members, I understand that the former Crown Solicitor, in a memorandum dated 23 December 1988 to the Chairman of the STA regarding section 35a of the Wrongs Act and the meaning of a motor accident and whether accidents involving trains and trams come within the meaning of a motor accident, in part said:

> I am further of the opinion that the provisions of section 35a would similarly apply to situations where injuries occur as a result of an accident between a motor vehicle and any form of transport used by your authority for the conveyance of the public.
>
> I use as an example an accident between a motor vehicle and one of the authority's trains at a level crossing. It is clear in the example cited that the accident was caused by or arose out of the use of a motor vehicle and that therefore the principles governing the assessment of damages in relation to injuries arising from that accident would be contained in section 35a of the Wrongs Act.
>
> However, I am of the view that the provisions of section 35a of the Act will not apply to incidents arising exclusively out of the authority's trains or trams. An example of this might be where injury arises from an accident involving the derailment of the train or tram or the collision of two trains.

Therefore, I am sure that all members will agree that there is an inequitable situation concerning this matter, because, should there be a train accident involving a motor vehicle as well, as defined by the Motor Vehicles Act, section 35a of the Wrongs Act would apply. However, there could be an incident involving a train only where injured passengers would receive up to approximately three times the amount for general damages. Therefore, the Government considers that persons who sustain personal injuries while travelling on trains or trams, as outlined in the Wrongs Act Amendment Bill, should be treated equally with those who are travelling in motor vehicles, and I hope that all will agree that it is equitable and reasonable to do so.

I agree with the Hon. Mr Griffin that no case of any significance has yet arisen concerning a train accident where such savings would have been made. However, should an accident occur involving a train or tram and not involving a motor vehicle as well and, say, 100 passengers are injured, in those circumstances I reiterate that, without the proposed amendment to the Wrongs Act before us, it is estimated that 75 non-serious injuries could result in damages of about $3.750 million. However, it is estimated that this could be reduced by 50 per cent, if this amendment is carried.

I draw to the attention of members the fact that there are no prescribed persons or bodies put forward with the proposed amending Bill and, should any person or body apply to be covered by this amendment, it would have to be submitted to the Parliament for consideration through the regulation procedure. I urge all members to support the Bill because, as I have stated, it is considered that it is equitable and reasonable to eliminate the distinction that presently exists between personal injuries arising from accidents involving only trains or trams and those arising from or involving the use of motor vehicles with or without trains or trams.

The Council divided on the second reading:

Ayes (10)—The Hons. T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Noes (9)—The Hons. J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Pair—Aye—The Hon. T.G. Roberts. No—The Hon. Diana Laidlaw.

Majority of 1 for the Ayes.

Second reading thus carried.

DISTRICT COURT BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 878.)

The Hon. I. GILFILLAN: I rise to indicate the support of the Australian Democrats for the overall concept of the package of Bills before us. It is not my intention to give extensive second reading speeches on the bracket of Bills which I think appropriately are called the court system reform Bills. To most people in this State, including, I guess, most honourable members in this place, the intricacies of the judicial system are not familiar territory. I acknowledge the efforts of the Attorney who, through his staff, provided the Democrats with briefing material and personnel to facilitate this matter and also I must extend my thanks to the Hon. Trevor Griffin who spent a good deal of time detailing his position to the Democrats.

I accept and agree with the comments contained in the Attorney's second reading speeches on the Bills that the main thrust of this legislative push is to streamline and improve the efficiency of the court system and, at the same time, to reduce some of the high costs that are often associated with legal cases for ordinary people. I have received letters on certain aspects of the Bills from the South Australian Council of Social Services, the Legal Services Commission, the Adelaide Central Mission and the Law Society and, in addition, I have spoken with members of the legal profession about some of the detail of the Bills. This has provided me with an overview of the legislation and also some questions and concerns, some of which have been satisfactorily answered during briefings from members of the Attorney-General's Department. In dealing with some specific aspects of the Bills it is worth quoting from a letter sent to me from Christine Feary, Manager of the Financial Counselling Service of the Adelaide Central Mission. Ms Feary, in referring to the Government's proposed lifting of the small claims level from $2 000 to $5 000, states:

> ... we understand that other States have a limit of at least $3 000 under equivalent legislation and many more people will be able to take this course of action.

She goes on to say:

> ... the latter is important in that there are these consequent advantages—we believe the cost is lower than other alternatives, action is certainly less intimidating because it is less formal, this procedure is less demeaning than unsatisfied judgment summons procedures and overall the consumer will benefit.

I support Ms Feary's view on this matter. I had some concerns about aspects of both the District Court Bill and the Magistrates Court Bill over issues such as the transfer of jurisdiction and what may have been the associated costs involved through application fees and the requirements of solicitors having to appear repeatedly.

However, after discussions with an officer from the Attorney-General's office, I understand that the Attorney himself will be moving a number of amendments to these Bills—and he might like to refer to them in his reply—and I am led to believe that these amendments largely rectify many of the areas where I had specific concerns. I observe that this is unsatisfactory to this extent: I consider it somewhat sloppy on the Government's part that it is now having to move a number of amendments to its own Bills. Given the resources that are available to the Government in dealing with such an important issue as the overhaul of South Australia's courts system it is amazing that this belated attempt to patch up the holes is being done in this way. Nevertheless, I welcome the foreshadowed amendments, if they come to light, as we have been led to believe.

I believe that one of the more controversial aspects of the legislation before this Council is that dealing with a possible financial penalty imposed on lawyers considered by a court to be wasting time. I have spoken with some legal practitioners who claim that if time wasting does take place it is often on the instruction of the client. Others tell me that some inexperienced clients become the hostage of experts—in this case the lawyer—and are advised that a deliberate delay in processing is in their interests. I invite the Attorney to provide some substantiated examples of the types of deliberate delays which he knows occur and which have justified this proposed amendment.

In dealing with the District Court Bill, I support the intention of clause 32 which deals with conciliation and the provision of an early settlement of a part-heard matter. Clause 32 (3) of the Bill provides:

> A judge, master or other member of the court who takes part in an attempt to settle an action is not disqualified from continuing to sit for the purpose of hearing and determining the action.

This, I believe, is vital to the proper running of an efficient courts system but, at the same time, I do have some concerns over the role of the judge in acting as the conciliator as well as in his/her judging role. Without reflecting on the integrity of a judge, I believe there must be provision for an alternative, independent conciliator to act if one of the parties concerned objects to the involvement of the judge in the conciliation process.

I will take the opportunity, while dealing with this matter, to raise an associated issue—that is, the pre-trial conference. It seems that often the pre-trial conference is nothing more than an exercise in going through the motions, and I ask the Attorney to consider some way of perhaps giving this process, which should be more effective than it is to achieve early settlement, more teeth.

In dealing with the Magistrates Court Bill I refer to a letter I received from the Chairperson of the South Australian Council of Social Services, Ms Helen Disney. In part her letter states:

> ... low-income people need an accessible means of dispute resolution at a minimal cost. The small claims jurisdiction is well suited to provide this.

She adds:

> ... from our member's experience in assisting low income people with their motor vehicle claims, neighbour disputes and contractual matters, legal costs in matters under $5 000 are too high to make it worth pursuing a claim ... in view of the need for accessible low cost justice at this level, we hope that you will support the Bill.

I assure her and members of this Council that in this regard we certainly will.

I would like to comment on clause 8 of the Strata Titles (Resolution of Disputes) Act Amendment Bill and the new definition of 'special resolution'. The current situation in voting in this instance is that a two-thirds majority of all members of a strata corporation is needed before a special resolution can be passed. The proposed amendment is that a two-thirds majority of all members present at the special resolution meeting will now suffice.

As I understand it from information provided again by the Attorney-General's office, this change in voting pattern is deemed necessary to overcome problems associated with large strata corporations of perhaps 30 members where a

majority or large number of members do not turn up for the meeting. In that case non-attendance and non-provision of a proxy means that, for the purpose of the special resolution, those votes are taken to be against the special resolution. This is without doubt a hindrance to those members seeking approval for structural alterations or the installation of items such as airconditioning, all of which must be approved by special resolution.

Equally the proposed amendment does have a downside. For example, there are more than 10 000 people involved in strata corporations in South Australia and, according to strata management companies, the overwhelming majority, around 60 per cent to 70 per cent, are small strata corporations of eight members or less. A case in point, and one about which I have personal knowledge, is a four member corporation in the city where one owner holds two units and therefore two votes and the other two units are held individually with a vote each. One of the single unit holders is an investor—

The ACTING PRESIDENT (Hon. Carolyn Pickles): Is the honourable member referring to the District Court Bill or dealing with all the Bills collectively?

The Hon. I. GILFILLAN: I began my second reading contribution by indicating that, for the convenience of the Council and to save time, I would speak on all the Bills that are bracketed together. If there is a requirement, I seek leave to do so.

Leave granted.

The Hon. I. GILFILLAN: I refer back to the issue and its relationship to the Strata Titles (Resolution of Disputes) Act Amendment Bill. This particular case—a four-member corporation in which one member holds two units and therefore two votes and one of the other two single unit holders is an investor who spends most of his time overseas, does not wish to be contacted, does not arrange for a proxy and never turns up to any strata corporation meetings—does highlight the difficulty with the Bill as it is currently drafted. This leaves all meetings with just two people with a 2:1 voting ratio.

In the case of a special resolution both parties dutifully turn up to the meeting and can usually work out an amicable arrangement over the special resolution. In the case where the special resolution does not suit the single vote unit holder his protection is the current legislation which requires two-thirds of all votes. If this amendment goes through that protection will disappear because it will be 2:1 against in every meeting, and there will be no recourse for the single vote holder to get the fourth member, who is constantly out of the country, along. I know that this is a particular case, but I hope that it highlights to the Attorney that with strata corporations of fewer members there is a risk that this amendment could disenfranchise unit holders.

I know the simple answer is to refer to Part IIIA of the Act which is proposed to be inserted after section 41 of the existing Act and deals with the resolution of disputes. But, it does seem to me to be somewhat extreme to have a strata unit holder who, under the current Act, has some protection from a stacking of votes, but will now be forced by a situation beyond their control to seek a ruling in court.

Given the nature of these Bills, which is basically to streamline the courts system, it seems inappropriate to me to build into an Act which has worked well for many strata unit holders a mechanism which could see more disputes end up in court. It strikes me that in this circumstance a change to the voting system will disadvantage many individual members, especially in small corporations. The Attorney believes that his amendment will encourage those unit holders who do not turn up to meetings to take a more active interest in proceedings, but in the case I have just outlined it will have the opposite effect in that one unit holder is almost always overseas and does not want to take part and the other single unit holder might as well not bother turning up because his vote will not carry any weight in a 2:1 situation.

I ask the Attorney to reconsider, in due course, this part of the Bill when he is dealing with it. If it would be of benefit, the Democrats would be happy to move an amendment to this clause. I indicate the overall support of the Democrats for this package of legislation which aims to make substantial and warranted changes to the South Australian courts system. We hope that it will improve and provide a better level of justice to the general public. We support the second reading of the Bill that is presently before us and indicate our support for the Bills that are bracketed together under the general title of 'court reform Bills'. We support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contributions and support for the Bill, and will now attempt to reply to the various queries that have been raised although some of those that were raised by the Hon. Mr Gilfillan may need to be dealt with in Committee. Points raised by the Hon. Mr Griffin in relation to the District Court Bill are as follows (I will number the points raised by the honourable member and give my reply):

1. The Bill does not give any indication as to which cases magistrates should commit to the Supreme Court and which to the District Court.

Under section 112 of the Justices Act magistrates now have to decide to which court to commit a defendant where the charge is a group II offence. New section 109 of the Justices Act sets out similar criteria for the guidance of Magistrates and as set out in section 112.

2. The removal of the monetary limit on the civil jurisdiction is opposed by the honourable member.

The removal of the monetary limit from the civil jurisdiction of the District Court is designed to make the best possible use of the judical resources available to the community. As the honourable member points out, the jurisdiction of some interstate intermediate courts is virtually unlimited, and as the Law Society has pointed out in relation to the Magistrates Court Bill, the amount in dispute is not necessarily an indication of complexity. As to workloads, it must be remembered that the District Court will lose some of its workload to the Magistrates Court.

3. Clause 2: It is not clear whether judges are able to serve in more than one division. They ought to be able to.

The judges can serve in more than one division under this provisions, just as now any judge can serve in the Criminal Injuries Compensation Division, for instance.

4. Clause 12 allows for acting appointments for a term not exceeding 12 months.

This provision repeats section 5c of the Local and District Criminal Courts Act 1926, in so far as the appointment of judges is concerned. The power to appoint a person to an acting position for up to a year gives desirable flexibility in organising judicial resources. It may be that it is known that a person will be away for a year and nobody in the auxiliary pool wants to work full time for a year. This provision allows an acting appointment to be made.

5. Clause 12 (5) provides that periods of legal practice outside the State can be taken into account.

This provision repeats section 5b (3a) of the Local and District Criminal Courts Act.

6. Retiring ages and the age discrimination legislation.

The age discrimination legislation does not apply to holders of judicial or magisterial office by virtue of the definition of 'employee' in section 5 of the Equal Opportunity Act. As to the program of the review of legislation containing specific age requirements, preliminary work has been done but the review will not really get under way until next year.

I should say that as far as I am concerned there will be no removal of the age limits with respect to judges. I think the age limits for judges, even with the age discrimination legislation, should remain. I note the honourable member's point about the retiring age of District Court Masters, and we will examine the issue further before the Committee stage. I thank the honourable member for his assistance.

7. Has any consideration been given to fixing retirement other than by a fixed age limit?

The short answer is 'No.'

8. Clause 20 enables jurisdiction to be conferred on master by rules of court.

Section 50 of the Local and District Criminal Courts Act now provides that a master may exercise so much of the jurisdiction of a District Court as is conferred by rules of court.

9. Clause 20 (2): The rules should not prescribe when a judge should sit without assessors.

This provisions provides flexibility and, as with clause 20 (1) *(c)*, I have every faith in the judges.

10. The status and qualifications of assessors are not defined.

Because the jurisdiction to be conferred on the Administrative Appeals Division will consist of that presently conferred on a variety of tribunals under a variety of Acts it is impossible to set out the qualifications of assessors here.

11. Clause 23: Has the issue of hearings in chambers been considered?

Hearings in chambers can be dealt with in the rules.

12. Clause 24: There is no provision allowing a District Court judge to transfer a matter to the Supreme Court.

I agree that there should be and I wil be moving an amendment to this effect.

13. Clause 25 (3): The power is too broad and open to abuse.

I agree that the power is too wide and I will be moving an amendment.

14. Clause 32 is inadequate in that it provides for conciliation only at the trial of the action.

I agree and will be moving an amendment to provide that conciliation may be attempted both before and at the trial. The Conciliation Act needs to remain in place at this stage to provide for conciliation in the Supreme Court.

15. Clauses 33 and 34: Who should pay the arbitrator and expert?

The Government's position is that the parties should pay for these, as they do in the Supreme Court.

16. Clause 39: Rules of court should declare the rate of prejudgment interest, rather than allowing an individual judge to set up the rate from time to time with respect to different cases.

This provision is the same as section 35g (2) *(a)* of the Local and District Criminal Courts Act and, unless there is good reason to alter it, I consider that the *status quo* should continue. The one rate is in fact applicable.

17. Clause 41 allows for payment of money to a child.

This is similar to section 30a of the Supreme Court Act. It does not require the court to pay the money to the child—it merely allows the court to order the payment of the money to a child in appropriate cases.

18. Clause 42 (2) *(c)*: The amount a plaintiff must recover before being entitled to costs should be set out in the legislation.

I would prefer to see the amount set by the rules so that it can be adjusted in the light of experience.

19. Clause 42 (3) allows the court to take action in relation to costs incurred through the neglect or incompetence of a legal practitioner.

This provision is not new. A similar provision has been in the Local Court Rules since 1986 and the NSW Parliament put a similar provision in its courts legislation last year.

20. Clause 43: Appeals are subject to the rules of the appellate court.

The Supreme Court Act empowers such rules to be made in any event.

21. Clause 43 (3) *(a)*: An appeal from the Administrative Appeals Division on a question of fact lies only with leave.

This is the usual appeal right from decisions of administrative tribunals.

22. Clause 47: The contempt provisions may create problems for legal practitioners in representing their clients.

The contempt provisions have never singled out legal practitioners for special treatment, nor should they, in the Government's view.

23. Clause 47 *(b)*: The contempt power extends to officers proceeding to or from a place at which the court is to sit or has been sitting.

I will look at whether this provision needs to be limited in some way, in the light of the honourable member's comments.

24. Clause 51 (1) *(b)*: The rules should not authorise the master to exercise the jurisdiction of the court.

I have already pointed out that Clause 50 of the existing Act now makes provision to the same effect.

25. Clause 51 (1) *(b)*: Allows the rules to modify the laws of evidence and create evidentiary presumptions.

I will be examining this matter and may move an amendment.

26. Clause 51: The rules are to be made by only the Chief Judge and two or more other judges.

At present it is the Senior Judge only who makes the rules.

27. There should be a consultative committee which the judges should be required to consult about proposed rules of court and which should report to the Joint Standing Committee on Subordinate Legislation.

Whilst there may be no objection to an informal committee being established within the judiciary, I suggest that there are difficulties in putting in place a formal mechanism. I think it is quite impractical to suggest that all judges of the District Court should be formally involved in the rule-making procedure because there are over 20 of them and I think that would create practical difficulties.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Again, I think that will still create—

The Hon. K.T. Griffin: There are 14 Supreme Court judges.

The Hon. C.J. SUMNER: They do it, but if there is to be an expansion in numbers it is more likely to be in the District Court than in the Supreme Court. The same point will be made in relation to the Magistrates Act.

28. Resources implications.

The Court Services Department is looking at the resource implications. If the honourable member wishes, we may be able to explore those matters in the Committee stage, but generally it is considered that, as far as the District Court is concerned, there will be savings overall in the system. In fact, if the whole package is passed, there may be significant savings in the District Court but, of course, some of the workload will be transferred to the Magistrates Court because it is cheaper to run magistrates' courts and also cheaper for litigants to appear before them. However, in relation to the first point, namely, whether it is cheaper to run magistrates' courts, there would be some overall savings to the budget by the transfer of work from the District Court to the Magistrates Court.

Bill read a second time.

MAGISTRATES COURT BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 882.)

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contributions and for their support for the second reading of this Bill. I will now respond to the Hon. Mr Griffin's questions, as follows.

1. Do the small claims jurisdictions referred to by the Legal Services Commission allow legal representation, what procedures are applied and is there a right of review?

The bodies referred to by the Legal Services Commission are: ACT—Small Claims Court; NSW—Consumer Claims Tribunal; NT—Local Court (Small Claims Division); Queensland—Small Claims Tribunal; Tasmania—Court of Requests (Small Claims); Victoria—Small Claims Tribunal; and WA—Small Claims Tribunal. The information was gleaned from an article in *Choice* magazine, although the Legal Services Commission checked all the jurisdictional limits.

According to the information in *Choice*, a lawyer may represent a party in only the ACT and the NT, and proceedings in all the bodies are informal. I have verified that the information is correct for all jurisdictions except the ACT and NT. There are no appeals in NSW, Queensland, Western Australia, Victoria or Tasmania. I have been unable to ascertain the position in the ACT and the NT.

2. How did the discrepancy in the second reading speech the Law Society received in the limits to the Magistrates Courts jurisdiction occur?

My officer tells me a mistake was made.

3. Clause 3 includes the definition of 'industrial magistrate'.

The provision in the Justices Act to allow certain offences to be tried by industrial magistrates was enacted in 1972. From 1969 until then an administrative arrangement had allowed industrial magistrates to hear certain offences. Appeals in these matters go, under section 163 (1aa) of the Justices Act, to the Industrial Court. Thus, these provisions are merely replicating what has been the formal position for nearly two decades.

4. Some neighbourhood disputes will be too large and complex to be dealt with as minor civil disputes.

Exclusive jurisdiction is not given to the small claims jurisdiction to deal with these disputes. Parties can choose the forum which they consider the most appropriate. A party can apply to have the action transferred to the District Court if the party considers that the action should be dealt with there.

5. The honourable member's views on the civil jurisdiction limits are noted.

6. Resource implications.

I have indicated when speaking on the District Court Bill that the Court Services Department is looking at resource implications. More information may be able to be provided in the Committee stage, but generally the situation is as I outlined a short time ago.

7. It is not appropriate for jurisdiction to be assigned to a particular division by rules of court.

This provision is necessary to cater for the myriad of statutory jurisdiction conferred on the Local Court and the Courts of Summary Jurisdiction, for example, under the Births, Deaths and Marriages Act, the Firearms Act, the Family Law Act, points demerit appeals and prisoner appeals. All these need to be assigned to either the civil or criminal jurisdiction. In future, one would expect legislation to specify to which division particular jurisdiction was to go.

8. Clause 15 (4) provides that a registrar may exercise the jurisdiction of the court in any matter prescribed by rules.

I agree with the honourable member that it is totally untenable for a registrar to hear committal proceedings or to exercise a jurisdiction which involves sending someone to gaol or imposing hefty fines.

Clerks of courts currently perform several of the functions assigned to the court under the Justices Act, for example, issue warrants. They do this with their justice of the peace hat on. This is the sort of work they would be expected to continue to do under the description 'registrar'. I think that the magistrates entrusted with the rule-making power can be relied on to act responsibly. However, that matter can obviously be looked at.

9. Clause 16: The reference to rules should be deleted.

The rules will allow provision to be made for chamber applications.

10. Clause 19 should enable a magistrate to refer a matter to the District Court on his or her own initiative.

I agree and will be moving an amendment to that effect.

11. Clause 21: Subpoenas.

As with the similar provision in the District Court Bill, I propose to move an amendment to limit the power.

12. Clause 25: Conciliation.

Similarly, as with the provision in the District Court Bill, I propose to move an amendment. When the honourable member refers to conciliation in the Supreme Court, I think he might be referring to conciliation at the first hearing of the compulsory application for directors before the Master. At this hearing the Master and the parties are required to apply their minds to the possibility of conciliation. Practice direction No. 12 promulgated on 1 February 1990 contains detailed directions as to what is required for conciliation conferences.

13. Clause 31 involves payment to a child.

I have explained the similar provision in the District Court Bill.

14. Clause 32: Why is it necessary to refer to the rules?

I have no objections to the reference to the rules being removed.

15. Clause 32 (2) deals with costs against legal practitioners.

I have explained the similar provision in the District Court Bill.

16. Clause 33 (1) *(e)* does not provide that the court must act according to equity, good conscience and the substantial merits of the case without regard to the technicalities and legal forms.

Section 152a (i) of the Local and District Criminal Court Act does not so provide, either. It is to be remembered that most of the bodies to which the formula referred to by the honourable member applies are not courts. We are here talking about a court.

17. Clause 33 (3): Rights of review in small claims.

I have no objections to the honourable member moving an amendment to provide that parties must be informed of their rights of review of small claims decisions.

18. Person to accompany a person in a small claims matter.

I intend to move an amendment to include a provision similar to that in section 152b of the Local and District Criminal Courts Act to the effect that a person may be assisted by another person.

19. Clause 33 (6): There should be a right of appeal from the District Court to the Supreme Court.

There is no right of appeal to the Supreme Court now and I do not believe there should be. There is a good case, in fact, for having no appeal in small claims matters, as indeed is the case in virtually every jurisdiction in Australia. Small claims should be disposed of speedily, cheaply and finally. Any appeal defeats these qualities. However, the compromise position of an appeal to the District Court has been retained. To allow a further appeal to the Supreme Court would further remove the desirable qualities from the small claims jurisdiction.

20. Appeals are subject to the Supreme Court rules.

I have dealt with this point under the equivalent provision of the District Court Bill.

21. Clause 34 needs rewording.

I agree with the honourable member and propose to move an amendment to make it clear that what is intended is that a party is not stopped from litigating the same issue in other proceedings based on a different claim. This is the wording in section 152e of the present Act.

22. Clause 37: On appeals in criminal matters there should be power for the appellate court to take evidence.

I agree and will be moving an amendment to this effect.

23. Clause 40: Contempt.

My response here is the same as my response to the similar provisions in the District Court Bill.

24. Clause 44: Rules of Court.

Once again, my response is the same as my response to the similar provisions in the District Court Bill. So far as a majority of magistrates concurring in any rules, I make the same point as I did before in relation to the District Court judges. The honourable member may not realise that there are now 38 magistrates. I suspect that having all them concur in making rules would be a somewhat difficult task. In effect, a committee of 38 would have to consider the rules and a majority of them agree to all of them. I think that is unworkable.

Bill read a second time.

STRATA TITLES (RESOLUTION OF DISPUTES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 October. Page 989.)

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contributions and support for this Bill. My responses will relate to matters raised by the Hon. Mr Griffin and the Hon. Mr Burdett.

The Opposition has indicated it is prepared to support the second reading of this Bill. This Bill is an important measure for all South Australians who own strata units. It provides access to a cheap and speedy forum for resolution of dispute between strata unit holders and strata corporations. Honourable members have raised a number of issues in their responses which I will address. Concern was expressed that the Small Claims Court is to have principal jurisdiction in these disputes. I do not share this concern. I consider the Bill provides sufficient flexibility for parties to a dispute, either before or after proceedings have been instituted, to seek to have the dispute determined by the District Court if it is a matter of complexity or significance. Flexibility is further provided in that a court (either the Small Claims Court or the District Court as the case may be) may refer matters to the Supreme Court in certain cases.

Concern was expressed that 'commercial' strata schemes are to be subject to the same regime as residential strata schemes. As indicated, it is considered the scheme proposed has sufficient flexibility to enable complex matters to be determined by the District Court. Just because a scheme is non-residential does not mean that small disputes will not occur.

The Hon. Mr Griffin expresses the view that the rules of evidence should apply. I point out that rules of evidence do not currently apply in small claims matters. This is appropriate when it is remembered that small claims do not have complex pleadings or other procedures which serve to define the issues in more complex matters. Parties are representing themselves and broad powers enable the court to reach its decision as required.

The Hon. Mr Griffin has suggested that no order of the court should be able to be contrary to the articles of the strata corporation. The fundamental objection to this proposition is that, in order to evade the jurisdiction of the courts, strata corporations will amend their articles rather than pass resolutions and the minority objector will not have any recourse. In short, to accept this proposition will potentially undermine all that this amendment seeks to achieve—a forum in which disputes can be resolved. The Hon. Mr Griffin asserts there should be no limit on the right of appeal. The Bill makes provision for an appeal only by leave of the court to which the appeal is made. This provision is designed to act as a filter against unmeritorious appeals proceeding.

The Hon. Mr Griffin suggests that the corporation should be able to be assisted in the presentation of its case (in the small claims jurisdiction) by its appointed strata manager. The small claims provisions of the Local and District Criminal Courts Act currently allow a party to be assisted in the presentation of its case by another person provided the court is satisfied that the party is unable to conduct the action or proceeding properly without assistance. Amendments will be moved to the Magistrates Court Bill currently under consideration to incorporate a similar provision. By virtue of clause 11 of the Strata Titles (Disputes Resolution) Bill these proposed provisions relating to assistance in presentation of cases will apply equally in the resolution of strata disputes. It should be noted, however, that the role of strata managers in the Strata Titles Act is limited to 'assisting' the corporation and management committee in the performance of their respective functions. The manager is subject to the control and discretion of the corporation and it is appropriate that the corporation appoint one of its members to represent it in proceedings, and not the strata manager. The strata manager will be able to assist in the small claims

court only if the court considers the person appointed by the corporation requires such assistance.

The Hon. Mr Griffin suggests that the rules of court should make provision for compulsory conferences at an early stage. It is pointed out that in the small claims jurisdiction magistrates invariably attempt conciliation of a dispute before proceeding to hearing. To require parties to attend a compulsory conference would bring some disputes into court twice (once for a conference and once for a trial) and would require extra judicial resources as well as taking extra time.

The Hon. Mr Griffin questions the need to amend the definition of 'special resolution'. At present this resolution is one which has the support of two-thirds of the total number of unit holders. The proposed change is to two-thirds of the unit holders who exercise a vote at a meeting. The rationale for the proposal change is the difficulty experienced by large corporations of ever getting two-thirds of unit holders either to attend or bother to vote by proxy or absentee arrangements. In these groups the unit holders who wish to do structural work (say, put in an air-conditioner, a rainwater tank etc.) can never get approval because the lack of interest of some unit holders is effectively a vote against any proposal requiring a special resolution. The proposed change will mean that those unit holders who do not bother to attend meetings or send a proxy or vote by absentee arrangements will not by their lack of interest be able to deny those other unit holders the opportunity to perform structural work. The provision should encourage active participation in strata corporation business by unit holders.

The Hon. Mr Griffin suggests the Supreme Court should still retain some original jurisdiction in strata disputes. This is inconsistent with the scheme proposed by the Bill in which the Supreme Court has jurisdiction if the court or a party considers the application raises a matter of general importance in relation to questions of law referred for opinion.

Finally, the Hon. Mr Griffin suggests that one penalty provision—that which relates to failing to comply with a notice relating to structural work—should be retained. It is considered that the retention of such a provision could result in a civil and criminal action on the same facts and this should be avoided. It is preferable for these matters to be determined in civil proceedings.

The Hon. Mr Burdett raised the issue that this Bill refers to the Local and District Criminal Courts Act. This reference will be altered by an amendment to be made to the Statutes Repeal and Amendment (Courts) Bill currently under consideration. These and other matters which members have raised can be discussed more fully in Committee, if necessary.

Bill read a second time.

SHERIFF'S AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 883.)

The Hon. C.J. SUMNER (Attorney-General): The only query raised in relation to this matter was that it may be appropriate to provide that deputy sheriffs and Sheriff's officers be employed only with the concurrence of the Sheriff. It is not clear to me why this should apply for the Sheriff and not for people employed in court registries. Therefore, I do not consider that that matter should be taken any further.

Bill read a second time.

ENFORCEMENT OF JUDGMENTS BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 886.)

The Hon. C.J. SUMNER (Attorney-General): Again, I thank honourable members for their contributions and support for the second reading of this Bill. The Hon. Mr Burdett dealt with this Bill on behalf of the Opposition, and I respond to his queries as follows.

1. Clause 3: Minor consumer debt is defined as being a debt of $20 000 or less. This is too high. I am inclined to agree with the honourable member. I am also doubtful about retaining the concept of a minor consumer debt at all, but I wish to give this matter further consideration.

2. Clause 4 (2) provides that any person who may be able to assist with information about the debtor's means can be summoned and, on failure to appear, arrested. The provision, as drafted, may be too wide, but some provision needs to be made to ensure that officers of companies and such like can be brought before the court.

3. Clause 4 (3) provides that a summons requiring the debtor to attend for an examination as to means may be served by post. I agree that the summons should be served personally and I will be moving an amendment to that effect.

4. Clause 5 (5) provides that, where a debtor submits a proposal to the creditor a reasonable time before the application comes on for hearing and the creditor unreasonably rejects it, the court will make an order for costs against the creditor. There has been no examination of the debtor, so how does the creditor know whether or not it was reasonable? I agree with the honourable member's criticisms of the provision and would add further the criticism that debtors may well agree to proposals they cannot afford. I will be moving an amendment to repeal the provision.

5. Clause 6: There is no protection for an employee who is treated unfairly because a garnishee order has been made. I agree that there should be some protection and propose to move an amendment to the effect that it is an offence if any employee is dismissed or prejudiced in employment by reason of a garnishee order.

6. Clause 7 (2) provides that goods not available in bankruptcy proceedings will, in exceptional circumstances, be liable to seizure under a warrant of sale. I agree that property that is exempt from seizure in bankruptcy should not be liable to be seized to enforce a judgment debt. I will be moving an amendment to so provide.

7. Clause 9 (1) provides for the appointment of a receiver. Receivers, it is suggested, are more concerned about getting their own fees than seeing that creditors are paid. This provision is here for judgment creditors to use or not, as they see fit.

8. Clause 14 deals with the liabilities of directors and managers and conflicts with the corporations law. I agree that this is a problem and that clause 14 *(b)* should be repealed.

9. Clause 16: The rights of purchasers of properties sold under a warrant need to be modified. I believe that clause 16 is satisfactory, but I am happy to look at any amendment the honourable member proposes.

10. Clause 11 (2) allows the Sheriff to eject any person from land that is the subject of a warrant of possession. This does not recognise legitimate interests of tenants, mortgagees in possession, share farmers and others. Once again I will be happy to look at any amendment the honourable member proposes.

11. Information about default judgments is not publicly available. I am proposing to move amendments to the appropriate Bills to provide for public access to court files. I am still considering the form of the amendments but will keep the honourable member's concerns in mind. I do not understand the honourable member when he asks that amendments be made to ensure that information about a judgment be made available to the judgment creditor. The judgment creditor is the one who obtained the judgment and must know what he or she has done.

12. There are no provisions about absconding debtors. The honourable member is correct in saying that there are no absconding debtor provisions in the package of Bills. I will be moving amendments to incorporate some provisions in this Bill.

Bill read a second time.

JUSTICES AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 October. Page 989.)

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contributions and I support at least the second reading of the Bill. The Hon. Mr Griffin has raised a large number of matters about the Bill. I propose to deal with them in the order in which he has raised them. First, he argued that it is not in the interests of the defendant charged with a minor indictable offence to be required to elect for trial in a superior court three days before the appointed time for the commencement of the committal proceedings. I agree that this provision needs to be clarified, and I will be moving an amendment so that the date by which the accused is obliged to elect trial in a superior court is one by which he or she will have sufficient information on which to base a knowledgeable decision, and which conforms to the hitherto informal deadlines set by the Chief Justices' Speedy Trials Committee when it looked at these matters in 1990.

However, the honourable member went on to argue that the status quo should be maintained in relation to election. I do not accept this proposition. As will become apparent later, one of the main points of these reforms is that, where the accused is charged with an indictable offence, be it major or minor, there must be full disclosure of the case for the prosecution before any hearings into the matter begin. It will no longer be possible for an accused person to say that he or she has insufficient information on which to base an election until he or she has heard the case in court.

Further, it is thoroughly wasteful of court resources for the court and the participants in the matter not to know whether the hearing is a committal hearing or a summary trial until after the close of the prosecution case—to no purpose of providing justice to the accused. This proposal for change was originally proposed by the Chief Magistrate himself. I do not think that the status quo is a serious option.

The point about the omission of the alibi notice provision is well taken. I think that Parliamentary Counsel had taken the view that this was a matter which could and should be provided for in the rules of court, but I understand the sensitivity about moving matters from the statute to the rules, and I will move the appropriate amendment to reinsert the provision in due course.

I do not understand what the honourable member means when he says that there should be a statutory obligation upon a magistrate to inform the accused charged with a minor indictable offence what the consequences of not electing trial by jury will mean—particularly, he says, 'in relation to that person's job or reputation'. The short answer to that is that the decision whether or not to elect will have absolutely no conceivable consequences for a person's job or reputation. Whether or not that person is convicted will have consequences, but that is a different matter. But, if the honourable member means by this that the magistrate should be obliged to tell the accused what the consequences of conviction will be, the question is how that statutory obligation can be phrased to give it any meaning.

In any event, why should there be such a rule only for election? If the honourable member means that the magistrate should be obliged to tell the accused what the consequences of election or non-election will be, well, that might be accommodated. Subject to what I will say in a moment, I can see no reason to object to a requirement that the magistrate explain to an accused person the differences between trial by jury and summary trial in general terms, but I am not sure that that is what the honourable member means. I find it hard to believe that he means that a magistrate should be obliged to tell the accused that he should elect trial by jury because trial in the Magistrates Court is an inferior option, but that is what he seems to be saying.

Moreover, there is a practical difficulty here. I have said, and I say again, that I think that the court should be told in advance whether the accused elects trial in a summary manner of a committal proceeding, and if that is the case there is no magistrate there to tell the accused anything when he or she makes the election. Here is a matter which can and should be dealt with by rules of court. The form which goes out to an accused person for election should explain the meaning of the election required in plain and comprehensible terms. Not only do I have no objection to such a course of action but I think it is desirable. But that is not a matter to be dealt with in the Statute.

I agree with the honourable member that expansions in the list of summary offences should be treated with caution. I think that what I have proposed is responsible. It is generally in accord with what exists in other jurisdictions. I say 'generally' because, as is the way with these things, practices vary from State to State.

I do not agree that common assault should remain a minor indictable offence. It is important to view offences in their statutory and charging context. Common assault is the lowest offence in a tier of escalating offences against the person. In general terms, the next most serious is assault occasioning actual bodily harm, which carries a maximum of eight years. Up again there is malicious wounding, and causing grievous bodily harm to any person, with intent, the maximum for which is life. There are also escalating offences in relation to threats, so what we are talking about here in relation to common assault are batteries which do not cause bodily harm and threats which cause trivial alarm. When you view the offence of common assault in its real life context, there is simply no justification for not having it as a summary offence charging option—the least serious, as it now is, of the sequence of offences against the person. I would also like to point out that assaulting a police officer in the execution of his or her duty is treated in exactly that way—with a serious offence in the Criminal Law Consolidation Act and the less serious offence, punishable by a maximum of two years, in the Summary Offences Act.

The Opposition has indicated that, if there is thought to be an inconsistency here, the latter penalty should be raised so that it too is made a minor indictable offence. I do not think that that is a responsible suggestion. It is time that

people realised that simply upping penalties is not a cost neutral exercise, and has palpable consequential effects which should not be tolerated without good reason. Jury trials are expensive and time consuming things, and they should be reserved, if at all possible, for cases that really warrant them.

For every case that is tried by this more expensive procedure, another is delayed. The price of giving a minor assault a jury trial is making sure that another serious offence, such as an armed robbery, does not have access to those resources, and a possibly innocent person is kept in gaol on remand waiting for those resources to be free. There is no good reason for doing all that for common assault. If the facts warrant a more serious charge a more serious charge is available, and I think that that is the important point to make. The Opposition is saying that there is no assault which is ever so minor as to warrant being treated as a summary offence. I think that is plainly wrong.

I do not know what the honourable member means when he says that he is concerned that dishonesty will become a summary offence and that he will propose that it remain a minor indictable offence. There is no such offence. There are a whole series of offences dealing with dishonesty, and some offences of dishonesty are now summary offences. This Bill enlarges that category by reference, in many cases, simply to the amount involved. I am sure that the honourable member will agree that the classification of offences should take inflation into account. Further, the amounts determined in the Bill were determined after consultation with the judiciary and the magistracy. Again, they are generally in line with the position in other jurisdictions. The honourable member and the Law Society seem to think that we are engaged in something revolutionary and unprecedented in Australian jurisprudence in this matter: nothing could be further from the truth.

The Hon. Mr Griffin referred, in his speech, to recent legislation which imposes very large fines, indeed up to $1 million, and indicated his concern that these offences are properly classified. The concern is well taken, and I am very conscious of this area. The honourable member did not indicate the legislation to which he was referring but he may well have been referring to the Marine Environment Protection Act 1990. If that is the case, I can inform him that that legislation provides that an offence punishable by a maximum fine which equals or exceeds $150 000 is a minor indictable offence. The Water Resources Act 1990 provides that the same limit in relation to that Act is $60 000. It might be said that there is a lack of consistency there, and that is so. This is, however, hardly the time and place to re-look at all of this legislation. I assure the honourable member that I am actively looking at this matter in the context of the Government's proposal to establish an environment protection authority and a charter for environmental quality.

I have commented about the matter of industrial offences in my response on the Magistrates Court Bill. The Hon. Mr Griffin and the Hon. Diana Laidlaw are concerned that the amendments to section 99 may prevent a complainant being cross-examined at a confirmation hearing. I do not think that is the effect of the provision but will look to see if it can be made clearer. The Hon. Diana Laidlaw also raised some general concerns about the efficacy of section 99 restraining orders. I assure her that the change in the law in relation to affidavit evidence is designed to assist those who genuinely fear for their safety in obtaining orders in the first place, but, as the honourable member recognises, where the question is ultimately whether or not a person is going to be gaoled, it is imperative that all the normal safeguards of the criminal law should be applicable.

I confess that I am confused by the Hon. Mr Griffin's comments about tape recordings and transcripts of tape recordings. For example, I do not see why the Bill should explicitly provide that the accused should be given a transcript of the tape if he or she is given a copy of the tape. Be that as it may, if a copy of the tape is not available the Bill requires the prosecutor to make a viewing or hearing available. In all cases the Bill provides that a transcript must be filed with the court. The Bill further provides that the defence must be given copies of all documents filed with the court. I am of the view that that means that the accused will get a transcript of the tape but since there seems to be a doubt about the matter and since it has not been made clear to members, I undertake to look at the matter again and see if this cannot be made clearer.

The Hon. Diana Laidlaw raised the general matter of police facilities for videotaping. I am informed that the police currently have six audio/video units operating within the metropolitan area and four in the major country stations. Each unit costs about $9 500. There are provisions in the current police budget for the purchase of about 10 additional units. There can be no doubt at all that the routine taping of police interviews is the only way to go in the future. The honourable member might be interested to know that Commonwealth legislation requiring taping in relation to the investigation of Commonwealth offences was passed earlier this year.

I agree with the criticisms that have been made in relation to the provisions of the Bill dealing with 'exceptional' circumstances, and will be moving an amendment to take account of those criticisms in due course.

However, I cannot agree with the view expressed that in relation to the cross-examination of Crown witnesses at committal the *status quo* be maintained. Here again, I must emphasise that the Opposition and the Law Society seem to think that this is a measure that just occurred to the Government. These changes are in line with changes that have already been made in other jurisdictions. Moreover, this Bill implements many of the recommendations of the report on committals of no less a body than the Australian Institute of Judicial Administration. That report recommended, among other things, that 'paper committal procedures should be mandatory except in special circumstances'. That report also recommended that there be restrictions on the right of the defence to call witnesses for cross-examination.

It is true that that report recommended a different test for restricting that right. We can debate what test should be applied if members so desire. However, no honourable member has so far indicated what test they might prefer to the one proposed and why. One thing is clear: no Government or official report into committals over the past five or six years has taken the view that the *status quo* is an option. It may be that the test requires clarification and I will be giving that matter some further thought in light of what has been said. But, retaining the *status quo* is not on.

I agree that it is reasonable that the District Court should be able, of its own volition, to refer a case on to the Supreme Court. I will move to amend the Bill to do this. The question whether rules should be in the rules of court or in the legislation is not an easy one. I acknowledge the concerns of the Hon. Mr Griffin on this matter. Clearly, the wishes of the judiciary need to be taken into account. The law as it now stands says that certain provisions of the Criminal Law Consolidation Act apply to proceedings in the Magistrates Court with such changes or modifications as are necessary to make them applicable. The only change made by this provision is to say that these changes should be

specified in the rules rather than made by *ad hoc* judicial decisions as they arise. I would have thought that that was a step forward for the courts and those who practice in them. I am willing to listen to those who can produce actual reasons why that is not so, but no such reasons have been forthcoming.

The provisions in the Justices Act in relation to *habeas corpus* and *mandamus* have been rendered otiose by the reform of the general law in relation to the old prerogative writs. They are simply no longer necessary. The Hon. Mr Griffin and the Law Society have raised concerns about the provision in relation to costs as it may affect criminal accused persons. I do not believe that the provision in its proposed form can possibly deter an accused person, as the honourable member said, 'from exercising his or her rights reasonably'. Indeed, the provision says exactly that it does not. It is directed precisely to completely unreasonable behaviour.

For obvious reasons I would not expect an order of costs to be made against an accused person lightly or indeed often. Equally, I think that members opposite should acknowledge that in, for example, complex and lengthy committal hearings for corporate fraud, it is not unknown for wealthy persons accused to try to drag out or prolong criminal proceedings to their own advantage. Is the Opposition and the Law Society saying that an order for costs should never be made against an accused person in such circumstances? If the answer to that is 'No, never,' that is one thing and can be debated as a matter of principle. Should costs for unreasonably obstructing the due process of the law always be a one way street? If the answer is that in some cases it is just that an order for costs be made—and it was suggested in debate and by the Law Society that it could be done in special circumstances, for example—the next question is how to draw the line. I have not heard the Opposition's position on either of these questions. I have noted the objections to the extension of time for summary prosecutions from six months to 12 months.

The objection that legally objectionable and highly prejudicial material could be contained in the prosecution brief filed in the court is hard to understand. The obvious response is—so what? There is nothing to prevent it happening now, and I have not been informed by any of the extensive number of judges, magistrates and practitioners or by the legislation in other jurisdictions that this is a problem. I fail to see how it can possibly be a problem; it can hardly prejudice a jury or the trial because neither exists at this stage. It cannot prejudice the committal because the Bill gives the magistrate the power to reject evidence that is plainly inadmissible. How can this be damaging? There is nothing in the Bill which says that this material would be admitted in evidence without objection—indeed, quite the contrary. There is simply no need for an additional procedure. It can all be done at the hearing—as it is done now.

I agree that the Bill should explicitly provide that the prosecution brief filed with the court should contain all relevant material held by the prosecution. This is currently the position by reason of judicial decision rather than statute, and the Bill does not change that; but I agree that it is worthwhile saying so on the face of the legislation and I will move an amendment to do that.

I disagree with the view expressed that the defendant should not be called upon to plead at this early stage. All reports and inquiries into the efficiency and economy of the criminal courts have stressed that the early identification of the guilty plea is a prime consideration. Opinions may differ as to when the accused should be required to plead, but the real question is this: what disadvantage or other prejudice is suffered by an accused person by requiring a plea at this early stage? None has been suggested to me. None has been asserted by either the Law Society or honourable members. It is simply said that this is a bad thing. Why?

The accused can always plead not guilty and then change his or her plea at a later time. But, as I have said, the early identification of the guilty plea is widely regarded as an important factor in court reform. It is good for the accused, the legal system and the public. In addition, the earlier the guilty plea, the more likely is an accused person to receive a discount on sentence. Removing this chance to plead guilty discriminates against those who want to plead guilty and get it over with; what possible problems will this cause?

I have noted the discussion that has taken place about the burden of proof that should apply in committal proceedings. These formulae are not exact—in the nature of things, statements about proof cannot be exact—but the general consensus was that the words used in the Bill, which are taken from the Victorian formula, imposed a higher onus on the Crown than the current requirement of *prima facie* proof. The New South Wales legislation was referred to in debate—it in fact contains two formulae of differing standards of proof, which apply according to the stage which the committal has reached. One of those uses a wording which is probably more stringent than the wording proposed by this Bill and by the Victorian legislation.

I understand that there has been some unhappiness in New South Wales about the complexity of the onus of proof provisions there. Again, opinions can differ about the subtleties of various wordings. I do not agree that the formula that is contained in the Bill is no change to the current rule of a *prima facie* case. I am happy to listen if anyone wants to propose an alternate wording and the reasons why that is thought to be better, but I have not heard that in the debate yet.

As I have said, a number of the criticisms that have been made of this Bill are thoughtful, positive, constructive suggestions and I welcome them. What I do not accept are the kinds of criticisms which amount to 'it's all right, Jack' and everything is perfect and rosy now and all these changes are simply unwarranted. That is not the case, as I have said before. It is not as if these reforms are unprecedented in Australia; there have been a number of inquiries into criminal court reforms here and overseas. Reforming legislation along the lines proposed in these Bills has been enacted or proposed by a variety of reports and inquiries.

The fact of the matter is that the procedures applicable in the courts of summary jurisdiction have to pay attention to the realities of courts administration in the late twentieth century, not the late nineteenth century, and South Australia is not an island of judicial administration in a sea of those others who, for some surprising and undisclosed reasons, must have got it all wrong. I suggest that they have not got it wrong, and what we have here are moderate and restrained proposals for reform in the mainstream of reforms to criminal court procedures. It is not the end of the civilised world as we know it.

Bill read a second time.

JUSTICES OF THE PEACE BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 891.)

The Hon. C.J. SUMNER (Attorney-General): I thank the Hon. Mr Griffin for his contribution and will respond to his queries as follows:

1. Is it necessary to provide that a justice appointed before the new Act comes into operation continues to be a justice under the new Act?

No. Justices were not appointed under the Justices Act. They were appointed by the Governor, to hold office at his pleasure.

2. There is no specific provision in the Bill that the roll of justices may be open to public secutiny.

I have difficulty in responding to this as I am unclear what the honourable member has in mind. When members of the public want to contact a justice of the peace they are given the names and addresses of those in their area. If a JP speaking a particular language is required the names and addresses of those are also supplied. Local councils also have lists of the JP in their areas, as do police stations.

Requests are normally for the names of JPs. On the odd occasion that somebody inquires whether a person is a JP that information is also supplied. There are a few JPs whose name and address for some reason or other is not supplied. For example, all magistrates were formally required to be JPs and their names and addresses are not provided to people who want documents witnessed. Other names and addresses may not be supplied because, for example, of fears of discovery by a violent spouse. Given the existing access to the information I do not see what more is required. Privacy considerations arise if there is to be access to more than the names and addresses of JPs. There would also be difficulty in how access is to be provided. The roll is now computerised.

3. There is no provision making it an offence for using the description 'justice of the peace' when not entitled to it.

If the honourable member wishes to move an amendment to this effect I am willing to consider it.

Bill read a second time.

EVIDENCE AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Insertion of ss. 34j and 34k.'

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

Page 1, line 27—After 'unable to give evidence' insert 'because of illness or infirmity'.

Page 2, line 7—After 'ill' insert 'or infirm'.

I suggest that this is a matter of drafting, but the Bill provides that, where a person is subsequently charged with an indictable offence to which a statement is relevant, a statement is admissible in evidence at the preliminary examination or trial of the charge if it is established that the person from whom the statement was taken is dead or unable to give evidence. To be consistent with the other provisions of the Bill, that inability ought to be because of illness or infirmity, which is the basis upon which the statement is taken in the first place.

The inability ought not to be an inability because a person is overseas or is on holidays in South Australia or interstate, or for some other reason, other than illness or infirmity, is unable to be at the hearing. I suggest that my amendment is in line with the general tenor of the provision and tightens it up somewhat.

The Hon. C.J. SUMNER: That amendment is accepted.

Amendment carried.

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

Page 2, line 7—After 'ill' insert 'or infirm'.

This amendment, which relates to a person being infirm, adds consistency in circumstances where a witness subsequently dies or becomes so ill or infirm that he or she cannot give evidence at the trial.

Amendment carried.

The Hon. J.C. BURDETT: I move:

Page 2, lines 13 and 14—Leave out 'cause severe and unfair prejudice' and insert 'be unfair'.

This amendment is in accordance with the submission of the Law Society which, in regard to what is contained in the Bill, states:

> We contend that such a test is excessive. Using a commonsense approach, if, in the circumstances of the case, the admission of the evidence would be unfair to the defendant, leave should not be granted.

To use the recognised term of 'unfair' in preference to what is contained in the Bill is a proper way to go. If it is unfair, it should not be there.

The Hon. C.J. SUMNER: I accept that amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PARLIAMENTARY COMMITTEES BILL

Adjourned debate on second reading.

(Continued from 10 October. Page 1066.)

The Hon. I. GILFILLAN: The Democrats view this Bill as a significant measure of reform of the parliamentary committee process in South Australia and consider that it deserves deep consideration individually by all members of this place. In fact, in my second reading contribution I indicate that it requires a conscience vote and that the issue should be decided individually by members making their own assessment of the most effective way to use a committee system in this Parliament.

I recognise the significant contribution from the Attorney, who put the Government's point of view. There was some expansive rhetoric on the value and use of the committee system, which one may quite rightly ponder leads to what. Surely this move for parliamentary reform requiring, as I have already indicated, a conscience vote should look at a total unfettered and ideal way of establishing committees to work effectively in this Parliament.

Unfortunately, I believe that the Government's proposal has turned out to be a half-baked structure of committees restrained by three factors: first, pressure by the Government for cost containment; secondly, a juggling of members' preferment on certain committees with the attached emolument that goes with them; and, finally, a paranoia about the Government's losing control of the committees.

I recognise that there is an increasing number of select committees, and I agree that many select committees are currently set up in this Chamber. Unfortunately, the Attorney cast the slur that some of the select committees have been set up for political purposes. I believe that a committee that has been set up democratically by this Parliament should not be impugned as political, as it has been evolved by the democratic process and is entitled to the dignity and respect of being a fully authenticated select committee of this Parliament.

The Government proposes that certain committees, such as the Public Accounts Committee, the Public Works Committee, and the Subordinate Legislation Committee should be abolished. Also, the Industries Development Committee is to be subsumed into one of the other standing committees. The Attorney quotes Professor Emery from page 407 of *The Politics of Australian Democracy* as follows:

> The case for committees . . . provides greater job satisfaction for the backbencher . . . and offer parliamentarians a more positive chance to contribute to policy discussion . . . prior to the purely symbolic exchange of views in Parliament.

However, I believe that debate in the Legislative Council is not just a purely symbolic exchange of views; it is fluid debate and the results are not predetermined. This is particularly so in the Committee stage where many amendments are made and debated and influential changes made to the legislation. It appears to me—and this opinion is shared by my colleague the Hon. Mike Elliott—that the argument put by Professor Emery articulates that this committee work, which is addressed by this Bill, really indicates that the work of serving on committees is part of the required contribution made by members and should not draw to it any extra emolument.

Professor Emery refers to the greater job satisfaction and carrying out the legislative functions of scrutiny and investigation. Surely they are an integral part of a member's work fulfilment and obligation, and a member does not deserve or require extra payment for fulfilling these obligations. If, incidentally, payment is unavoidable, the worthy-minded committee members could possibly donate that extra income to funding adequate research staff for the committees.

The Government proposes the establishment of the following committees: the Economic and Finance Committee, the Environment and Resource Committee, the Legislative Review Committee and the Social Development Committee. I want the Attorney-General to pay particular attention to clause 34. It does not necessarily flow with the actual analysis of the committees but, in referring to the emolument or payment to members, clause 34 appears slightly enigmatic, providing as it does:

> The office of a member of a committee including the presiding officer is not an office of profit under the Crown.

I have had an informal explanation that that in some way applies to Ministers in particular, but I would urge the Attorney-General, in summing up and for my satisfaction at least, to explain that rather enigmatic clause.

However, as I have already identified, this revolutionary move to restructure the committees entrenches the economic, financial and statutory authority issues in the Assembly with no input by the Legislative Council and cements the legislative review in a Government loaded 4:2 ratio. I assume from informal information that has come to me that that is the way the Government intends to structure that committee. It then ensures Government control of Environment and Resources 2:1 from both Houses, and Social Development carries the further imbalance that the Assembly has three, with only two from the Legislative Council.

The Hon. C.J. Sumner: It doesn't ensure Government control by what is in the Bill.

The Hon. I. GILFILLAN: Well, the Attorney-General interjects that it does not ensure Government control from what is in the Bill. One assumes that the Government, having the power to appoint in the Lower House, will ensure that it does indeed have the control of the structure of the committees.

The Hon. C.J. Sumner: How can it? It's not in the Bill, you see.

The Hon. I. GILFILLAN: Well, the Bill is somewhat silent on how the members will be appointed to the committees. I will come to that later.

The Hon. C.J. Sumner: They could all be Liberals.

An honourable member: In the Lower House.

The Hon. C.J. Sumner: In both.

The Hon. I. GILFILLAN: There is a little exchange going across the Chamber in which the Attorney-General pointed out that all the members of certain committees could be Liberals. Perhaps he can explain in his summing up how that could happen.

The Hon. C.J. Sumner: I am saying that there is nothing in the Bills which ensures a Government majority on any of the committees, which is the same with the committee system now. It is a matter of convention.

The Hon. I. GILFILLAN: That is an extensive interjection, and I would ask the Attorney-General to indicate in public to this Council either now, if he would like to interject, or later, that in fact it is not the Government's intention to have control of the committees. He can make that statement very clearly if he wants to over and over again, but the fact is that the Government of the day wants to control the committees, and the Attorney can argue with that when he has his chance. That is my contention, and I do not believe that that is an appropriate situation for independent standing committee structures in this place.

The Attorney-General points out that there will no longer be any obligation for capital expenditure to receive additional approval of public works. He says that the passage of the budget will be deemed to be sufficient approval. I find that amazing, because there is no doubt that the scrutiny of the budget does not have the detailed analysis of each public work giving it either the right of approval or disapproval bit by bit. He assures us as a consolation that public works can still be subject to scrutiny through the proposals in this Bill. I would ask, 'Before or after the event?' That is the appropriate question to ask. When would that scrutiny apply if it could be done only through some procedure to bring it before one of the standing committees?

The Industrial Development Committee will be a subcommittee of the Economic and Finance Committee, which is the only committee that will not be a Joint House Committee. The Leader of the Opposition, the Hon. Mr Lucas, raised the issue of dedicated Legislative Council committees as the optimum, arguing for the House of Review fulfilling its true destiny.

Until we have proportional representation in the Assembly, and as long as we have it in the Legislative Council, the Council cannot be seen as simply a House of Review. It is, in fact, a fully fledged House initiating and determining Bills with the same authority as the Assembly (except money matters). Therefore, I believe it can be and should share membership of joint statutory committees on equal numbers with the Assembly.

I do not believe we have the numbers or that our members have the time to fulfil a full-range standing committee program that is exclusive to Legislative Council membership. But I do not believe we should play any lesser role than the Assembly.

The pre-eminence of the Economic and Finance Committee was referred to by the Hon. Mr Sumner and was summarised by his sentence:

> State Finances are the most critical element of Government Administration. Whether the focus is actual Government operation, statutory authorities or the regulation of economic and financial activity . . .

Yet the Government proposes that the Legislative Council is to be excluded from all this as if it were of no consequence to members of this place. The outlined areas for all committees are of vital interest to this Chamber, so we should be involved.

I note with interest that the relevant Minister must respond to a committee's recommendations within four months. I believe this can reasonably be reduced to two months. I also note the apparent glee surrounding Mr Sumner's recognition that their proposal only increases the number of backbenchers involved in committees by one, as if this is

commendable. It highlights the restraining effect that avoidable cost has in distorting the result. If there were no increase in income for committee members, I cannot see the Government having any objection to more committees with more members, except for fear of the impact such a structure might have on the complacency of Ministers' lives. The Hon. Mr Sumner says that the committees 'may approach the relevant Minister for appropriate staff'—I suppose 'cap in hand' or 'tugging the forelock'. It sounds like a very subservient approach to me. The Attorney continued:

> The committee may seek approval of the President and/or Speaker for consultancy funds.

This unfortunately perpetuates the supplicant nature of the committees. It is time that Parliament had the funds and the power to use them to optimise the service that the Parliament can be to the people of South Australia. The committees need independence from begging for resources. My experience with committees leads me to believe that members contribute more as individuals and less as members of Government or Opposition in committees. The Westminster adversarial atmosphere can diminish significantly. Democrats and Independents play a big part in that process and should be keenly sought after as members of committees.

I was impressed with the Hon. Mr Lucas's contribution. He valiantly fights against any threat or perceived threat to the Legislative Council's continued existence and he is joined in that fight by his colleague the Hon. Trevor Griffin and for a wider role for the Parliamentary committee system. He recognises the value of select committees citing 'penal system' and 'drugs' as two admirable examples. It is worth noting both committees were set up on Democrat motions. I would add that I believe that there is no reason to expect the demise of the select committees *per se* as continuing to be, but in a diminished role, very much contributing to valuable work by this place.

However, in the Opposition proposal he has argued for exclusive Legislative Council committees—one, Legal and Constitutional Affairs and, two, Government and Financial Operations—thus recognising this Chamber's quite valid interest in financial matters. This is fully endorsed in the Western Australian example which he cited amongst others. He referred in Western Australia to three-member committees working. This is a possibility which I feel could be further explored here. I am not putting it forward as a firm proposal, but I am convinced that we must be flexible in looking at what numbers can be effective in the tasks that certain committees are asked to fulfil. The Hon. Mr Lucas intimated that Estimates Committees may soon be a thing of the past as their tasks are transferred to standing committees, if indeed standing committees are set up.

The Hon. R.I. Lucas: That was the Cabinet submission.

The Hon. I. GILFILLAN: I apologise. My notes were inadequate. I must amend the *Hansard* record to show that the observation made by the Hon. Mr Lucas regarding the demise of the Estimates Committees and their work being taken over by standing committees was drawn from a Cabinet document, as was the Government's proposed numbers for the committees as listed in the Bill. I found it revealing that those numbers were 13 ALP, nine Liberal and one Independent.

The Hon. R.I. Lucas: How many Democrats?

The Hon. I. GILFILLAN: There are not a lot.

The Hon. Anne Levy: They are thin on the ground here.

The Hon. I. GILFILLAN: But pretty articulate. It may be too late in the way that things operate, but I believe that there was and still is a good argument for this matter requiring a conscience vote. There is no doubt that committee work is the prime time of individual members, particularly back benchers. They fulfil an important role in which their own capacities, skills and diligence can be profitably applied. I believe that it is unfortunate if there is any restraint by Party structures on the way that this Parliament votes on this measure for reform.

The Liberal Party's proposals for committees—I am open to correction on the proposed numbers—is for the Lower House an Economic and Finance Committee of seven members, an Environment and Resources Committee of seven members, and a Joint Social Development Committee of six members, three from each Chamber. The Upper House is to have a Statutory Authority Committee with five members and a Legislative Review Committee with six members. On paper there is such a disparity between the Government and the Opposition it is hard to see any coming together in a mutually acceptable way of the two programs that have been outlined. If my numbers are correct, the Liberal Party's proposals would involve 31 members compared with the Government's 25 with, I say somewhat ironically, the remarkable achievement of keeping the increase to one extra member being involved.

The Hon. Mr Lucas constructively addresses the costs of the committees, locked in, as he apparently must be, to retaining the payment of extra money to members serving on committees. He notes, as I do, however, that Senators are not paid for their committee work. In fact, no Federal MPs are paid for their committee work, except those who serve as 'chairmen'. That is not my word; that is the way that they are referred to in their documentation. As our salaries are now locked into a shade less than the Federal MPs, we should not look for extra money in committee work either. If that were the case, I believe we would be much more flexible in the way that we move to set up committees and have members appointed to them.

An interesting but relatively academic issue raised by the Hon. Mr Lucas was the nature of the Statutory Authority Committee. This was also mentioned by the Hon. Mr Griffin. No doubt that will be attempted to be resolved in the Committee stage. I note with interest the Hon. Mr Lucas's proposal for membership of committees, and I quote his comments as follows:

> . . . we suggest two members shall be nominated by the Leader of the Opposition and two by the Leader of the Government in the Legislative Council. There should be similar clauses for all the other committees, although perhaps with different numbers.

Will these committees be controlled by enclaves of nominees by the power brokers of the two old Parties? Surely the Houses themselves should elect the committee membership. Appointment to committees should be by nomination and ballot of members of each House.

I do not agree with the detachment, as also advocated by the Hon. Mr Lucas, between the two Houses—the separate ways of the committees. We have a shared destiny with our Chambers in the one State with the same responsibility and a shared destiny in this respect with the work of the committees which is vital to us all whether they are exclusive to either Chamber or joint. However, I agree with the Hon. Mr Lucas's priority of tasks: that the committees should be able to determine their own motions ahead of those from Government referral. That point was made clearly in the Leader of the Opposition's contribution. I also agree with the Hon. Mr Lucas about the appointment of staff. That should be the prerogative of the committee. I also agree with the Hon. Mr Lucas that presiding officers should not disclose evidence to the President or the Speaker prior to formal reporting unless it has the unanimous consent of members of that committee.

The Hon. Mr Griffin made a couple of points, amongst others, to which I should like to refer. He commented disparagingly on joint committees, saying that they had an inherent inertia and added weight to the abolition of the Legislative Council. With respect, I do not agree with either of those points of view. I have for some time now served on a joint committee dealing with WorkCover, and that has persuaded me that not only is there an advantage in having a mixture of members from both Chambers, but also, where the committee is motivated to get on with the job, because it believes it is important and is interested in it, the volume of work is dealt with just as expeditiously, if not more so, than some committees of one Chamber.

The Hon. Mr Burdett observed that Legislative Councillors are ideal for committee work as they are free from the pressures of local electorate considerations. This is an astute observation, but I believe there is a degree of anonymity involved in committee participation which should release members in the Assembly from their sense of embarrassment or awkwardness in representing their genuine points of view in a committee. I believe there will still be a modest role for select committees for special purpose tasks. However, most matters should be dealt with by the standing committees.

The Hon. Carolyn Pickles: Who will service the select committees?

The Hon. I. GILFILLAN: There is no reason why people cannot serve on select committees as well as on standing committees. There is no rule which prohibits people from doing it. When people get prodded into setting up a select committee, because there is an overriding justification for it, I am sure we will find the members for it.

My position, which I am asking this Chamber to consider, is not ideal, because I have to reflect the political resource realities as I see them. However, as I have already pointed out that I believe we have a particular characteristic in this Chamber which does not stamp it exclusively as a Chamber of review and that the joint committees, contrary to other opinions expressed in this place, are effective committees, my recommendation is that we should have five committees with six members each, three from each Chamber, and those committees would be Environment and Resources, Social Development, Legislative Review, Economic and Financial and Statutory Authority. I am convinced that the work of assessing statutory authorities is important and extensive and, in my view, justifies the work of a separate committee. I do not believe that there should be any payment for members serving on these committees, except for the possible consideration of presiding officers, which is the terminology for those people taking the Chair of these committees, having their expenses reimbursed.

In concluding my second reading contribution, I observe that I received a submission from the Law Society relating to the Parliamentary Committees Bill, in which it raised some concerns about protection of people who may be called as witnesses or whose reputations may be put at risk in matters in the committee. It generally falls into the category of parliamentary privilege, as I see it. Although the Law Society asked me to consider moving amendments to the Bill to give effect to its recommendations, I am not persuaded that the Bill requires or deserves amendment. There will be little difference in the operation of standing committees than has already pertained in relation to select committees, the Subordinate Legislation Committee and other standing committees and that the matter of privilege is already a matter for setting up a select committee to look at parliamentary privilege in its own right.

This is one of the most important pieces of legislation that we have been asked to consider in the time that I have been in Parliament. I hope that it gets serious and objective debate and analysis and that at the end of the day we can establish a standing committee structure that serves this Parliament and the people of South Australia well. I indicate support for the second reading stage of the Bill.

The Hon. L.H. DAVIS: I support the remarks of my colleagues on this side of the Chamber in respect of this important Bill, dealing as it does with the establishment of a new parliamentary committees system. I noted with interest the novel proposal of the Hon. Ian Gilfillan suggesting that there should be five joint committees of the two Chambers, which, effectively, would mean a total membership of 30 members with 15 members coming from each House. It would effectively turn the Government proposal on its head. Certainly it is a matter that will be of interest during debate in Committee. I appeciated the thoughtful contribution of the Hon. Ian Gilfillan. In a debate such as this we should be looking at the opportunity for putting in place a committee system which will serve this Parliament through this decade and into the next century. We simply have not reviewed our committee system for a long time.

In fact, one of the great sadnesses to me is that, through the bloody-mindedness of the Labor Party Opposition in 1982, we did not establish a statutory authority review committee when the opportunity was there and it could well be argued that, had that committee been in place today, we may well not have had the financial debacle of the State Government Insurance Commission and the South Australian Timber Corporation. The Attorney-General scoffs and laughs, but he led the charge against that statutory authority review committee debate in the first half of 1982. He argued, fairly incoherently, that statutory authorities review could be picked up very easily by the Public Accounts Committee. That again underscores the Attorney-General's lack of economic knowledge and financial acumen.

Quite clearly, the proposal put forward at that time in this place by the Hon. Trevor Griffin, the then Attorney-General, made quite clear that the Tonkin Government desired greater parliamentary scrutiny of the affairs of authorities and accountability to Parliament and considered that a parliamentary committee with Government and Opposition members was the best alternative to achieve such an objective. The powers of a parliamentary committee and the requirement to publish its findings would ensure public confidence in the recommendations concerning the future operation of authorities reviewed. Further, the parliamentary committee as proposed by the Liberal Government of the day was to utilise the expertise in the Public Service—from the Auditor-General's Office, the Public Service Board (as it then was) or by arrangement with the Minister concerned. Private consultants also were to be utilised by the parliamentary committee. The point made at the time, over nine years ago, was that the committee simply would not overlap the work undertaken by the existing Public Accounts Committee but rather complement the work of the PAC, the PAC working as it did in the area of Government departments through the Auditor-General's Report. The argument was put forcibly and logically that the statutory authority review committee would have specific objectives quite distinct from those of the PAC.

The Leader of the Opposition at that time, the Hon. Chris Sumner, asked for the Bill to be withdrawn and for the Public Accounts Committee Act to be amended to bring the statutory authorites under the purview of that committee. There was the opportunity to sieze upon a good idea,

a courageous idea put forward by the Government of the day, recognising the explosion in the number of statutory authorities over a short time.

The Hon. C.J. Sumner: Why didn't you go on with it?

The Hon. L.H. DAVIS: If the Attorney-General remembers, the Bill was reintroduced in the session immediately before the 1982 election and, of course, the election intervened.

The Hon. C.J. Sumner: Shouldn't have called the election.

The Hon. L.H. DAVIS: Well, the three-year term was up. The question that more appropriately should be asked is why the Labor Party did not reintroduce the legislation and pursue it when in Government. That is the question.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: The interesting fact is that statutory authorities are creatures of relatively recent origin in terms of parliamentary scrutiny. In fact, when the first Ombudsman, Mr Combe, came to power in December 1972, he discovered very little information regarding statutory authorities. He set to work to develop a database of statutory authorities which he listed in his report in 1973. I can well remember that one of the very first speeches that I made in this Parliament in 1980 was on the very subject of statutory authorities. So, the Liberal Party is hardly coming into this House with a new idea when it suggests that a statutory authority review committee should be established.

It is fundamental to good Government to ensure scrutiny of statutory authorities and Government agencies. We have been monstered in South Australia by the financial failure of the State Bank, the demise of SGIC's solid financial base, built up over the past 13 or 14 years, blown away with a series of reckless and extraordinary investment decisions and the South Australian Timber Corporation which, in the space of the past 12 months, has closed down four of its seven commercial operations and, for all the world to see, has lost $60 million in scrimber, $14 million on a plywood mill on the South Island of New Zealand, $1.4 million on a badly run mill at Williamstown and $250 000 on a factory that lay empty in Sydney for a year and a half—not to mention numerous other extraordinary forays into the world of commerce, such as the plywood car, the Africar.

This is the Government of John Bannon, financial entrepreneur of South Australia. Premier John Bannon really puts Christopher Skase to shame in terms of some of the entrepreneurial activities that his Government agencies and statutory authorities have undertaken. The State Government Insurance Commission not only took a put option—which represented 44 per cent of its assets at the time it entered into it—on 333 Collins Street, Melbourne in August 1988 but also it was flirting with a put option on Chifley Square in Sydney. I do not know what the Attorney-General is doing.

The Hon. C.J. Sumner: What I am doing is saying that you spent an hour and a half talking about the SGIC about six weeks ago. Why are you going through it again?

The PRESIDENT: Order! The Hon. Mr Davis has the floor.

The Hon. L.H. DAVIS: I will talk about statutory authorities because they are part of the Liberal Party proposition. You can't tell me what to do.

The Hon. C.J. Sumner: Well, that's right.

The Hon. L.H. DAVIS: I'm glad you realise that.

The Hon. C.J. Sumner: No wonder you're still on the back bench.

The Hon. L.H. DAVIS: You can't tell them what to do. They don't take any notice of you. So I am hardly likely too, either.

The Hon. C.J. Sumner: No wonder you're still on the back bench.

The Hon. L.H. DAVIS: I'm not on the back bench.

The Hon. C.J. Sumner: You're looking to be on the back bench—

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

The Hon. L.H. DAVIS: If you read the shadow ministry list, you will find that I am a shadow Minister.

The PRESIDENT: Order! The Hon. Mr Davis will address the chair.

The Hon. C.J. Sumner: I haven't looked it up—

The PRESIDENT: Order! The Hon. Attorney-General will come to order. The Hon. Mr Davis will address the chair.

The Hon. L.H. DAVIS: I hope that he is still covered by Medicare. There is a gap there now, so it might cost. I find the Attorney-General's remarks quite extraordinary. He is in very bad humour tonight, as he often has been in recent weeks.

The Hon. C.J. Sumner: I'm in very good humour. I just get sick of your boring, repetitive speeches.

The PRESIDENT: Order! The Hon. Mr Davis.

The Hon. L.H. DAVIS: Thank you, Mr President. There are plenty of examples, which members opposite can well remember, where statutory authorities have failed financially to the cost of South Australian taxpayers. With the benefit of hindsight, the Labor Party must regret not supporting the statutory authorities review committee when it was proposed by the Tonkin Government in 1982. I firmly believe that some of the financial disasters that we have had in South Australia could have been avoided.

Even though Government members have little, if any, financial acumen, as has been clearly demonstrated time and time again—the Attorney-General perhaps is the best example of that in this Chamber—at least Liberal and independent members would have had the commonsense to pick up some of the problems that were looming. Indeed, it is a matter of record that as soon as I found out about the existence of the put option I was in Melbourne within a matter of weeks because I just could not believe what I had read.

The Hon. R.R. Roberts: What did your psychologist say?

The Hon. L.H. DAVIS: The Hon. Mr Roberts, foolishly falling in with that interjection, if he had bothered to express concern and had not been as ignorant as his other colleagues, would have found that the Melbourne property market was baying with disbelief at what the Bannon Government had undertaken and was already expressing anxiety about the likely outcome—and so it proved to be.

What the Government is proposing in this Parliamentary Committees Bill is the establishment of four committees: the economic and finance committee, which will consist of seven House of Assembly members only and which will take over the existing Public Accounts Committee, which is a committee of the Lower House, and the Industries Development Committee, which is a committee established as a result of an Act of Parliament (as is the Public Accounts Committee) and which has a member from each side of the Chamber of the two Houses. The economic and finance committee has a broad role to examine economic matters concerning financial or economic development, the structure, organisation and efficiency of public sector operations and the regulation of business or other economic and financial activity.

The second committee is an environment and resources committee which is to be a committee of five members, three from the House of Assembly and two from the Leg-

islative Council. That committee will presumably partly pick up the work currently undertaken by the Public Works Standing Committee and environmental matters. The legislative review committee is a joint House committee, like the environment and resources committee, with three members from the House of Assembly and three members from the Legislative Council. That committee is to pick up the Joint Committee on Subordinate Legislation which, at present, exists as a joint House committee, and will deal with legal, constitutional and other matters including parliamentary reform and the administration of justice.

Finally, there is a social development committee, again a joint House committee, with three members from the House of Assembly and two from the Legislative Council. It has a broad brief, as its title implies, to deal with health, welfare, education, occupational safety, industrial matters, arts, recreation and sport, and quality of life issues. To an outside observer, that would seem pretty reasonable. I guess it can be said that several of the committees are subsumed by what is proposed. One of them, the Industries Development Committee, is a committee on which I have served for a number of years. It is a unique committee which was set up in 1941 in the days of Sir Thomas Playford, in fact, during the Second World War. It met in confidence and heard sensitive information often of great importance to future State development.

As I mentioned earlier, it was a bipartisan committee with a member from each side of each House—a total of four members—together with a Treasurer's representative. That committee was serviced by the Department of Industry, Trade and Technology (previously State Development) and worked to the benefit of South Australia by providing financial assistance by way of grants, loans and Government guarantees to both small and large organisations establishing for the first time an operation in South Australia or perhaps expanding an existing business in this State. So it is with some nostalgia that I note the inevitable passing of the Industries Development Committee, which has done so much good over a period of time. During the Committee stage I would be interested to learn exactly how the Government proposes picking up the notion of that committee and how it will operate in future.

One of the very strong points that the Opposition has made in the second reading is the need for the committee system, whatever it might be, to be adequately staffed. One of the nonsenses of this Parliament is the paucity of resources given in particular to Opposition Legislative Councillors. The extraordinary outrage of having just three full-time members of staff to service 10 members of the Opposition when the Democrats have three staff for just two members of Parliament—

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: You may well have picked up more staff since I last addressed that matter, Mr Elliott.

The Hon. M.J. Elliott: At least we pay for a few workers, too.

The Hon. L.H. DAVIS: We do, too; you should know that. Of course, in the time of the Bannon Government it has not scrimped on providing resources for its Ministers and in fact I think a rough head count would indicate that there has been an increase in the staff of the Bannon ministry from about 90 in 1982 to about 150 in 1991. That is an extraordinary increase of about 65 per cent or 70 per cent in a period of just nine years, during which time the Opposition in the Legislative Council has had a minimal increase in staff and equipment.

I certainly agree with the observations of my colleague, the Hon. Robert Lucas. It would make sense to abolish the two Government cars that are already allocated to two standing committee chairmen; that would certainly claw back tens of thousands of dollars. I see little point in maintaining that practice; I think that money could be redirected to the pool for staffing and research. Certainly, I also support my colleague's suggestion of reducing the remuneration from 17 per cent to 14 per cent of salary for the Chairs of the respective committees and from 12 per cent to 10 per cent for committee members. That again would effect some saving. I support the notion that this committee system, however it is constructed, should not come into effect until the commencement of the next parliamentary session. That will give us some time to get the staffing—and, more importantly, the procedures—in place so they can be effective from day one.

I have already dealt with the statutory authority review committee and spoken strongly in support of a statutory authority review committee, which would be a committee of the Legislative Council exclusively with some five members. I would also support the notion that the legislative review committee have six members and be a committee of the Chamber. Certainly, one has to accept that, in a small House such as this, with only 22 members, of whom one is the President and three are Ministers, leaving a total of 18 people available for committee work, that is always a practical difficulty.

The Hon. Anne Levy: What about the shadow Ministers? They cut it down to 13?

The Hon. L.H. DAVIS: Some shadow Ministers serve on committees. The Minister would know that there is an extraordinary anomaly of back benchers serving on committees being paid while shadow Ministers remain unpaid. As far as the Legislative Council is concerned, in terms of its size there are practical difficulties in introducing a committee system but some of those difficulties occur at the moment because of lack of staffing and resources. I would also submit that, if we do accept the Liberal Party proposal which I think is full of merit, some of the select committees that have been proposed in recent times—for example, the proposal to establish a select committee on the South Australian Timber Corporation, the proposal of the Australian Democrats on the Notice Paper at the moment to examine the inter-relationship between SASFIT, SGIC and the State Bank—are matters that could also be picked up by a statutory authorities review committee. I would think that those cases, along with others, would see a reduction in the number of select committees that would be established in future once the new parliamentary committee system is operational.

It is important to recognise, as other speakers have already observed, that the balance of power has shifted inexorably from the floor of Parliament to the Executive. We see that process, from a distance admittedly, in the budget Estimates Committees when Ministers (not all of them) not too cleverly try to play for time so that they do not have to face too many questions. The prepared answers that are ready for the Dorothy Dix questions from Government members perhaps say as much about a Government under pressure as does the system itself, but there have been some extraordinary examples of which perhaps even the Attorney-General would be aware, where a Minister may have had as few as 12 questions in two or three hours.

The Hon. C.J. Sumner: You must be joking. You should look at mine; I had hundreds of them. That was because of my economic and budgetary knowledge. We got through it very quickly.

The Hon. L.H. DAVIS: That might be right, except that they were asking questions about law; I hope you recognised them.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Davis would do better to address the Chair than to enter into debate across the Chamber.

The Hon. L.H. DAVIS: I think I probably would.

The PRESIDENT: I am sure you would.

The Hon. L.H. DAVIS: No, I mean that I am just wasting my time. Sir, I see that the Parliamentary Committees Bill is an exciting opportunity to set a new structure in place. I do not support what the Government has proposed. It is a very lopsided, defensive measure, which is calculated to preserve the Government's dominance and, in his recent contribution, the Hon. Mr Gilfillan quite rightly exposed that for what it is. It is obviously a Committee Bill, and I look forward to the Committee stage.

The Hon. M.J. ELLIOTT: I support the second reading and wish to make a few brief comments in relation to this Bill. It is certainly long overdue that Parliament should assert its role within the democratic process. I think anyone who believes that we have a representative democracy operating in South Australia at the moment is really kidding themselves. Too much power has been grabbed by the Executive Government, and the bureacracies are not answerable to the elected representatives of the people. I find it intriguing that at present we have a situation where a Party can receive 40 per cent of the votes (in other words, 60 per cent in first preference terms did not vote for that Party), that Party forms Government with virtually unfettered powers and, by use of Party discipline, that power is further moved to a very small group of Ministers and the power of those Ministers is clearly out of all proportion to that which it should be. We find that in fact the role of Parliament, particularly that of the Lower House, has been totally usurped.

I think that the move for a committee system is a good one as an attempt to reassert the role of Parliament within the democratic process. It is important and, regardless of whatever Parties are in power in the future, I think that people would expect that their elected representatives have a chance to examine what the Executive and the bureaucracies are doing.

At this stage, I do not believe we are receiving proper information or that the Parliament is playing its proper role. In South Australia, only the Upper House is a democratic House in terms of the constitution of its members in that it more accurately reflects the voting patterns of the people. This system is used by every democracy in Europe with the exception of England. We have come to accept the Westminster system as the way to go, yet very few countries use it. The Westminster system is used by Britain, Canada and, with variations, the United States and New Zealand, although I understand that New Zealand is moving towards PR. This means that the Upper House has been left with an important review role.

It is true to say that the Upper House also has a role at times of introducing legislation, but it has an important review role which could properly be carried out by committees. However, I see some difficulties if the committees are dominated by the Government, because we would run ourselves around in a circle. We set up committees to oversee what the Government and the Executive are up to but, if the committees are dominated by the Government, the Party that dominates the Lower House as a result of receiving only 40 per cent of the first preference votes, those committees can still be used to protect the backsides of people who should not always be protected in a similar way to what has occurred in some select committees where the Government has been in a position to use that power.

If we lived in an ideal world, I would be quite happy to see the Upper House dissolved. I would like to see PR introduced into the Lower House and a system of committees taking over the role of review currently carried out by the Upper House. However, the Upper House does not act only as a House of review, as it is also a truly democratic house. Until the Lower House becomes democratic I will very jealously guard the role of the Upper House, because it provides our only chance. I believe, to have proper review of Government actions, either present or future.

The Bill raises some difficulties. It is not my intention tonight to suggest the committee structures that I will ultimately support—there will certainly be negotiations during the Committee stage and perhaps beyond in this place—but I want to put on record that I support the committee process. My reservations about the sorts of proposals that are before us include the fact that I am not convinced that the committees will be allowed to be truly independent and representative of the interests of the people in a democratic sense, and they will not be in a position to review what the bureaucracies and the Executive Government are doing. I will look very carefully at the structures that we debate over the next couple of days hoping that at the end of the day we will have a committee system that will be truly democratic and not just an echo of the Government or of Executive Government.

The Hon. C.J. SUMNER (Attorney-General): I thank members for their support of the second reading of the Bill and for the enthusiasm and gracious praise that they heaped upon me as the originator of these proposals. All members recognise that I have been involved in the advocacy of an improved committee system for the South Australian Parliament since 1982. In fact, in 1983, after coming to Government, I moved to establish a joint select committee of both Houses of Parliament to examine the question of improving and upgrading the committee system. I prepared a very detailed discussion paper on the committee system, which was placed before the joint committee of the Houses, and submissions were sought from various parties. Regrettably, the committee simply did not function; it was undermined, in particular, by the Liberal Party in the Lower House.

There was some enthusiasm for the upgraded committee system from members of the Upper House at that time but, regrettably, we could not even get a submission from the Liberal Party on upgrading the committee system in this Parliament. There were submissions from some members of the Upper House—in particular, the Hon. Mr DeGaris—at that time, but eventually the committee withered because of lack of enthusiasm. That was regrettable, but the blame clearly lies with the Liberal Party of that time.

It is interesting to note that one of the proposals that I floated in 1983 involved the question of statutory authorities review. Had the Parliament embraced that investigative committee proposal in 1983, in my view the matter could have been dealt with expeditiously, as I anticipated, within four to six months, and 18 months into the first term of the first Bannon Government there could have been a decent functioning committee system of the Parliament put in place, but that was not to be.

Nevertheless, I thank all members for their gracious acknowledgment of my role in promoting the improved parliamentary committee system, which I have espoused

since 1983, and also the fact that I was able to incorporate the improved committee system in the Labor Party's platform at, I think, the 1982 and 1985 elections.

After I heard the Hon. Mr Lucas's speech I was coming to the conclusion that the diversity of views in the Parliament—and particularly in the Liberal Party—was such that we would get to the same result as we got to in 1983, namely, that the proposal would fail. If that happens I believe the Parliament deserves to be thoroughly condemned for not being able to reach an agreement on this important issue. However, I was heartened by the Hon. Mr Gilfillan's contribution, which I think has taken a more realistic approach to the committee system. I think that because of his contribution there is now the capacity to reach an agreement, because I do not think that the Hon. Mr Gilfillan's proposal is so far away from that of the Government. Certainly, it is much closer to the Government's position than that espoused by the Liberal Party.

I am not saying that there is, by any means, agreement in all areas at this stage, and it may well be that the Bill will have to go to a conference before it is resolved. However, as I said, I was somewhat pessimistic after the Hon. Mr Lucas's contribution, but I am more optimistic now. All members of the Parliament, whatever their particular agendas, really have an obligation, now that this Bill is before the Parliament, after a gestation period of eight years, to reach agreement and not let the Bill fail.

The only other specific question that I want to answer was raised by the Hon. Mr Gilfillan. There is, in fact, nothing in the Government's Bill that specifies the numbers—that is, the Party composition—of the committees. It is the Government's view that the Government Party, with those members that support it in the Lower House, should have a majority on the committees, whether one gets that by having a 3:2 position or, as has now been suggested by the Hon. Mr Gilfillan, six members. If it is to be six members, in my view the chairperson should have a deliberative and casting vote so that, if the Government wants to have a majority on the committees, it is able to have that. However, I emphasise that the Bill, as introduced by the Government, does not in fact say that there will be certain numbers appointed by the majority Party and certain numbers appointed by the minority Party. In fact, the proposals of the Hon. Mr Lucas do that: they refer to the Leader of the Opposition, and the like.

The Government's Bill does not make any reference to majority or minority Parties. In fact, it is the same position under the Bill as introduced by the Government as currently exists with, for instance, the Subordinate Legislation Committee, where the question of numbers on the committee is the subject of discussion and negotiation between the Houses. It is true that in the past the Government has always been able to achieve a situation where its Party has a majority on the committees. Certainly, that is the aim and policy objective of the Government, but it is not in the legislation and it could change, depending on the negotiations between the Government, the Opposition and the Democrats, and obviously negotiation between the Houses. Theoretically, it could change in the future.

However, I make it clear that the Government's policy position is that there should be a Government majority on the committees, and I do not think that is an unreasonable position. It is the position adopted under the revamped committee system in Victoria which has been in operation now for several years and which I think works reasonably well. I think that for the major part it is the situation in the Federal Parliament. The fact that members of Parliament are backbenchers in the Government majority Party does not mean that they toady to the Government, that they do not investigate matters and that they do not produce reports that are critical of the Government, because they have and they have done so through select committees that have been set up in this House in the past.

I also think there are some advantages in having joint parliamentary committees. The cross-fertilisation of ideas through those committees from one House to another can have a beneficial effect on members' decision-making, and if there is concern about the Legislative Council being the House of Review then, even if this structure is established, there is nothing to stop the Legislative Council using its own Standing Orders and establishing further standing committees of the Legislative Council or, of course, select committees to investigate a particular issue, if it so wishes. It is now clear that this is a committee Bill. I look forward to further discussions in the committee with the hope that there will be a constructive result at the end.

Bill read a second time.

LAND TAX (MISCELLANEOUS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

For much of the period of this Government land values in South Australia have increased rapidly. The Government has been acutely conscious of the effects of these rising land values on liability for land tax and in most years has either adjusted the tax scale or introduced rebate arrangements so that landowners were shielded from much of the impact.

In 1988-89, for example, the benefit to taxpayers of action taken by the Government was $11.5 million while in 1989-90 no less than $41 million of revenue was forgone. The cumulative effect of action taken by the Government would be well in excess of $100 million.

Nevertheless, it is the case that the Land Tax Review Group which reported last year received a number of submissions supporting formal limitations on the growth of land tax receipts. It was strongly urged upon the group (and prior to that upon the Government) that the potential for rapid increases in land tax which resulted from the combination of large movements in value, a progressive tax scale and the aggregation process made planning for land tax obligations very difficult. The Government has therefore decided to respond to these concerns by restricting land tax receipts in 1991-92 to the same nominal amount as was collected in 1990-91—that is, to an amount of $76 million. Furthermore, we will give an undertaking that receipts for 1992-93 and for 1993-94 will increase by no more than the estimated increase in the consumer price index for each of those two years. This should provide a firm foundation upon which industry can plan for the next three years. Since land tax receipts grew by only 5.7 per cent in 1990-91 there will have been a period of four years in which the impact of land tax will have been below the rate of inflation.

The Bill also increases the level of penalties applicable for non-payment of land tax. The current penalty of 5 per cent was introduced in 1970 and does not provide a suffi-

cient deterrent for taxpayers who deliberately delay the payment of their account. The Commissioner will have power to remit part or all of the penalty in appropriate cases. The level of penalties proposed are broadly consistent with those applying interstate. The purpose of this penalty measure is to provide encouragement to taxpayers to pay their land tax on time and in which case they will not pay any penalty at all. This measure will have no effect in relation to the overwhelming majority of taxpayers who pay their accounts on time.

Clause 1 is formal. Clause 2 provides that the measure will be taken to have come into operation at midnight on 30 June 1991. Clause 3 amends section 12 of the principal Act by increasing the amount of land tax payable for every $100 or fractional part of $100 of the excess over $1 million of the value of the land from $1.90 to $2.30. Clause 4 substitutes section 58 of the principal Act which provides for land tax that is unpaid at the expiration of 30 days from the date on which it fell due to be increased by a fine of 5 per cent of the amount in arrears. Proposed new subsection (1) provides that where land tax is unpaid after it falls due, the amount of land tax will be increased by a fine as follows:

(a) if the land tax is unpaid at the expiration of 30 days from the date on which it fell due—by a fine of 5 per cent of the amount in arrears;

(b) if the land tax is unpaid at the expiration of six months from the date on which it fell due—by a fine of 10 per cent of the amount in arrears, in addition to the fine specified in paragraph *(a)*;

(c) if the land tax is unpaid at the expiration of 12 months from the date on which it fell due—by a fine of 10 per cent of the amount in arrears, in addition to the fines specified in paragraphs *(a)* and *(b)*.

Proposed new subsection (2) provides that for the purposes of subsection (1), the amount of any fine under the section increasing unpaid land tax is to be disregarded in determining the amount of land tax in arrears. Proposed new subsection (3) empowers the Commissioner to remit in whole or in part, for any proper reason, any fine under the section.

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

HOUSING COOPERATIVES BILL

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

RESIDENTIAL TENANCIES AMENDMENT BILL

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

MOTOR VEHICLES (REGISTRATION-ADMINISTRATION FEES) AMENDMENT BILL

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

MARALINGA TJARUTJA LAND RIGHTS (ADDITIONAL LANDS) AMENDMENT BILL

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

ADJOURNMENT

At 10.37 p.m. the Council adjourned until Thursday 17 October at 2.15 p.m.