LEGISLATIVE COUNCIL

Tuesday 10 August 1993

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

PAPERS TABLED

The following papers were laid on the table:

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

Regulation under the following Act—
Construction Industry Training Fund Act 1993—
Various

By the Minister of Transport Development (Hon. Barbara Wiese)—

Regulations under the following Acts—
Road Traffic Act 1961—Approved Photographic Detection Devices.
Wine Grapes Industry Act 1991—Production Area.

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

Planning Act 1982—Crown Development Report—
Proposed land division, Hundred of Coneybeer
Corporation By-laws—
Noarlunga—No. 17—Boat Ramps.
District Council By-laws—
Crystal Brook-Redhill—
No. 1—Permits and Penalties.
No. 3—Vehicle Movement.
No. 10—Repeal and Renumbering of By-laws.
Karoonda East Murray—
No. 1—Permits and Penalties.
No. 2—Streets and Public Places.
No. 3—Animals and Birds.
No. 4—Dogs.
No. 5—Bees.
Port Elliot and Goolwa—No. 6—STED Scheme.

QUESTION TIME

HELLFIRE CLUB

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the sadomasochism club.

Leave granted.

The Hon. K.T. GRIFFIN: In the past week, considerable publicity has been attracted by the prospective opening of the Hellfire Club. Since the publicity, a number of people have contacted me expressing grave concern about the opening of a place where sadomasochism is to be practised and promoted and asking what can be done to stop the opening and, in particular, what can be done to persuade the Government to do something about it. I have a number of concerns about what are reported to be the activities being promoted and the basis for that promotion and, from the contacts which have been made to me, I am sure many other South Australians have similar concerns. Some of those people who have spoken to me have expressed disgust to have Adelaide described as the home of Australia's perverts. I am disgusted—and I am sure most, if not all members would have a similar feeling of disgust—at that description of Adelaide.

It is disturbing to read that the club is targeting sexual deviants and perverts for unparalleled displays of bondage, whipping, spanking, hot wax, body piercing, foot worship and rubber fetishism. It appears that the club will have, as I understand it, an entertainment venue licence under the Liquor Licensing Act. So, anybody who is 18 years of age or over will be able to gain admission, although probably there will be some younger than that, even though there are substantial penalties on the licensee if under age persons frequent licensed premises. According to reports, promotional material is being made available not only to adults but also to minors. The acting Police Commissioner is reported as saying that police will closely monitor the club's activities, and the Liquor Licensing Commissioner is reported as saying that he will have a look at legislation and consult with police. I presume that is for the reason that maybe the place will be closed down, although that was not expressly stated.

There are several areas that may help to achieve that goal. The first is a recent House of Lords case to which one person who phoned me drew my attention. That case addresses the issue of sadomasochism directly and it was decided that it was not in the public interest that a person should wound or cause actual bodily harm to another for no good reason; that the victim's consent afforded no defence to criminal charges; and that the satisfying of sadomasochistic desires did not constitute a good reason. In other words, if people at the Hellfire Club engage in sadomasochistic acts and cause wounding or other harm which is neither transient nor trifling, a criminal act has been committed.

I want to refer particularly to one of the observations in the House of Lords judgment by Lord Templeman when he said:

> In principle there is a difference between violence which is incidental and violence which is inflicted for the indulgence of cruelty. The violence of sadomasochistic encounters involves the indulgence of cruelty by sadists and the degradation of victims. Such violence is injurious to the participants and unpredictably dangerous. I am not prepared to invent a defence of consent for sadomasochistic encounters which breed and glorify cruelty and result in offences under—

and then he refers to two particular sections of the Offences against the Person Act in the United Kingdom.

The Hon. C.J. Sumner: What are the circumstances of the charge?

The Hon. K.T. GRIFFIN: The circumstances of this particular case involved sadomasochistic acts; it involved homosexual men, bondage—

The Hon. C.J. Sumner: In a public place?

The Hon. K.T. GRIFFIN: As I understand it.

The Hon. C.J. Sumner: A club?

The Hon. K.T. GRIFFIN: I am not sure about a club. The fact is the same whether it is in a club or in private, and if it is in private, if one is inflicting pain through this behaviour and wounding or actual bodily harm is caused, whether it is in public or in private, the case certainly refers to the fact that consent is not a defence. I would have thought in any event that it is worse if it occurs in public in those circumstances than in private.

The second area that might afford some assistance is the Liquor Licensing Act itself, and I recognise that the Attorney-General does not have Ministerial responsibility for that directly, but I nevertheless refer to it, because that does require a licensee to be a fit and proper person, and I am not aware whether in this particular case that issue has actually been diligently and conscientiously resolved. In both areas, as well as the general law relating to obscenity, there may be a basis for some action. My questions to the Attorney-General are:

1. Is the Attorney-General as concerned as are many South Australians about the opening of a club aimed at perverts and deviants where sadomasochism is the primary attraction? Does he agree that such acts are exploitative, sick and undesirable? Does he also agree that if wounding or bodily harm occurs, they may lead to criminal prosecutions?

2. In the light of the widespread public concern about the Hellfire Club, is it the Government's intention to show a lead and to thoroughly investigate its activities with a view to closing it down through withdrawal of its entertainment venue liquor licence or other means or at least preventing public performances of sadomasochism?

The Hon. C.J. SUMNER: Obviously the honourable member takes a lot more interest in these matters than I do, because it was not something I was particularly aware of, although I do recall some media publicity of this particular club or activity. I am not aware of exactly what goes on inside the Hellfire Club. The honourable member has referred to some media publicity of it, which obviously would have to be followed up. I am certainly happy to examine the matters that have been raised by the honourable member, to examine the questions asked by the honourable member to see what the law is in relation to this matter, and also to see what in fact the activities are that are going on in the Hellfire Club.

As I say, I have not taken a particular personal interest in the matter, Mr President, but the honourable member has raised it. Obviously, it is a matter of concern to a number of citizens in South Australia, and I am therefore happy to have the issues raised by the honourable member examined—both the facts of the situation and the law relating to it.

Obviously, a club like this would not be unique to South Australia, and the notion of describing Adelaide as the home of this sort of activity is ridiculous. However, the concern has been expressed and, as I said, I am happy to have it examined. In so far as there is a public performance—and I am not sure whether there is—it may be covered by the obscenity or indecency laws, and there is, of course, still in existence a classification of 'theatrical productions act', which may be applicable in these circumstances. However, I am happy to have the issues raised by the honourable member examined and bring back a reply.

DISTINGUISHED VISITOR

The PRESIDENT: Just before I call on the next question, I would like to welcome Dr Schumann and his good wife to South Australia. Dr Schumann is a member of the Bavarian Parliament. I hope he enjoys his stay in South Australia.

ELECTORAL COMMISSIONER

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question about the Electoral Commissioner.

Leave granted.

The Hon. R.I. LUCAS: In May of this year I asked the Attorney-General a question regarding allegedly defamatory comments made by the former President of the South Australian Institute of Teachers, Mr David Tonkin, about the Electoral Commissioner. A letter from the Crown Solicitor's office to Mr Tonkin dated 24 November 1992 stated:

> Dear Sir,
>
> Re: The defamatory comments made at the annual conference of SAIT, 5 September 1992.
>
> I act for the State Electoral Commissioner. I am instructed that at the abovementioned conference you made a number of defamatory comments about the Commissioner which I request that you publicly withdraw. The comments made include reference to the following matters:
>
> (a) Instances of the Commissioner rigging elections;
>
> (b) That the Commissioner does not carry out elections competently;
>
> (c) That the Electoral Commissioner is under the influence of Government because he is appointed by the Government.
>
> I enclose a copy of the transcript of your speech given on that day with the subject comments underlined for your information. As these comments are legally defamatory, I am instructed to request that you provide a formal and public apology to the Electoral Commissioner by the placing of the enclosed draft statement into the next edition of the SAIT journal. I request that you provide confirmation of your agreement to this proposal by contacting me on the above telephone number by 30 November 1992. If I do not hear from you I will inform the Commissioner, who will then consider any legal action that he may wish to take against you.

Mr President, the Attorney-General indicated in May in response to that question that he did not recall this matter. He also indicated that there had been no involvement by him in the matter. That statement at the time surprised me as it was inconsistent with information that had been provided to me.

During the recess the Attorney-General responded by letter to my question and conceded that he had been aware of the issue and had in fact been briefed on it.

The Hon. K.T. Griffin: Misled the Parliament.

The Hon. R.I. LUCAS: As my colleague the shadow Attorney-General indicates, one could certainly make a case for that. In that letter, the Attorney-General indicates that there still has been no public apology by David Tonkin and that in fact Mr Tonkin was challenging the accuracy of the official transcript of that conference. The Attorney-General's letter to me referred to a minute from the Attorney-General to the Crown Solicitor on 2 November last year which stated:

> 1. I have perused the draft memorandum of advice in relation to this matter.
>
> 2. I do not think there are any actual guidelines applying to public servants or statutory office holders as to when the Government will indemnify them to take legal proceedings in the case of defamation. However, I agree that if an indemnity is to be given it would have to go to Cabinet. I think if it is a defamation which goes to the heart of the exercise of a statutory officer's functions, then the case can be made out for the Government to indemnify.
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> 3. In this case, my personal opinion is that legal proceedings are not warranted but I agree that some kind of apology should be sought from the former President of SAIT or at the very least some kind of apology should be included in the SAIT journal. I suggest you see if the Electoral Commissioner would be satisfied with that response and if so assist him in negotiating an appropriate reply and, if possible, apology.

That is under the signature of C.J. Sumner, Attorney-General. With respect to Mr Tonkin's claim about the accuracy of the official transcript, the Attorney-General's letter states:

> Since that time efforts have been made to check the veracity of the alleged transcript. Those efforts have not yet met with success.

I have now been provided with five statutory declarations signed by seven individual members of the South Australian Institute of Teachers, one of which reads as follows:

> We do solemnly and sincerely declare that the attached transcript is a true and accurate record of speeches made by David Tonkin and Phil Allen on 5 September 1992 at the annual conference of the South Australian Institute of Teachers (SAIT). We being Bob Woodbury, Murray Henderson and William Cook, being fully paid up members of SAIT attended this conference in our capacities as delegates from the Elizabeth West Adult College Branch and as the then vice-president of SAIT respectively.

The statutory declaration bears the signatures of the three abovenamed people and was signed before a justice of the peace at Elizabeth Field on 5 August 1993.

I understand that a number of other Institute of Teachers members are queuing up to sign similar statutory declarations if required. I am prepared to make copies of these statutory declarations available to the Attorney-General to assist him in this matter. My questions to the Attorney-General are as follows:

1. Will the Attorney-General indicate what efforts have been made in the past 10 months to check the veracity of the alleged transcript, to use the Attorney's words?

2. Was this matter ever discussed by the Cabinet or did the Attorney-General raise this matter with any other Ministers at the time?

3. In the light of the statutory declarations referred to in the question today, does the Attorney-General believe that any further action can be taken to clear the unjustified allegations hanging over the Electoral Commissioner's head and that of the commission's staff?

The Hon. C.J. SUMNER: I wrote to the honourable member during the recess and provided him with a full report on this matter following his question to me in May. When I answered the question in May I had not recalled that I had been made aware of the matter when it first came up in November last year. But, on checking the file, I found that I had been aware of the initial approach relating to the matter and had made some comments on it and then left the matter with the Crown Solicitor. As I said in my response to the honourable member, I had no involvement with the matter from the time of the memo to which the honourable member has referred through to the honourable member's asking his question in this place in May.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Yes, I know, and I have said I was wrong, and I said that in the letter. I am just saying that I responded to you in the recess indicating that I did not recall the matter in November. But, clearly, on checking the file I found that I did have some involvement and, as soon as I became aware of that, I wrote to you and apologised for the fact I had, albeit unwittingly, indicated to the Council that I did not recall the matter or had had no involvement with it.

The fact of the matter was that I had that initial involvement but have had no further involvement from the time that it was raised in November through to the time that the honourable member asked the question in May. I want to place that on the record, and I apologise to the Council for the fact that in May when I answered the question I did not recall the fact that I had become aware of this matter in November. However, I repeat that as soon as that became known to me I made those facts known to the honourable member in the letter I sent to him in answer to the question.

So, I trust that that clarifies that aspect of the matter. After I made my comments on this issue in November last year, the matter was handled by the Crown Solicitor who, as the Hon. Mr Lucas knows, wrote to Mr Tonkin: in his question today, the honourable member referred to the letter that was written by the Crown Solicitor to Mr Tonkin. The Crown Solicitor was handling the matter on behalf of the Electoral Commissioner, but it did not get very far, for the reasons that I outlined in my letter to the honourable member: that is, the difficulty in establishing the veracity of the transcript which the Electoral Commissioner had on this topic.

Whether the statutory declarations take the matter much further is a moot point, because ultimately what will happen in this matter will depend on the wishes of the Electoral Commissioner. It is not a matter for Government; it is a matter for the Electoral Commissioner. Obviously, as I say in my correspondence, there are some difficulties in the Electoral Commissioner suing an office holder or a prominent member of an organisation for defamation when a dispute is going on within that organisation as to whether the Electoral Commissioner should be the independent person to conduct the elections for that organisation. I would have thought that that problem for the Electoral Commissioner was obvious to the honourable member: that is, the Electoral Commissioner sues someone in the organisation for defamation and is then approached to act independently in relation to elections within that organisation. That creates a dilemma that I would have thought was obvious to the Hon. Mr Lucas and, indeed, to the Parliament.

The Hon. R.I. Lucas: What about the reputation of the Electoral Commissioner?

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

The Hon. R.I. Lucas: Don't you concede that's the problem?

The Hon. C.J. SUMNER: The minute from me that the honourable member read out makes it clear that I thought that if the facts were established then an apology should have been tendered by Mr Tonkin, in some form, because if the facts were accurate they were clearly an unwarranted and unreasonable reflection on the Electoral Commissioner. There is no question about that, and that is why the Crown Solicitor took up the matter. However, in this matter the Crown Solicitor was acting for the Electoral Commissioner in relation to the potential for defamation proceedings.

Ultimately, what happens in this matter comes back to the wishes of the Electoral Commissioner himself. The correspondence that I sent to the honourable member gives a full resumé of the situation and an update of the position as I understood it to be when I wrote the letter some few weeks ago. Whether there have been any developments since then I cannot say. The statutory declarations to which the honourable member has referred only become relevant in defamation proceedings if the Electoral Commissioner decides to take those proceedings. Otherwise, I guess they are relevant in the general political environment and in the general dispute that seems to be going on within the South Australian Institute of Teachers between contending candidates. That is a matter that they must deal with in their own political environment and decide which candidates they should support. That is where the dispute arose. When the Crown Solicitor wrote to Mr Tonkin or his solicitors, he disputed the accuracy of the transcript—

The Hon. R.I. Lucas: The official transcript.

The Hon. C.J. SUMNER: —the official transcript, as I understand, so the matter was not progressed. However, ultimately whether or not it should or could be progressed is a matter for the Electoral Commissioner.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Well, I will check what his wishes are.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I did speak to him about the matter. His wishes are to have the matter resolved one way or another.

The Hon. R.I. Lucas: He would like the allegations cleared, surely.

The Hon. C.J. SUMNER: I believe that he would like the allegations cleared just as I would, as I said in that letter.

However, I am not sure how one would effect that result unless one took legal proceedings, and as I understand it there is some concern, which I have outlined to the honourable member, about the Electoral Commissioner taking legal proceedings in these circumstances. Mr President, as far as I am aware—I have not discussed this matter with other Ministers or the Cabinet and, as I say, my only involvement was looking at the matter—

The Hon. R.I. Lucas: Not even the Minister of Education?

The Hon. C.J. SUMNER: I do not believe so, no.

The Hon. R.I. Lucas: Are you sure about that?

The Hon. C.J. SUMNER: As sure as I can be. I cannot recall having discussed the matter with the Minister of Education.

An honourable member interjecting:

The Hon. C.J. SUMNER: That's right, it is not an Education Department issue. It came up because of concerns that the Electoral Commissioner had about what was said, and that was how it was drawn to my attention as Attorney-General: that is, whether or not the Electoral Commissioner should take any action against Mr Tonkin on the basis of defamation. However, as far as I can recollect I did not discuss the matter with my ministerial colleagues or Cabinet and there is no real reason why I should have done so. As to the final question, Mr President, I will check what the situation is and bring back a report to the honourable member.

PUBLIC SECTOR ACCOMMODATION

The Hon. DIANA LAIDLAW: I have a number of questions for the Minister of Transport Development about relocation of offices:

1. Why did the Minister recently move her office from the State Administration Centre to the SGIC Building, and what was the cost of this move?

2. What is the reason for the decision to move the Office of Transport Policy and Planning to the SGIC Building from its present location in the Motor Registration Building at 60 Wakefield Street, and what is the anticipated cost of this move?

3. How much has been spent in recent months to refurbish the fourth floor of the Motor Registration Building to accommodate the acting CEO of the Office of Transport Policy and Planning, and when was this work completed?

The Hon. BARBARA WIESE: Mr President, as the honourable member indicates, my ministerial office was moved from the State Administration Centre to SGIC Building last weekend, and the reason for that is that the State Administration Building is being refurbished from top to bottom. Most of the offices that have been located in that building have already moved; others are yet to move, either temporarily or permanently.

In the case of my office, when it was first suggested that we would have to move from the State Administration Centre there was some suggestion that it would be a temporary move and that we would be relocated in the State Administration Centre once the refurbishment was over. However, once more detailed design work for the building got under way it was then decided that there would be space for only three ministerial suites, and that other Ministers would be assigned to those suites. I elected to move permanently from the building because, first, it would mean less disruption to the office, and second it meant that we were able to obtain more generous leasing arrangements with the landlord.

Since there was additional space on the floor to which my office has been relocated in the SGIC building which would be satisfactory for the Office of Transport Policy and Planning, inquiries were made as to whether it would be appropriate for that office to relocate as well, because a number of problems currently exist with the present accommodation of the Office of Transport Policy and Planning—not the least of which are some occupational health and safety problems that at some stage or other had to be resolved. So, we have been able to take care of a number of issues as a result of this shift. I cannot recall the total cost of either of these moves, but I will be happy to provide that information as soon as I can.

As to the question of work that may have been undertaken on the fourth floor in the Motor Registration building, I am not aware that such work has been undertaken, but I will seek a report about that and the costs involved if some work has been undertaken recently.

The Hon. DIANA LAIDLAW: Can the Minister confirm whether the decision to relocate the Office of Transport Policy and Planning suggests that the Government is no longer interested in establishing this mega-Department of Transport incorporating the Office of Transport Policy and Planning, the STA, the Departments of Road Transport and Marine, State Fleet—I think that was also to be in it—and the Metropolitan Taxicab Board?

The Hon. BARBARA WIESE: I do not think that the honourable member should read anything at all into the relocation of the Office of Transport Policy and Planning. The issues relating to the creation of larger departments within Government are matters which the Government has under consideration and at an appropriate time announcements will be made as to the future of most organisations within Government, and I would expect that transport related organisations will be amongst those when the Government makes such announcements.

LOTTERIES COMMISSION

The Hon. C.J. SUMNER: I seek leave to table a ministerial statement that has been given today by the Treasurer in another place on the topic of the Lotteries Commission, together with a report to the Attorney-General regarding the Lotteries Commission Auditor-General's report prepared by the Crown Solicitor.

Leave granted.

WOMEN: EQUALITY BEFORE THE LAW

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about the Australian Law Reform Commission's inquiry, Women: Equality before the Law.

Leave granted

The Hon. CAROLYN PICKLES: Over some months now, there has been a large amount of publicity about the law, the way it operates and whether it acts unfairly towards women. From some comments made by some judges, it would appear that there is cause for disquiet. Only yesterday, the Minister for the Status of Women, the Hon. Anne Levy, highlighted some comments made by Justice Bollen in a trial. Justice Bollen, in delivering a trial judgment of a Port

Augusta woman who stabbed her *de facto* last October, said in part:

> The conduct of the deceased towards the accused, so far as is. . . known over the months preceding this, and on the relevant night, does not, in my opinion, produce a provocation situation either from long physical violence and abuse or from the things that happened on the particular night. It was not bad enough or persistent enough. The accused had always dealt with that violence beforehand in perhaps giving as good as she got and without the use of weapon. Never had Rodoni proffered a weapon towards her.
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> So far as provocation is concerned, I think, too, that the Crown has negatived loss of self-control. I accept all the evidence of Miss Chapman but say colloquially, 'So what'. I do not think that any situation of battered woman arises in this case. There was not sufficient battering. I remind myself that Miss Chapman spoke of a long course of such conduct. The use of a knife then was unlawful. It was dangerous. It caused death. The accused caused the death of Rodoni by acts with a knife which were unlawful and dangerous.

Many people have expressed anger at this statement, particularly at the expressions, 'so what' and 'there was not sufficient battering'. Indeed, one wonders what 'sufficient battering' means, when the *Advertiser* article of 10 August states:

> Yesterday, in convicting 29 year old Geraldine Buzzacott of manslaughter, he accepted she sustained a 'long course' of abuse from her partner, who had 'grabbed her throat and struck her, banged her head against the wall and abused her' just before she stabbed him.

I understand that the Australian Law Reform Commission is conducting an inquiry, Women: Equality before the Law, and Justice Elizabeth Evatt presides over the commission and is seeking comments and submissions from the public. In the light of public disquiet and the comments of some members of the judiciary, will the Attorney say what measures the Government will take in relation to the Australian Law Reform Commission's report on Women: Equality before the Law?

The Hon. C.J. SUMNER: The honourable member's question has referred to a particular case as a prelude to making some general comments. It would be useful for me to give some background to the case before answering the general question. The case involving Geraldine Buzzacott was a charge of murder. In the event, the judge found her guilty of manslaughter, that is, a lesser charge. The trial was by judge alone at the election of the accused, that is, she received legal advice and then decided to opt for trial by judge alone; she did not take up the right she had to trial by jury. The basis for the conviction of manslaughter was death resulting from an unlawful and dangerous act by the accused. The judge found that there was no intention to kill on the part of the accused person.

The judge found the evidence of the history of domestic violence, which he accepted did not give rise to the defences of provocation and self-defence in this particular case; they were defences raised by the defendant. He found, on the evidence, that those defences were not available in this case. The defences of self-defence and provocation require an element of immediacy of conduct by the deceased, leading to the genuine fear by the accused in the former and loss of control in the latter, that is, a genuine fear by the accused in the case of self-defence and loss of control in the case of provocation. The battered woman syndrome is relevant to those considerations.

Actions by the deceased which may not be seen objectively as a threat or provocation in normal situations may take on that appearance where there is a history of domestic violence, and that is the relevance of the so-called battered woman syndrome. This was recognised by the Court of Criminal Appeal in *R v. Runjanjic* and *R v. Kontinnen*, 1991, 56 SASR, page 114, for those who are interested. It is I think worth noting that Justice Bollen was a member of that court and agreed with the finding of the Court of Criminal Appeal that evidence relating to the battered woman syndrome could be introduced in evidence in a criminal trial in this State, that is, expert evidence on the battered woman syndrome. So he was not rejecting the concept of the battered woman syndrome. He was saying in the case of Ms Buzzacott that it was not relevant or applicable. However, as I said, it is important to note that Justice Bollen was a member of the court in 1991 that decided that expert evidence on the battered woman syndrome was admissible in South Australian courts.

The Hon. K.T. Griffin: Did the defence call expert evidence?

The Hon. C.J. SUMNER: There was expert evidence called in this case by a Ms Chapman, who was referred to in the judgment, as follows:

> I accept all the evidence of Miss Chapman but say colloquially, so what.

Of course, that is one of the expressions that has given offence to people. The Director of Public Prosecutions is of the view that it is extremely difficult to see any real issue of provocation or self-defence arising in this case. Whilst the defence raised these issues, the main thrust of the defence was an accidental stabbing in the back in the course of an argument when the accused was waving a knife around in an attempt to frighten the deceased, and an unexplained stab to the chest.

So, in the view of the Director of Public Prosecutions, Justice Bollen correctly directed himself on the relevant law including the battered woman syndrome. He believed that his findings of fact and application of the law were unimpeachable, uncontestable on the evidence that was presented in this case. It is also worth noting by way of background that the sentence of four years imprisonment with a two year non-parole period was extremely merciful, and that is the view of the Director of Public Prosecutions. The standard sentence for manslaughter involving a stabbing with a knife introduced by the accused—that is the accused introduced the knife and used the knife in the argument—in the circumstances of an alcoholic argument is in the order of 10 years. Justice Bollen then clearly had proper regard in sentencing to the history of domestic violence in this particular case. So, I think it is worthwhile bearing those matters in mind when assessing this situation.

However, I think it is also true that Justice Bollen has expressed himself somewhat injudiciously in his judgment and in a manner that I consider to be unfortunate and insensitive. It is perhaps somewhat ironic that, in beginning his judgment, His Honour had this to say:

> It would be best, no doubt, if I took the time, in the sense of some days, to write a thorough statement of reasons for judgment expressed felicitously, and dealing with each point of the submission made by counsel and each point of evidence, but I should not keep the accused waiting. I have reached a clear conclusion—I will pronounce it very soon—

and he then went on to give his judgment.

It was an extemporaneous judgment, and perhaps he should have taken his own advice at the beginning of his judgment and taken some time to write a thorough statement of reasons, because what has happened in this case obviously is that, in dealing with the issues, the judge has used a very shorthand way of describing the complex issues involved. I

think that is regrettable. I think the manner in which he expressed the judgment, in particular the reference to Ms Chapman's evidence as 'so what', and the following reference, 'I do not think that any situation of battered woman arises in this case; there was not sufficient battering', is a very unfortunate and insensitive way of expressing what is a complex legal issue.

What he was saying is that the battered woman syndrome, which is a recognised psychological phenomenon that can be introduced in evidence in the South Australian courts, was not applicable on the evidence in this case. Had he used those sorts of words in the judgment, then the sorts of criticism that he has attracted would not, I believe, have occurred but, in his shorthand way of dealing with the evidence, I think he has given rise to criticism because he has attempted to deal with what are complex issues in a shorthand way

The Hon. Diana Laidlaw: And sensitive issues.

The Hon. C.J. SUMNER: And sensitive, I agree. I have said, in an unfortunate and insensitive way. The fact is he was saying that the battered woman syndrome, despite the evidence of Ms Chapman, was not applicable in this case, that it was not applicable in assisting a defence of self-defence.

He also said it was not applicable in assisting a defence of provocation, although it is important to point out that that really was not directly on the point in this case because he had already found that there was not the intention to kill, and having found that there was not the intention to kill, the charge was already reduced from murder to manslaughter. Had provocation been a defence that was accepted, then that only operates to reduce murder to manslaughter. So, in that sense, the battered woman syndrome in relation to provocation really was not an issue that turned out to be central to this case, because he had already found, on the basis of intention, manslaughter rather than murder.

However, it may have been relevant to a defence of self-defence which does reduce, if it is successful, a charge of murder to an acquittal, but he found in the shorthand way he has expressed it that the battered woman syndrome was not applicable in this case on the facts.

So, in answer to the specific question, in the remarks that have been complained about, Justice Bollen was dealing with the defences raised by the accused, and on the advice of the DPP that I have, he dealt with them properly in terms of the facts and the law. I certainly think regrettable the way in which the judgment was expressed and that was insensitive and unfortunate. The judgment could have been expressed in more careful ways, explaining what the battered woman syndrome is and what relevance it has to the case, but in attempting to express the judgment in the shorthand way that he did, the honourable Justice Bollen has given rise to what I think are legitimate criticisms in so far as the manner of the expression, although I do not think that his findings on the law and the facts can be questioned, or certainly that is the advice I have from the Director of Public Prosecutions.

As to the general question, the question of gender bias in the judiciary is very much a live issue. There are three inquiries at the moment looking at this issue. The Australian Institute of Judicial Administration is developing educational courses for the judiciary relating to gender equality in the legal system, and I have suggested that the Standing Committee of Attorneys-General follow that issue and ensure that those courses are introduced. I have recommended to the Chief Justice in South Australia that those courses should also be available to and taken up by the South Australian judiciary.

There is an Equality Before the Law inquiry proceeding, headed by Justice Elizabeth Evatt of the Australian Law Reform Commission, and that has commenced. I believe a discussion paper will be released by Justice Evatt shortly, and the Government will examine that and respond to it.

Furthermore, I should mention that the Senate Standing Committee on Legal and Constitutional Affairs also has a reference on gender issues and the judiciary, and indeed that committee was in Adelaide a few days ago and heard evidence on that topic. So the issue is very much before the community; it is also very much before the judiciary. Action is being taken to deal with these issues, and I certainly support courses being developed and support members of the judiciary undertaking courses of this general nature to assist them in their decision making, and in particular in this case I support courses relating to gender bias.

ATTENTION DEFICIT DISORDER

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Transport Development, representing the Minister of Health, Family and Community Services, a question about the treatment of attention deficit disorder.

Leave granted.

The Hon. M.J. ELLIOTT: Attention deficit disorder is a debilitating problem, which I am told affects up to 20 per cent of all male children, causing poor short term memory or concentration, impulsiveness and explosive temper. This leads to an inability to learn, to retain relationships and to hold down jobs, putting sufferers at a social and economic disadvantage. Worse still, the hereditary nature of the problem—which I am told affects more people than diabetes—can lead to a cycle of poverty and disadvantage.

A doctor involved in helping treat the disorder has told me that ADD can be properly treated with the use of very small doses of amphetamines, with no evidence that sufferers being treated with such drugs become addicted. Apparently dosages used are around 30 milligrams a day, which compares to abusers of the drugs who use up to 7 500 milligrams a day, which is more than 200 times as much. But, while the drugs are available for treatment of children, I have been told that the South Australian Health Commission will not allow their use for adults until research has been done into its effects on adults, which people would agree is reasonable.

I have been told that the Government has charged the already overworked Drug and Alcohol Services Council of South Australia to do the study. According to my information, this has caused significant delays in the work being done. This is therefore causing increasing problems for adult ADD sufferers, who must continue to wait until they can have access to the drug. The doctor has told me that treatment without the drug is very difficult and that no other drugs give the same results.

My office has been contacted by the mother of a 17-year-old son who has ADD and is achieving success with the help of amphetamines. She fears that once he turns 18 he will not be able to receive the medication and his schooling will be jeopardised. I ask:

1. Will the Minister investigate increasing resources to the Drug and Alcohol Services Council of South Australia to speed up the research into this matter?

2. Will the Minister consider ways to speed up the approval process so the drugs can be made available for adult ADD sufferers?

3. Will the Minister allow young sufferers who are already being treated with the drugs up until the age of 17 years to continue with that treatment?

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

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about SGIC and Bennett and Fisher.

Leave granted.

The Hon. L.H. DAVIS: In April 1989 the publicly listed company Bennett and Fisher purchased 31 Gilbert Place for $4.5 million from Kitty Summers, the wife of Bennett and Fisher Chairman, Tony Summers. The building had been purchased in 1983 for $190 000. The Australian Stock Exchange forced Bennett and Fisher to hold a general meeting of shareholders over 18 months later because the company had failed to obtain shareholder approval for the purchase, as required by Stock Exchange rules.

At the time of this shareholders meeting on 23 November 1990, the largest shareholder was SGIC, with over 2.4 million shares. Mr Dennis Gerschwitz, the General Manager of SGIC, had been on the Bennett and Fisher board since December 1983. Despite the strong and vocal opposition of major institutional shareholders, such as AMP and GIO, the meeting ratified the purchase of 31 Gilbert Place with 6.35 million votes in favour and 4.65 million votes against. If SGIC had not voted, or had voted against the motion, this $4.5 million property deal would not have gone ahead.

On 4 December 1990, in another place, the then Premier, Mr Bannon, said:

> I have raised the matter with both the Managing Director (Mr Gerschwitz) who exercised the vote and the Chairman of SGIC (Mr Kean). . . he tells me he is perusing all the documents in relation to this issue. . . I table a copy of the Price Waterhouse opinion. . . distributed to shareholders. It was in part on the basis of this information and recommendations that the vote was so exercised.

The six page Price Waterhouse report, dated 9 October 1990, concluded that the $4.5 million purchase of 31 Gilbert Place was fair and reasonable. Price Waterhouse did admit it 'could not determine whether or not $4.5 million was the market value at 17 March 1989'.

In forming an opinion, Price Waterhouse discussed the consolidation of the Bennett and Fisher owned site—12 Currie Street, and 31 and 33 Gilbert Place. It also considered several matters, including the fact that 'an offer. . . was. . . received on 1 June 1990 from a developer to purchase the three properties for $11 million'.

In justifying the $4.5 million purchase, Price Waterhouse examined the effect on the profitability of Bennett and Fisher and took into account 'the anticipated profit on the projected sale in December 1990. . . based on an offer price received from a developer of $11 million'. The developer was never named and the properties have to this date not been sold or developed.

I have confirmed beyond question that the offer received on 1 June 1990 by Bennett and Fisher from a developer for the three properties for the price of $11 million was in fact an offer made by SGIC. A letter addressed to the Chairman of Bennett and Fisher, Tony Summers, from the Property Manager of SGIC commences:

> As discussed with Mr Vin Kean SGIC wishes to take an option over. . . the properties for the express purpose of constructing a building to lease to the Australian Tax Office.

An option fee of $10 000 was specified. This offer was accepted by Bennett and Fisher on 4 June 1990. However, on or around 17 July 1990, SGIC indicated that it would not proceed to purchase the property as the site was not considered suitable.

My independent inquiries have revealed that this site was never a serious option for a tax office because it was too expensive and too complex and there were severe parking problems.

Shareholders at that November 1990 meeting were clearly unaware that SGIC was the developer named in the Price Waterhouse report. This vital information had not been revealed, although it must have been known to Mr Dennis Gerschwitz, both in his capacity as General Manager of SGIC and as a board member of Bennett and Fisher. The $11 million offer from a developer was a key factor in the Price Waterhouse report.

This seedy affair has understandably angered Bennett and Fisher shareholders, and this latest information may even give shareholders an opportunity to reopen the extraordinary purchase of 31 Gilbert Place. My questions are:

1. Does the Attorney-General believe that SGIC had a clear obligation to disclose that it had an interest as the potential developer named in the Price Waterhouse report?

2. Does the Attorney-General believe that SGIC should have disclosed to shareholders that it no longer had an interest in developing the site?

3. Was the Government aware that SGIC was the developer named in the Price Waterhouse report and, if not, why not, in view of the widespread public discussion on the property purchase, and, if it did know, what action did the Government take?

4. Was Price Waterhouse told prior to preparing its report that the developer had no firm commitment but only an option to purchase and that this option had lapsed prior to its report being published?

5. What action does the Government intend to take to clarify the roles of Mr Gerschwitz and Mr Kean?

The Hon. C.J. SUMNER: I am not in a position to answer those questions in the House. In fact, it may not be appropriate for me to do so in any event. As I understand it, court proceedings are in train in relation to Bennett and Fisher—court proceedings that have been taken by the current directors of Bennett and Fisher and involving Mr Summers. One of the issues that is raised in these court proceedings, as I understand it—and I have not personally perused them; I am only going from newspaper reports (and the honourable member may be able to confirm this)—is in fact that very transaction to which the honourable member has referred in his question.

The Hon. L.H. Davis: I am not addressing Mr Summer's involvement; I am addressing SGIC's involvement.

The Hon. C.J. SUMNER: I understand that.

The Hon. L.H. Davis: And that is not part of the court proceedings.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, how it happened and the legitimacy or otherwise of the transaction is obviously an important aspect of the court proceedings that I understand have been instituted in this matter between Bennett and

Fisher and Mr Summers. Clearly, what happened in this transaction is relevant. I suspect that the issues that the honourable member has raised in his question are relevant to the legal proceedings. I make that comment only by way of introduction.

I will certainly refer the questions to the Treasurer to see whether answers can be given to the matters raised by the honourable member. However, in so far as they may be the subject of litigation, I suspect that it would be inappropriate for the Treasurer to answer those questions in the Parliament at this time. Indeed, I suspect that the Parliament would not permit an answer of that kind to be given in any event under its usual *sub judice* rules.

I also understand, again from press reports, that the Australian Securities Commission has taken an interest in Bennett and Fisher, and if that is the case then there are also considerations relating to its interests that have to be examined. However, I make the point very explicitly that I am making those comments as a general observation prior to considering the questions. I will certainly refer the questions to the Treasurer and if answers can be given then I am sure the Treasurer will do so.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 5 August. Page 76.)

The Hon. CAROLINE SCHAEFER: I support the motion for the Address in Reply to the Governor's speech on the opening of the fifth session of this Forty-Seventh Parliament and to reaffirm my oath of allegiance. I, too, extend my condolences to the families of Sir Condor Laucke and the Hon. Hugh Hudson.

I have taken my place in Parliament earlier than expected due to the early retirement of Dr Bob Ritson and have listened to speakers on both sides of the Council refer to him as a gentleman and a gentle man. I have found him to be a man of principle and dignity and he has shown great kindness to me as his proposed replacement. I wish him and his wife Jill a happy and fulfilling life after politics.

I am sure each new member brings with them some different talent or expertise according to their background. I am from a farming area and wish to speak about my own experiences and the area and people I know best. I come from the district of Kimba on Upper Eyre Peninsula, which has a population of 1 339 people. It produces grain, livestock and politicians. My father, the Hon. Arthur Whyte, who is a former President of this Council, the member for Grey, Mr Barry Wakelin, and I are all products of this tiny politically aware community.

I grew up on a farm in quite isolated conditions. My first six years of education were done by correspondence and I am a product of the School of the Air. For a short period of time I attended the Kimba Area School, travelling 80 kilometres daily by school bus. I also attended Mercedes College as a border. I later experienced the trauma of sending my own children 90 kilometres by bus daily and away to boarding school.

I worked for a time for the State Bank of South Australia, but I assure members that my salary never reached the dizzying heights of a director.

For many years I have been actively involved in partnership with my husband on our farm and in community affairs, both locally and throughout the State. I served two terms on the Kimba District Council and 10 years on the Kimba hospital board of management, so naturally agriculture, health and education will be areas of great concern to me.

In later years, in an effort to supplement farm income, I have had numerous part-time jobs, including bookkeeper, library assistant, divisional manager for the population census, clerk and for a short time even a cook. From this background I hope to bring a practical and commonsense approach with me to the Parliament.

Rural regional South Australia has become in recent years something of a poor cousin to its urban neighbours, or at least that is the public perception. I believe that perception is incorrect. Eyre Peninsula, which is the area with which I am most familiar, has 2.3 per cent of the State's population, but produces 16 per cent of the State's agricultural commodities. It produces 41 per cent of our wheat and is our largest oat producer.

ABARE figures for 1991-92 show South Australia's fishing industry as being worth $96.6 million; the lobster industry, $45 million; and the tuna industry, $114 million. Eyre Peninsula is a major contributor to these figures. It is also the pioneer area for the new aquaculture industry, which is projected to bring immense wealth and employment opportunities to the State. The oyster industry alone is projected to produce 25 million oysters by 1997 at prices of up to $24 per dozen overseas.

While it is undeniable that South Australia has had a particularly hard time over the past decade, it is also undeniable that country people in their usual practical fashion have decided that they are there to stay. Landcare and farming excellence groups dedicated to sustainable, commercial agriculture are well organised and well supported. Boutique industries are springing up in small towns everywhere. My own small town has an engineering manufacturer, Sam Woolford, who employs 13 people. He sells stubble chains throughout Australia and has just exported the first one to the United Kingdom. We also have a small commercial nursery which propagates and sells Sturt's Desert Peas and which is looking to export them, as well as a small clothing manufacturer.

Port Lincoln has the first commercial winery west of Spencer Gulf and Eyre Peninsula has a quietly expanding tourism industry.

I mention these things not to be parochial but because they are typical of the diversification going on outside the metropolitan area. Growing livestock industries have started throughout the State in beefalo, lean lamb, grain-fed beef, emu, ostrich and alpaca. The traditional industries of beef, lamb and wool production continue to become more efficient and more cost effective.

I would also like to remind the Council of the immense wealth and potential in the mining areas, such as Roxby Downs, Coober Pedy and Leigh Creek. Yet, rural and regional South Australia is the very same area which we are constantly reminded is choking to death on a mass of debt and despair. The average age of a South Australian farmer is now 58; the average farm debt is $160 000—and that figure includes all those who have no debt at all—while evictions and forced sales are a spectre hanging over too many heads.

Young people are being seduced off the land into a more

comfortable lifestyle, and those who do wish to stay cannot afford the cost involved. Our highest youth unemployment is in regional cities.

Of great concern is the population drain from country areas. My own area, the population census district of Eyre, shows a population decline of 5 per cent against a population increase of 5 per cent throughout the State. Of even greater concern is the 19 per cent decline of people in the 15 to 30 age group in the same area.

I have spoken of the assets of country South Australia, but its greatest asset is its resilient and resourceful people. Where is the next generation of this resilient and resourceful people to come from? What can be done to curtail this displacement of people with rural expertise to the city where they have no expertise, no roots and no hope? Australian farmers are the most cost efficient in the world to the farm gate, and we are near neighbours to the most expanding economic area in the world. In short, we stand poised to become either the bread basket of South Australia or the economic basket case of the same area. Which way we go will depend largely on the perceptions created and decisions made in this and in Federal Parliament.

I believe that the people of this State deserve the best legislation that can be achieved, and to this end I support the system of checks and balances, which is the bicameral system. I recognise that the duty of members of this Council is to review legislation not to implement it; however, because we are elected by proportional representation I believe we also have another duty and that is to represent those who, for whatever reason, may feel themselves to be disenfranchised. For example, I feel that I have a responsibility to represent Liberal voters in safe Labor seats.

Another group that I look forward to representing is rural women. Although the member for Stuart (Mrs Colleen Hutchison) lives in the regional city of Port Augusta, I believe that I am the first truly rural female in the South Australian Parliament. To suggest that rural women have not previously been adequately represented would be to suggest that I am incapable of representing men. Both statements are untrue, but I hope to bring a different perspective to rural issues.

An article in the *Advertiser* of 5 January 1993 states that probably 90 per cent of farm women are making a direct contribution to the running of the farm business. Their duties are as diverse as bookkeeping, picking up spare parts, shifts on machinery and dealing with people who call and visit the farm. Besides doing bookkeeping and other tasks, farm women are increasingly replacing hired labour. On most family farms it is the wife who has the closest sense of how the business is running.

Rural women also shoulder the additional responsibilities of looking after children and the home and are under enormous pressure in these hard times. Margaret Alston of the University of New South Wales states in the article in the *Advertiser*:

> The majority of women on farms make an enormous contribution and I believe that without them the family farm would be extinct.

On my second day in the Parliament I met with a delegation from Rural Women for Justice, and their undisguised delight at being able to speak with one of their own convinced me that my contribution is at least timely if not overdue.

Another issue that I wish to raise concerns the breakdown of values in our society. I watched with horror on the weekend news parents being charged with bashing and murdering their own children. This sort of barbarism has become commonplace. Stable family life appears to be becoming endangered if not extinct. I have no wish to impose my religious views on anyone, but I have always felt that the Ten Commandments are a fairly sound set of rules to live by, yet they seem to have become outmoded, to be replaced by no rules at all.

In the next six months both the Aboriginal people and the Parliament will spend more time debating land rights than Aboriginal infant mortality. We will debate the possibility of handing the management of some of our most productive pastoral country (the Lake Eyre Basin) to a foreign body but we will not, to my knowledge, debate the staggering youth unemployment in our State. I ask again: what are our values or, in fact, do we have any left that are worth protecting?

In closing, I wish to thank members of both Houses and both sides of Parliament for their generous welcome and the staff for their assistance and support, which has been quite outstanding in the past week. I would also like publicly to thank my parents, my husband Roy, my children and the many friends who have encouraged and supported me this far. I owe them all a great debt, and I hope they will not be disappointed with my efforts. I recognise that I have taken on an immense challenge in my desire to represent the people of this State, and I am keen to learn from all those who have preceded me. Having been a keen observer of politics for a long time, I am sometimes concerned that politics may have become a self-serving monster. It often seems that politicians are merely employed to serve politics and the Parliament. I believe that Parliament has only one duty, and that is to serve the people. I intend to serve the people of this State to the best of my ability.

The Hon. T. CROTHERS: Mr President, in rising on this the seventh occasion on which I have made a contribution to the Address in Reply to Her Excellency the Governor, Dame Roma Mitchell, I wish, first, to pay a tribute to Cathy Watkins, a fine South Australian who sadly has passed away. Cathy will be known to members of this side of the Council as a sub-branch and rank and file member of the Australian Labor Party who rose through the ranks to become a member of the State Executive of the Party, a delegate to the national convention and in 1991-92 President of the South Australian Branch of the Australian Labor Party.

Cathy also stood for the Party at the 1989 State election for the seat of Elizabeth and was, until her illness debilitated her, our Party's preselected candidate for Newland for the forthcoming State election. Those who knew her would remember her as a dogged individual who was not frightened to express her opinions and as one who was prepared to fight for what she believed to be right. Cathy's loyalty and commitment to the Labor Party, to the Labor movement in general and to South Australia in particular was a lesson to us all. She will be sadly missed in all the forums of the Labor Party in which she participated. I pass on to her husband Jack and to their family my heartfelt condolences.

In another vein, I wish to welcome the Hon. Caroline Schaefer to the Legislative Council. She has a fairly large pair of shoes to fill in taking the place of Dr Bob Ritson, but she appears to have the pedigree to stand her in good stead, and I wish her well as a member of this place.

The Address in Reply gives us the opportunity to give full rein to topics that would not normally be debated in this House of Review. Having said that, I intend to pursue with some vigour the same lines of thought that I have addressed

myself to in this Council on at least six other occasions. Many of us thought when we saw the fall of Soviet Union type communism that the world had at long last seen the fear of a nuclear holocaust, a fear that the world had suffered for over 40 years or more, lifted from our collective shoulders. However, the best hopes of many of us have not been realised, and I wish today to address some of the consequences and problems that have arisen following the ending of that period in history that is commonly referred to as the cold war.

In doing so, I want to place on record that my appreciation of the current global position is that we are in a much more dangerous position than at any time since the end of the Second World War. Consider some of the problems that currently confront the global community. To name a few, there are: economic recession, unemployment, world trade, environmental degradation, organised crime, regional and ethnic conflict, the power vacuum and, last on my list, which I realise is not an exhaustive list, the inability of the United Nations to act decisively relative to the resolution of regional conflict, a task with which the United Nations has recently been charged but which seems to be well beyond its abilities and, indeed, its original charter to cope with.

I now turn if I may, Mr President, to the economic recession that now affects Australia. I suppose it is cold comfort to members of this Parliament or to the members of the community at large that it is not just Australia standing in recession on her own. One need only look to the European community and the economic events that have gripped that part of the world in the past few weeks to realise that the world is suffering a prolonged and difficult recession. One can only conclude that the inability of the Europeans to put their economic house and monetary system in order means that there is worse yet to come. Unemployment and economic disorder run rampant in leading industrialised nations throughout the world and even the super economies in Germany, Japan, the United States and Great Britain are suffering to an extent not seen since the 1930s.

Australia as a trading nation on the international stage cannot be insulated from the effects which flow out of this morass. We see the United States assuming the role of bully-boy in respect of protecting its own economic interests, something which I believe would not and could not have happened before the collapse of the Soviet Union. We see US farm subsidies having the unintended consequence of affecting Australia's primary producers in a detrimental manner. We see her lifting her tariff barriers higher and higher against Australia's exports, of which steel is but one example. Likewise, Mr President, the nations of the European Community, a combination of powers against which Australia cannot stand, continue to deny access to their markets and continue to pollute the world's trading markets.

As if all of the foregoing was not enough, we also have the impact of new technologies being introduced into the world's industries at a pace with which many societies cannot survive. Just imagine the many millions of workers whose jobs have been wiped out by the introduction of new technologies; a practice which, if not controlled will lead, I believe, to the destruction of society as we know it.

One need only look at the cost of medical treatment to realise that the ever increasing cost of new machinery and equipment required for new medical treatments has severely stressed the ability of different societies to keep up. I would not suggest that the advancement of medical treatment should be slowed down. On the contrary, in my book, we should be speeding it up.

I merely quote this example to illustrate the cost of new technologies to our society and to further illustrate that perhaps a lot of our research scientists who are employed in other fields of research and development could better have their undoubted abilities transferred to the fields of medical research, which in my opinion would be far more beneficial to humankind and far less detrimental than some aspects of research and development currently being undertaken. I use the word 'detrimental' in respect of new technologies simply because the more jobs that one loses relative to scientific research the more money our society has to allocate to look after the ever growing number of our people who are rendered unemployable.

The reality is that most new technology has been developed to increase and indeed to maximise profitability, with society being used by virtue of unemployment payments to subsidise the profit margins of the international cartels of this world. Perhaps it is now time for governments at world level to look at the pace and impact brought about by the rapidity and the willy-nillyness with which new technologies are introduced into today's society, and in my view that can only be done on a worldwide basis.

I made reference earlier to the problems facing our global environment. The problems include pollution, the depletion of the ozone layer, the destruction of good arable farmland, the destruction of the world's forests, specifically those of the Amazon Basin and the rain forests of eastern Asia—many of them in the pursuit of profit—the destruction of a global asset which is the very lungs of the world in which we exist. Clearly, this is a situation which cannot be allowed to continue but, unfortunately, it is only one example. It is also another example of the unequal and inequitable distribution of wealth on this earth. Clearly, ways and means have to be found to compensate these nations if we are to, within the bounds of reason, require them to stop the destructive paths they are pursuing in the name of their own economic and social survival.

Turning now, Mr President, to the present position of the United Nations and the power vacuum created by the demise of the Soviet Union. We see the agency of the United Nations powerless, although it has tried hard to feed the poor, or indeed to intervene successfully to halt various conflicts which are now taking place all over this earth. It is particularly galling for anyone who has any humanity in their soul to witness the starvation and armed conflict that is currently taking place in the Sudan, Somalia, Ethiopia, Bosnia and many other places. In Bosnia, tens of thousands of lives have been lost in the name of so-called ethnic cleansing.

At a time when the world is calling out for a global approach to try to solve some of the aforementioned problems some of us watch almost in despair at the breaking up of nations into ethnic groupings and the current failure of the EC to reach agreement on a common currency control mechanism. I believe that the nations of the world, for one reason or another, are reluctant to surrender any of their power in order to enable the problems which confront us to be resolved.

I further believe that had we not seen the demise of the Soviet Union and if the two superpowers could have worked together constructively then much of the conflict we have seen in recent times may well have been avoided. Not that I believe that the two superpowers situation was ideal: indeed, it was far from it. But what I have said does go to show that

between them they did have the power and the influence to prevent conflict.

Because there now exists this power vacuum, I believe that the economic and military power of the United Nations needs to be very much enhanced or, if this is not possible, then some other mechanism has to be established to deal with the problems. I have already referred to these problems before, but I say again that it is necessary to deal with them before they get absolutely out of hand.

Mr President, some members may well ask the question: why is the Hon. Mr Crothers addressing these problems when they should be addressed at a national or international level? The short answer as far as I am concerned is that if we cannot sort out the problems which confront us on a global basis then in the not very far distant future there will be no Australia or, indeed, no South Australia. Time is very short, and it is not on the side of humanity. It would be my hope, however forlorn, that what I have said in this Parliament may, in some small way, contribute to the resolution of the problems which confront us, for rest assured, Mr President, the problems that I have referred to in this contribution, and other problems which I have not mentioned, are truly global and can only be properly solved by the concerted action of all of this earth's nations acting together. It is my earnest hope and wish that the world act now, as the alternative, in my view, is far too horrendous to contemplate. I shall wind up on that, Mr President, and I thank you and my other colleagues for listening.

The Hon. L.H. DAVIS: Mr President, I join with my colleagues in thanking Her Excellency the Governor for her speech to open this session of Parliament. I also congratulate my recently elected colleague the Hon. Caroline Schaefer. I have known Caroline for many years and she will represent not only her regional constituency of Eyre Peninsula with distinction but also with her broad interests in affairs of importance to the community she will be a very worthy Legislative Councillor for South Australia.

I want to commence by making some comments about Adelaide, the capital of South Australia. Of course, Colonel Light's Adelaide was founded in 1836 with the very distinctive and quite unique planning of Colonel Light, a plan which enabled Adelaide to become the envy of capital cities of Australia and which enabled motorists today to travel in straight lines. In fact, it could be argued that Colonel Light's plan has meant that perhaps some of Adelaide's drivers are not the best drivers in the nation because we have it so easy with our well planned city. One of the aspects that has been of particular debate in recent times is the importance of making Adelaide an attractive destination point for tourists.

Obviously, given the many fine Victorian buildings, the well laid out road system, the very easy transport arrangements within the city itself, the ring of parklands, the Botanic Gardens and many other attractions within walking distance of Adelaide, Adelaide is a most attractive city to visit. In this competitive day and age where tourism is recognised as not only being labour intensive but also perhaps growing more rapidly than pretty well any other industry in the nation, it is important that Adelaide gets its fair share of tourists. Recent figures have been disappointing in the sense that there have been obvious losses of not only international and interstate tourism into South Australia—we are losing market share in those two important areas—but, indeed, there has also been some shrinkage in the intrastate tourism market, that is, South Australians travelling within their own State.

Certainly, in the past few years, the Adelaide City Council has done much to improve Adelaide visually. There has been much undergrounding of unsightly stobie poles; for instance, in Hutt and O'Connell Streets there has been a dramatic improvement in the streetscape. Also, over the past few years many trees have been planted in Adelaide. Again, the greening of Adelaide has taken place notably in areas such as Hutt Street, transforming the street from something which, many years ago, was a rather higgledy-piggledy nondescript boulevard into quite an attractive area. One of the concerns that remains is North Terrace, which is arguably the most popular and most unique attraction for tourists within the city of Adelaide. For some years now, we have seen the city of Adelaide, together with the State Government, talking about making a feature of North Terrace, with its unique cultural precinct, encompassing, from the east, the Botanic Gardens, through to the university, the Art Gallery, the Museum, the Library, the newly refurbished institute building, Government House, Parliament House and the Casino, with the Festival Theatre, just off to the north, sited in King William Street. Of course, farther west in North Terrace is the Lion Arts Centre and the Jam Factory.

Those institutions offer a lot of variety and many attractions to tourists not only from interstate and overseas but also local tourists. If people are going to be attracted to and turned on by this destination, it is fundamental that it is properly streetscaped, signposted and is attractive in every way. A walk down North Terrace this morning indicated to me that a lot more work still has to be done. The signposting is totally inadequate; in fact, it is disgraceful. The streetscaping has much left to be done, and generally one gets the impression that North Terrace is still being badly under-promoted. The reason for this lies, of course, not with the State Government solely: the prime culprit in the North Terrace debacle is the Adelaide City Council.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: But the State Government obviously has some responsibility in this area. The former Minister of Tourism, the Hon. Ms Wiese, has interjected and said that I used to blame the Government when she was the Minister of Tourism. The truth is, as she will well remember, that back in 1986 I first raised the matter of accuracy of signposting in relation to the corner of King William Street and North Terrace, which is arguably the main intersection of Adelaide, on which there was a fading brown and white sign—quite a large one—with an arrow pointing to the Constitutional Museum, to the west of Parliament House. Of course, it is now known as old Parliament House. That sign has remained inaccurate for seven years. If I had been a Minister of Government, I believe that would not have remained inaccurate for seven years. I would have liked to think that no State Government would allow a sign to remain inaccurate on its main intersection for that period of time. It has to be said that that is a disgrace. And, whilst it may ultimately be a council responsibility, the State Government, in promoting tourism, surely has an interest in this matter, has the carriage of the promotion of the State, has the concern of ensuring accuracy of signposting and the proper streetscaping of our most important cultural boulevard. It is just very disappointing that such basic errors have remained untouched for so long. There can be no excuse for it.

Whilst I am giving accolades to the council for its greening of Adelaide generally over recent years and also the improvement of streetscaping by undergrounding of electric wires in key precincts such as Hutt and O'Connell Streets, I

remain extremely disappointed that this important matter of signposting and general streetscaping in North Terrace remains untouched. Certainly, a master plan has been on the drawing board for some years which features spectacular signage and a general improvement of the visual imagery along North Terrace, but there has been no improvement in recent times. This has been promised year after year for several years; it was originally going to be in place for the 1992 Adelaide Festival. The question that has to be asked now is, 'Will it be ready for the Adelaide Festival of 1994?' Let us hope so.

I want also to turn to another matter relating to the beauty of Adelaide, improving its scenic attractions and improving its appeal as a destination point for tourists from interstate and overseas, not forgetting the local tourists. I want to refer to the rose festival of March this year. That was an exciting initiative, which was led largely by the Adelaide City Council with impressive support from some of South Australia's most famous rose growers, people such as David Roughstone who enjoys an international reputation, Trevor Nottle, Ross Roses, Walter Duncan of Watervale and many others with a longstanding interest in and love of roses.

That rose festival, I believe, has the makings of an important annual or biennial event, to attract rose lovers to South Australia. I have been lucky enough in recent times to have visited Portland in Oregon, in the northwest region of America, and I have had discussions with the Director of the Portland Rose Festival. This is a festival which has achieved enormous recognition in America. It is a two week long event which incorporates an Indy race, an evening torchlight parade with floats featuring the rose queens and other floats garlanded with flowers. It has become a very important tourist attraction for Portland.

This festival has been operating since 1912, for over 80 years. It is a festival which attracts people not only from America and Canada but from around the world. An estimated two million visitors, I think, flock into Portland over this period of time. The festival at Portland now is self-supporting financially. It has a budget of approximately $5 million or $6 million per annum. At the height of the season, the Portland Rose Festival office is supporting approximately 35 full time workers, and over a period of years it has developed enormous volunteer support within the community. School children within the Portland area are encouraged to participate in the Portland Rose Festival, and a tradition has been developed which is important to the continued success of this wonderful attraction.

Portland is an ideal place for growing roses. It has a climate which is largely Mediterranean, not altogether dissimilar to that of South Australia, although I suspect the temperatures may get a touch cooler in winter. The Portland area has a number of beautiful gardens, but one of them which is of special attraction is set high on a hill only minutes from Portland, a large rose garden with 10 000 blooms. It is a wonderful rose garden and it is a tremendous attraction to many tourists.

It seems to me that, in our search for tourist attractions, South Australia could do worse than continue to develop the theme of the rose festival. It is a subject that I have discussed previously. It is a subject which I believe is worthy of community debate and discussion, because it can be argued that a rose festival belongs to the people of South Australia. It is a festival that arguably could develop its own autonomy in time, such as the Adelaide Festival. It is a festival that perhaps could better be held in October than March, as I think October is perhaps a more natural period for roses to be shown. I understand there was some problem with the rose festival in March this year because the buds had to be forced to ensure that they came out at the right time.

A group of community spirited citizens with an interest in roses, together with those with financial and marketing expertise, could over a period of time develop this into the southern hemisphere equivalent of the Portland Rose Festival. I think that is an exciting idea which will be hopefully pursued in the years to come.

I want finally to talk, not altogether unpredictably, about SGIC. Whilst SGIC has been subjected to much well-merited criticism in recent years, as has the State Bank, it continues to be a problem area for the Government and, ultimately, for the people of South Australia. The fact is SGIC is now only a shadow of its former self. The massive losses that it has endured over recent years have had a debilitating effect on the quality of its investments and also on its profitability. We remember all too well that in July 1991 SGIC was forced to exercise a put option over the building at 333 Collins Street, Melbourne. It was forced to acquire that building for $465 million.

In just two years, the value of that building has deteriorated to a point where arguably it would be worth no more than $200 million. So, there has been a write-down in the value of that asset of $265 million in just two years, but on top of that there have been holding and other costs involved well in excess of $100 million. Interest charges over the past two years totalling approximately $90 million to $95 million, and other acquisition costs, mean that the total write-offs and losses accepted on this building to date are approaching $400 million. The building is little more than one-third let. If one takes into account the fact that SGIC, in its last balance sheet in 1991-92, had investments totalling only approximately $1.45 million, it can be seen that write-downs and losses totalling nearly $400 million are very significant. It is a hammer blow to SGIC.

On top of that, it has written off its $30 million investment in Scrimber. That is an actual loss. That is money which SGIC has spent on the futile development of scrimber, money which could well be lost for all time. Because SGIC has had this massive write-down and these losses in its investments, it was forced to accept a bail-out from the South Australian Financing Authority last year totalling $350 million. While SGIC still manages the property at 333 Collins Street, the South Australian Financing Authority now accepts the liabilities as well as the income from that building.

The very nature of the problems of SGIC's main investments in 333 Collins Street and scrimber has also been mirrored in the other losses that it has suffered. It has lost $1.3 million with the Titan group, a gym equipment manufacturer with which SGIC became involved. SGIC Chief General Manager, Dennis Gerschwitz, in admitting the loss in that extraordinary investment going back some two years ago, said that it was a bad decision.

There were a number of other losses: there was an estimated $11 million loss on the sale of its stake in the troubled radio station 102FM last year. Because SGIC was having these losses in big investments and small investments as well, it was forced to sell the crown jewels. In 1991 it sold $40 million worth of SA Brewing shares; in March 1991 it sold 36 million of SA Brewing shares at $2.73, raising nearly $100 million. It sold off shares in Argo Investments, Scott Corporation (the South-East based transport group) and FH Faulding. The chief of the Scott Corporation, Mr Alan Scott,

last year actually wrote to Mr Bannon criticising the State Government Insurance Commission's sale of 1.25 million Scott Corporation shares for 85¢, saying that it was a lack of confidence in his company. Mr Scott said:

> It is with dismay and disappointment that as a South Australian who has worked hard to build South Australian companies, SGIC has sold down their 1.25 million shares in recent weeks. This action does not place much faith in our efforts nor give confidence to other investors in Scott Corporation. . .

Those shares were sold over 18 months ago for 85¢. Today Scott Corporation shares are selling for $1.70. The $100 million worth of SA Brewing shares, which were sold for an average price of $2.73—whilst that was a heavy discount at that time—today are selling at around $1 more, at $3.73.

Admittedly, it can be argued that SGIC had a very large holding in SA Brewing, and that it was perhaps not inappropriate to scale down its holding in that company. However, not only has it scaled down and savaged its holdings in those major companies in South Australia but also it has not replaced them with like quality.

As I will explain in a moment, there has been a general reduction in the value of the share investments held by SGIC. More recently, this year we saw that SGIC gave up its 27 per cent stake in Berrivale, the largest fruit juice group in Australia—the Riverland based Berrivale Orchards Ltd. That was acquired by the Australian Primary Trust. SGIC sold out to the Australian Primary Trust, and that deal, presumably, would have been of the order of $10 million, because it was certainly in the books of SGIC at $10.4 million in its last balance sheet dated 30 June 1992.

Berrivale is a major company. It dominates. It has a 33 per cent share of Australia's $750 million a year fruit juice industry. It was a profitable operation. It is disappointing to see SGIC selling that interest in Berrivale. Not only that, as I have mentioned, but also it sold a 5 per cent holding in FH Faulding in 1991. It recently sold a major stake in Adelaide-Brighton Cement for $1.70, and those shares are now close to $2. It also sold a major stake in Vision Systems, a very high quality, high tech South Australian based company, which I suspect has also increased in price since SGIC sold out.

Most recently—on 30 June—SGIC sold its 10.8 per cent company in the wholesale grocer Independent Holdings Ltd. This was a South Australian based company, which had achieved great success in a very competitive area. Honourable members might well know that a considerable rationalisation of the wholesale grocery industry in Australia has been proposed in recent days, where Composite Buyers, based in Victoria, and Independent Holdings, based in South Australia, are going to be merged with Davids Ltd, the major group in New South Wales, along with Foodland, which is the wholesale group operating out of Western Australia.

That obviously will produce a third arm in the wholesale grocery industry, with about 25 per cent of the Australian market, against Woolworths, which has about 31 per cent, and Coles which has about 24 per cent.

But let me explain why I feel so strongly about SGIC's involvement with Independent Holdings. On Wednesday, 30 June 1993, the *Advertiser* reported:

> A faceless buyer yesterday swooped on Independent Holdings Ltd to emerge with a 10.8 per cent stake in the company. . . The State Government Insurance Commission was the seller of the 3.18 million stake, valued at $20.5 million. SGIC sold the shares at $6.45 each, creating a substantial profit for the Commission. The move effectively sets a floor of $6.45 on IHL shares. . . IHL Managing Director Mr John Patten said last night he did not know who the buyer was and was given only short notice by the SGIC of its intention to sell.

It transpired after that date that in fact the buyer was K-Mart, which of course has a close association with Coles Myer. There is no doubt that Coles Myer was involved in a very big chess game trying to thwart the progress of this merger between the four wholesale grocery groups, which I have mentioned, namely, Foodland, Independent Holdings, Composite Buyers and Davids.

I really object to this report that SGIC sold those shares, giving IHL Managing Director John Patten only very short notice—I find that highly unprincipled and inimical to SGIC's charter, which surely is to act in the best interests of South Australia. It is a statement that the former General Manager, Mr Gerschwitz, has made on more than one occasion, but on this occasion that was forgotten: sold to a mystery buyer.

Of course, the date is no coincidence, Mr President. The date on which those shares were sold was 29 June. Now, why would they have been sold on 29 June? Certainly, there has been activity in this market, but could I suggest also that SGIC, in a desperate effort to boost its profits for the year to 30 June, is booking as many profits as it can, and of course selling that holding at $6.45 would have given SGIC a very large profit indeed.

So there we have it. On 2 July 1993 a spokesman for SGIC claimed that this was 'not a grab for cash'—all these sales: 'It just happened to arrive at an opportune time. It was the end of the. . . year. . . we were able to take advantage of an opportune price.' But what they did admit, Mr President, was that equities were reduced to 26 per cent of the SGIC's investment portfolio in 1991-92 from 35 per cent in 1990-91 and the weighting has declined slightly since then.

That is a clear message coming out of SGIC that equities, which have been by far the most successful and the most profitable investment to hold in the past three or four years, have been sold down to cash up SGIC to meet the haemorrhage that is going on in its many unsuccessful property ventures. And it has not only been 333 Collins Street which has been a problem: SGIC has had many empty properties scattered around Adelaide and metropolitan Adelaide. So it has been forced to sell the crown jewels called Equity Shares down to develop cash to feed into its business and also, of course, to book profits to give its balance sheet and profit and loss account some credibility.

So, it will be interesting to see exactly what the balance sheet of SGIC reveals when it is tabled in this Parliament later in August. I just want to say, as someone who has had a longstanding interest in SGIC and who can remember the days when its investments were well managed and carefully planned, that it is sad to see that SGIC has been brought undone by such foolish investments over so many differing areas, ranging from gym equipment, to goats, to hospitals through to property—the biggest building in Melbourne and a string of mediocre property investments in Adelaide.

SGIC is in fact a mini State Bank, because if one aggregates the losses of SGIC over the past three years it can be seen that those write-offs and losses effectively total something approaching $500 million. That is not small beer in a State where the annual State taxation raised is only $1.4 or $1.5 billion. I support the motion.

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

ADJOURNMENT

At 4.15 p.m. the Council adjourned until Wednesday 11 August at 2.15 p.m.