LEGISLATIVE COUNCIL

Wednesday 12 February 1992

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

MINISTERIAL STATEMENT: SOUTH AUSTRALIAN EGG INDUSTRY

The Hon. BARBARA WIESE (Minister of Consumer Affairs): I seek leave to make a statement on behalf of my colleague in another place the Minister of Agriculture.

Leave granted.

The Hon. BARBARA WIESE: In September last year the Minister announced a timetable for the proposed deregulation of the South Australian egg industry. I can now announce that the State Government intends to deregulate the industry by the end of March, and legislation will be introduced in the House later in the day. I can also announce that the Government has successfully negotiated to transfer the SA Egg Board grading and pulping facilities to an industry cooperative.

Consumers will also benefit from lower prices resulting from increased competition and from more efficient marketing. There has in fact been a recent entry of interstate eggs to South Australia. Coupled with the adoption of uniform national food standards, it has meant the need for rapid change. The flood of interstate eggs is mainly from New South Wales. This follows the decision by the Greiner Government to compensate growers $61 million as part of that State's deregulation package. The sale of interstate eggs resulted in lower prices for South Australian egg producers and made it difficult for the Egg Board to operate in the changed environment, while being restricted by legislation.

In 1990 the Government agreed to refinance the SA Egg Board after it experienced cash flow problems. The transfer of the SA Egg Board assets to industry and the cost to the State Government of deregulating the sector is likely to be between a minimum of $1.35 million and a maximum of $3.1 million. An industry cooperative will take over the grading and pulping facilities. It will operate on a fully commercial basis unfettered by current egg industry legislation.

Under the legislation, which was established in 1941, the SA Egg Board had to accept eggs from commercial farms whether or not it had a market for the eggs. The transfer to an industry cooperative is a good result for producers and consumers. It is an important reform for the egg industry, which is now at a critical stage.

The steps taken by the Government will help the industry consolidate and give it reason to look to the future with confidence. Egg quality standards will continue to be protected by regulations administered by the South Australian Health Commision. These regulations contain provisions prohibiting the sale of dirty, contaminated or cracked eggs. Egg quality will remain an important matter for producers who will be competing for markets with producers in other States. Deregulation means there is no restrictions on the number of hens kept on farms and producers will be able to develop their farms to take advantage of market opportunities.

I can also inform the Council that the Government will ensure an appropriate resolution for all staff members at the SA Egg Board. I would like to take this opportunity to thank the staff and board members of the SA Egg Board for their efforts. Over the years the Egg Board has made a useful contribution and played an important role in the rural sector. But, recent events have prompted the need for dramatic change to ensure that the egg industry can adapt and prosper in the future.

QUESTIONS

CLUB KENO

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about Club Keno.

Leave granted.

The Hon. R.I. LUCAS: I refer to Club Keno, a product of the Lotteries Commission which, according to the commission's annual report, produced sales turnover of almost $43 million in 1990-91—its first full year of operation. Representations have been made to the Opposition seeking assurances about the integrity of the Club Keno system following a recent case involving the misappropriation of more than $20 000 through the use of a Club Keno machine. I have been informed that currently the integrity of Club Keno relies entirely on the capacity and honesty of the terminal operators.

In addition questions have been raised with me about what protection is provided to the player of Club Keno who does not monitor the games as they progress. I am advised that no documentary evidence is given to the player of what the actual result is for each game, as is provided, for example, by the TAB. My questions to the Minister are:

1. Will the Minister seek a report on what systems the Lotteries Commission has to monitor the use of Club Keno machines?

2. What assurances can be given that Club Keno is not open to fraudulent or unauthorised playing of the game and that winners at all time receive the prizes to which they are entitled?

3. How many cases of fraudulent activity or misappropriation have been brought to the attention of the Lotteries Commission?

The Hon. BARBARA WIESE: I understand why the honourable member is asking this question of me with respect to his concerns about players of Club Keno and what information or assurances they may be able to receive from the South Australian Lotteries Commission about Club Keno but, essentially, I believe the answers to the questions must come from the Lotteries Commission and, as the honourable member knows, the Premier is the Minister responsible in this area. However, whatever the case may be in this respect concerning who might provide the appropriate information, I will certainly seek a report on it, in the first instance from the Commissioner of Consumer Affairs as to the matters that have been raised by the Leader and, if appropriate, also from the South Australian Lotteries Commission, and I will provide that information as soon as possible.

AIDS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about AIDS discrimination.

Leave granted.

The Hon. K.T. GRIFFIN: On 13 January 1992 the Attorney-General is reported to have announced that he would be introducing a Bill to outlaw discrimination against AIDS

sufferers and carriers of the HIV virus by widening the definition of impairment under the Equal Opportunity Act. Newspaper reports at that time suggested that the way the Attorney-General proposed to address this was to extend the definition of impairment to those situations where organisms causing disease were present in the body.

It was not clear whether this related to any disease or just to AIDS and the HIV virus. But it was reported that the proposed amendments would not override the provisions of the Public and Environmental Health Act relating to notification of the disease and to quarantine.

A number of questions arise out of the Attorney-General's announcement, particularly as the issue relates to the rights of citizens to make choices. Under the Equal Opportunity Act it is unlawful to discriminate on the grounds of impairment in deciding whether or not to employ a person.

Under the Government's proposals, the question arises whether a health professional (such as in the recent dentist's case that received a lot of publicity) should be permitted to decline to employ a person who is HIV positive to be involved in providing dental, medical or similar services to a patient in view of the risk, albeit limited, to the patient and the subsequent potential liability of the employer to the patient of a claim for damages. In other words, does the potential employer have a choice in those circumstances? If the potential employee has misled the potential employer, and the HIV positive person is employed, can he or she subsequently be dismissed for such misleading conduct without the employer attracting any liability under the Equal Opportunity Act amendments, which I understand the Attorney-General proposes?

In similar circumstances, can a partnership of health professionals refuse to admit to the partnership a person suffering from AIDS or who is HIV positive and not be caught by the proposed amendments, remembering that under the Equal Opportunity Act it is unlawful to refuse a partnership or to expel from a partnership a person on the ground of impairment? In the sporting area, those who are engaged in contact sports are advised about coming into contact with the blood of another player in view of the risk of HIV infection (again, according to reports, somewhat small). Trainers, medical attendants and coaches are also given advice on how to deal with an injured player who is bleeding, particularly in relation to the AIDS and HIV question.

In schools, policies are being developed in relation to contact sports, in particular, and the difficulties that might arise in relation to injuries caused as a result of involvement in such sports. In those circumstances, under the legislation which the Attorney-General proposes to introduce, can a club refuse to allow an HIV positive player the opportunity to play on the basis that it is a protection for the club against claims for damages and risks to players, or will some protection from liability be incorporated in the legislation?

There are many other issues to be explored, such as unsafe systems of work in respect of the various circumstances that I have outlined, the consequences of disclosure or non-disclosure to patients, team mates and others likely to come into contact with an AIDS sufferer or a person who is HIV positive and the question of liability for non-disclosure. I suggest that all these must be explored, particularly in view of the fact that there is still a lot unknown about the communication of the HIV virus and concerns by individuals not to take risks as well as, on the other side, the sensitivity towards the person suffering from the disease. My questions to the Attorney-General are:

1. Does he intend to address all of these issues in any legislation?

2. Are any rights to be given to those who may be at risk (even if a slight risk) from contact with AIDS sufferers and those who are HIV positive?

3. Does his proposal for amendment of the Equal Opportunity Act extend only to AIDS and the HIV virus or to all or some other diseases?

4. Will there be any reasonable opportunity for public discussion of any proposals before final decisions are taken?

The Hon. C.J. SUMNER: The answer to the last question is that there is always opportunity for discussion, and this will be no exception. Even if a Bill is introduced into the Parliament it will be the subject of discussion—and quite rightly so. The situation is that the Bill introduced by the Hon. Mr Griffin dealing with discrimination on the grounds of disability already covers the AIDS condition. However, the advice that I received was that it did not cover someone who was infected with the HIV virus.

So, if the condition had developed to full-blown AIDS, then the existing law introduced by the honourable member covered the situation. However, someone who was just diagnosed as HIV positive was not covered by the legislation introduced by the honourable member. On the interpretation of the Victorian Act, we believe that the definition of 'physical impairment'—or whatever the appropriate definition is—does cover both HIV and AIDS and, therefore, discrimination on those grounds is prohibited in that State. Most other States have already announced that they intend to legislate in this way.

It was the Government's intention that the amendments to the Act should be of a general nature, not specifically naming the condition HIV or AIDS. However, that matter will be the subject of further discussion as the amendments are being drafted. The Cabinet, in making the decision, made clear that public health considerations had to be taken into account. Obviously, a number of the issues that the honourable member has raised today are issues of public health, and so will be considered in the drafting of the legislation. I am pleased that the honourable member has placed those concerns before the Council at this stage. Certainly, the issues that he has raised were to be and will be taken into account in the drafting of the legislation.

So, the answers are 'Yes' we do intend to look at those issues in the context of the drafting of this Bill, Cabinet having made a specific decision that public health matters had to be taken into account. That also answers the second question. The answer to the third question is that it will be, as presently intended, an expansion of the definition which was introduced by the honourable member in his legislation to cover situations such as AIDS HIV, but not specifically related to it. However, that situation might change if, during the drafting phase, the proposition that was approved by Cabinet was, in effect, to introduce legislation that was similar to that in Victoria and, obviously, there will be opportunities for discussion.

The Hon. K.T. GRIFFIN: As a supplementary question, can the Attorney-General indicate what time frame might have been developed for the preparation and then introduction of that legislation?

The Hon. C.J. SUMNER: No specific timetable applies. When the legislation has been drafted and approved by Cabinet, it will be introduced.

ASBESTOS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to directing a question to the Minister of Tourism about asbestos reports.

Leave granted.

The Hon. DIANA LAIDLAW: On 27 November last year, the Minister of Housing and Construction ordered SACON to prepare an urgent report into the background of past assessments of the asbestos danger in the building which is at 18 King William Street and which was formerly occupied by Tourism South Australia. The urgency of the report followed claims by the United Trades and Labor Council supported by the Public Service Association that SACON as manager of the building had failed to manage the asbestos removal programs conducted in 1983, 1985 and again in 1987.

This urgent report was due to be completed and presented to the Minister of Housing and Construction in mid-December. At about the same time, the same Minister was due to receive another report about asbestos in the TSA building—this one being the final report by a firm of consultants commissioned by SACON some weeks earlier to survey the presence of asbestos. The Minister of Housing and Construction has now been in possession of both these important reports for at least four to six weeks and, while neither of these reports has been released for public perusal, I assume that within this period the Minister of Tourism has been presented with copies of both reports.

Therefore, I ask the Minister, both in her capacity as Minister of Tourism and as the representative of the Minister of Housing and Construction in this place, the following questions:

1. Has the Minister received a copy of both reports, including SACON's recommendations for further action at the building? Does SACON intend to rid the building of asbestos once and for all—and at what cost—or demolish it, which was an option that the Minister foreshadowed in this place last year?

2. Even more importantly, can the Minister now inform the Council whether or not she is satisfied that there is any foundation to the grave allegations by the UTLC and the PSA that Tourism South Australia workers have been exposed to potential health risks for many years because SACON failed to ensure the complete removal of the offending asbestos in past removal programs?

3. Will the Minister, in the public interest, request that the Minister of Housing and Construction release both these important reports?

The Hon. BARBARA WIESE: First, the matter of reports concerning asbestos in public buildings is indeed a matter for the Minister of Housing and Construction and, if he is receiving reports on those matters, it is also his prerogative to decide whether they should be released. I will certainly refer the honourable member's questions to the Minister so that he may assess her request.

As to the former Tourism South Australia building and its future, that too is a matter for the Department of Housing and Construction to assess, based on the best possible evidence that is available to them. That is no longer a matter of concern to me as Minister of Tourism, because agreement has been reached within Government that, whatever the fate of the building at 18 King William Street, Tourism South Australia will not be a part of it.

In other words, I am saying that, whether it will be a financially viable option to remove the asbestos and rehabilitate that building for future use, or whether in fact the costs will be so great that that is not a viable option, is not of concern to Tourism South Australia, as we have long since outgrown that building, and the Government has agreed that alternative accommodation would be sought for the agency in the future. I am not able to provide information about reports that the Minister of Housing and Construction may have received on the asbestos removal program, but I shall refer those questions to him and bring back a reply as soon as that is possible.

The Hon. DIANA LAIDLAW: As a supplementary question, is the Minister saying that she has so little interest in this subject, notwithstanding the uproar last year amongst her staff and the evacuation of that building, that she has not even sought copies of these reports, let alone sighted them?

The Hon. BARBARA WIESE: I am saying that the matter of asbestos removal is a matter for the Department of Housing and Construction. The honourable member knows full well, from replies that I gave in this place before Christmas, that my concern about the asbestos problem at 18 King William Street has been great indeed, and I have been extremely concerned about the occupational health and safety issues that were involved for the staff of Tourism South Australia since that building was commissioned in 1972.

My interest in those matters has certainly been much greater than the Hon. Ms Laidlaw's, who has spent most of her time in this place at every available opportunity, since the issue became a public one, to make political capital out of it, bearing very little concern whatsoever for the health and welfare of the staff who have worked in that building. As the honourable member also knows from replies that I have given here and from statements that have been made in the media, considerable efforts have been made along the way to provide as much information to the staff as is humanly possible about the potential health risks that may have been present for anyone working in an environment where blue asbestos is present. If the honourable member spent more time researching her topic—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —instead of trying to make political capital out of the issue, she would know that there are not clear answers that can be given about the health risks for people who have worked in these environments.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The honourable member will come to order.

The Hon. BARBARA WIESE: It is also true, and I repeat, that all staff who have worked in the Tourism South Australia building have been given the opportunity to speak with whomever they wish, and they have been given access to the very best medical advice available in order that they might assess for themselves what the potential risks may have been in the past. They have also been given advice about testing that may be available to them should they consider that this is a course of action they may wish to take, and these matters will be dealt with appropriately by the appropriate agencies of Government at the appropriate time.

INTERMENT OF DEAD BODIES

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General a question about the duties and responsibilities in relation to the interment of dead bodies.

Leave granted.

The Hon. I. GILFILLAN: In June last year Mr R.H. Hocking of Naracoorte died. The deceased's son, Mr Ivan Hocking of Lucindale, has since approached me and has given me the following details. After consulting the executor appointed to his father's estate, Mr Bursee, Mr Ivan Hocking made funeral arrangements for Saturday, 29 June, a notice of which was published in the *Advertiser*. As a result, the family and friends of the late Mr Hocking travelled from all parts of the country, including New South Wales, to attend the funeral on the 29th.

However, the day before the funeral, Friday the 28th, the executor of the deceased estate, Mr Herman Bursee, sought an injunction against the holding of the funeral the following day. This matter was subsequently heard at 4.30 p.m. on the afternoon of Friday the 28th in the Supreme Court before Master Boehm. That was the evening before the actual scheduled funeral. This came as a complete and devastating surprise to the family, who had already made funeral arrangements for the next day. In the event, the funeral was postponed until Tuesday of the following week and, unfortunately for many visiting family and friends, they could not stay and subsequently missed the service.

It is worth quoting part of what was said during the hearing of the injunction by Master Boehm to illustrate that, although he could not oppose the injunction based on a question of law, he nevertheless clearly believed that this type of situation should not have arisen. I quote from the transcript. Master Boehm said, in part, that the entire series of events left him with a nasty taste in his mouth. He said:

> On the face of it, it is a very unseemly application although it is not my function to pass any judgment on that. I might have expected that part of the duties of the executor was to respect the wishes of the family. I make no bones about it and I sympathise with the family but I don't know if that is sufficient.

He also said that people at large may not understand that the executors and not the family have legal custody of a deceased body and, therefore, as a matter of law he, the Master of the court, could not rule in favour of the family. However, he did add:

> All my sympathies are with the family. If there was a way I could refuse this injunction I would do it, because I don't think that it's at all fair.

Following further investigation by my research assistant with the Registrar of Probates, I am told that this is not an isolated case and other instances of distress to families have occurred. There does not appear to be any statute law regarding this matter, but in common law the executor carries total power as to the burial and custody of a deceased body, with no legal obligation even to consult with the deceased's family. I therefore ask the Attorney:

1. Does the Attorney agree with me, the Master of the Supreme Court and the Registrar of Probates that the executor can override the wishes of the family of the deceased in regard to the custody and burial of the body?

2. Does he agree that this can give rise to extraordinary stress and unhappiness for the family?

3. Will he introduce legislation which will ensure that the family of the deceased must be consulted and, indeed, have an overriding authority as to the time and place of the burial of the deceased?

The Hon. C.J. SUMNER: Although the honourable member was kind enough to give me some short notice of this question, I have not had the opportunity to research the issue that he has raised. Accordingly, I am not personally able to give an answer to his first question, except to say that, from my own knowledge, I know of no reason to disagree with the statements of the law made by the Master of the Supreme Court and, apparently, also conveyed to the honourable member by the Registrar of Probate, namely, that the executor of a deceased estate—the person named in the will—has the authority as to determining the burial of the deceased.

However, I can agree with the honourable member's second question, namely, that the circumstances in which this family found itself would undoubtedly lead to considerable stress and unhappiness. That obviously was reflected when the matter was heard in the Supreme Court by Master Boehm. The comments that the honourable member has read to the Council from the judgment of Master Boehm clearly indicate that in his view it was an unsatisfactory situation, and I think that everyone would agree that it was unsatisfactory and unfortunate.

The third question, however, is a little bit more difficult, that is, whether or not there is a need for legislation in this area to override what the honourable member has outlined and what I accept is the common law. Clearly, in circumstances like this, someone has to have the authority to deal with the situation. In many cases, of course, the executor of a deceased estate is also a member of the family. So, the conflict that occurred in this case would presumably not occur—

The Hon. K.T. Griffin: It may occur.

The Hon. C.J. SUMNER: It might—presumably would not occur if that was the situation. However, as the Hon. Mr Griffin has intervened, it might occur, and it might occur because if it is not the executor who makes this decision, who makes the decision? If one says it is the family that makes the decision then—

The Hon. J.C. Burdett: Who's the family?

The Hon. C.J. SUMNER: The Hon. Mr Burdett interjects and says, 'Who is the family?' It may be that a dispute could arise between the members of the family as to the disposal of the body and the timing of it. So, just taking the executor out of the equation—if the executor was not a member of the family—would not necessarily resolve the problem of dispute. The family members might be separated, for instance, in the case of the deceased being an infant—all sorts of circumstances could arise where a dispute could occur. Obviously, with the executor doing it, the executor having been appointed in the will in accordance with the specific wishes of the deceased, there is a clear cut person or persons, if more than one is appointed, who can make the decision in relation to, as in this case, the burial of the body and other matters relating to the deceased's estate.

So, they are the issues involved here. There is no doubt that the circumstances in which this family found itself were distressing. I do not know what was motivating the executor in this case, or what were the reasons for wanting the deferral of the funeral or whether or not they were justified. I assume from Master Boehm's comments that he thought they were not justified. Again, I do not know the full background to it, but undoubtedly it was an unfortunate, regrettable and distressful situation for those involved. What I can do—

The Hon. I. Gilfillan: Would you agree that it is widely unknown in the public that this in fact applies?

The Hon. C.J. SUMNER: I do not know that many of the public would address their mind to the issue, in any event. I think those who did could come to the conclusion, with some justification, that if an executor is appointed in the will that it is the executor who does have the responsibility to administer the estate, as well as to deal with the body of the deceased, as has apparently been found in this case. I cannot answer the question of what the public perception or knowledge of that might be. I think the public

would generally think that an executor has certain authority in relation to—

The Hon. I. Gilfillan: Surely the family would presumably be the ones who would bury the body.

The Hon. C.J. SUMNER: I will not go into a hypothetical debate about it. It seems to me to be quite a futile exercise at this stage as to what the public knowledge about it might be. I know that many executors are in fact members of the family. I would suggest that in the majority of cases relating to smaller estates of members of the community generally the executor would be a member of the family. That is quite a common practice. So, at least to some extent, if that occurs the problem that occurred in this case would not arise. However, I cannot divine what is the public view of the situation, except to say that many members of the public would think that the executor would have certain authority in this area because the deceased had appointed that person to look after their affairs after their death.

That is not saying it is necessarily right and that the family's views ought not to be taken into account and that, if circumstances such as this arise, they are not distressing, clearly there are. However, I also point out that disputes could arise in other circumstances and, obviously, at some point someone has to have the authority. According to the law as stated by the Hon. Mr Gilfillan from the judgment of Master Boehm, it is the executor who has that authority at the present time. Before the honourable member interjected, I was going on to say that I am happy to examine this case and also the legislation and bring back a reply for him on those points.

ARTS REVIEWS

The Hon. L.H. DAVIS: I seek leave to make a explanation before asking the Minister for the Arts and Cultural Heritage a question about arts reviews.

Leave granted.

The Hon. L.H. DAVIS: Last July a regional arts development review was established to examine the future of regional cultural centre trusts and regional arts generally. Last November in the Council the Minister advised that she would have the report at the end of November. There is also a statutory authorities review into four key arts bodies; namely, the Festival Centre Trust, the State Theatre Company, The State Opera and the Youth Performing Arts. This review was also scheduled to report in November. However, to date, these reviews have not seen the light of day. I have received information that some of these reviews are in fact being rewritten.

In regional arts there are widespread rumours that the management of regional arts trusts is to be withdrawn from the region and to be centralised in Adelaide to prop up jobs for the arts bureaucracy. I have also been contacted by several key people in regional arts who are concerned at the continuing uncertainty in regional arts. They have all told me that morale in regional arts is at a record low. They are concerned that centralisation of control of regional arts would mean losing vital contact with the local community and would ignore the decentralisation of arts in recent years, which has overcome many of the problems and isolation experienced by regions with respect to the arts. My four questions to the Minister are as follows:

1. Will the Minister advise why there has been a delay in the regional arts development review and the statutory authorities review?

2. Are the reviews being rewritten and, if so, by whom and why?

3. Can the Minister give a public assurance that it is not her intention to centralise the administration of regional arts?

4. In view of the importance of these reviews and the fiasco associated with the earlier library review, will these reviews be made public and, if not, why not?

The Hon. ANNE LEVY: I am delighted to answer that series of questions from the honourable member. He mentioned two reviews that have been set up: the regional arts review and the statutory authorities review. He did not mention that there are also reviews going on into all the divisions of the department, which includes the Art Gallery, the Museum, and so on. There is also a working party looking at the film industry in this State. So, certainly a great deal of review activity is occurring. I would like to stress, as I have in the past, that one of the main aims of this series of reviews is to ensure that the administration of the arts is as efficient and lean as possible so that in recessionary times, with shrinking dollars, if any reduction in funds occurs it is in administration and infrastructure and not in the arts programs and product available to the community as a whole.

That is one of the fundamental aims of this series of reviews. It is not news for me to say this, but a number of people have not understood the rationale behind the reviews which I would think is one to be applauded rather than in any way denigrated. With respect to the specific questions that the honourable member has asked, I do not know why there has been a delay, except that I do know that those reviews involve a great deal of consultation. The regional arts review has—

The Hon. Diana Laidlaw: You told me last November that you would have them at the end of November.

The Hon. ANNE LEVY: Weren't you listening to what he said?

The Hon. Diana Laidlaw: I know; I'm just reminding you.

The PRESIDENT: Order!

The Hon. ANNE LEVY: I just wonder why the Hon. Ms Laidlaw makes that interjection. It suggests that she did not hear a word of what the now shadow Minister said.

The Hon. L.H. Davis: On 20 November you said we would have it in 10 days time. You still haven't got it and you don't know why. What is going on?

Members interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: I am happy to continue with my reply, Mr President, so that the press and the interested public of South Australia can learn of these matters; whereas, obviously, members opposite do not want to know.

The Hon. Diana Laidlaw: Well, you don't even know why they are late.

The PRESIDENT: Order! Members ask questions and if they want answers to questions I suggest that they keep silent. The honourable Minister.

The Hon. ANNE LEVY: Thank you, Mr President. The reviews all involve a great deal of consultation. Dealing with the Regional Arts Review, as an example, there was a call for submissions and there were visits to each of the main homes of the cultural trusts in South Australia. There were discussions with the boards and public meetings were called. Meetings were arranged with local government in the various areas, and further discussions were held with groups in Adelaide, including the Local Government Association. There has been a great deal of consultation.

It is a fact that there are people who take holidays over the summer period (and I am not necessarily referring to the people who have been doing the reviews but to the

people they wish to consult). It is not always possible to undertake consultations just when one wishes to because people may go on holiday, and this can also apply to the people who are taking part in the reviews. The reviews have involved people from the arts community.

For instance, the regional cultural review involves a member of a regional cultural trust with local government interests and a previous President of the Arts Council in South Australia. People with considerable and obvious qualifications have been involved in undertaking the review and, equally, obviously they are entitled to take holidays whenever they wish. I understand that the regional arts review is close to being presented to me.

The Hon. L.H. Davis: That's what you said three months ago.

The Hon. ANNE LEVY: I can assure the honourable member that I am not writing the review.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I am not writing the review myself and I have not been presented with a copy of the review. I expect to receive the regional arts review in the very near future. If it is being rewritten, obviously the honourable member has rumour sources of which I am unaware.

Members interjecting:

The PRESIDENT: Order! The Minister.

The Hon. ANNE LEVY: I am certainly not aware of any rewriting. Of course, there may well be changes from one draft to another. It is not unusual for people to improve their language and setting out.

Members interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: Thank you, Mr President. It is obvious that people opposite have never written reports, theses, essays or any such work in their lives because, if they had, I am sure they would be aware that most people who undertake such activity do polish their work as they move from one draft to another.

With regard to the third question of whether I will make a statement on centralisation of the regional trusts, I can only repeat what I have said on numerous occasions: the important thing with regional arts is that there be local decision making and the greatest possible control at the local level and that the arts product or arts performances that are available to people in the regional areas are as great as possible. When it comes to basic administration, I fail to see that it makes much difference where it is done as the aim is to get it done as efficiently as possible so that there can be a maximisation of local decision making, local control and local product.

That is the main aim. If one had to choose between local decision making and local control as opposed to administration, I am sure that the population in our regional areas would give the highest priority to local decision making and local control and availability of arts product at a local level. I have stated that as my priority; I have stated it before, and I am happy to state it again and again. I have stated it in the regional areas both to cultural trusts and to the media. I trust that they would be reassured by this that it is certainly my aim to maximise the local decision-making and the local content for the regional cultural trusts.

Beyond that, it seems to me that those are the highest priorities, and the location of particular administrators is of much less importance. Also, the number of people involved in administration should be kept as lean as possible so that there can be local decision making and no diminution of arts product at the local level. With regard to the final question whether I will make the report public, I must say that I certainly hope to do so. I have every intention of making it public at the appropriate time.

TURN LEFT SIGNS

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question about turn left signs.

Leave granted.

The Hon. J.C. IRWIN: On 14 November last year I asked the Attorney-General, representing the Minister of Emergency Services, a question relating to turn left signs and the issue of a number of infringement notices in North Plympton. I thank the Attorney-General for the answer which he provided to me from Minister Klunder last week and which says in part:

> The Minister of Emergency Services has advised that general authority is granted by the Minister of Transport to councils, by virtue of the provisions of section 12 of the Road Traffic Act, to erect regulatory signs such as 'No Left Turn' signs. A code of practice issued by the Department of Road Transport establishes standards for signs and traffic control devices. Accordingly, it is the view of the Police Department that police are correctly enforcing the 'No Left Turn' signs in Mooringe Avenue, North Plympton, under the provisions of section 76 of the Road Traffic Act. There is a presumption under this section that any such sign, in the absence of proof to the contrary, has been lawfully placed or erected.

I find that statement about presumption extraordinary when section 76 of the Road Traffic Act provides that the Governor may make regulations to provide for specific wording and/or symbols which can be used on traffic signs as instructions to drivers. We are talking not just about the placement of signs but about what is actually the instruction on them.

In July 1984, section 76 of the Road Traffic Act replaced former sections 76 and 77, and no regulations have been made for the purpose of these signs formerly prescribed by the repealed sections. Why have no regulations been made to section 76 of the Road Traffic Act? There may well be a code of practice issued by the Department of Road Transport, but what weight in law do these have without the proper regulations? If there are no regulations, there is no meaning and no offence. Hundreds of motorists have been booked at this no left turn sign in North Plympton.

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

PATAWALONGA WATER QUALITY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question about water quality in the Patawalonga.

Leave granted.

The Hon. M.J. ELLIOTT: The quality of the water in the Patawalonga at Glenelg has been a disgrace for many years. In fact, the Chairperson of the House of Representatives committee who recently completed a report in relation to the Patawalonga commented that it was probably the worst waterway the committee had seen around the Australian coastline. When it was conceived, the Glenelg foreshore and environs project was, we were told, a way of raising money necessary for a clean-up.

My questions relate to information coming out of the ongoing debate over the development of the area. There is concern in the Glenelg council and among residents that the Government has withdrawn all funding support for the

trash racks and ponding basins necessary to improve water quality in the Patawalonga. This was made public by Government representatives at a meeting of residents held in Glenelg in late January, although apparently the developer was aware of the withdrawal of Government funds in December 1991. It must be remembered that improving water quality was one of the reasons the Government has put forward to explain its keenness to develop the area and allow up to $20 million worth of public land to be used for private housing. The cost of the trash racks and ponding work is estimated at $1.8 million.

The second incident is quite recent. I have been told that a worker leaving a factory site in South Plympton on Saturday at around 9.30 p.m. noticed mains water being pumped into a tank of copper chrome arsenate but because it was not his responsibility continued on his way. At 9.30 a.m. on Monday morning a copper chrome arsenate spill was detected. During clean-up operations, soil was put into a dry stormwater drain in an effort to stop the flow of the chemical. Whilst some was collected, I believe that heavy rain has since washed some of the chemical down to the Patawalonga and out to sea. A couple of questions are raised:

1. Has the Government withdrawn funding for clean-up work relating to water quality in the Patawalonga, specifically trash racks and ponding basins? Why was the decision made and why was it not made public?

2. What will the Government do to tighten controls on industries handling dangerous chemicals to prevent further toxic chemical spills? There was supposed to be a law requiring bunding so that such spills did not occur, but apparently one has occurred here. So, either the regulations or the policing of them have failed.

3. Is it true that the E&WS Department task force assigned to the Patawalonga only took water quality readings from August 1990 to May 1991, and does the Minister consider that to be an adequate testing program?

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

ETSA

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Mines and Energy a question about the ETSA building situated on Greenhill Road.

Leave granted.

The Hon. J.F. STEFANI: Members would be aware that the Electricity Trust of South Australia has been undertaking a program of restructuring. I have been informed that as part of this process the board has authorised the preparation of a report on the short and long-term use and ownership of the building used by ETSA as its headquarters. Therefore, my questions are:

1. Will the Minister advise whether he has approved the employment of a consulting firm to prepare a report? If so, what was the cost of the report?

2. Who are the consultants and are they based in South Australia, interstate or overseas?

3. What recommendations were contained in the consultants' report?

4. What other decisions have been taken by the ETSA board in relation to the report, and have these decisions been approved by the Minister?

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

STATE BANK

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Treasurer a question regarding the closure of rural branches of the State Bank.

Leave granted.

The Hon. PETER DUNN: Lock, a rather small town on central Eyre Peninsula, has had a State Bank (previously the Savings Bank of South Australia) for many years—in fact for as long as I have lived in the area, which is since 1957. Approximately five years ago, the State Bank rebuilt the premises in Lock for a cost of more than $200 000, and it operated with two staff. The only other banking facility in Lock is an agency of the Commonwealth Bank, and that is run by the post office. The nearest banks are an ANZ bank at Wudinna, which is 70 kilometres to the north-west, an ANZ bank in Cleve, which is 75 kilometres to the east and a Westpac bank in Cummins, which is 80 kilometres to the south. All these towns have a State Bank branch.

Customers in the Lock area were recently sent a letter, which states:

Dear Customer (Lock branch)

Changing demands from our customers has prompted a review of our branch network. As a result of this, we are reorganising operations at the Lock branch of State Bank. This means the current operation times will alter, effective from 31 January 1992.

The branch will become an officer-manned agency open on Tuesdays between 9.30 a.m. and 4 p.m., and Fridays, between 9.30 a.m. and 5 p.m.

The current staff at Lock are to be transferred and the agency will be staffed from Wudinna branch on these days. Experienced rural lending officers will be available by appointment at the branch or customer location as appropriate.

Your accounts will not be affected by this change and State Bank will continue to offer a full range of banking services at Lock on Tuesdays and Fridays.

I would like to take this opportunity to thank you for supporting State Bank. We look forward to continuing our relationship and providing your banking needs.

Yours sincerely.

The letter is not signed. The removal of the bank results in there being no bank in the Lock area within a radius of 70 kilometres, which is about the distance from here to Dublin on the Port Wakefield Road. The effect on the small town, which is an important agricultural centre, has been quite devastating.

On a recent visit to Lock, I noticed that the local stores were asking for $1 to cash a cheque and, when I inquired why that was being done, I was informed that the local State Bank branch charged a fee to honour these cheques, particularly if it involved cheques that did not come from the State Bank branch in Lock. This town, which has a pub, general store, deli, butcher shop, an E&WS branch, a Highways Department and police officer, amongst other local residents, now has no bank. Therefore, my questions are:

1. What caused a change in the customer demand as set out in the letter?

2. What caused the loss of business confidence in the State Bank so that in such a short time a new bank building should have to be abandoned?

3. How many clients have left the bank in the past five years?

4. Is this the State Bank's method of distancing itself from local businesses, for example, farms, which may have high debt loading, and the bank's wishing to realise its assets by offering these properties for sale?

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

AUSTRALIAN NATIONAL STAFFING

The Hon. DIANA LAIDLAW: I understand that the Minister of Arts and Cultural Heritage has received an answer to a question I asked on 22 October about Australian National staffing.

The Hon. ANNE LEVY: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

My colleague, the Minister of Transport, has provided the following responses:

1. The Commonwealth Government recently announced that the terms of the redundancy agreement will be four weeks pay for each year of service with no cap, that is, the same as ex SAR employees. Prior to this announcement the Minister of Transport had written to the Hon. Bob Brown, the Federal Minister for Land Transport, seeking his assurance that the terms of the redundancy agreement negotiated for ex SAR workers would be adhered to and asking him to offer the same conditions to other AN employees, for the sake of equity.

2. See 1.

3. The Government is constantly reviewing the State's economy and refining or developing strategies to provide ongoing direction and expansion of the economy. Historically, the Government in 1985 published 'South Australia's Economic Future—The Next 5 Years' which set out nine principles for development which were intended as a guide to the State's economic development into the next decade.

These principles for development are:

Maintain and strengthen our manufacturing base
Attract and develop new industries
Drive for exports
South Australia: Centre for Technological Excellence
Strengthen the State's financial base
Promote our competitive edge
Develop the potential of small business
Develop our tourism potential
The partnership of the public and the private sectors.

The Government reviewed and refined the above thrusts and as a result, in October 1989 released the document entitled 'Securing the Future—South Australia's Economic Development' which outlines the Government's approach to economic development into the 1990s. The document states in part:

'For the future, our approach to development will focus on building on our strengths and creating new activity in industries with significant world market potential. The Government's strategy for the next five years will focus on five key strategic areas of growth in both new and established industries:

Manufacturing
Agriculture and the processing of natural resources
Brain-based industries
Defence and aerospace
Tourism.

The State Government aims to create a competitive regional economy offering the best advantages of existing and new industry with a future into the 1990s and beyond. Our goal is to create long-term employment opportunities and a sustained high standard of living.

The Department of Industry, Trade and Technology is pursuing strategies encompassing:

Assisting South Australian enterprises to compete successfully in the global market place for traded goods and services.
Ensuring appropriate infrastructure and business environment.
Supporting sustainable economic and environmental development.
Attracting productive new investment.

The Government announced recently a major economic study aimed at re-evaluating the existing industry base, areas of potential growth and the strategies by which the Government should seek to promote the growth of the South Australian economy. Part of this study will involve consideration of the issues facing business development in regional South Australian. Specifically, in relation to the upper Spencer Gulf region, the Government's approach has been to assist and support the development of regional business development strategies by regional development boards established under the Government's regional business policy; and to pursue industrial development based on the inherent strengths of the region, as a whole, to ensure sustainable development occurs. Hence, in the case of Whyalla recent specific activity has included:

(1) The petrochemical industry which is being actively pursued to maximise SANTOS products.

(2) Mineral processing such as the proposed titanium dioxide plant and associated downstream industries.

(3) Ensuring that the engineering capability of Whyalla is maintained at a competitive level; and,

(4) Mining and downstream processing of BHP and Western Mining production.

In the case of Port Augusta recent specific activity has included:

(1) evaluating support for the Alice Springs-Darwin railway link with spin-offs expected to engineering in Whyalla, Port Pirie and the railway sleeper facility at Port Augusta.

(2) Ongoing negotiations with an international company involved in the production, refurbishment and maintenance of railway stock and the possible utilisation of AN's engineering workshops; and,

(3) Support to tourism development including the upgrading of infrastructure relating to the Wilpena development.

In the case of Port Pirie activity has included:

(1) The proposed rare earths processing facility and the operational downstream processing of refined rare earths.

(2) Undertaking a review to maximise the infrastructure of Port Pirie, for example, Pasminco-BHAS, Co-operative Bulk Handling, etc.

(3) Ongoing contact and negotiations with an interstate manufacturer of components to the transport industry with the object of encouraging the firm to establish a manufacturing facility at Port Pirie; and,

(4) Ensuring that the engineering capability of Port Pirie is maintained at a competitive level.

These specific projects are pursued in conjunction with the regional boards which provide local strategic direction in line with the State strategic development and the aspirations of the local community, together with local support for specific projects.

These development boards are:

(1) Whyalla Industrial Development Executive Inc.

(2) The Port Augusta and Flinders Ranges Development Committee.

(3) The Port Pirie Development Board.

The Government provides funding and resources to the Boards as a joint regional initiative with local government.'

STA GOLF RAIL SERVICE

The Hon. DIANA LAIDLAW: I understand that the Minister of Arts and Cultural Heritage has an answer to a question I asked on 14 November about the STA golf rail service.

The Hon. ANNE LEVY: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

The Minister of Transport has advised that, as the weekend Grange service is scheduled to connect with the Outer Harbor train service at Woodville with a three minute connection time, it was not necessary for the STA to alter its train schedules to accommodate the golfing enthusiasts.

On the day in question the 4.13 p.m. train from Grange stopped at the Royal Adelaide Golf Course temporary platform at 4.16 p.m. and arrived at Woodville at 4.21 p.m. where passengers had to change to the train to Adelaide from platform 3. The STA had placed a special sign in a prominent position on the station platform directing passengers to platform 3 via the subway.

In response to the second question, the Minister advises that it is not intended to undertake such an investigation as the STA considers that it is more cost effective to use licensed ticket vendors than to install expensive ticket vending machines at lightly used locations, which are generally prone to vandalism.

With over 700 ticket outlets now established it is the STA's experience that few passengers are now inconvenienced by tickets not being available on trains.

PREMIER

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this Council condemns the Premier for—

1. his weak and inept leadership of the Labor Party and the Government;

2. allowing the faction bosses and the factions to control the operations of the Labor Party and the Government; and

3. being more concerned about the factional warfare and division in the Labor Party rather than the need to resolve the critical economic and social issues confronting South Australia and, in particular, the need to reduce the tragic level of unemployment in South Australia.

Today, as we debate this motion, this State is in economic and social crisis. Over 80 000 South Australians, or more than 11 per cent of our full-time work force, are unemployed. A senior Government adviser, Mr Peter Bicknell, from the Department for Family and Community Services, was quoted last week as saying that, in some suburbs and some areas of South Australia, the youth unemployment level was over 50 per cent—50 per cent of our 15 to 19 year olds currently unemployed. Those unemployed come from the areas that the Labor Party supposedly represents, that is, the working class areas of Adelaide and of South Australia—areas such as Elizabeth, Salisbury and Munno Para, which the Hon. Mr Crothers is meant to represent. They also come from the western suburbs, which Mr Weatherill is supposed to represent, and the Iron Triangle, which Mr Ron Roberts is supposed to represent. These are the areas that are suffering the most heavily.

The Hon. Anne Levy: So are you.

The Hon. R.I. LUCAS: We represent them, but we are not in Government. You are the Government: you are a Minister in this Government, and you must share the responsibility for the 50 per cent levels of youth unemployment in South Australia at the moment. You cannot fob off that responsibility to the Opposition. Government members in this Council and in another place must accept responsibility for that tragic level of unemployment and in those working class areas of Adelaide and South Australia.

Indeed, one member in another place—who certainly is not in our Party—indicated to me that he believed that Mr Bicknell's estimate of 50 per cent youth unemployment was probably an under estimate. He believed that in one of his areas youth unemployment was currently at a level of some 60 to 70 per cent. Just imagine that: a situation under Labor Governments, both State and Federal, where 60 to 70 per cent of the 15 to 19 year olds who are seeking work are currently unemployed as a result of the economic policies of the Hawke and Bannon Governments.

We have a record level of bankruptcies amongst our small business community in South Australia, as has been indicated by my colleague the Hon. Legh Davis on a number of occasions. We have the disasters of the State Bank, the SGIC, the Timber Corporation, WorkCover and many other areas of supposed Government enterprise. We have our essential services, such as health, education and transport either decaying or disappearing completely. Tonight's television headline will relate to the situation at the Queen Elizabeth Hospital, where bed pan flushers are dripping through one floor onto another floor and where maggots are falling through the roof onto the Queen Elizabeth Hospital staff.

The Hon. Ron Roberts: Let's hold a convention down there.

The Hon. R.I. LUCAS: The Hon. Ron Roberts wants to hold a convention down there. I challenge the Hon. Ron Roberts to go down there with the shadow Minister of Health, stand with him and the staff at the Queen Elizabeth Hospital and see whether he is prepared to work in those sorts of conditions and whether he is prepared to be a patient at the Queen Elizabeth Hospital with maggots coming through the roof and bedpan flushes dripping from one floor to another.

The Attorney takes it easy. He wants to settle it all down, but the people of South Australia are angry at the moment. They are angry at what is occurring in South Australia and within this Labor Government and the Labor Party, and the fact that you—all of you—are spending all your time on your factions and divisions between yourselves and within yourselves and the Party but are not prepared to tackle the critical issues that confront South Australia at the moment. We have a crisis in South Australia that is crying out for strong leadership and decisive government, but what do we have? We have a Leader who is paralysed by fear and incompetence. We have a Government that is torn apart by faction fighting and division. As the Hon. Ian Sinclair said colourfully and aptly at one time some years ago, 'John Bannon is a political carcass, swinging in the wind but, sadly, no-one has had the decency to cut him down.' Whilst this continues, the essential services, and the economic and social crisis in South Australia, sadly and tragically, worsen.

Again, as a former Prime Minister whose name escapes me once said, 'If ya can't govern yourselves, ya can't govern the country.' The problems that confront South Australia at the moment are not insoluble. Clear policy solutions are available either to this or an alternative Government. In my recent contributions in the Appropriation and Supply debates last year and in a number of recent speeches delivered by the Leader of the Opposition, Dale Baker, those clear policy options were outlined to the public and to the Parliament. What is needed is a radical change in economic direction. We need a comprehensive debt reduction strategy involving the sale of assets on a significant basis and, again, that has been outlined.

We need a Government that is committed to reducing costs for business rather than increasing costs to business. At a time of record unemployment, we certainly do not need two consecutive State budgets which have increased taxes and charges to the business community and the tax paying public of South Australia by 18 per cent and 11 per cent. We need a new industrial regulations climate. In all, we need a new economic environment that will encourage South Australian businesses to take on new employees and provide new jobs for the 80 000-plus unemployed South Australians. We also need a radical new approach to the delivery of essential services in South Australia.

The solutions exist in South Australia at the moment. However, we do not have the leadership, nor do we currently have from the Premier or this Government the will to tackle the problems and to take on the hard decisions that must be taken. To understand the policy paralysis of the Premier and this Government, it is critical that the Parliament—but more importantly, the people—understand how decisions are taken or not taken in this particular Government and, of course, that means an understanding of how the rigid faction system operates within the Labor Party and the Labor Government. If one looks at the current Labor Party Caucus, whose number changes on almost a daily or weekly basis—

The Hon. C.J. Sumner: And you started quite well.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Mr President, it is worth putting on the record that the Attorney thought I started off quite well, so he obviously believes and agrees with all that I said about his Leader—his Premier—and the policy paralysis within this current Government at the moment. Three broad factions exist within the Labor Party Caucus.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: We have the left faction within the Labor Party.

Members interjecting:

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

The Hon. R.I. LUCAS: We have the Labor unity faction within the Labor Party, and then we have the centre left faction, together with a group which I will call the supposed Independents or the supposed non-aligned who, however, always toe the line and support the Premier if and when they have to. If one looks at the Caucus, that left faction is clearly defined, with members such as Blevins, Mayes, Lenehan, Heron, Weatherill, Terry Roberts, Mario Feleppa, Pickles and Anne Levy. The composition of the Caucus of the left has declined over the years and is now nine out of the current 31. The Labor unity faction of the Labor Caucus currently comprises only two members—but that will soon grow—and they are Michael Atkinson and Paul Holloway from another place.

I have said it before, but let me say it again: whilst I do not agree with the policy positions of the left and the right, at least they have policy positions. At least they believe in something, even though I disagree strongly with much of what the left would believe in, but at least they believe in something. But let us come to this leftover mass or mess (use whatever word you like) that is called the centre left or the non-aligned. Of course, in the centre left we have such factional heavyweights—or bovver boys, as some have been described, though certainly I would not use that phrase—as Crothers, Ron Roberts, the President of course, Barbara Wiese, Colleen Hutchison, Colin McKee (at least for the moment), Murray De Laine, Bob Gregory, Greg Crafter, Trainer, Klunder, Quirke, Hopgood and Kevin Hamilton. Now, what is left over after that is, of course, this group which likes to call itself non-aligned or independent, but they are the refugees from all other factions or those whom no-one wants. They include people such as the Attorney-General himself, who likes to be seen as independent but, of course, is the only remaining friend the Premier has within the Caucus and the only person to whom the Premier can turn for a cold beer and a chat on a weekend, or perhaps for some advice and strategy discussion on occasions.

Members interjecting:

The Hon. R.I. LUCAS: As one member interjects, that is a 'bring your own' too. You might get a ham sandwich and maybe even a shoulder to cry on—a cold shoulder as well on occasions.

The Hon. G. Weatherill interjecting:

The Hon. R.I. LUCAS: It wasn't just Legh—it was all of us. We were all down there being entertained very well by the Hon. Mr Griffin and his wife. So let us look at this non-aligned group attached to the centre left and Bannon. We have Bannon himself, Sumner, Arnold, Rann, Hemmings, and of course Ferguson, who is a bit iffy in that area at the moment, given the recent dealings in relation to his own preselection.

Of course, that does not include the current member for Hartley, Mr Groom, who for years has wandered between the factions waiting for someone to take him in. Of course, the most recent faction to take him in was the left and for some time he was their tenth member. He split from the left faction some six to 12 months ago over that faction's attitude to the Kuwaiti war. He split from the left and called himself non-aligned, but of course he is now supposedly an Independent Labor member of the Parliament.

Of the new members who have been selected by the recent convention to seats which might be deemed to be Labor Party seats, at least on the 1989 figures, Trish White won preselection for the new State electorate of Wright and Annette Hurley was preselected for Napier. Of course, both those candidates are factionally aligned with Labor unity and their preselecton has the potential to increase to four that faction's representation in a new Caucus.

The centre left, through the agency of Michael Wright and John Hill, won preselections in Kaurna and in Mawson down south. The Bolkus section of the Left, about which I will have more to say later, managed to get up Paul Acfield in the electorate of Mitchell which, at least, on the 1989 figures, was a marginal electorate.

The convention vote is split between those three broad groupings and, depending on which particular faction one listens to—they always like to bolster their own percentage of the convention vote— the broad agreement appears to be that the left has been steadily declining. In the halcyon days of a few of years ago they reached a little more than 50 per cent, but they have declined to a level of about 35 per cent.

The Hon. G. Weatherill: Those were the days.

The Hon. R.I. LUCAS: Those were the days, as the Hon. George Weatherill says. I am told they had a better convener in those days, but I am not sure what his name was. However, the new convener has been sadly lacking in that regard. The centre left has some 40 per cent of the convention vote—they like to say it is a little more at about 40 to 43 per cent. Labor unity has been the big growth industry within the Labor Party over the past four to five years in particular and it has grown to almost 25 per cent of the convention vote.

The simple fact is that, when one looks at those figures, any two of those groups that can get together and do the best deal at any particular time control the numbers at the convention and control preselections and the major policy decisions within the Labor convention. Of course, the current happy marriage is between the centre left and the Labor unity faction and they comprise some 65 per cent of the convention vote compared with the left's 35 per cent.

I have indicated my broad views of the various factions and do not intend to go over those again but, when one looks at that left faction, one again has to bear in mind that, even within a faction, there is a very strong division between the Bolkus faction of the left and the Duncan/Terry Roberts/etc. faction of the left within South Australia.

When one looks at the conveners, the factional heavyweights or, as some others have described them, the bullies or the bovver boys of the various factions, the names that pop up in dispatches in relation to the centre left are, of course, Trevor Crothers, John Quirke—

An honourable member: Good old Sid.

The Hon. R.I. LUCAS: Sid Vicious, as some describe him, but I certainly would not—Terry Cameron and John Dunnery. Of course, the Hon. Terry Roberts is convener of the left faction, with the other heavyweights being Nick Bolkus and Peter Duncan. The two key power brokers of Labor unity are Michael Atkinson and Don Farrell, who is the convener of that faction. Don Farrell operates out of the Shop Distributive and Allied Employees Association and was the unsuccessful candidate for the by-election of the Federal seat of Adelaide some three or four years ago.

The factional deals are not necessarily done in the smoke filled rooms of the past. I must say that in the week prior to the convention a colleague and I were privy to the factions dealing in a very popular Italian restaurant which is situated not too far from North Terrace.

The Hon. T.G. Roberts: The left weren't there.

The Hon. R.I. LUCAS: The left certainly weren't there, because, as the honourable member well knows, being the honest man I am, when I saw Don Farrell, Terry Cameron and John Quirke stitching up the final element of that deal at this Italian restaurant, as I said, I really had to beetle back to Parliament House and report to my friends in the left to ask them why they were not invited to this factional deal across the road to divvy up the seats. All I can say is that there must be more money in the centre left, because they picked up the bill, as Don Farrell left early.

The sad fact is that, in the past six months, more time has been spent by people like the Attorney-General, the Premier, and the faction bosses within South Australia—

Members interjecting:

The PRESIDENT: Order! There is too much conversation.

The Hon. R.I. LUCAS: —on the factions and on the preselections in South Australia. The Government has not been prepared to confront the economic and social problems that confront South Australia at the moment. The major problems that exist within the Labor Party over preselections started back early last year in relation to the redistribution proposals put by the Labor Party. A deal was done between the centre left and the right faction, which was supported personally by John Bannon as Premier, who was a key factional heavyweight attached to the centre left. That deal turned Hartley into a Liberal seat. It was quite a deliberate policy.

As I have indicated previously, the drawing for Hartley is a most unusual drawing. Apart from the Tranmere booth, there is only one other booth in the Hartley area that is a Liberal booth and I refer to the Aldersgate booth across the Payneham Road. Whilst the Labor Party factional organisers at the central office took out all those Labor areas north of Payneham Road, there is this most unusual and significant protrusion that goes across Payneham Road to take in the old folks home at Aldersgate, which is a very strong Liberal voting area. That move, of course, would have helped turn the Hartley seat into a Liberal seat.

The Labor Party looked after the seats of the other factional heavyweights like John Quirke, Michael Atkinson and others, but, of course, for some deliberate policy reason, it chose to turn Terry Groom out into the wilderness and the end result of that is for all to see over the past week or two.

All through that preselection discussion of some three to six months and, in particular in the past three to four weeks, on three separate occasions John Bannon was given the opportunity by the factional wheelers and dealers to defend the position of Terry Groom and to ensure that he had a seat after the next election. On three separate occasions John Bannon was given that opportunity and on three separate occasions John Bannon, together with some others, refused to take up those offers from some of the factional wheelers and dealers. In effect, he bowed to some of the factional heavyweights within his own faction in the centre left.

It is not just a question of John Bannon not being able to resolve some of those problems: John Bannon consciously decided all through that period not to take any leadership role to try to resolve the potential dilemma that was confronting him in relation to Hartley and Terry Groom.

Whether that has anything to do with what was suggested in another place yesterday, that John Bannon had a deal with the heavyweights of the centre left in relation to preselection for Bonython, I cannot say, of course, but one will watch the next six to 12 months with some interest. It is certainly commonly rumoured within the Labor Caucus that should the Federal Government go down the gurgler, as we would all expect, Neal Blewett will not be continuing his career for a very long period in Opposition.

It was only the Thursday morning before the Labor Convention when a number of Ministers met after Executive Council and expressed their horror at what was occurring within the Labor Party and two Ministers, Greg Crafter and Michael Rann, were sent off on behalf of those Ministers after the Executive Council meeting to put the very strong view to John Bannon that, whilst there were only 36 hours left, he had to do something about the impending problems within the Party.

The Hon. Diana Laidlaw: Did he do anything?

The Hon. R.I. LUCAS: At last, after having been told by his Ministers that, in effect, his performance in relation to this had been inept and incompetent, he toddled off to the factional heavyweights (although I will not use the phrase that was put to me to describe what John Bannon was told) and was told that there were no deals to be done in the last 36 hours; he had the opportunity before but he now could not change the deal that had been set in concrete by the centre left and the right. Even though he was the Leader of the Labor Party and the Premier of this State, they—the factional heavyweights—would not be moved from the deal that had been set in concrete. What an embarrassment for a Premier and for a leader of the parliamentary Party to have the likes of John Quirke telling him what he can and cannot do.

Imagine, John Quirke running the State of South Australia, running the Labor Caucus and running the Labor Government. I think the people of South Australia would be horrified at the prospect of John Quirke and the likes of John Quirke running a Labor Party and a Labor Government. Peter Ward, who has been very closely connected with the Labor Party over some 10 or 20 years, very aptly described the current situation and the ineptness and weakness of John Bannon in relation to these issues and, of course, the issue of confronting the economic and social crisis of South Australia. Only yesterday Peter Ward stated:

> The Bannon Government in South Australia appears mortally wounded . . . but the damage has been done, the bad blood between the factions continues to run and Bannon will today have the ignominious task of putting a brave face on what has been a monumental tactical blunder by the power brokers of his Party of whom he is the most important and most powerful.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Peter Ward summarises, in a nice touch of phrase, I must admit:

> It is surely the rarest of things in politics for a Government Party to actively seek, indeed to carefully contrive, an increase in its minority.

That is indeed what John Bannon and the others have sought to do. It is important to note the major differences between the preselection systems that exist within the Labor Party as opposed to those, for example, of the Liberal Party. There is in the Labor Party great power to the parliamentary Leader and also to the heavyweights within the various factions. They can control which candidates go where. So, for example, if one has a candidate such as Annette Hurley, who lives at Glenunga, and the numbers are there, they can win a preselection for her up at Munno Para, in the electorate of Napier, because it is all centrally controlled by the Leader and the faction bosses.

Of course, within the Liberal Party that power does not exist for the parliamentary Leader or, indeed, for any of the faction bosses—if there were faction bosses—because the Liberal Party preselection system is a decentralised sys-

tem that gives great power and great influence to the local people in the local electorate.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: That is one of the great strengths of the Liberal Party preselection system. The bitterness and intrigue in the Labor Party is not limited to—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has the floor. Everyone will have the opportunity to debate the issue.

The Hon. R.I. LUCAS:—the preselection problems of Mr Groom, Mr McKee and Mr Ferguson. For example, Terry Cameron wanted preselection for Hanson; so much so that in the early stages, after the new boundaries were set, headquarters—under Terry Cameron, John Hill and company—was refusing to provide to the other factions the analysis that they had done on Hanson and two other seats. It was being kept for the personal knowledge of the factional heavy weights within the centre left because they wanted that seat for Terry Cameron—or Terry Cameron certainly wanted that seat for himself. I am advised that it was only because a senior figure of the centre left—whose name is known to me but I will not reveal it—put the heavies on Terry Cameron and said, 'Look, enough's enough, you can't have that seat,' that Terry Cameron backed off from seeking preselection for Hanson.

The discipline within the factions in the Labor Party is inflexible and rigid. If people knew they would be amazed and horrified. For example, within the left faction of the Labor Party, when one nominates for preselection one actually signs a form which says that, 'I, Joe (or Josephine) Bloggs agree to withdraw my nomination.' That is a method of control that the left convener has over all nominees for preselection within the left faction.

The Hon. C.J. Sumner: You were telling us before there were two.

The Hon. R.I. LUCAS: Well, the left convenor is Terry Roberts.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: Well, if you just keep quiet I will tell you more about the left faction. Candidates actually sign a form which basically says that if the factional heavy weight—

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: Well, you have nothing else to do today.

Members interjecting:

The Hon. R.I. LUCAS: It highlights the fact that you do not have a program.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon. Mr Lucas will address the Chair.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: So, whilst a particular candidate might have nominated for preselection, if the left conveners happen to do a deal or if they want to wield power over their particular faction member, they can actually submit to the Party headquarters a withdrawal form, with or without the knowledge of the particular person within the left. That is a power and a discipline that the conveners within the left have over their people.

Of course, Paul Acfield, who was a member of the Bolkus left, refused to sign. He said, 'No way, I will not give Terry Roberts a particular form which says I will withdraw, or which allows Terry Roberts to submit that form.' He was not going to submit himself to the discipline of Terry Roberts and Peter Duncan. Of course, right through until the Saturday morning, when the left met for the last time prior to the convention, there was an almost open-ended ticket for the how-to-vote card for Mitchell that went out to the convention. So much so that until that meeting on the Saturday morning there was no typed version which had Paul Acfield in it, being supported by the left. The name 'Acfield' was actually handwritten on the typed how-to-vote card that was handed out to all members of the left, which indicated at the end that the left had decided to support Paul Acfield in preselection for Mitchell.

Of course, the strategy for the centre left and the right is very clever. They want to put someone in the State Labor Caucus who is controlled by the Bolkus left, not by the Duncan-Terry Roberts left. They want to sow the seeds for disunity and division within the left faction of Caucus. They want to put in what has been termed 'a rotten apple', although I would not have used that term. However, they want to do this in the left caucus in the State Parliament. They want to get the Bolkus left up and running in a more active way within the left in the State Labor Party Caucus. They want more division.

Of course, the hopes that the factions had for winning the coming election were revealed by some of these factional wheelings and dealings. For example, the deal that had been struck originally for the position that you will be vacating, Mr President, meant that the Labor Unity organiser with the central office was going to take your particular position. But, when Labor Unity met and made judgments about what the prospects of number five on the Labor Party ticket at the next Legislative Council election were likely to be, they said, 'Hold on, this is not much of a prospect being number five on the Labor Party ticket at the next election. We do not want that deal any more. The other factions can have number five on the Legislative Council ticket.' Being number five is almost as bad as being number three on the Senate ticket for the forthcoming Federal election.

Labor Unity said, 'We do not want that; we want two other positions.' They got the electorates of Napier and Wright in the dealings in respect of the House of Assembly. The other interesting aspect of the preselection for Napier was that one other Labor Unity candidate who nominated for Napier was going to be the nominee of Labor Unity. That candidate had the numbers to win rather than Annette Hurley, but the spouse of that nominee refused to move from the Hills to live in Napier, which is, of course, now a requirement of the Labor Party. So that Labor Unity candidate has missed out on the safe seat of Napier.

We see the deals that have been done or sought to be done continuing within the Labor Party and the Labor Government to the detriment of South Australia and South Australians. Last weekend the Independent member for Elizabeth, Martyn Evans, was offered the position of Minister of Education in the Bannon Government. Greg Crafter is to get the boot in the next reshuffle. He will be moved on because of his incompetence and ineptness in the administration of the education portfolio. The Independent Labor member for Elizabeth was offered the position of Minister of Education in the Bannon Government. As we now know, because part of that has been reported in the newspaper, the Independent member refused that position. An offer was also made—

The Hon. K.T. Griffin: Would the Premier have delivered, anyway?

The Hon. R.I. LUCAS: One wonders whether it was delivered by the Premier; I am advised that it was not, that it was done by emissaries on behalf of the Premier.

The Hon. L.H. Davis: Faction bosses!

The Hon. R.I. LUCAS: The faction bosses delivered that deal to try to resolve some of the problems. Similar deals were offered also on the weekend to Terry Groom. Of course, Colin McKee is looking for a deal to do himself, but whether anyone will look after him I guess is a moot point. Certainly, there is some discussion that the Sumner vacancy, after the Premier disappears, in the Legislative Council is something that he would rather like, but whether it is to be offered to him is another matter.

The Hon. C.J. Sumner: Whether it is to be is another matter.

The Hon. R.I. LUCAS: These fights and divisions within the Labor Party are not just honest differences of opinion—they are bitter divisions within the Labor Party at the moment. It is like a cancer within the Labor Party and it is tearing the Party and the Labor Government apart. We have members of the Labor Caucus who will not speak to other members of the Caucus. If one attends some committee meetings where there are members of different factions—

The Hon. Diana Laidlaw: Is that why select committees are not meeting?

The Hon. R.I. LUCAS: That is an interesting point that the Hon. Diana Laidlaw makes; but there are members who will not speak either in committees or in the bar. When some members of the Labor Caucus walk into the bar, other members will walk out and will pointedly refuse to talk to other members.

The Hon. C.J. Sumner: Whom are you talking about? I haven't noticed it.

The Hon. R.I. LUCAS: Perhaps they don't speak to you. I have been in a Party back in the early 70s—the Liberal Party—that suffered significant division and bitterness. It is a terrible thing for a political Party and it would be even more terrible if that Party happened to be in Government at the time, because no Government or no Party can operate for the benefit of South Australians when its members spend more time fighting amongst themselves and refusing even to talk to each other, refusing even to work together, rather than confronting the critical decisions that have to be taken to solve the crisis that confronts us.

We saw the preselection of the Hon. Terry Roberts for the next election threatened by a senior centre left member in this Parliament if he did not toe the line in respect of the deals that had to be done for the Senate. As reported in the *Advertiser*, the Hon. Terry Roberts conceded that he had been aware of those threats. So, within Caucus we have members of the centre left who have threatened senior members of the Caucus such as the Hon. Terry Roberts. Whilst I disagree with the political philosophy of the Hon. Terry Roberts, I have much time for him in a social interaction sense, as a colleague from the South-East at least until recent times, because he is a reasonable sort of bloke who works on behalf of working people in South Australia. Yet the preselection of the Hon. Terry Roberts was threatened by the centre left because he was not prepared to toe the line in respect of Senate preselection.

John Bannon's leadership is mortally wounded, as Peter Ward summarised. We already have the unedifying spectacle of Lynn Arnold preparing himself for the takeover, whenever that might be. We have others like Mike Rann and Susan Lenehan—

The Hon. L.H. Davis: The fabricator.

The Hon. R.I. LUCAS: Some call Mike Rann the fabricator, and Frank Blevins snapping at the heels wanting to have a piece of the action, whether it be the leadership or the deputy leadership. As I said, the weakness of the Bannon position is such that only the Attorney-General, loyal to a fault perhaps to the Premier, loyal to the end, is his only strong supporter remaining within the Labor Caucus.

The simple fact is that we cannot continue in this way. A crisis confronts South Australia and South Australians and someone has to do something about it. John Bannon will not. He has demonstrated over the past two years and the past six months that he cannot and will not take the hard decisions. Indeed, when he tries to do something the factional bosses like John Quirke (of all people) intervene. As I said, John Quirke goes by many nicknames in the Labor Caucus. I would certainly not describe him as such, but I have heard of 'Commander Quirke,' 'Syd Vicious' or 'Syd Scissorhands'. He goes by many nicknames in the Labor Caucus, but would the people of South Australia want John Quirke running the Labor Party, running this Government and being responsible for the resolution of the economic and social problems that confront us? The simple answer is 'No'. The community does not want that, we do not want it and we believe that the Parliament should not want it. Therefore, I urge members to support the motion before them.

The Hon. C.J. SUMNER (Attorney-General): There is, in fact, very little to reply to in the honourable member's contribution, but I suppose that form requires me at least to say something. The contribution from the Hon. Mr Lucas was a pitiful and pitiable effort. I really despair at the Opposition. There certainly is a crisis in South Australia. That crisis is shown today by the performance of the Leader of the Opposition in this place. If this is the best the Opposition can do in making a constructive contribution to the problems that South Australia faces at the moment, all I can say is that the Opposition has very little going for it.

It is interesting to note that yesterday in the House of Assembly a similar motion but one which expressed no confidence in the Government was moved. That in itself was of doubtful legitimacy given that the Independents had on a number of occasions expressed publicly their clear intention to support the Bannon Government. However, it had some justification in testing the Independents' position. As it turned out, as could have been predicted, the motion failed.

The motion today cannot even be justified on those grounds. It is a flagrant waste of time. As with last year's motion of no confidence moved by the Hon. Mr Lucas at the opening of Parliament, it is again a waste of time. It was devoid of content; it was devoid of any positive contribution to the problems of South Australia. It really confirms the Legislative Council as a mirror image of the House of Assembly, a political bear pit. The continuing of these sorts of motions by the Leader of the Opposition brings the Legislative Council into disrepute and raises serious questions about its continuing rationale.

The Hon. L.H. Davis: Did you ever move motions when you were Leader of the Opposition?

The Hon. C.J. SUMNER: No, I didn't move motions of that kind—

Members interjecting:

The PRESIDENT: Order! The honourable Attorney-General has the floor.

The Hon. C.J. SUMNER: —and I didn't continue week after week with motions that just rehashed old issues. The SGIC, State Bank, Scrimber, WorkCover, etc., have been debated at length.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: No, not at all. All that can be said is that if Opposition members salaries are based on the length of their speeches they are grossly underpaid. Their

content, of course, is another matter. The content on previous occasions and on this occasion was extremely poor. As I have said, the motion was unnecessary in this Council. It was pointless. No information was given of any public benefit that had not been made known before. It was purely a political exercise on the part of the Leader of the Opposition that provided absolutely nothing of any positive input into the problems that we are facing. It is, as I said, a motion almost identical to the motion that was debated yesterday in the Legislative Assembly, and it is interesting to note—

The Hon. R.I. Lucas: You're in the wrong State.

The Hon. C.J. SUMNER: The House of Assembly. The Legislative Assembly is another name for it.

Members interjecting:

The Hon. C.J. SUMNER: All one can say is that that sort of interjection by the Opposition, that sort of quibbling, is stupid. It is a legislative assembly. The motion before us is almost identical to the motion moved in another place in which it is quite clear that the Opposition floundered badly. It is interesting to note that the *Advertiser*, a strong supporter of the Opposition, in the form of Rex Jory had this to say:

> The Opposition botched a wonderful opportunity yesterday to stamp its claim on office . . . Mr Baker not only failed to address the key issues of the no-confidence motion, but he also failed to provide a semblance of vision for the future.

Those comments apply with equal force to the contribution of the Hon. Mr Lucas today—perhaps not equal force, maybe even greater force as far as his contribution was concerned. A vision for the future there was not. Some analysis of the factions in the Labor Party there was, an analysis that is well known in any event. However, he said nothing about the future. He said nothing about what the Liberal Opposition intends to do.

Just as those who care to read the speech of the Leader of the Opposition, Mr Baker, in another place yesterday will see, again nothing was offered in relation to future policies for the people of South Australia. We know that we are in a recession in South Australia. We know that there is a crisis in the Australian economy. We know that the rest of Australia is in a recession along with the rest of the world to a greater or lesser extent. The fact of the matter is that the South Australian Government did not create that recession or the unemployment which flows from it.

The Hon. R.I. Lucas: You contributed to it.

The Hon. C.J. SUMNER: The honourable member can make his criticisms if he wants to.

The Hon. R.I. Lucas: You don't accept any responsibility.

The Hon. C.J. SUMNER: Of course responsibility is accepted by the Government, and the Government has accepted responsibility for some things. However, we have not as a South Australian Government—and the honourable member cannot deny this—created the recession. A recession exists in South Australia and in Australia and in most nations throughout the world. The fact that we have a recession means that we have to attempt constructively to work our way through it. That, in fact, is what the Government is doing.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If we look at the whole period of Government and the leadership of the Premier, I believe that the underlying policy position adopted by this Government remains valid, and that is of producing a more competitive internationally oriented economy with a diversification of its industrial base, and there is little doubt—

An honourable member interjecting:

The Hon. C.J. SUMNER: The squawking Opposition concedes nothing that the Government has done as desirable. It is, of course, the Opposition's tactics and approach to debate to say that the Government has not done anything of any substance during its 10 years in office. The fact of the matter is that we have had some success in reorienting the South Australian economy in terms of the policy that I have outlined.

There is little doubt that the leadership shown by John Bannon and his negotiating skills as Premier led us to get the Grand Prix, the submarine project and the MFP. As someone who was not directly involved in those negotiations but at the periphery of them, I know and I am prepared to assert quite confidently that the leadership of the Premier in planning those campaigns to get those projects and his personal skills in the negotiations involving them were important, if not crucial, factors in achieving those proposals for South Australia. Had other leaders been there at the time, it is possible, perhaps probable, that those projects would not have been achieved for this State.

The Hon. Diana Laidlaw: Would the State Bank have been viable?

The Hon. C.J. SUMNER: The Hon. Ms Laidlaw interjects: 'Would the State Bank have been viable?' It is interesting that members opposite continue to throw in the State Bank in debates about the performance of the South Australian Government. I am not saying that is illegitimate, as they are quite entitled to debate that particular issue. However, I would have thought that having called for a royal commission into the State Bank and having by that call placed a significant burden on the taxpayers of South Australia—

Members interjecting:

The Hon. C.J. SUMNER: That's not true.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, I am sorry. That is a furphy now being spread by the Opposition because they are concerned about the cost of the State Bank royal commission. The fact of the matter is that—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —the Government did not make the decision to call the royal commission before the Opposition decided to propose it. What was clear at the time—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Forget it! Go back to transport or whatever it is you're interested in. The fact of the matter is that the Government, at the time it announced the State Bank rescue package, also announced an Auditor-General's inquiry. That was not satisfactory to the Opposition: it called, egged on by the media, for a royal commission. The Opposition got its royal commission, and all I am suggesting to members of the Opposition, is that it was at great expense to the taxpayer, which cannot be overlooked. They got their royal commission—

The Hon. L.H. Davis: Are you saying you did that to keep us happy?

The Hon. C.J. SUMNER: Of course we did it to keep you happy. Absolutely!

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Of course we did it to keep you happy, because we knew you would be in here bleating and carrying on day in and day out if a royal commission had not been established. You were going to establish a select committee in any event, and that would have been

another one of the political farces in which you engage. However, having got the select committee I would have thought—and this is answering the Hon. Ms Laidlaw's interjection—that it would be appropriate for members opposite to let the royal commission get on with its job. Then, when the findings of the royal commission and the Auditor-General came down, it could start its attack in relation to the State Bank if it felt that that was justified. There is little point in their bleating, 'What about the State Bank?' The State Bank is the subject of a royal commission, and I suggest that members of the Opposition should wait until—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Yes, sure.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The royal commission is looking at the responsibility for the State Bank failure, including the responsibility of the Government. That is what you wanted, and that is what you got. One would expect you to await the findings of that royal commission.

The Government has succeeded in broadening the State's economic base in a number of areas. Our policies have been aimed at redeveloping South Australia's economy, rebuilding the manufacturing sector and encouraging new projects and industries. I mention the MFP which has been secured and which is a project which still requires an enormous amount of work. Nevertheless, it is a project which does provide opportunities for South Australians in the future. All we can ask members of the Opposition is that, in debating this issue, they show us more support for the MFP than they have shown to date. Tactics such as refusing to debate the Bill which has been introduced to set up the MFP corporation really do not assist that objective.

Obviously, there are new defence-related projects, which are estimated to involve expenditure of $300 million over the next three years, in South Australia. The submarine program alone will contribute an average of 3 500 jobs per annum to the Australian economy, both directly and indirectly, with a large proportion of these jobs in South Australia. Of course, none of those matters is recognised by the Opposition.

South Australia's housing industry has continued during this recession (again, this cannot be denied by Opposition members) to record steady and sustainable rates of growth—not spectacular, but steady, particularly in comparison with other States.

During 1991, $22 million of industry assistance has been provided by the State Government. We have had other projects, which I have mentioned, and it is fair to say that the Government is also putting a major push into getting the 1998 Commonwealth Games to South Australia.

In other areas of Government activity, a major planning review has been embarked upon and is in the process of being developed: this is something that has been needed in South Australia for some considerable time. That has been progressing well, and the results are awaited with interest.

We continue to have the best developed public housing system in Australia, with more than 63 000 properties, or 12 per cent of total housing stock, throughout the State. Seven thousand families have been helped into home ownership in the past two years through the Homestart program. The amount of $7.3 million has been provided through the Emergency Housing Office to assist those in crisis in the private rental sector.

In the area of education—again an area of some controversy—despite changes that have had to be made in the system, we still have the smallest class sizes in Australia and the highest paid teachers. Also, as members know, retention rates in our secondary schools have increased dramatically in recent—

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: Partly because of the unemployment situation. However, even during the period of high employment in the mid 1980s, the retention rate in secondary schools was improving.

The Hon. M.J. Elliott: Some schools are six or seven teachers light.

The Hon. C.J. SUMNER: It is not all related to unemployment, because it was happening when employment was relatively buoyant. We continue to have a good health system, with $1.2 billion being spent on health services annually. Two hundred and fifty thousand patients are admitted to our hospitals each year, and about one million services are provided on an out-patient basis and 300 000 in casualty.

A number of achievements have been made, including a new day surgery theatre at the Royal Adelaide Hospital, an expansion of country health services, an extra $1.4 million allocated to country hospitals, extended mammography screening program, the go-ahead for the Adelaide Medical Centre for Women and Children on the current Adelaide Children's Hospital site (funds have been allocated for that), the Noarlunga Hospital is open for in-patient care, and a new South Australian Mental Health Authority has been established. They are not the actions of a do nothing Government: they are actions which will benefit the provision of services in that area.

In the area of law and order, a major commitment has been made to a crime prevention program, which has been recognised by police ministers and police commissioners throughout Australia as a model for the rest of Australia. In the past two years, 24 locally-based community crime prevention committees have been established, and each is working on its own crime prevention program with the help of the funding for the $10 million crime prevention strategy that is available. Neighbourhood Watch has been expanded with more areas having been established in the past two years.

We continue to maintain the highest ratio of police to population of any State. We have an active strength of 3 800 in the Police Force, with an extra 200 police hired in the past two years, the budget in this area having been increased in real terms in that time. Laws have been changed to deal with juvenile offenders involving community service orders, and increases in penalties have been made for juvenile offences. Offences involving drugs and juveniles now attract an extra penalty for those pushing drugs in or near our schools.

In relation to the question of care for the elderly, we have produced the Home Assist Program to provide home maintenance and security for the elderly, and 32 local councils have contributed to that scheme. Funds have been allocated from the crime prevention allocation.

We have further strengthened the Retirement Villages Act to increase the amount of information available to prospective residents, and we have continued to expand services for the frail aged and their carers throughout the Home and Community Care scheme. This year $36 million will be spent in this joint South Australian and Commonwealth program.

The Hon. R.I. Lucas: It sounds like a political obituary.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member can joke if he likes. In so far as he made any comment in his speech that was worth responding to, the Leader suggested that the Government was paralysed, that there was a policy

paralysis, and that it was doing nothing. The fact of the matter is that over the past two years there has been a very productive legislative and administrative program in a number of areas, some of which I have mentioned—and I do not mind continuing to mention them—and will continue to mention for the honourable member's benefit.

The Hon. R.I. Lucas: Do you want to incorporate it?

The Hon. C.J. SUMNER: No, I do not want to incorporate it. It would have been better had I not had to give the speech but, as the honourable member moved this motion, regretably—as I said at the beginning—it meant that I have had to waste my time replying to it.

I have mentioned some of the initiatives in community security or law and order. However, in addition, we have continued our support for victims of crime, which is recognised throughout Australia as being the most advanced and which, indeed, is a scheme that has received international recognition. We have introduced legislation dealing with profits from criminal activities—notoriety profits—and we have upgraded the confiscation of assets and property obtained from criminal activities. I have mentioned that we have increased fines and compensation payable by young offenders. Victims of crime have been supported through an increase in the maximum compensation payable from $20 000 to $50 000, payments for funeral expenses being added, and top priority is also being given in the sentencing process to direct restitution from offenders to victims. An additional 73 staff have been appointed to the prison system and, as I have mentioned, the Neighbourhood Watch scheme has been expanded.

If one looks at the programs that have been introduced and developed just within my portfolio over the past two years, one will see a very active series of measures designed to improve the administration of the law in this State. We have introduced telecommunications interception legislation, which has given South Australian police the power to intercept telephone calls in certain circumstances. An information and issues paper was prepared on criminal law by Mr Matthew Goode, who now works in the Attorney-General's Department. That paper covers a wide range of areas of reform in criminal law. A crime mapping facility was introduced in the South Australian Police Department, the first in Australia, to assist in the crime prevention strategy that I have already outlined.

Juvenile justice concerns have been addressed in a number of ways, some of which I have mentioned but, in particular, that issue is now before a select committee of the House of Assembly. Bills to establish a Director of Public Prosecutions were introduced and passed. I have mentioned the crime prevention plans and that budget increases in the past two years in the area of law and order and community security have been increasesd in real terms. This situation has not been able to be applied to other areas of Government.

Privacy legislation was introduced and is currently being debated. The problems of car theft and joy-riding have been examined and, indeed, there is some evidence that car theft is now reducing in this State but, in any event, further legislation is foreshadowed in that area. A public sector fraud policy is being developed; we have released a report on discrimination against the mentally ill; legislation dealing with money laundering has passed the Parliament; and currently before us is the Bill dealing with the removal of the marital rape immunity. Importantly, also currently before the Parliament is legislation dealing with public corruption. We have dealt with the issue of self-defence and last year passed legislation dealing with that issue. Further, a report dealing with victims of fatal road accidents has been released, and the Government has accepted in principle the recommendations in that report.

They are just some of the matters that I have dealt with within my own portfolio. Clearly, it is not a situation of a do-nothing Government. It is not a situation of policy paralysis. Certainly, in those areas in the past two years there has been as active a legislative program as there was at any time during my period as Attorney-General.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: The honourable member interjects and says that he now has nothing to do. Of course, towards the end of the last session he was complaining that he had too much to do. He cannot have it both ways. The fact is that, in my area and in a number of other areas of Government activity, there is no policy paralysis. Decisions have been taken on a wide range of topics, and we will continue in that vein until the next election. I did not mention the age discrimination legislation or, in the area of local government, the local government memorandum of understanding, which has given greater autonomy to local government, something it has been seeking for some time. As I have said, they are some of the initiatives which have been taken and which will continue to be taken during the next two years.

Regrettably, in the light of that brief analysis of some of the activities of the Government over the past two years, we really do not have anything positive from members opposite. They are intent on criticism and, as I said, that is their major objective. They are concentrating on what they call tactics, whatever that means. Apparently 'tactics' means moving no-confidence motions in the House of Assembly and repeating them in this place; apparently 'tactics' means letting the Leader of the Opposition in this place get up and give puerile, ridiculous contributions to debate in the form of the one that we have just heard today. Mr President, if you look at the Hon. Mr Lucas's speech today, and if you read the speech of Mr Baker in the House of Assembly yesterday, you will hardly see anything of a positive nature to deal with the South Australian economic situation.

The Hon. R.I. Lucas: It's on the record.

The Hon. C.J. SUMNER: The Hon. Mr Lucas interjects continually that it is all on the record. All we see from Mr Baker and the Hon. Mr Lucas is that we will sell off the State's assets. That will be a lot of fun in the current economic situation. If that is their policy, and they try to do it, then I wish them well. The second policy put forward—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Whether it is valid or not, the fact of the matter is that, in the present circumstances, that policy is a fraud on the South Australian public. There are promises of savings of $40 million in the hospitals, but it has not really been spelt out how they will achieve that. Thirdly, they will abolish payroll tax. Well, everybody wants to abolish payroll tax.

The Hon. R.I. Lucas: We have a policy, and you haven't.

The Hon. C.J. SUMNER: Well, the State Opposition does not have a policy to do it.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The State Opposition does not have a policy to do it. The Federal Opposition has a policy which, if implemented, would see that desirable objective, and I am not as carping and critical as members opposite, because I am prepared to concede that the abolition of payroll tax is a desirable objective. There are then a few other platitudes about education and a couple of things

about juveniles, and the fact that Mr Baker, in the House of Assembly, promised decent, open Government. That is about it. That is the Opposition's strategy for economic recovery in South Australia.

The Hon. R.I. Lucas: It's on the record.

The Hon. C.J. SUMNER: The Hon. Mr Lucas continues to prattle and interject that it is all on the record. It is certainly not on the record. I heard the honourable member's contribution today. He mentioned some of those things in very broad, general terms. They are the only matters that were mentioned yesterday by Mr Baker in his speech of no confidence in the Government. In other words, they really have nothing concrete or positive to put forward.

As I have said, the Government has done a number of things in the past two years to fulfil its platform and its commitments. Of course, one has to recognise the recession, but this Government is not sitting on its hands, as it seems the Opposition would do. This Government is trying to create an environment for continued growth by the sorts of policies I have outlined, that is, the development of a more competitive and internationally orientated State economy.

The solution to creating long-term employment in this State is to develop a productive and efficient manufacturing sector and encourage new projects and industries in this State. There has been development of the manufacturing sector during that period. We have to strengthen and diversify the economic base of South Australia.

One area that the Opposition now conveniently avoids referring to is the increase in the State's population, which increased by 17 600 during the year to June 1991. Of this increase, 3 100 came from other States, which represents the highest net influx of people from interstate since Cyclone Tracy in 1975. It certainly compares with the exodus of people that occurred in the early 1980s and that was occurring during the term of the last Liberal Government in this State. Undoubtedly, all South Australians, perhaps including members opposite if they are interested, will look to the Federal Government's economic statement and one hopes that here will be some changes in direction to assist in our present recessionary difficulties.

Mr President, as I said, there is no policy paralysis in the South Australian Government and I would have thought that the examples that I have put forward just from my own portfolio indicate that policy decisions are being made regularly and that legislation is continuing to be introduced; that will continue to be the case. I can assure the honourable member, just to comment briefly on his fairly rambling and, as I said, ineffectual analysis of the Labor Party and its factions, that John Quirke does not run the South Australian Labor Government. I can further assure him that there is no-one in Government whom I know—

The Hon. L.H. Davis: Have you told John Quirke that?

The Hon. C.J. SUMNER: He can read the *Hansard* and see it.

The Hon. L.H. Davis: Don't you talk to him?

The Hon. C.J. SUMNER: No, I talk to everyone, except some people in the Opposition. Mr President, I talk to everyone on my side of politics. I can assure members that no-one in Government is not talking to someone else.

The honourable member suggested that there might be a vacancy caused by me at some point in time in this Council. All I can say is that, if the honourable member continues to make speeches such as he has made today and I am forced to continue to listen to them and to reply to them, there can be no greater encouragement to my early departure from this Chamber.

The Hon. L.H. DAVIS: I want briefly to address the motion and, in so doing, I express my amazement and despair at the waffling, whining and whingeing of the Attorney-General for the past 30 minutes. He failed to address the motion proposed by my colleague, the Hon. Robert Lucas. We have had no talk about the factional warfare and division in the Labor Party. He has not attempted seriously to address the economic issues in South Australia and the tragic level of unemployment—issues sincerely raised by my colleague.

Instead we had a flip, glib and totally inadequate reply. We had the spectacle of the Attorney-General suggesting that the motion was a flagrant waste of time and that we are rehashing old issues. Let me suggest that the Attorney-General has obviously not read what his five colleagues have said in this month's editions of the *Advertiser*. On 6 February Mr Groom was quoted in the *Advertiser* as saying that the WorkCover bureaucracy had become a bottomless pit of taxpayers' money. He was quoted as saying:

> At the present time we can ill-afford to have WorkCover lumbering along to the detriment of employers and employees.

There we have a close colleague of the Premier, Mr Terry Groom, the deposed member for Hartley, bitching, I think with absolute justification, about the problems of WorkCover. Yet, the Attorney has the gall to stand up in this Council and say that the Opposition has no policies. Over 12 months ago we argued that WorkCover should be reshaped and reformed.

When the Bill was introduced we warned the Government and the Attorney of the problems that would be created with this very generous and administratively cumbersome program to administer workers compensation in South Australia. That advice was ignored not only by the Government but also, sadly, by the Australian Democrats. What do we have today as a result of that? We have the highest WorkCover premiums in Australia—3.8 per cent average—which, in fact, is double the New South Wales average. The Attorney-General had the gall to stand up and say that the Government is constructively working its way out of the problem and that it is producing a more competitive international economy. So, we have the example of WorkCover—the highest premiums in Australia. We have the example of financial institutions duty—the highest in Australia. We have the example of unemployment—11.5 per cent—the highest in Australia and, indeed, the highest in South Australia since 1938.

We have the spectacle where more than one in three of our young people are unemployed and, if one takes into account the high retention rate in year 12 where, arguably, more than 80 per cent of year 11 students are returning to school, or year 12 students in fact repeating year 12 to get better marks to try and secure entry to a tertiary institution, just think what the youth unemployment would be! Just imagine what it would be—without a doubt, it would be well over 50 per cent.

South Australia has a record level of bankruptcies—more than 2 000 in the calendar year 1991, which is 40 per cent higher than the previous record. South Australia also has a record number of small businesses going bankrupt—more than 700 small business bankruptcies in South Australia in the calendar year 1991. In some regional areas of South Australia bankruptcies are so great that, in Elizabeth, for example, in 1991 on average one person in every street in Elizabeth went bankrupt. That is the human tragedy and the human misery that is being presided over by this Government.

The Attorney-General claims that the South Australian Government has not created the recession and unemploy-

ment. However, it has certainly aided and abetted the recession and unemployment; it has worsened it by its abysmal grasp of economic policies and by its desire to tax the community out of existence.

Let me mention some of the other problems that exist in South Australia. We have the absurdity of closing public transport at 10 o'clock—turning the lights out at 10 o'clock—which is a new form of curfew. How remarkable! Can anyone really believe that, if we had debated this matter 12 months ago, we would have taken it seriously? It is just an extraordinary state of affairs.

We have a Premier, an Attorney-General and a Labor Party that said 'Yes' to Scrimber and lost $60 million; that said 'Yes' to Greymouth and lost $15 million; that said 'Yes' for an agonising nine months to a plywood car called Africar. Only a few years ago the Government was to produce 5 000 plywood cars.

The Premier said 'Yes' to SGIC's taking a put option on 333 Collins Street and as a result that has cost us $465 million. It means the taxpayers of South Australia are seeing SGIC spend $1 million a week in interest every week of the year on an ongoing basis to cope with 333 Collins Street.

The Attorney-General has had the gall to attack the Opposition for raising the spectre of the State Bank. Let me remind the economically illiterate Attorney-General that it is highly relevant to the taxpayers of South Australia that the State Bank issue be raised by the Liberal Party Opposition. Indeed, it was the Liberal Party Opposition that continued to draw the Government's attention to the problems of the State Bank—a Government that poured scorn on the questions. It fell on deaf ears. We certainly accept that the royal commission means that we cannot raise in public matters that are now the subject of the royal commission, the time frame being through until February 1991. We readily accept that and we have abided by that. However, it is absolutely legitimate for the Opposition to raise the fact that the $220 million interest payment, which has to be paid annually to meet the massive debts—the non-performing loans and losses written off by the State Bank—ultimately has to be borne by the taxpayers of South Australia. To put the $220 million into perspective in terms of State taxation, that $220 million annual interest burden represents 15 per cent of total State taxation.

In other words, the Bannon Government has to find an additional 15 per cent in State taxes; it has to cut expenditure by a significant amount or it has to adjust taxation and/or expenditure to compensate for or overcome the massive and recurring problem created by the losses of the State Bank.

We also have the hypocrisy of the Premier—the financially illiterate Premier—who says 'Yes' to anything that is put in front of him. He has the gall to go cap in hand to Prime Minister Keating asking for an injection of capital investment programs into South Australia to help trigger some form of economic recovery. But what did the Premier do when he had the opportunity in the State budget of August 1991? He slashed capital spending by 20 per cent in real terms. What sort of nonsense is that?

The Premier, on the one hand, says that a fundamental prerequisite for economic recovery in South Australia is to boost capital spending. That is what he tells Prime Minister Keating, but what does he do himself when given the opportunity? He slashes capital spending by 20 per cent in his own budget—and he is the Treasurer of South Australia. So, we see the Premier and Treasurer of South Australia—tax thug John Bannon—has been whipping money off people not only during the day, by taxing small businesses almost out of existence, but also by night, by imposing a curfew on public transport at 10 o'clock. Presumably that means that if everyone goes home earlier expenditure will be less for the Government of South Australia.

Through some tortuous and incoherent rhetoric the Attorney-General tried to blame the royal commission into the State Bank on the Opposition. That is a remarkable leap of logic. Presumably the Government, if it were governing, would make the decision about how best to address the State Bank issue. The Government decided to ask the Auditor-General to look at certain matters. Of course, it also reacted to public opinion and pressure from the Opposition in establishing a royal commission. Is the Government now saying that it really did not want to do that or that it was not the best course of action? It is now attempting to foist blame on the Opposition for the necessary expenditure on the royal commission. It is a fatuous argument from the Attorney-General. As I said earlier, his flip, glib and totally inadequate reply was characterised by his total failure to address the many statements made by members of the Labor Party.

I have already mentioned what Mr Terry Groom said in the *Advertiser* of 6 February about WorkCover. Further, Terry Groom was quoted in the *Advertiser* of 4 February as saying that he had warned that the Government could not afford any more fiascos such as the State Bank debt and financial difficulties with WorkCover and SGIC. Mr Colin McKee, who is still the member for Gilles and still a member of the Labor Party—as I now speak—said, and I quote the *Advertiser* of 3 February:

> There is a perception within the community, among the voting public, that the Labor Party is now run by a handful of bovver boys and factional hacks.

That is not my colleague the Hon. Robert Lucas getting the boots into the factions; that is a member of the Labor Party saying what it is like; he has been there and he knows what it is like. If that is not enough for the Attorney-General, he can quote the irrepressible Hon. Terry Hemmings, a stalwart, a veteran, of Labor Party politics (*Advertiser* of 1 February):

> This Labor Party is not the Labor Party I joined. Two or three people persist in putting pressure on everyone else. They use scare tactics and they bully them into toeing the ticket line. I am just reflecting the view of thousands of people who are heartily sick of this appalling situation.

And, for the Attorney-General again I quote the Hon. Terry Roberts', Leader of the left faction, comment about the results of the preselection (*Advertiser* of 4 February):

> We predicted the outcome. It was a formula for disaster.

The final leg of this outburst by five members of the Labor Party is from Norm Peterson, who of course would have been an endorsed member of the Labor Party if the factions and bovver boys had not got in his way at Semaphore. In the *Advertiser* of 3 February the Speaker is quoted as saying that he did not believe the Labor Party could win the next poll. He stated that, 'It leaves some questions about the leadership and direction of the Party.' The Attorney-General has the gall to stand up in this House and say that the motion we are debating is a flagrant waste of time.

I would have thought, Mr Acting President, that it is a matter of great public interest, a matter of immediate importance. I think that the economic plight of South Australia is all too apparent. For the Attorney to argue that the Labor Government has reorientated the South Australian economy would suggest that he has taken a large leap in logic. I would have thought that the Labor Government had disorientated the South Australian economy; certainly, it has disorientated the taxpayers with massive increases in taxation well in excess of the rate of inflation, by slashing capital spending

and no sense of the importance of small business at all. In fact, the first person who finds the small business policy of the Labor Party should hand it in at the nearest police station.

The only positive features that the Attorney-General talked about were some of the social matters that have been addressed by the Labor Party in response to tremendous community pressures—the crimewave that has been faced in South Australia was one example of the legislative response that the Attorney-General discussed. However, in the economic area, he talked only about the twin peaks of the Grand Prix and the submarine project. While talking about those twin peaks he ignored the many valleys of economic death. If that is all the Labor Party has to show after nearly a decade of government, no wonder South Australians are saying that they have had enough. It is time; it is no wonder the Speaker of the House of Assembly, Norm Peterson, has said that he does not believe that Labor can win the next poll.

It is no wonder that so many of the Attorney-General's colleagues are talking publicly about the factional fights in the Labor Party and the lack of direction and the total absence of leadership in the Labor Party. Clearly, the motion before us is well couched and highlights the inept and weak leadership of the Premier.

It highlights his financial passivity, his financial ignorance and his financial niavety. It hightlights what we have already seen in the media over recent weeks with the extraordinary factional warfare, tension, bitterness and blood letting in the Labor Party as they look inwards to fight each other rather than looking outwards and addressing the very real and heartbreaking economic and social problems confronting the 1.5 million people who are proud to call themselves South Australians.

I hope that this motion is supported by the Council, and I particularly address those remarks to the Australian Democrats, because the facts speak for themselves. South Australia is not only gripped with an economic crisis but we now face a political crisis of some magnitude.

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

PUBLIC TRANSPORT

The Hon. DIANA LAIDLAW: I move:

That this Council—

1. Censures the Minister of Transport for his arrogant pursuit of policies and practices that are undermining the quality and quantity of public transport services in the Adelaide area and are repelling South Australians from utilising the system.

2. Demands that the Bannon Government reverse its negative reactive approach to the management and promotion of public transport so that once again regular passengers and prospective users have access to a safe, clean, user-friendly public transport network in the metropoitan area at a cost that both the travelling and taxpaying public can afford.

As all members in this place know, a censure motion is not an everyday occurrence. However, it is a motion that I move today and I do not do so frivolously. However, I move it after a great deal of care, consultation and research—research not only on matters in this State but also interstate and from reading material from overseas.

This censure motion is moved in the firm belief that there is a positive and practical alternative to the negative and reactive method that the Minister of Transport and the Government he represents has adopted for the management and promotion of public transport in the Adelaide metropolitan area. Also, I assure honourable members that censure of the Minister of Transport is the mildest of responses that have been received by my offices since the Minister made his amazing announcement some two weeks ago that he was proposing to impose a public transport curfew from 10 p.m., five days a week, from Sunday to Thursday. If the Minister set foot outside his high office in the State Administration Building or was carried by some form of transport other than his white chauffered car, he would realise that a motion for lynching rather than censure is what the majority of South Australia's public transport users would wish me to be moving today.

Last Friday evening a meeting of about 20 people representing 30 community based organisations in South Australia resolved unanimously to call for the resignation of both the Minister of Transport and the Director of the Office of Transport Policy and Planning, Dr Scrafton. The 30 organisations represented were:

People for Public Transport (SA) Inc. (PPT)
PPT (Southern Campaign Group)
Rail 2000
Australian Conservative Foundation
Conservation Council of SA
Greenhouse Association
Australian Tram & Motor Omnibus Employees Association
Consumer Advocacy Program of SA
SA Council of Pensioners & Retired Persons Association
Older Women's Advisory Committee
National Union of Students
Radical Action Collective
Brighton Peace & Environment Group
Green Party—

members of that party, I understand, were in the other place yesterday—

Stop Arms for Export
Radio for the Print Handicapped
Greenhill Community Association
Adelaide University Students' Association
Adelaide University Women's Office
Port Adelaide Residents Association
Environmental Youth Alliance
New Left Party
Northern Transport Action Group—

headed as we know by a left wing member of the Labor Party—

Australian Democrats
Adelaide University Friends of the Earth
SCAT Television (TAFE college, Underdale)
FOE Nouveau
Empire Times (Flinders University)
Citizens Initiated Referendum
Pensioners Political Association Alliance

Running through that list honourable members will appreciate that few of those groups are normally aligned with the Liberal Party nor share with the Liberal Party many of our goals, but I can assure the Council on this issue of public transport that they are even more vehemently opposed to what the Minister on behalf of the Bannon Labor Government is seeking to do with public transport than I am, as one who is very anxious to see that we have public transport in this State that is a source of civic pride for our city and, even more importantly, a source of convenient, comfortable and safe transport for many people who either do not choose to use or do not have access to vehicles.

I believe strongly that such a system can be operated in a user friendly manner and at a cost effective price. The Minister has failed dismally to understand the needs of the travelling public in the wider Adelaide area and for this failure he deserves to be censured. Certainly, the Government itself has failed to heed the unanimous call from the representatives of all the 30 groups that I have mentioned for the Minister to resign, in exactly the same manner as the Minister himself has arrogantly ignored repeated calls by public transport passengers and prospective passengers for an opportunity to be heard.

They seek loudly and strongly an opportunity for consultation and input on how to design and operate a user friendly and cost effective public transport system. They know what is required to make our system operate efficiently and effectively as a strong public service in this State because they are the people who use it on a daily basis. As I said, the Minister is not keen to consult or to hear. I am not sure whether he is deaf or just deliberately turning a deaf ear to what he does not want to hear. Perhaps the Minister just does not care, and that has been suggested to me many times. But if the Minister cannot hear or will not hear, I trust that he can read.

Over the past two years the newspapers have been full of letters of anguish and hostility from people across the length and breadth of Adelaide who have taken the time and trouble to write about their unsatisfactory experiences on our public transport network or about their fears for the future fate of our public transport system. The flow of protest letters from the public has increased to a flood since the Minister decided to impose a 10 p.m. curfew, and I will note some of the comments. R.G. Bosch of Reynella, whose letter was featured in the *News* yesterday, said:

I refer to the proposed cut in services for the STA in August . . . The Labor politicians can lose a billion dollars with the State Bank and not do anything about it, yet they get upset when STA has a small loss.

We the taxpayers own the STA and all of us are entitled to use it and have some say about what is done with it.

Another letter in the *News* of the same day from E.A. Shirley of Craigmore states:

If the Premier, Mr Bannon, and the Lord Mayor, Mr Steve Condous, are really keen to have the Commonwealth Games in Adelaide, they had better pray that the authorities making the decision do not find out how hopelessly inadequate our public transport system is.

Similar views have been echoed by writers to the *Advertiser* over the past fortnight. In a letter of 7 February, Mrs D.I. Ritter of Uraidla states:

I am a 68-year-old pensioner living in the Uraidla Retirement Village and I use the 820 bus four or five times weekly to go to Stirling/Aldgate to visit my doctor and podiatrist and for paying bills, getting medicines, doing my shopping, banking and other business, to Adelaide for shopping, other business, including the Royal Adelaide Hospital, and visiting friends and relatives in the suburbs.

I'd lose all my independence, having to rely on nearby friends for all my outings. Even now there are no buses at night, on weekends or holidays; so much for entertainment.

So much for entertainment and independence! Luckily for Mrs Ritter, she says that she has her church. Perhaps she is suggesting that volunteers from the church will help her to maintain her independence in future. She goes on to say:

Even two buses between 7 and 9 in the morning and 4 and 6 in the afternoon would help us workers, students, pensioners, housewives and mothers without other transport.

On 5 January further letters were published, including one from Mary Miller who is, I think, known to all members of this place as the President of the South Australian Council of Pensioner and Retired Persons Associations. Mrs Miller writes:

So South Australian users of public transport are now on a curfew. We are not allowed out after 10 p.m. Only those who drive cars at night or can afford taxis can go out to dinner, the pictures or the theatre. The poor, elderly, disabled, families with children are to stay home.

This Minister Blevins, who wrote a 'vision' of his plan for public transport seems determined to destroy public transport completely.

She goes on to say:

We cannot allow him to carry on the way he is. His manner while dealing with unions and people's representatives is one of gross arrogance, displaying his total contempt for the Government's own social justice policy.

Kurt von Trojan of Mylor wrote on the same day:

The STA's 10 p.m. curfew will plunge our Festival City into a cultural stone age.

I've lived and worked in many cities: Sydney, London, Hamburg, Vienna . . . but this?

I'd just like to ask: do Mr Blevins and Mr Brown use our public transport?

And what will overseas visitors think?

I pose the same question to the Minister of Tourism, who is in the Chamber at present. A further letter from Alfred Andrews of Hazelwood Park states:

Highly literate though I am, I cannot find the words to describe the madness of the State Government's decision to cut public transport after 10 p.m. from Sunday to Thursday. At precisely the point in history where public transport should be encouraged by expanding services to reduce the necessity for the private car, we in Adelaide are witnessing the systematic destruction of our bus and train services.

Tracy Rogers of Craigmore writes:

It's ironic that South Australia should win control of Australia's national railways while trying to destroy its own domestic railways.

The travelling public of South Australia knows what kind of service it needs. Why can't the STA and Government listen and improve the system accordingly?

Ralph Walker of Westbourne Park writes:

Surely STA's main reason for existence is to serve the public, even if some of the late night services are poorly patronised. I wouldn't argue with a reduced service on these routes, but don't terminate the services completely. Several of my students attend evening classes which sometimes do not conclude until nearly 10 p.m. I know these students rely on a train for transport home with no alternative. What are they going to do?

If the State Bank, Scrimber, New Zealand Timber Corporation and other financial debacles had not occurred, the Government may have had the funds to operate these important train services.

Ian Farr of Semaphore writes:

I've lived in most States and Territories of Australia and use public transport constantly. I am convinced the Transport Minister and the policy makers in the STA are the least user-friendly . . . of all public transport managements in the country.

All my attempts to communicate with them or make suggestions have been frustrating and pointless. They are elitists and inflexible.

I wholeheartedly concur with that statement by Mr Ian Farr. In fact, I concur with the sentiments expressed in that angry series of correspondence to our daily newspapers.

My office has been inundated with people who are angry and resentful about the arrogant and misguided policies and practices imposed by the Minister on our public transport system. These people are shift workers, STA workers, students, parents, lecturers, elderly people and workers in the entertainment industry, and people who do not even use public transport. Some of these people who do not use public transport have never done so, but they do not like to think that Adelaide is going to be a laughing stock. They believe that Adelaide will be humiliated by the fact that we are the only city in this country to pull down the curtains and turn off the lights in terms of public transport at 10 p.m. on five days a week.

Other people who do not use public transport but who have contacted my office were former users of that system who have decided over the past few years that they have had enough of the manner in which this Minister seems to be prepared to operate public transport. They are now boycotting the system, and for that I believe the Minister is to be condemned. Hills residents are particularly angry at the Minister's recent announcement. I cite three instances. Christine Trotter, unemployed of Greenhill, relies solely on the STA for transport. She cannot afford a car or the $20 for a taxi every day she wants to go to work.

The STA's recently announced cut-backs include the axing of the only bus service that passes near her home (the 820 to Aldgate). She has not only written to the newspaper about

this matter but has also informed my office that she will be stranded as a result of this decision. Otherwise, she will have to take up hitchhiking and that is something that her parents are not keen to see her undertake in this city, particularly to the Hills in the evening.

Michelle Dangerfield, aged 22, lives at Uraidla. She also depends on the 820 to get to Marden senior college where she is studying year 11. She is angry that Mr Blevins could not care a damn about people living in the Hills. Mr Graheme Cowan, 47, of Summertown has advised my office that he now believes that he has no alternative but to drive his car to the city to work every day and to take his son to and from school. Mr Cowan believes that the proposed changes are crazy and that they will be disastrous for his family, for the environment generally and for this State in particular.

Mr Cowan's views are echoed by the Australian Conservation Foundation. In a media release issued on 30 January, the ACF claims that the decision to abandon late night public transport in Adelaide has shown the Minister of Transport to be socially and environmentally irresponsible. The press release states:

> Whilst the rest of the world is talking about ways of reducing fossil fuel consumption and promoting environmentally-friendly public transport, Mr Blevins has shown himself to be totally out of touch with reality and oblivious to the environment and to the needs of women, children, the elderly, the disabled and others without access to cars.
>
> This decision effectively imposes a curfew on the most disadvantaged members of society. What's more, it flies directly in the face of the Government's supposed commitment to reducing greenhouse gas emissions by 20 per cent by the year 2005.

It is interesting to contrast the public outrage to which I have just referred to the proud record of the Tonkin Liberal Government when it was in power between 1979 and 1982. So much was achieved in so little time, and it is interesting to see, during the subsequent years of the Labor Government, how many of the good initiatives and how much of our fine public transport system have been reversed and how much has disintegrated since them.

I mention first the fact that the Tonkin Liberal Government acted immediately upon gaining government in 1979 to implement its promise to construct the O-Bahn busway from Tea Tree Gully, through Paradise to the City. Today, as we all know—or at least should know—the O-Bahn system is the STA's only success story of the past decade. It has been enormously successful in attracting and retaining significant new patronage at a time when the STA has been losing patrons hand over fist. O-Bahn has attracted a significant overall growth in patronage of 33 per cent, with the highest proportional growth in the inter-peak period. This is extraordinary when one considers that this is the period of travel that is largely discretionary. That 33 per cent of growth in overall patronage for the O-Bahn compares with a 17 per cent decline overall in patronage on the STA's services over the past six years.

The Tonkin Liberal Government—almost a decade ago, sadly—also introduced free travel for aged pensioners during inter-peak periods, Monday to Friday. This free travel system was an election promise in 1979. It was introduced on 17 August 1980, and was maintained through the life of the Liberal Government. I make this point because, unlike the free travel election promise of the Bannon Government to students and their families at the last election, the Liberal Party not only made promises but also implemented and maintained its promises in respect of aged pensioners.

It is interesting to see what has happened to those important key initiatives, particularly free travel for aged people during the inter-peak periods. So often when speaking with me, aged people—and aged pensioners in particular—have been angry about the Government's free transport policy for students which has, of course, now been withdrawn. One of the reasons for their anger was not only the unsatisfactory service they received on the STA following the flood of students at certain hours on that service at the end of their inter-peak period of travel when most older people were tending to get home but also the fact that this Government had withdrawn the promise and the initiative of the Tonkin Government to provide free travel for aged pensioners between inter-peak hours. As I said, that promise was initiated in 1989. It was withdrawn by this Government in 1986. The Government then promised free travel for students and, true to form, it later reneged on that promise also.

In terms of the other great Liberal commitment and initiative, that of O-Bahn, the Government, Mr Blevins in particular, made a similar promise before the last election: he told this Parliament in September 1989, just before the last State election, that his Government was investigating the extension of the O-Bahn busway system to the south. Of course, we all know that since that election was held he has been conspicuously silent on the subject. He said, in a recent interview in the *Advertiser*, that this Government is no longer interested in O-Bahn services and systems, and I suspect that that is mainly because the Government has destroyed the finances of the State and has no more money to undertake such exciting, important and user-friendly services that have been proven to be popular in not only attracting but also maintaining passengers on the public transport network in this State.

I will briefly mention a number of the disgraceful, arrogant actions taken by this Minister in respect of transport. Then, I intend to seek leave to continue my remarks in the coming week, when I wish to address at some length the measures that the Liberal Party is keen to undertake with respect to public transport. I have already mentioned the fiasco with free public transport for students and the fact that it was on and off again all within 18 months and how, as a consequence of that cynical bribe to the electorate last year and the Government's later repeal of that undertaking, many families with younger students have been severely disadvantaged financially because of that cynical, arrogant response.

Graffiti is another matter about which this Government can be criticised. I believe strongly that the Government failed to heed public concern at an early date which would have ensured an immediate clampdown on those responsible for defacing our buses, trains, bus stops, railway stations and subways. If the Government had acted when people were calling for action before the graffiti problem got out of control, graffiti would not have caused such enormous and irretrievable damage to the public perception of public transport in this State.

When the Government finally did act, after operators of and passengers on public transport became hurt by the actions of these thugs, the unions became upset, and the Government finally decided to act. However, the Government acted by getting rid of the guards who were in charge of safe working practices by deciding to phase out those guards over a period and appoint special constables. True to form, however, Minister Blevins had not researched his facts on the matter: he appointed special constables who had police powers. The Commissioner of Police, David Hunt, was not going to have a bar of this. He told the Minister to back off. The Minister backed down on this matter as well, and an increasing number of Transit Squad members are now being employed, but undertaking only a policing role and not one relating to safety practices. As a

last minute gesture, following the last strike and industrial action in relation to the STA, safe working practices may now be a role for Transit Squad members.

I name just those few, plus the fiasco in relation to tickets, whereby members of the public can no longer buy tickets on trains or at platforms; one can be fined if one steps on to a platform or a train without a ticket. As some of the measures taken, that helps to explain why there is declining patronage on STA services and why, at some periods of time during the day and evening, there is very little patronage on those services.

Yesterday, the Hon. Mr Gilfillan asked the Attorney-General whether he considered that the Minister of Transport had misled the public in terms of suggestions that there were only 400 persons using public transport after 10 p.m. in Adelaide on any night of the week. Of course, the facts reveal that far more than 400 people are doing that, but in this sense I do not think that is even the issue. I think the question is why there are so few, not the fact that there are so few.

Why are so few people using the service, whether that figure be 400, 1 400 or 2 100? Nitpicking in terms of the figures is not as important as questioning why there are so few people, and that the Minister does not seek to question. In my view, the Minister of Transport is acting in exactly the same way as Australian National acted in terms of its passenger responsibilities to country areas in this State and, as we all know, Australian National decided upon a deliberate policy to pull back on services and deprive people of user-friendly services and catering facilities. It ran services at rotten times, which did not meet up with other services with which people wanted to link. In my view, all of those moves by Australian National were part of a deliberate strategy to ensure that it had an excuse of falling numbers and declining patronage to close down those services altogether. I have no doubt that our transport Minister in this State, the Hon. Mr Blevins, with the full concurrence of the Premier, Mr Bannon, followed exactly the same practices as Australian National shamefully adopted towards its passenger transport responsibilities in country areas.

Certainly, before the prolonged 27-day strike and industrial action on our suburban railways in June and July last year, both the Minister of Transport and Premier Bannon forewarned that the closure of stations and rail services was on the cards unless these figures picked up. Yet we have seen no concerted move either by the Minister or the Premier to do anything in that time to actively promote and market railway services so that people are encouraged to use them. On that note I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. CAROLYN PICKLES: On behalf of the Minister for the Arts and Cultural Heritage, I move:

That the time for bringing up the report of the committee be extended until Wednesday 8 April 1992.

Motion carried.

SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

The Hon. CAROLYN PICKLES: On behalf of the Minister for the Arts and Cultural Heritage, I move:

That the time for bringing up the report of the committee be extended until Wednesday 8 April 1992.

Motion carried.

SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the report of the committee be extended until Wednesday 8 April 1992.

Motion carried.

SELECT COMMITTEE ON COUNTRY RAIL SERVICES IN SOUTH AUSTRALIA

The Hon. G. WEATHERILL: I move:

That the time for bringing up the report of the committee be extended until Wednesday 8 April 1992.

Motion carried.

SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

The Hon. CAROLYN PICKLES: I move:

That the time for bringing up the report of the committee be extended until Wednesday 8 April 1992.

Motion carried.

COURT FEES

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

That the regulations made under the Supreme Court Act 1935, relating to fees, made on 15 August 1991 and laid on the table of the Council on 20 August 1991, be disallowed.

I want to use this motion to raise a few issues about the courts and court fees, and it becomes particularly pertinent, after the response by the Attorney-General yesterday to a question raised by my colleague the Hon. Mr Burdett about legal aid. There again the Attorney-General continued the refrain that he has been promoting for quite some months now that the legal profession must carry a lot of the responsibility for the high cost of justice. I do not resile from the position that legal fees do have to be kept within reasonable bounds, but one cannot place all the responsibility for the high cost of justice upon members of the legal profession.

In September last year the Family Court judges *en masse* protested to the Federal Government when it indicated that it was planning to impose quite substantial charges for the initiation of actions and for the conduct of proceedings in the Family Court. My recollection is that the fee was something like $500 per application. It was certainly a large sum of money which would have been very much out of the reach of most of the parties to Family Court proceedings. However, that was only one instance of many where judges in particular, but also legal practitioners and members of the community, have expressed concern about the concept

of user pays being adopted by the Federal and State Governments in respect of the administration of justice.

If one were to look philosophically at those agencies and institutions that ought to be the responsibility of Governments and at the services that Governments ought to provide, police, education, health and the courts, among others, fall within the category of necessary services. Traditionally, over the centuries, both in Australia and, before that, in the United Kingdom (which is the origin of our court system), the provision of courts was regarded as being a function of Government, even though those courts were independent of Government. Citizens have always been guaranteed access to the courts and have been offered that facility as the means by which justice may be achieved, whether it be in the criminal area but, more particularly, in relation to disputes as between citizens.

Significant costs were not imposed by either the courts or governments upon those who sought access to those courts. That is the proper position for a Government to adopt: the provision of courts and court services and the administration of justice is a primary function and responsibility of a Government and all citizens ought to be able to gain access to those courts with a view to obtaining justice.

Whilst in respect of legal fees there is always the argument that those who are too poor to afford their own can generally obtain legal aid and those who are very well off can afford to pay their legal fees, there is a large mass of people in the middle who, generally speaking, are unable to afford very large legal costs to gain access to justice. That is a problem in our society today. Various options are being canvassed for redressing that problem.

However, one area that has not had much limelight—probably because Governments have sought to avoid the limelight in respect of this area—is the question of fees imposed by Governments. It is that area upon which I wish to focus in debating this motion for disallowance. In August last year some court fees were increased. Some of those fees were increased by approximately the CPI factor in the previous year on the basis that the Government had said that it would increase costs by no more than the CPI rate. Even that concept is flawed and ought not necessarily be a principle by which fees are increased, because the income of many people in the community is not generally increased by the rate of inflation. Governments ought to be setting a lead in trying to keep the increases in costs and fees below the rate of inflation, otherwise it becomes merely a compounding factor.

However, whilst some of those fees were increased by a factor approximating the CPI rate, new fees were introduced. For example, in the Supreme Court, a trial fee of $150 per day or part of a day is imposed for trials commencing after 1 September 1991. The argument is that, particularly in big commercial cases where well-off litigants are taking advantage of the court's availability, they should make some contribution towards the running costs. I do not necessarily subscribe to that view but, in relation to other litigants who seek access to the court, such an amount is a very large sum which adds substantially to those costs.

In the Local Court of Full Jurisdiction, a new fee was introduced, which was a substantial hearing fee of $100 for each day or part of each day. I suggest it is only a matter of time before this fee concept floats down through the other jurisdictions. One should also say that, whilst there has been only a single tier fee system in place for the commencement of proceedings, for several years at least the amount now being charged is quite substantial. To initiate any application in the Supreme Court the fee is $318. In the local court system, as from 1 September last year the fee for a small claim to commence is $35, for a limited claim, $69, and for a full jurisdiction claim, $159. Those figures add significantly to the cost of those who seek access to the courts.

In addition, the cost of transcripts was increased. In 1990-91 the cost was $3, but that fee was increased to $3.50 a page. That amounts to a 17 per cent increase and, according to a press statement made by the Attorney-General at the time, it was proposed to increase the cost of transcripts by 50 cents per page where such a transcript was required by the court (and was thus also available to the parties) and $1 per page where the transcripts were not required by the court but were required by parties.

So, if one takes the ordinary transcript, the increase in 1991 was 17 per cent. In the next year that will go up to $4 a page; that is a 14.5 per cent increase. In the subsequent year—that is, for 1993—it will go up another 50c to $4.50 a page, which is 12.5 per cent. Overall, that is a 50 per cent increase in three years for the cost of obtaining transcripts per page. Where the transcript is not required by the court, the increase over the three years is something like 60 per cent, a quite dramatic increase. That is not for all litigants, that is, collectively—but each party obtaining a page pays that sum. So, it is possible that in some of the more complex actions the return to the Government for each page is a very substantial amount. That undoubtedly adds to the cost.

One of the many lawyers who has raised this with me has stated that at $3.50 a page for evidence the cost to each party is about $350 or thereabouts per day. That is a substantial increase. That person also suggested that there ought to be two levels of fees for initiating action: one for the simpler matters and one for the more complex matters. The single fee, in the Supreme Court, particularly, has no regard to the size of the potential proceedings or the type of proceedings. The same fee is payable for some minor *ex parte* application in chambers as is payable for full-scale action that goes all the way to a fully contested trial. A simple proceeding for the grant of an extension of time, for example, for the removal of a caveat, attracts the same court fee as a fully contested action that might occupy weeks of the court's time.

Attention is also drawn to the fee being charged for taxing costs. That fee has been 5 per cent of the bill, which has been allowed on taxation for some years, but in the view of some legal practitioners—and I tend to share the view in relation to some matters—it is quite a high amount. It is really a fee for not doing the work or even for drawing up a detailed bill not for doing the work but merely for presiding over the settlement of what are frequently a few disputed items in the bill and checking the additions.

I suppose when one thinks about it and compares the work done by the practitioner and the work done by the taxing officers, the taxing fee, if seen not as a piece of taxation but as just compensation, clearly bears no relationship whatever to the minimal effort and skill involved in the job. It should also be remembered that disbursements such as the $318 court fee attract the taxing fee along with the practitioner's charges. So, there is another 5 per cent to be added to the take, which goes to the Government's coffers.

In addition to that there are some other problems. Some changes have recently been introduced in relation to bailiffs' fees, which were increased by at least 25 per cent to allow the Court Services Department to collect what it regards as an administration fee for process being delivered to bailiffs for service. So, we now have a situation where, on the issue of a summons and then the service of it, the bailiff gets

$7.40 for serving a summons in the local court, and $11.60 for serving an unsatisfied judgment summons; but the total fee that is collected in relation to an ordinary summons is $9 and for an unsatisfied judgment summons, $14. So, the Court Services Department is taking something from that for administering the service of a process. If one were to look at the burdens being placed on unsatisfied judgment debtors, one would see that each time an unsatisfied judgment summons is issued there is a significant cost of at least $21, which is added, quite obviously, to the cost burden of the debtor.

Whilst in relation to some fees like the service of documents one can have no quarrel with endeavouring to recover the costs, there is a concern that, along with the question of legal fees and the high cost of justice, one cannot ignore the very high fees that the Government is imposing to gain access to the courts. In addressing not only the costs of the legal profession as a factor in denying justice or access to justice, the Government ought to acknowledge also the need to examine the costs of gaining access to the courts through the court fees imposed by the Government under regulation.

It is for those reasons that I wanted to move for the disallowance of these regulations: in order to make what I regard as some important points about the escalating costs that are being imposed by Government on litigants as a result of what I would generally regard as an inappropriate policy of user pays in relation to those courts.

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT

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

That the regulations made under the Local and District Criminal Courts Act 1926, relating to fees, made on 15 August 1991 and laid on the table of this Council on 20 August 1991, be disallowed.

Because I have spoken in general terms to the previous motion in a way that would encompass the matters that I refer to in this motion, I merely want to refer members to the remarks already made, which are equally applicable to this motion.

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

PARLIAMENT (JOINT SERVICES—PROHIBITION ON SMOKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2276.)

The Hon. K.T. GRIFFIN: With some reservations I support the second reading of the Bill. I suppose the reservation is that I cannot understand why it is necessary for the Parliament to enact such a provision in relation to its own premises when the normal courtesies of communal living would normally require some sensitivity on the part of those who smoke to acknowledge that such smoking might cause concern to other persons using the building. But, the Bill being before us, I am sympathetic to the issue to which it is to be applied.

I guess the only other matter that needs to be raised is how this is to be enforced. It is all very well to state a principle, but we have argued on many occasions before in the Council that if only a principle is stated and there is no sanction what is the point of stating the principle in an Act of Parliament? That is not necessarily relevant in some cases where the object and purpose of legislation is expressed in a Bill as an aid to interpreting what follows but, in this case, we are dealing only with a direction in respect of which there is no sanction.

If it is not to be dealt with as contempt of Parliament—I would certainly not believe that it should be—then what else can be done? Again, I come back to what I said initially: I would have thought that ordinary human beings, reasonable people, living together in the hothouse environment of Parliament House would understand the sensitivities of the issues of smoking, particularly in the light of developing concerns about passive smoking and the consequences of that and also the potential liabilities for workers compensation.

It is for that reason that I have some reservations, but I am one of those who is particularly sensitive to cigarette smoke. I appreciate that most of my colleagues will not seek to smoke in meeting rooms where there is a meeting in progress. It was not so long since that terminated in relation to select committees but, fortunately, that behaviour is no longer present in the formal parts of select committee meetings, and around the corridors where I think people are showing much more sensitivity to the issue. There are still people who are either so addicted to smoking that they cannot resist a cigarette in the corridors or any other place under any circumstances, or they do not think about the consequences to others. But they are in a small minority. I say again that most of my parliamentary colleagues and, in fact, all of my colleagues on this side, are sensitive to the issue and do take a responsible attitude towards it. Notwithstanding all of that and the reservations I have got, I am happy to support the second reading.

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

STATUTES AMENDMENT (SENTENCING) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law (Sentencing) Act 1988, the Children's Protection and Young Offenders Act 1979, and the Correctional Services Act 1982. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to make amendment to the Criminal Law (Sentencing) Act 1988 ('the Act') in a number of areas which have been identified as requiring clarification or amendment. The Bill also makes a number of consequential amendments to the Children's Protection and Young Offenders Act 1979 and the Correctional Services Act 1982.

The Bill was introduced into Parliament on 21 March 1991. Due to pressure of business at that time an agreement was reached to pass only the provisions in the Bill which allowed a court to order a sentence of community service without recording a conviction. It was indicated at that time that the remainder of the Bill would be reintroduced in the August session of Parliament. Since that time a number of new provisions have been added to the Bill as a result of further suggestions for amendment. The new provisions include the following;

- allowing a court convicting a person of multiple offences against the same provision of an Act to impose one penalty in respect of all of the offences;

- increasing the options available to a sentencing court where the person is subject to an existing non-parole period but where the sentence is to be followed by a Commonwealth minimum term;
- grant a court the discretion, where a person is in default of payment of a fine arising from an offence involving the use of a motor vehicle, to disqualify the person from holding or obtaining a driver's licence until the fine has been paid. These amendments will also apply to children who do not pay fines imposed by the Children's Court;
- allow the court to issue a warrant immediately for imprisonment if it suspects that the person may abscond without paying a fine imposed by the court;
- an amendment to the Correctional Services Act 1982 to allow remission credited to a prisoner who is serving a non-parole period to be credited against both the non parole period and the head sentence.

The Bill has been amended to follow the provision contained in section 4K (4) of the Commonwealth Crimes Act 1914 which empowers a court convicting a person of multiple offences against the same provision of a law of the Commonwealth to impose one penalty in respect of all of those offences. This provision was originally raised by the Senior Judge for consideration as providing a useful sentencing tool, especially in cases involving multiple acts of dishonesty. The amendment has been approved by the Chief Justice and the Department of Correctional Services. The amendment will simplify the task of the sentencer in establishing an appropriate penalty and the setting of a non-parole period. The new provision will also eliminate the risk of miscalculation and errors in complex sentence calculations and avail prisoners of a clear picture of the penalty imposed by the court.

The amendment in clause 7 of the Bill deals with a particular set of circumstances such as arose in *The Queen v. Ditroia*, heard before the Court of Criminal Appeal in July 1990. In this case the accused was already serving nine years, with a non-parole period of eight years, for an existing State offence. For a subsequent Commonwealth offence he was sentenced to six years with a minimum of four years to commence at the expiration of the non-parole period for the State offence. He was also convicted of a later State offence for which he was sentenced to a further 2½ years with a two year non-parole period. The head sentence was to commence at the end of the minimum term for the Commonwealth offence but due to the existing section 32 (1) *(b)* of the Act, the only course open was to extend the existing State non-parole period which became automatically concurrent with the Commonwealth minimum term. This resulted in a reduction in the accused's sentence and caused the Chief Justice to comment that the section had left the court unable to impose an effective penalty. The amendment to section 32 (1) allows the court in these circumstances to impose a second non-parole period for the subsequent State offence to commence, with the head sentence, at the expiration of the Commonwealth minimum term.

The Bill includes new provisions which allow courts, in the adult and the juvenile jurisdictions, in the case of fine defaults which arise from an offence involving the use of a motor vehicle, to disqualify the person from holding or obtaining a driver's licence.

There is no doubt that courts generally see the power to disqualify an offender from driving as one of the more effective, or as Bray C.J. put it in *Law v. Deed*, one of the least ineffective weapons that they possess. Indeed, His Honour ventured the opinion that many, if not most, drivers would fear the loss of their licence for a substantial period far more than a fine and many would fear it more than a short term of imprisonment.

Similar systems have operated for some time in both New South Wales and Victoria and have proved most successful in encouraging payment of fines and reducing costs to the community of incarcerating fine defaulters. Under the amendments contained in the Bill, the court may, instead of issuing a warrant to commit a fine defaulter to prison, disqualify a person from holding or obtaining a driver's licence until the pecuniary sum has been fully satisfied. The court notifies the Registrar of Motor Vehicles and disqualification occurs seven days after notification unless the fine is paid. Revocation of the disqualification will only occur if the court is satisfied that the fine has been substantially reduced and that continuation of the disqualification would result in hardship, or that the person has agreed to work off the fine in community service. Finally, the court has power to issue a warrant of commitment during a period of disqualification if it believes it is appropriate to do so.

Under the Act, a person must be in default of payment of a pecuniary sum for one month before a warrant of commitment can be issued. The Department of Court Services has raised this period as a problem in cases where it is believed a person may abscond before the period has expired. Therefore, the Act has been amended in clause 21 to override the one month default period if the court is satisfied that there are reasonable grounds for suspecting that the person will abscond without making payment.

As a result of legislative amendments in 1983, prisoners are released on parole at the expiry of their head sentence. In 1989, the High Court in *Hoare and Easton v. The Queen* took the view that because remissions are not credited against head sentences there had been an 'incidental, undeserved and undesired' increase in the length of parole periods. Recent studies have shown that parolees are at highest risk of reoffending in the early stages of their parole and that supervision for years past this period raises administrative costs and reduces the level of resources available for those at highest risk. An amendment has been made to the Correctional Services Act 1982 to allow remission credited to a prisoner who is serving a non-parole period to be credited against both the non-parole period and the head sentence. The amendment will address the remarks made by the High Court and allow a more effective use of resources. It is essential to note that the amendments will not result in a prisoner spending less time in custody. The changes will also allow more intense supervision of parolees when they are at their highest level of risk and will reduce administrative overheads.

The matter of fine default has been a significant and growing problem. Due to unavailability of prison accommodation and operational problems for police, an administrative release procedure was established in police stations. When a warrant for fine default is executed, the offender is admitted into police custody. For default periods of five days or less, and a proportion of longer terms, the police transmit the warrant by facsimile to a prison where the person's earliest discharge date is calculated, taking the use of administrative discharge into account. The advice of the person's release date is returned to the police by facsimile. Often, because of the short default period, the person is released immediately. Approximately 7 000 administrative release by facsimile of fine defaulters from police stations occurred in the 12 months to September 1991. The Government was not prepared to allow this situation to continue.

Accordingly, a three stage process has now been developed to address this situation. The first stage, discontinuation of administrative release by facsimile and overnight detention, was implemented on 4 December 1991. Stage two removed the use of administrative discharge for fine defaulters on 30 December 1991. There has been a noted improvement in the payment of fines since the discontinuation of these procedures. Stage three is the amendment in clause 21 of the Bill which provides that fine default periods are to be served cumulatively with each other. This amendment will ensure that the fine, which is the most common sanction issued for breaches of the law, will be restored as an effective sanction. Cabinet has approved the provision of additional capital funding to the Department of Correctional Services to acquire and upgrade suitable low security accommodation for fine defaulters.

This Bill also amends the Act to enable the Parole Board, or, in the case of a young offender, the Training Centre Review Board to take action, on their own volition, to vary or revoke the conditions of release for persons detained pursuant to section 23, or to cancel release.

Section 23 of the Act provides for the detention of offenders incapable of controlling their sexual instincts. Section 24 allows for the release of a person on licence subject to conditions specified by the appropriate board, that is, the Parole Board, or in the case of a young offender the Training Centre Review Board. Section 24 (5) allows for the Crown or the person to apply to the appropriate board for a variation or revocation of a condition of licence or the imposition of further conditions, and for the Crown to apply for cancellation of release.

The Chairperson of the Parole Board has indicated that she considers that it is a law in the system that the board does not have power to cancel, release, vary or impose conditions or to cancel release on its own volition. If a matter comes to the board's attention which in the board's opinion makes it desirable to change or remove a condition, the board, at the present time, is obliged to ask the Crown to apply to the board before the board can act.

The Government accepts that it is anomalous that the appropriate board can set the conditions of release but is not at liberty to vary the conditions of licence on its own motion, or to cancel release for breach of condition.

The Bill addresses the problem by enabling the appropriate board to cancel, release or vary or impose conditions, or cancel release, on its own motion. However, before doing so, the board must give reasonable notice to the person and to the Crown and consider any submissions made by the person or the Crown in relation to the matter.

The Act has also been amended to permit the Chairman of the Parole Board to apply for a non-parole period to be fixed in

respect of prisoners who are liable to serve greater than one year imprisonment and where no non-parole period has been fixed.

There are currently five life sentenced prisoners without non-parole periods. Four refuse to apply for a non-parole period. Subject to the exercise of the Governor's prerogative of mercy, a prisoner serving a term of life imprisonment without a non-parole period can never be released under the current legislation. Prisoners without release dates create problems for the Department of Correctional Services. Placement, sentence plans and resocialisation programs are based on the projected release date of prisoners. The proposed amendment to section 32 (3) of the Act will enable the Parole Board to apply for a non-parole period on behalf of a prisoner.

Currently, there is no power under the Act to extend the time within which community service can be performed. The Act provides that a time limit must be set. Section 44 of the Act provides that a court may, on the application of the probationer or the Minister of Correctional Services, vary a condition of a bond which presumably would enable the time within which community service is to be performed to be varied provided it was a condition of a bond. However, under the Act, community service is not part of a bond unless a suspended sentence of imprisonment has been imposed. Clause 10 of the Bill makes clear that a court can extend the period of a bond to enable community service to be performed by a period up to six months.

An amendment to section 75*l* of the Children's Protection and Young Offenders Act will allow a court to extend the period within which community service can be extended.

The amendment in clause 13 of the Bill will allow a court, on the application of the appropriate officer, the Minister, or the person who is liable under the terms of an order of a court, to perform community service to: vary or revoke the order; or extend the period of the order during which community service is to be performed by up to six months.

The Bill also provides for the Minister to remit unperformed hours of community service in certain circumstances. The new provision is similar to the present section 44 (2) of the Criminal Law (Sentencing) Act 1988 which deals with variation or discharge of a bond. Sometimes a person has substantially performed a community service order but because of some extraneous reason, for example, employment, or serious illness, it would not be appropriate to require him or her to continue to perform community service.

Section 47 of the Act covers the operation of community service work in particular in relation to hours and conditions of work. The provisions cover offenders undertaking community service orders or bond, and working off fines under the fine option program. The continuous growth in the number of offenders placed upon both programs provides opportunities to undertake a wider range of work projects. The numbers also pose difficulties from time to time in obtaining suitable programs. The Department of Correctional Services wishes to use opportunities, with approval, to undertake tasks where more than eight hours can be credited in one day.

There have been examples of projects where offenders would have to assemble at 7.30 a.m. to be transported to the worksite and, after a day's work, arrive back in the city at 6.00 p.m. This would exceed eight hours.

Therefore to provide greater flexibility in the scheme, an amendment is proposed to section 47f of the Act to allow for community service for a period exceeding eight hours in circumstances approved by the Minister. A consequential amendment is also made to section 74aa of the Correctional Services Act 1982 which deals with the power of the Parole Board to impose a community service order for breach of a non-designated condition.

The Bill also amends the provisions relating to action on breach of a bond. Section 57 (4) of the Act provides that 'If a probationer is found guilty of an offence by a court other than the probative court, being an offence committed during the term of the bond, the court . . . if it is of an inferior jurisdiction to the probative court must arraign the probationer to the probative court for sentence.'

The effect of this is that only the probative court can deal with the breach of the bond. It would mean that if the bond is breached by a subsequent offence the summary court dealing with that offence would be obliged to remand the offender to the higher court for sentence. Under the Offenders Probation Act, proceedings taken against a probationer for a breach of bond or to revoke a suspended sentence were referred to or commenced in the probative court leaving the inferior court to sentence on the subsequent offence.

The amendment to section 57 will return to the earlier position. Where a probationer is found guilty by a court of superior jurisdiction to that of the probative court, any proceedings for breach will continue to be taken in the court of superior jurisdiction. Problems have also arisen where the bond ordered by a court is one which could have been ordered by a court of summary jurisdiction. For example, where the Supreme Court on hearing an appeal from a Magistrates Court, orders that the appellant enter into a bond. The Supreme Court would then be the probative court. Clause 4 *(c)* of the Bill inserts a new provision into the Act to provide that, in the case of appeals where a substituted sentence is ordered, the bond should be deemed to be an order of the original court.

Until recently, it was the practice of courts, when enforcing payment of overdue pecuniary penalties that had been imposed on actions initiated by private complainants (for example, councils, the Taxation Department, private individuals) to seek the permission of the complainant to enforce payment, and to seek the payment into court of a fee to cover the cost of issuing the warrant.

However, it has since been decided that there is in fact no requirement to seek a complainant's permission to enforce an order of the court, and that recovery of the warrant fee may be achieved by means other than by collecting it from the complainant. This decision has given rise to a procedure now having being adopted by appropriate officers whereby warrants of commitment are issued without any contact or consultation being made with the complainant.

This has caused concern that if a pecuniary sum imposed by a court is paid direct to a complainant, and the complainant neglects to advise the court accordingly, an appropriate officer may, notwithstanding that payment has been made, issue a warrant of commitment on the basis of court's record of default. In order to ensure that persons are not wrongfully imprisoned, the Act should be amended to provide that subject to any order of the court pecuniary sums are payable only to the court.

Clause 19 of the Bill inserts section 59a into the Act to effect such a change.

New section 59a inserts such a provision into the Act. Section 61 (2) of the Act currently prohibits the issue of a warrant of commitment for imprisonment on an overdue pecuniary penalty until a period of one month has elapsed from the due date for payment. If a court orders the forthwith payment of a pecuniary penalty section 61 (2) of the Act precludes the immediate issue of a warrant of commitment. This can have the effect of delaying the issue of the warrant until after the release from custody of the defendant. The warrant must then be served and the person committed to prison.

Clause 21 of the Bill amends section 61 of the Act to provide that where a person is in default of payment of a pecuniary sum and is already serving some other term of imprisonment a warrant of commitment can be served forthwith. This prevents a person being released from prison and then having to be immediately returned once the warrant is served.

Section 71 of the Act deals with a failure to comply with a court order. The provision allows the appropriate officer to sentence the person to imprisonment, issue a warrant and if appropriate direct that the term be cumulative upon any other sentence or sentences. It does not provide an alternative where the appropriate officer is satisfied that the failure to comply with the order was trivial or that there are proper grounds upon which the failure should be excused.

Therefore, an amendment is proposed to section 71 to allow the court in such cases to:

refrain from sentencing the person to a term of imprisonment in respect of the default;

extend the term of the order by such period, not exceeding six months, as the court thinks fit;

if the term of the order has expired, require the person to enter into a further order, the term of which shall not exceed six months;

or cancel the whole or a number of the unperformed hours of community service.

Throughout the Act, appropriate officers have been given jurisdiction to deal with certain matters, for example, to issue warrants for sale of land and goods, issue warrants of commitments, etc. There has been some criticism that this power should not be vested in appropriate officers. It has been suggested that a preferable position would be for the court to be vested with the power but for the Act to make clear that certain nominated powers of the court are exercisable by appropriate officers. The amendments to section 72 provide for such a scheme in the legislation. Consequential amendments have been made to a number of sections in the Act.

Corresponding amendments have also been made to the Children's Protection and Young Offenders Act 1979.

'Appropriate officer' is currently defined in section 3 (1) to mean, in the case of an order of the Supreme Court or District Court, the Sheriff and in the case of an order of a court of summary jurisdiction, a clerk of a court of summary jurisdiction.

The Bill amends this provision so as to enable the Sheriff or any clerk of court to be an 'appropriate officer' for the purposes of the Act. This will facilitate procedures for the fine accounting component of the Courts Computerisation Program. Part of the fine accounting system will provide for the payment of fines at any court throughout the State.

The amendment would also enable defendants to apply to any court in the State for assessment for community service or postponement or suspension of a warrant. Where defendants have fines imposed by different courts one assessment by the Sheriff, or clerk of court only would be required. Also country residents who have had fines imposed by the Supreme Court or District Court would have easier access to an 'appropriate officer'. The Sheriff may impose conditions on the exercise by clerks of court of powers in relation to orders of the Supreme Court or District Courts.

The amendment will enable a more efficient and equitable service to be provided to the community. This is in accordance with the social justice strategy and the Court Services Department's policy of greater community access to the courts.

Finally, I refer to the amendment to section 84 of the Correctional Services Act 1982. The opportunity has been taken to make clear that a manager of a correctional institution must comply with an order or direction of an officer of court or a member of the Police Force for the purpose of not only executing process or orders of a court or justice, but also any other process or order issued pursuant to law, for example, the process of a tribunal or royal commission. I commend this Bill to honourable members.

Clause 1 is formal.

Clause 2 provides for commencement of the measure by proclamation.

Clause 3 is formal.

Clause 4 replaces the definition of 'appropriate officer'. The new definition provides that the Sheriff or a clerk of a court of summary jurisdiction is an appropriate officer (that is for the purposes of enforcement of the orders of any court). The definition of 'court' is amplified to make it clear in the enforcement provisions that a reference to a court is a reference to the sentencing court or a court of coordinate jurisdiction. It is also provided in the definition of 'probative court' that where a bond is imposed by an appellate court, the original sentencing court will still be regarded as being the probative court.

Clause 5 empowers a court to sentence an offender to one sentence for a number of offences arising out of the one complaint or information.

Clause 6 provides that the Parole Board (or the Training Centre Review Board in the case of a child) may, of its own motion, vary or revoke a condition of a release on licence of an habitual offender or cancel such release. A board cannot take such action on its own initiative unless the Crown and the offender have had reasonable notice of the proceedings and the board has considered their submissions. The amendments to subsections (6) to (12) are consequential.

Clause 7 empowers the Parole Board to apply to a sentencing court for a non-parole period to be fixed in respect of a prisoner.

Clause 8 deletes references to 'appropriate officer' and substitutes 'court'. (Later provisions in the Bill will deal with the question of exercise of certain court powers by appropriate officers.)

Clause 9 is consequential on the amendments affected under clause 10.

Clause 10 empowers a probative court to extend (by no more than six months) the period within which a probationer is required to perform community service and, if it does so, the term of the bond is automatically extended to the necessary extent, even if it goes beyond the three year limit.

Clause 11 empowers a court to make ancillary orders accompanying a community service and supervision order.

Clause 12 empowers the Minister to approve the circumstances in which a probationer can be required to perform more than eight hours of community service on any particular day.

Clause 13 enables community service orders to be varied, or ancillary orders varied or revoked, by a sentencing court. New section 50b empowers the Minister to cancel unperformed hours of community service if there has been substantial compliance with the order or bond, there is no intention on the part of the offender to evade the obligation and there is sufficient reason for not insisting on full compliance.

Clauses 14 and 15 substitute 'court' for references to 'appropriate officer'.

Clause 16 has the effect of deleting the current requirement for courts of inferior jurisdiction to that of the probative court to remand probationers who have reoffended to be sentenced by the probative court not only for the breach of bond but also for the further offence. From now on, the lower courts will sentence for the further offence and then, if breach of bond proceedings are instituted, they will be instituted in the probative court of superior jurisdiction.

Clause 17 provides that a court dealing with a breach of bond may extend (by not more than six months) the period within which community service is to be performed, extend the term of the bond, cancel unperformed hours or make any other variation to the bond.

Clause 18 substitutes 'court' for references to 'appropriate officer'.

Clause 19 requires all pecuniary sums to be paid to the court, even though the court order may be in favour of a particular person (for example, an order for compensation).

Clause 20 empowers an appropriate officer to waive payment of reminder notice fees in appropriate cases.

Clause 21, first, re-casts section 61 which provides for imprisonment on default of payment of a pecuniary sum. The liability to imprisonment is statutorily imposed at the prescribed rate if the person has been in default for more than a month. If the court believes the person is in default may abscond, or if the person is already in prison or liable to imprisonment, a warrant may be issued forthwith (notwithstanding that the default has not been for a month or more). The term to be served under the warrant will be served cumulatively on any other imprisonment to which the person is liable for default in payment of a pecuniary sum. New section 61a is inserted. This section provides that, instead of issuing a warrant of commitment for default in payment of a pecuniary sum, the court may disqualify the person in default from holding a driver's licence until the sum is paid. This power is exercisable only in relation to offences arising out of the use of a motor vehicle. The disqualification will take effect seven days after the person has been notified by the Registrar of Motor Vehicles of the disqualification. The court may revoke a disqualification if the person has substantially reduced the sum and would suffer undue hardship if the disqualification were to continue. If the person enters into an undertaking to work the unpaid amount off with community service, the disqualification will be revoked. The court can issue a warrant of commitment during a period of disqualification if it thinks it appropriate to do so.

Clauses 22 to 24 substitutes 'court' for references to 'appropriate officer'.

Clause 25 clarifies that the issue of warrants of commitment and the ordering of disqualification will be done *ex parte* unless the court directs otherwise. Other orders (for example, warrants for distress or sale of land) may be *ex parte* if the court so decides.

Clauses 26 to 28 are all consequential amendments.

Clause 29 re-casts the provisions dealing with default in performance of community service orders and other non-pecuniary orders. As with pecuniary sums, the liability to imprisonment for default in performance of community service is statutorily imposed at the prescribed rate. The court may either summon a person in default to appear before it to show cause why a warrant should not be issued or may issue a warrant for arrest. The court may direct that the imprisonment be served cumulatively. The court may, if the default was trivial, refrain from issuing a warrant and may extend the order (by not more than six months) or cancel unperformed hours. In the case of any other non-pecuniary order the court can sentence up to six months imprisonment for default.

Clause 30 repeals the provision that provided that no right of appeal exists against orders of appropriate officers and replaces it with a provision that states that appropriate officers may exercise certain powers on behalf of courts. Any appropriate officer may exercise those powers on behalf of any court (subject to any provision to the contrary in rules of court or the regulations, and subject to restrictions laid down by the Sheriff in respect of clerks of summary courts). Subclause (5) gives a right of review of decisions made by appropriate officers. This right can be abrogated by rules of court or the regulations.

Part III amends the Children's Protection and Young Offenders Act.

Clause 31 is formal.

Clause 32 provides that the Minister can approve the circumstances in which a child may be required to perform more than eight hours of community service on any particular day.

Clause 33 is a statute law revision amendment substituting 'guarantor' for references to 'surety'.

Clause 34 makes similar amendments to section 61 and also gives the court power, when dealing with a child for breach of bond, to cancel unperformed hours of community service.

Clause 35 substitutes a reference to Children's Court for a reference to 'appropriate clerk'.

Clause 36 inserts a provision requiring all fines, orders for compensation, etc., to be paid into the court notwithstanding that the order may have been made in favour of a third party.

Clause 37 re-casts section 75b and inserts a new section 75ba, both modelled along the lines of the equivalent provisions in the Criminal Law (Sentencing) Act (see clause 21). As with adults,

the Children's Court may disqualify a child from holding a driver's licence until the sum in default is paid.

Clauses 38 and 39 are consequential amendments.

Clause 40 transfers the power to postpone or suspend warrants back to the Children's Court, but provides that, unless rules of court provide to the contrary, this power may be exercised by a clerk of the court. If a person is aggrieved by a decision made by a clerk, the decision may be reviewed by the Children's Court (unless rules of court provide to the contrary).

Clause 41 clarifies (similarly to the adult provisions) that issuing mandates for detention for default in payment of a pecuniary sum or disqualifying a child from holding a driver's licence are powers that will be exercised *ex parte* unless the court determines otherwise.

Clause 42 removes references to 'appropriate clerk'.

Clause 43 re-casts the provision dealing with breaches of community service orders. The Children's Court may, if it refrains from issuing a mandate for detention, extend the order or impose a further order for no more than two months so that the child can complete the community service, or may cancel any unperformed hours. If a mandate is issued, the court may order that the detention be cumulative on any other period of detention. New section 75*la* deals with the enforcement of other non-pecuniary orders.

Part 4 amends the Correctional Services Act.

Clause 44 is formal.

Clause 45 provides that references in the Act to the expiry of a sentence, or the unexpired balance of a sentence, means the original term imposed by the court as reduced by remission credited to the prisoner.

Clause 46 provides that the power of the Chief Executive Officer to release prisoners up to 30 days early is not exercisable in relation to a prisoner who is serving a term of imprisonment for default in payment of a pecuniary sum (for example, a fine) within the meaning of the Criminal Law (Sentencing) Act.

Clause 47 provides that the Minister may approve the circumstances in which a person can be required to perform more than eight hours of community service on any particular day, where the Parole Board has imposed the community service.

Clause 48 inserts a new provision that requires remission to be credited against both the 'head sentence' and the non-parole period if there is one.

Clause 49 makes it clear that the duty of a prison manager to comply with the execution of process of a court or court officer extends to the process of other bodies such as tribunals, royal commissions, etc.

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

METROPOLITAN TAXI-CAB (MISCELLANEOUS) AMENDMENT BILL

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to make some technical and mechanistic amendments to the Metropolitan Taxi-Cab Act 1956, to enable all of the recommendations of the June 1990 Regulatory Review Panel to be implemented.

As part of the Government's community transport policy, a regulatory review panel was established in April 1990 to investigate and recommend areas of reform to the regulations under the Metropolitan Taxi-Cab Act 1956. The panel consisted of one member from each of the taxi and hire vehicle industries and the chairperson of the Metropolitan Taxi-Cab Board and was supported by staff of the Office of Transport Policy and Planning.

The panel consulted with the taxi and hire vehicle industries with a view to recommending changes to the regulations that would bring about a more streamlined and efficient regulatory structure, and ultimately a more efficient, responsive and responsible taxi and hire vehicle industry in metropolitan Adelaide.

Each regulation was tested against two principles, safety and service. Only those regulations that ensured the safety of the public and taxi operators and/or were designed to maintain a high level of service to the public, were to remain.

The report of the Regulatory Review Panel is available from the Minister's office. The draft regulations drawn up as a result of the panel's report are also available from the Minister's office.

All of the recommendations that were possible without amendment to the Act were included in the regulatory amendments tabled in both Houses in August of this year. However, some recommendations could not be implemented without legislative amendment. Those legislative amendments of a technical and mechanistic nature form the changes proposed in this Bill.

The following outlines the draft amendments to the Act:

- Definitions and fines are brought into line with other Acts.
- 'Metropolitan area'—the same definition is to be used as in other Acts (note that the definition excludes Mount Barker).
- Fines for offences against the Act are to be tied to the standard divisional fines (note that this means that they are raised substantially).
- The powers of the Metropolitan Taxi-Cab Board are modernised and to some extent limited so as to stand back from the commercial operations of the industry.
- 'Director' is defined to allow companies to own and operate taxi-cabs.
- The board will not intervene in transfers and leases of licences.
- The operations of the Metropolitan Taxi-Cab Board will be streamlined and become more flexible and efficient.
- The board will have the power to delegate its functions to officers of the board (for example, at present the board meets fortnightly and approves some 40 driver's permits at each meeting).
- It is made explicit that the board will be able to set conditions on licences at the time of issue.
- The draft Bill gives power for regulations to be made to allow the board to set fees for the services it provides.
- The appeals process is to be widened in scope and made independent from the board.
- An independent appeals tribunal is to be established, effectively the current appeals subcommittee of the board without the board members. A magistrate or magistrates will constitute the tribunal.
- The issues for which appeals can be brought are to be expanded.
- The board is to be given the power to pro-actively inquire into the operation of licensees to effect its duties, a move now possible because the board is no longer required to be its own appeals process.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the measure to be brought into operation by proclamation.

Clause 3 amends section 2 of the principal Act, the interpretation section, by inserting new definitions of 'constituent council', 'director' and 'metropolitan area'.

- 'Metropolitan area' is redefined as the area of Metropolitan Adelaide as defined from time to time in Part IV of the Development Plan under the Planning Act 1982 together with the areas of the City of Adelaide and the Municipality of Gawler.
- 'Constituent council' is redefined in line with the new definition of metropolitan area as being a council whose area or part of whose area is within the metropolitan area.
- 'Director' of a body corporate is given a wide meaning that corresponds to the definition under the Corporations Law.

Clause 4 repeals section 3 of the principal Act and is consequential on the new definition of metropolitan area.

Clause 5 amends section 12 of the principal Act by reducing the quorum required for meetings of the Metropolitan Taxi-Cab Board from five to four members.

Clause 6 repeals section 14 of the principal Act and substitutes a new provision. The present section empowers the board to appoint committees of its members and to delegate to such committees any of its powers and duties under the Act.

Proposed new subsection (1) empowers the board to delegate any of its powers, functions or duties to a member of the board, a committee of members of the board or an officer of the board.

Proposed new subsection (2) empowers the board to make such a delegation subject to conditions.

Proposed new subsection (3) provides that a delegation is revocable at will and does not prevent the board from acting itself in any matter.

Clauses 7 and 8 amend, respectively, sections 26 and 27 of the principal Act by increasing the maximum penalties for offences against those sections—

- in the case of a first offence—from a $100 fine to a division 9 fine ($500).

- in the case of a subsequent offence—from a $200 fine to a division 8 fine ($1 000).

(Section 26 makes it an offence for a person to drive, own, keep or let, or employ or cause a person to drive, an unlicensed taxi-cab within the metropolitan area for the purpose of carrying passengers for hire or reward. Section 27 makes it an offence for a person who does not hold a taxi-cab driver's licence to drive a taxi-cab in the metropolitan area for the purpose of carrying passengers for hire or reward.)

Clause 9 amends section 30 of the principal Act which deals with the issuing of taxi-cab licences—

- by replacing subsection (1) (which presently empowers the board, in accordance with the regulations, to issue a taxi-cab licence to any fit and proper person who complies with the prescribed conditions) with a subsection that empowers the board, subject to the Act and the regulations, to issue a taxi-cab licence of a prescribed kind or grade;
- by amending subsection (2) to require a taxi-cab licence to relate to a particular taxi-cab;
- by amending subsection (3) to empower the board to impose conditions on a taxi-cab licence;

and

- by replacing subsection (4) which presently empowers the board, after consultation with the Minister, to determine the maximum number of taxi-cab licences that will be issued in a given period and the licence allocation procedure to be adopted for the issue of particular taxi-cab licences.

  Proposed new subsection (4) empowers the board to determine the matters referred to above (in relation to licences of a particular kind or grade) and also to determine that no further taxi-cab licences of a particular kind or grade are to be issued for the time being. Prior consultation with the Minister is no longer required.

Clause 10 amends section 30a of the principal Act which deals with the issuing of taxi-cab driver's licences—

- by replacing subsection (1) (which presently empowers the board to issue a taxi-cab driver's licence to any fit and proper person who complies with the prescribed conditions and pays the prescribed fee) with a new subsection that empowers the board, subject to the Act and the regulations, to issue a taxi-cab driver's licence to a person;

and

- by amending subsection (3) to empower the board to impose conditions on a taxi-cab driver's licence and to determine the term of such a licence.

Clause 11 repeals sections 31 to 33 of the principal Act and substitutes new provisions.

Proposed new section 31 deals with the issuing of temporary licences.

Proposed new subsection (1) empowers the board, subject to the Act and the regulations to issue to a person who applies for a licence under the Act a temporary taxi-cab licence or a temporary taxi-cab driver's licence, or both.

Proposed new subsection (2) provides that, subject to the regulations, a temporary licence—

- remains in force for such term as is determined by the board or until the happening of an event specified in the licence, whichever occurs first;
- is not renewable;

and

- has effect as an ordinary licence of the same kind or grade issued under the Act.

Proposed new section 32 empowers the Commissioner of Police, at the request of the board or on his or her own initiative, to furnish the board with information relating to the character of any person who is an applicant for a licence under the Act or any director or manager of a body corporate that is an applicant for a licence.

Proposed new section 33 makes it an offence subject to a maximum penalty of a division 9 fine ($500) for the holder of a licence to transfer, lease or otherwise deal with the licence except with the consent of the board, such consent being subject to any prescribed conditions and any conditions determined by the board. The board is empowered, subject to the regulations, to consent to dealing with a licence.

Clause 12 amends section 35 of the principal Act which sets out the purposes for which the Governor is empowered, on the recommendation of the board, to make regulations under the Act. The changes are as follows:

- the requirement that regulations be made prohibiting, controlling or regulating the transfer or leasing of licences and any other dealing with licences is removed;
- the power to make regulations prescribing fees to be paid on the examination or testing of any motor vehicle is removed and instead power is given to make regulations empowering the board to fix fees for these matters and for the issue of taxi-cab signs, the testing of taxi-cab meters and any other matter arising under the Act;
- a power to make regulations empowering the board to refund, reduce or remit fees or charges payable to it is included;
- a power to make regulations providing for the examination and testing of devices and equipment to be fitted to licensed taxi-cabs and vehicles sought to be licensed is included;
- a power to make regulations providing for the substitution of another vehicle, with the consent of the board, for the taxi-cab to which a licence relates is included;
- a power to make regulations providing for the appointment by the board of authorised officers and conferring on such officers and members of the Police Force specified enforcement powers and other powers or functions is included;
- the power to make regulations prohibiting, controlling or regulating the transfer or leasing of licences and any other dealing with licences is restricted to relate only to licences of a particular kind or grade;
- a power to make regulations requiring taxi-cabs to be fitted with signs, meters and other devices or equipment is included;
- a power to make regulations authorising the board or persons appointed by the board to conduct inquiries into matters relating to licences, the operation of licensed taxi-cabs and the conduct of licensees and conferring power for the summoning and questioning of persons for the purposes of such inquiries is included;
- a power to make regulations providing for the establishment of an appeal tribunal (constituted of a magistrate or other specified person or persons) and for appeals to the tribunal against specified decisions of the board is included;
- the maximum penalty that may be prescribed for breach of any regulation under the Act is increased from $200 to a division 9 fine ($500);

and

- a provision is included that allows the regulations to leave a matter in respect of which regulations may be made to be determined by the board or an authorised officer.

Clause 13 amends section 37a of the principal Act which deals with the registration of taxi-cabs:

- by removing the requirement that the fee for the issue of registration plates for a vehicle licensed under the Act be prescribed by regulation and by empowering the board to determine that fee;

and

- by removing the requirement that the person to whom a registration plate for a taxi-cab has been issued or transferred return the plate to the board, on demand, within three days, where the registration plate ceases to be operative by reason of the cancellation, suspension or expiry of the taxi-cab licence.

Clause 14 amends section 39 of the principal Act by increasing the maximum penalty for an offence of obstructing or hindering a person in the execution of any power, duty or function conferred or imposed by or under the Act from $100 to a division 9 fine ($500).

Clause 15 repeals the schedule of the Act which sets out constituent councils. This is consequential on the redefinition of 'constituent council'.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The House of Assembly informed the Legislative Council that the Hons P.B. Arnold and T.H. Hemmings and Mr De Laine had been appointed to the committee.

SOCIAL DEVELOPMENT COMMITTEE

The House of Assembly informed the Legislative Council that Messrs Holloway, Oswald and Quirke had been appointed to the committee.

LEGISLATIVE REVIEW COMMITTEE

The House of Assembly informed the Legislative Council that Messrs Gunn, McKee and Meier had been appointed to the committee.

ADJOURNMENT

At 6.7 p.m. the Council adjourned until Thursday 13 February at 2.15 p.m.