LEGISLATIVE COUNCIL

Thursday 11 August 1994

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Police Superannuation Scheme—Actuarial Report, 1992-93.

By the Attorney-General (Hon. K.T. Griffin)—

Management Review of Primary Industries South Australia Forestry—Report to the Minister for Primary Industries, July 1994.

By the Minister for Transport (Hon. Diana Laidlaw)—

Highways Act 1926—Lease of Road Transport Agency Properties.

PISA FORESTRY

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a copy of a ministerial statement made in the other place by the Minister for Primary Industries on the subject of the management review of PISA Forestry.

Leave granted.

ASBESTOS

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a copy of a ministerial statement made in the other place by the Minister for Tourism and the Minister for Industrial Affairs on the subject of asbestos removal.

Leave granted.

CRIME PREVENTION

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement on the subject of crime prevention.

Leave granted.

The Hon. K.T. GRIFFIN: Crime, fear of crime and community safety have become major issues for Governments in the 1990s. The rise in crime rates over the past 40 years in all western industrialised nations has contributed to the community's concern regarding both personal safety and security of property. Crime does not recognise Party politics, nor international boundaries.

South Australian Government's commitment to crime prevention: The South Australian Government has a commitment to crime prevention and community safety. In 1993 the Liberal Party's policy on 'The Law and the People' set out a comprehensive approach to crime prevention and identified the role of Government and the community in developing a partnership to make South Australia a safer community. In addition, the community safety policy identified the development of a safer cities program to reduce crime and fear of crime through a coordinated community strategy.

Support for a number of existing programs was outlined, including Neighbourhood Watch, Police Blue Light programs, encouraging education and skill development within correctional institutions, as well as fostering a greater community involvement in crime prevention. Furthermore, the policy identified the need to increase employment and education opportunities and to development strategies to address the causes of crime, not just the end results of rising crime. From this approach, both short-term and long-term objectives in crime prevention and community safety were raised.

Initiatives already taken by the Government include an additional 200 operational police officers in our community, passing of the Truth in Sentencing Act and the introduction of the new Domestic Violence Act.

Developments in Crime Prevention at the national level: The recent meeting of Premiers and Chief Ministers in July 1994 considered the problems being confronted by all jurisdictions in the area of crime. The meeting identified both property crimes and crimes against the person as issues for concern and discussed the linkage between crime and unemployment in relation to considering strategies to address the causes of crime. A Premiers and Chief Ministers Conference on Crime will be convened later this year which, among other things, will examine national crime trends and develop national anti-crime strategies which can be drawn on by all States and Territories.

In addition, at its meeting in May this year, the Australasian Police Ministers Council (APMC) established a 'Community Safety Advisory Group', which is chaired by South Australian Police Commissioner David Hunt. The group, which met Tuesday and Wednesday of this week in Canberra, is to develop parameters for a national approach to crime prevention and report back to the next meeting of the APMC.

International perspectives: Community safety and crime prevention has only recently been taken up by Governments in Australia. By contrast, since the 1980s, many jurisdictions in both Europe and North America have moved toward developing a greater community involvement in the concept of crime prevention and community safety. There has been a worldwide recognition that police and criminal justice responses cannot alone deal with the problem of rising crimes. For example, in Canada from 1962 to 1980, the number of police officers in Canada doubled and more prison capacity was built than in the whole of Canadian history. Yet the crime rates grew continuously.

More recently, Canada has developed a crime prevention approach to the problem of rising crime rates. Emphasis has been placed on urban design principles, including the design of individual houses, and housing estates. In addition, specific problems such as safety for women in public places, and in the home, have been addressed within a crime prevention framework. In the United States of America, despite increases in money allocations, police resources, private security and dramatic increases in prison use, crime, particularly violent crime, has continued to rise in a seemingly uncontrollable spiral.

The Netherlands produced a policy paper in 1985 on crime and society, acknowledging the seriousness of the crime problem, while stressing the limits of the criminal justice system to cope with crime. Because of this, it called for a new response to crime prevention. Since that time, a number of crime prevention projects have been sponsored by the Ministry of Justice in The Netherlands. England has responded to increasing crime rates and growing public disillusionment with the 'Safer Cities' program. This program includes:

- an emphasis on crime prevention, fear of crime and general community safety
- local community multi-agency management
- involvement of local government
- local recruitment and management of staff
- centrally funded

In France, the early 1980s saw the emergence of the Bonnemaison approach to crime prevention. Similar in some respects to the British 'Safer Cities' program, many municipal councils adopted the approach and organised both private and public sector interests to establish committees on the issue of preventing crime. In contrast to the British 'Safer Cities' program, and The Netherlands, youth issues and juvenile offending were targeted by the Bonnemaison approach, with matters such as family life, poverty, housing conditions, difficulties with social and work integration, breakdown in informal social controls and absence of structured activities identified as the underlying causes of crime. New Zealand has recently developed and launched a Crime Prevention Strategy which, again, focuses on devolving responsibility and decision making to local communities to address the underlying causes of crime.

The common things which can be identified from this scan of developments at the international level are:

- Crime prevention and community safety should be established as a permanent part of the landscape in attempts to prevent crime and reduce the crime rate.
- There is an imperative to involve the community as a partner in crime prevention and community safety.
- A particular focus on local communities, which also involves local municipalities, is an integral part of the developing structure for crime prevention.
- Police and criminal justice agencies continue to have a role as one of a number of agencies involved in crime prevention.
- Crime prevention programs can take many forms, including social interventions, and situational responses to crime, working with victims, and addressing recidivism.

South Australian Crime Prevention Strategy: In 1989, the previous Labor Government launched the South Australian Crime Prevention Strategy as a five year program. To the extent that no other State in Australia had developed a strategic approach to crime prevention, the strategy was experimental in nature. Following an invitation from the then Attorney-General, Hon. Chris Sumner, and subsequent to the 1989 State election, the Liberal Party later participated in the Coalition Against Crime, a group of Government, non-government and community representatives which aimed to promote a broader participation in crime prevention.

The central theme of the documents accompanying the launch of the strategy (for example, Confronting Crime: The South Australian Crime Prevention Strategy) was the need to move away from a sole reliance on criminal justice measures in dealing with crime and harness a broader community involvement and effort in crime prevention. The framework for the implementation of the strategy was developed subsequent to these documents, and since 1991 has included the following subprograms:

1. Coalition Against Crime
2. Local Crime Prevention Committee Program
3. Exemplary Projects
4. Aboriginal Program

Through implementing these four subprograms it is evident that many people from the wider community, agencies (both Government and non-government) and community organisations have become involved in crime prevention.

Twenty-two crime prevention committees have developed and been established under the Local Crime Prevention Committee subprogram, covering over 30 local government areas. Concentrated in areas with higher than average crime rates, the work of the Local Crime Prevention Committee program has seen over 500 crime prevention programs operating throughout South Australia and involving the participation of community volunteers, service clubs, churches, non-government service providers, local government, working with police and other Government agencies.

The range of issues these committees have addressed is impressive: community safety and fear of crime, particularly among older members of the community; urban design; family and domestic violence; graffiti and vandalism; motor vehicle theft; and drug and alcohol abuse. Social integration, encouraging local employment opportunities and developing skill-based training options have also been part of the program.

One of the successes of the crime prevention strategy has been the involvement and contribution of local government. Local government in South Australia has cooperatively embraced the concept of improving safety within their communities and contributed to the program by providing both in-kind resources and through resource allocation. This has been achieved through the participation of councils in the work of the local committees. Furthermore, a working party on crime prevention and community safety has recently been established by the Local Government Association to provide policy advice to the LGA and its constituent councils. The working party comprises not only local government officers but also police, church representation, OARS, State Government and Australian Crime Prevention Council (SA branch) representation.

Many other organisations have been involved in the strategy through its other subprograms. For example, the Hotel and Hospitality Industry Association has contributed to and continues to be involved through the work undertaken in the project addressing safety in and around licensed premises. In February this year I was invited to launch the Safe Profit Manual which was developed with industry assistance and aims to improve the safety of patrons in licensed venues.

Other projects such as Street Legal have seen the involvement of organisations such as the RAA with contributions also being provided by private sector interests in the car industry, while the older members of the community, together with the Adelaide Central Mission, have been involved in addressing safety in retirement villages.

Members of the Aboriginal community have also contributed to crime prevention programs within their own communities. Yalata Community Council, for example, has developed an extensive recreation program to encourage young members of the community into positive alternatives to crime. Other communities have developed partnerships with a local crime prevention committee program.

The Review Report

In December 1992 the former Attorney-General approved the commissioning of a major review of the crime prevention strategy. In January 1993 advertisements were placed in the national press calling for expressions of interest. Five were received. Two parties were selected to provide more detailed tenders and were provided with a detailed consultancy brief,

including the terms of reference for the review. This set a date for the final report of 7 March 1994.

In April 1993 the two parties were interviewed by a selection panel and a recommendation made to the Attorney-General for the appointment of La Trobe University. Following extensive negotiations on the terms of the agreement, on 9 August 1993 the agreement was signed between La Trobe University and the Attorney-General.

The terms of reference form part of the agreement and provided a timeframe for the review, including the provision of the first working paper on 8 November 1993 and a second working paper on 7 March 1994. The final report was to be provided on 30 June 1994. This represented a significant delay from the original timeframe for the provision of the final report from March 1994 to 30 June 1994. This time lapse has created difficulties with the continuation of a crime prevention strategy in this State, because the delivery of the final report now coincided with the end of the five year strategy in June 1994. The four months available for consideration of the final report and development of future directions was lost, together with the opportunity for the new directions to be considered as part of the budget process.

Under the agreement for the conduct of the review, La Trobe University was to be paid a sum of $324 076 in staged payments tied to the provision of working papers 1 and 2 and the final report. La Trobe University was also responsible for all aspects of the conduct of the review, including the employment of all staff.

On 28 February 1994, La Trobe University requested the inclusion of Mr Mike Presdee on the consultant's staff to compile and prepare the report, based on data obtained by La Trobe University in its review of the South Australian Crime Prevention Strategy. Mr Presdee requires that he be acknowledged by name as one of the authors of the final report.

Mr Presdee arrived in Adelaide in April 1994 to undertake tasks associated with writing the final report, although I was not aware of his involvement. By May 1994 the manager of the Crime Prevention Unit informally became aware that Mr Presdee's role had expanded from that identified in the correspondence from La Trobe University in February 1994 to one including data collection, and to all intents and purposes the management of the review. I am advised that the manager of the Crime Prevention Unit attempted to clarify this development with La Trobe University but, despite assurances from La Trobe University, no information was forthcoming.

Following the election in December 1993 I was briefed by the Manager of the Crime Prevention Unit on 30 December 1993 on the review, including its terms of reference, and I seek leave to table the terms of reference for the review.

Leave granted.

The Hon. K.T. GRIFFIN: The terms of reference for the review were extensive and included 16 key impact questions covering a range of crime prevention issues. Layers of assessment were built into the review through the terms of reference in which the broad general parameters were outlined and which then became more detailed in the specific parameters. The 16 key impact questions reflected the need for a much closer assessment, and the major components of the review were outlined in section 2. The final report was to provide outcomes of the four subprograms of the crime prevention strategy, develop best practice principles and provide recommendations for future directions for crime prevention in South Australia.

Working paper No. 1, which provided a report on early developments in the review process, was provided on time in November 1993. In March 1994 working paper No. 2 was provided and was accepted as consistent with the terms of reference, in that it outlined the proposed overview of the form and content of the final report and identified the sections of the report that would discuss the key impact questions. I seek leave to table working paper No. 2.

Leave granted.

The Hon. K.T. GRIFFIN: In April 1994 I wrote to La Trobe University affirming the new South Australian Government's interest in the report, specifically requesting that outcomes be identified and recommendations made on future options, and I confirmed also that the findings should be based around the terms of reference and key impact questions contained therein.

In accordance with discussion between La Trobe University and the Crime Prevention Unit, a draft report was provided to the Manager of the Crime Prevention Unit on 15 June 1994. There were serious concerns with the draft report. In particular, the draft report did not accord with working paper No. 2, which, as noted above, under the terms of reference specified the form and content of the final report. These concerns were identified to La Trobe University, and representatives of La Trobe University were requested to attend a meeting to discuss the draft report. This meeting occurred on Wednesday, 29 June 1994.

It was agreed that La Trobe University would review the draft report, and an extension was granted until 15 July 1994 to provide the final report. It was my view that the Government had no option but to allow La Trobe University to complete the agreement in view of the fact that the crime prevention strategy was approaching the end of its five year program and there was an urgent need for this Government to determine the future directions for crime prevention.

Furthermore, as $270 000 had already been expended on the review as a result of the agreement entered into by the previous Government, there was nothing to be gained from engaging in a protracted legal argument with La Trobe University as to its failure to meet its contractual requirements at this late stage. Further delays would have resulted in considerable community concern about the future direction of crime prevention in this State. The final report was provided on 15 July 1994. I seek leave to table that final report.

Leave granted.

The Hon. K.T. GRIFFIN: I have considered whether the report should be tabled in view of my assessment of the inadequacies of the report but concluded that it was better to have it formally out in the public arena and allow those with an interest in the Crime Prevention Strategy to make their own judgment about the quality of the report. The report presented by La Trobe University was authored by Mr Mike Presdee of the University of Sutherland and Mr Reece Walters from the National Centre for Socio-Legal Studies at La Trobe University. Regrettably, the report is very disappointing. It does not provide a comprehensive process and outcome evaluation of the crime prevention strategy, as it was hoped and expected it would. Some of the key impact questions have been ignored, while others have been addressed only in a very superficial way. This has resulted in a report which has provided little analysis of crime prevention issues or outcomes of the sub-programs of the crime prevention strategy or options for future directions for crime prevention.

There is extensive self-referencing by the authors in the report, but no footnotes are provided. Despite over 60 factual inaccuracies being identified in the draft report by the Crime Prevention Unit, the final report still contains some original errors, as well as some new ones. The report is highly critical of the work of the Crime Prevention Unit, at least in the development stages of the program, but has afforded no opportunity for a balanced discussion on the difficulties of establishing a new program which has no parallel in Australia. There are a number of references in the report which suggest an ideological agenda.

In reports of this size and scope, copies of the questionnaires and survey forms used by the researchers are normally provided as an appendix to the report, together with a systematic analysis of the data from the questionnaires and surveys undertaken as part of the project. This is done to allow the client the opportunity of validating the data and their analysis. These documents are not provided in the report, although it was requested that they form part of the final report. We are still seeking those. The absence of these data and their analysis raises the question whether the surveys and questionnaires were of limited use or of limited quality. Again, for the cost incurred by the taxpayers of South Australia and the intended scope of the study I find the report disappointing.

The Office of Crime Statistics in the Attorney-General's Department provided the raw data on crime rates in South Australia, and I am advised that the interpretation of the data by the authors does not reflect the expertise expected from a report of this scope. For example, the report discusses a rise in crime rates from 45.42 per cent to 48.12 per cent in local crime prevention committee areas, but does not identify factors such as population changes, seasonal fluctuations or increased reporting of crime in the areas. Furthermore, no attempt has been made to identify that the local crime prevention committee areas are all high crime rate areas, and I am advised that the small increase implied by the authors was not tested for statistical significance.

I am also concerned about the way in which quotations have been used throughout the report. Given my understanding of the experiences, about which I have been advised by the Crime Prevention Unit, there is a concern that others who have been quoted in the report and its appendices are likely to have the same reaction to quotes attributed to them. For example, officers of the Crime Prevention Unit are extensively quoted, principally from taped conversations, which were organised as confidential background briefings, on the emergence of the four sub-programs of the strategy. In the first place, there was no agreement or understanding that quotations would be used in the report. Secondly, one person has been identified as a 'CPU Project Officer', which is incorrect, a fact which was pointed out to the authors but which was not changed in the final report.

Thirdly, many quotations have been presented in such a way in the report that they appear to reflect the current practices of the Crime Prevention Unit. This is not the case. Fourthly, confidentiality has been afforded to some while not to others, and finally, many of the quotations have been selectively taken out of context. For example:

- Page 54; page 56—these comments were offered in relation to difficulties associated with the previous Director and his ability to strategically plan the purpose and role of the Coalition Against Crime. The authors have reinterpreted the intent of the comments to align with their argument outlined on page 10 of the report which states that 'this is the story of how both political and bureaucratic needs and interests, and the tension between political and public servant perceptions of policy are transformed into processes that effect and shape policy implementation, policy development and even policy itself.'
- Page 73 quotes a former LCPC officer as being 'confused and overwhelmed'. In fact, the officer was not discussing the implementation of the Salisbury plan, but rather her unique role in being the first project officer employed to implement a local crime prevention strategy plan.
- Pages 24 and 27: the report offers contradictory explanations about the original strategy as launched—on page 24 describing it as having 'impressive breadth and impetus' which contracted after its first two years. While on page 27, the authors describe the strategy at this same period (that is, in its first 18 months) as 'fundamentally and profoundly flawed'. Quotations from CPU officers are taken out of context on page 27 to validate the second judgment made by the authors of the report.
- Page 32: Quotations are used to validate the authors' judgment that the CPU was lacking direction. The points being made in these quotations however related to the fact that the unit was working in a new and developing policy area and was taking a partnership approach in order to ensure that local communities had the capacity to decide on local issues rather than a central agency make decisions for communities.

In relation to the use of quotations throughout the report, therefore, I have serious concerns that others quoted will be similarly aggrieved with the way in which their information has been presented in the report and its appendices.

One concerning aspect of the report is its treatment of the practice of using consultants in the crime prevention strategy. Consultants have undertaken work for the strategy in highly specialised areas of work, such as safety and crime prevention principles in urban design, and marketing of crime prevention programs and concepts. The work of these consultants has in fact made a significant contribution to the strategy and, in the case of urban design, the published work on *Urban Design and Crime Prevention Principles* (by Wendy Bell and Associates) has become the accepted text in Australia. In relation to marketing, the report suggests marketing crime prevention has been a failure because 'a staggering 80 per cent' of the 472 community members surveyed by the researchers have not heard of the crime prevention strategy. However, I am advised that the community survey should not be relied upon because of the small number of participants. Furthermore, the list of questions asked of participants has not been provided (despite it being requested), which makes the data provided in the final report difficult to validate. In addition, the small budget allocation provided for marketing the strategy has in fact achieved significant results which have not been identified or discussed within the report.

More specifically it is implied in the report that the 'privatisation of crime prevention' through the use of consultants has had a negative influence. This is a matter on which the Government cannot agree with the report as the cross fertilisation of knowledge and skills that has occurred through the role of consultants in the crime prevention strategy has been beneficial for both the Government and the community.

Finally, but most importantly, the report does not acknowledge the contributions made by the community to the various programs. The report makes no mention of the work of these people, which is often given in their own time at no cost, and

comes from a sense of wanting to make a contribution to increasing safety in their community. I have recently visited a number of crime prevention committees and spoken to people in those communities, and it is clear to me that the programs have had positive outcomes because of the involvement and commitment of local people. It is also clear that police are pleased to work on crime prevention programs with the local committees, rather than running the programs themselves. In fact, in committees I have visited local police have indicated a preference for community responsibility for the programs.

Future Directions: As a consequence of this disappointing review of the crime prevention strategy, the South Australian Government has now to determine future directions for crime prevention without the benefit of a well-reasoned, balanced assessment of the program.

In order to do this I have approved an extension of a further six months for the continued operation of the crime prevention strategy. During this period I will be calling for comments from interested parties, including those involved in the crime prevention strategy, on aspects of the report. Today I will be writing to participants in the crime prevention strategy to request their comments by the end of September so that a new direction for crime prevention can be developed for release in late November 1994. Consultations will be held with other sectors involved in the crime prevention strategy including the Local Government Association and the non-government sector.

The South Australian Government will ensure that all views are considered and incorporated into the future direction for crime prevention, which will be consistent with the broad directions foreshadowed by the Liberal Party policy, 'The Law and the People,' including: assessing the operations of the program to ensure that it works almost completely at the local level and involves individuals, community groups and leaders; ensure that community-based programs to prevent crime gain priority support; and support voluntary groups and the police in providing programs for young people who potentially may be offenders or who already have offended.

To achieve this the Government will encourage the presentation of submissions which can then be considered and incorporated into the Government's future directions for crime prevention. Of course, one would expect that there will be a continuing need for a coordinating and resource role for a central crime prevention unit. There is clearly a responsibility on the Government to provide leadership in the area of prevention of crime. The South Australian Government's key objectives are to ensure that crime prevention continues and that all sectors of the community are involved with the Government in the fight against crime. This will require a broad approach to the issue. The Government will seek to encourage more involvement from the private sector on specific aspects of community safety, ensure that the rights of victims of crime are protected and supported and that local communities are supported to continue their work in crime prevention and community safety. The last thing I want to see is the debate now focus on the deficiencies of the report. Rather, I want to look ahead to the future with a view to establishing positive plans for crime prevention in South Australia.

QUESTION TIME

THIRD ARTERIAL ROAD

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about the third arterial road.

Leave granted.

The Hon. BARBARA WIESE: Last week I asked the Minister whether she agreed with the Australian Conservation Foundation that the third arterial road project should be canned in favour of constructing a new light rail service from Morphettville to the southern suburbs. She indicated that she did not favour the ACF proposal although she had not at the time taken the proposal seriously enough to have it analysed in detail. Subsequently, however, she undertook to do so.

In view of the Minister's stated determination to press ahead with a new road, it seems desirable that she should at least commit herself to a less expensive though still effective option. I refer to the proposal put forward last year as part of the ALP's transport policy, which rejected a traditional four-lane two-carriageway road concept, which would cost about $80 million, in favour of a two-lane reversible one-way road to cater for high occupancy vehicles in peak hours and for light vehicles in off-peak hours. Such a road would provide additional capacity in the direction required, reduce the overall number of vehicles for a given number of trips and result in a net environmental gain.

This proposed scheme, which was originally put forward within the Road Transport Agency as a desirable alternative to a traditional roadway following the planning review having cast doubt on the wisdom of providing further traditional road capacity, was also promoted as a much cheaper option. In fact, it is $22 million cheaper than the traditional four-lane two-carriageway road. The total cost of such a road would be about $54 million. Has the Minister sought a full briefing on this cheaper, more environmentally friendly road option for the south; if so, does she agree that it is a better proposal than the one that she has until now promoted; and, if not, why not?

The Hon. DIANA LAIDLAW: The honourable member seems somewhat confused from one week to the next. Last week she was promoting light rail instead of any road and this week she is promoting a road, albeit one that was developed by the department. I understand it was developed by the then Department of Transport because the reversible lane concept may be attractive for Federal funding. It is true that as a State arterial road, under current funding arrangements the road would be totally the responsibility of the State Government. The Department of Transport has advised me that within days of my becoming Minister it had developed this concept, which the Labor Party had promoted, of a reversible lane system because of the Federal funding implications. The department has had no advice from the Federal Government that it would be attractive to it to fund.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: No. It has been canvassed generally in conversation to see whether that initiative could be acceptable. I understand there is no indication from the Federal Government that it would find it an attractive option. My recent discussions with the Federal Minister indicated that in Victoria, New South Wales and Queensland he was favouring more and more the approach of private and toll roads. I told him that in terms of any initiative to the south that we would take for a new roadway, we would not favour

a direct toll on motorists and would look to private funding, which is the approach that he wants to take increasingly in future, to expand funding for roads. But we would not have this direct toll; we would have a shadow toll or a leasing arrangement or we would explore other options in the meantime. In terms of the Federal Government and general discussions that I have had, private funding of such a roadway would be more attractive to the Federal Minister than providing Federal funds for this initiative, in whatever form the roadway was designed and constructed.

Through the department I have sought expressions of interest for a consultancy to finalise the route of the third arterial road as it adjoins or abuts Main South Road. That consultancy was won by Rust PPK, which will be providing its final report to me in September. It has been given a free rein within certain broad guidelines to look at concepts for this road. I have made it clear that this roadway must be efficient in terms of freight transport to the south. That is something that so many people continue to overlook when addressing transport needs in the south. The needs of companies and businesses, whether manufacturing or generally in terms of commerce, have been overlooked and the principal emphasis has been on passenger transport. As I explained last week, and I will not elaborate again, the Government wants a strong emphasis on jobs and economic development in the south. We see this third arterial road as being an important catalyst for such job development.

The Hon. BARBARA WIESE: As a supplementary question: as the reverse cycle high occupancy vehicle (HOV) road concept is not inconsistent with the objectives that the Minister has outlined, will she comment on the concept of such a road and does she favour it?

The PRESIDENT: Order! That was not really a supplementary question; it was a bit outside of that, but I will let it go at the moment.

The Hon. DIANA LAIDLAW: A reversible lane system and a high occupancy vehicle system are not options that I have dismissed. As I indicated, Rust PPK has been given a broad berth to explore a range of options, including exactly where the road, at this first stage between Darlington and Reynella, will join the system and where it can be accommodated, in terms of Reynella, north or south of Panalatinga Road. Those matters are all being explored by Rust PPK. No option has been dismissed, but certainly it has to be one that is attractive to the private sector if the private sector is to fund it. I have been advised by a number of financial companies and also construction companies that, based on their experience interstate and overseas, a roadway has to be of a certain value for them to be interested in participating.

ENTERPRISE BARGAINING

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about women and enterprise bargaining.

Leave granted.

The Hon. CAROLYN PICKLES: During the debate on the Industrial and Employee Relations Bill the Government emphasised the fact that this legislation would not adversely affect women, particularly in the area of enterprise bargaining. Until now matters relating to women in the work force and data collection in this area have primarily been dealt with by the Women's Adviser in the Department for Industrial Affairs, formerly the Department for Labour. I understand that this position is now to be axed. My questions to the Minister are:

1. Is the position of Women's Adviser, Department for Industrial Affairs, to be axed? If so, what will replace it?

2. If it is to be axed, how will the Government ensure that the impact on women's wages and working conditions of enterprise bargaining, as provided for under the Industrial Employee Relations Act, is comprehensively monitored and reported on, and if monitoring and reporting is to continue will all reports be publicly available?

The Hon. DIANA LAIDLAW: I understood the honourable member in her explanation to say that the position of Women's Adviser had been axed, yet her question asked whether it had been axed. My understanding is that the position has not been axed, but I will speak to the Minister further and determine what his plans are. Certainly, I know that with the Employee Ombudsman position there is to be a much stronger focus on—

An honourable member: What's wrong with a man?

The Hon. DIANA LAIDLAW: A man, as the Employee Ombudsman? I understand that the gentleman who has won the position is a respected person in the trade union movement. The Liberal Cabinet was very pleased to accept this gentleman as a forward looking, caring, intelligent and hard working representative of the work force. I thought it would have been applauded by members opposite as an enlightened appointment. I suppose if it had been a woman but from an employer in the right wing we might have been condemned. If it was a woman but from the union movement, we might have won the applause of the member opposite. It is pretty hard to win in these circumstances. I would have thought that the position generally would have come as some surprise to many people in the work force, that the Employee Ombudsman was in fact a person who had had many years in the trade union movement and with a wealth of experience in enterprise bargaining.

That position, in terms of the office arrangements, will certainly be monitoring the work in terms of women and enterprise bargaining. I understand that this work can be and may already have been undertaken or let to the Working Women's Centre. Certainly I understand in the new arrangements with the centre that there will be certain projects that the Government, through the office of the Minister for Industrial Affairs, will wish to contract out in future. The Working Women's Centre, in my view, would be ideal to undertake such work. I have had general discussions with the Minister about that in the past. I have not done so in more recent weeks. I will seek to ascertain what progress has been made on that front.

I have had general discussions also with the Minister in the past, indicating that, with the Working Women's Centre, the Employee Ombudsman, the Women's Adviser in the Minister's office, and the small support staff for that officer, we had to be very confident that there was no duplication in all those positions. That was my only comment at the time. I will find out what progress, if any, has been made in this area. I would certainly endorse the honourable member's view that, in terms of enterprise bargaining in the work force generally, we must monitor progress, particularly in respect of women.

As to enterprise bargaining, I remember the bargain that was agreed to by GMH some 18 months ago that was held up as an early and fine example of enterprise bargaining. I was quite concerned to note, however, that no women had been involved in negotiating that enterprise bargaining and that

there was no position for permanent part-time work. I thought that that enterprise bargaining was deficient on that account, and it may have been deficient on more. It is important not only that women become involved in enterprise bargaining at all levels of management in the workplace but that we also monitor the impact, and that is what the Government will be doing.

CFS VOLUNTEERS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about journey accidents for CFS volunteers.

Leave granted.

The Hon. R.R. ROBERTS: I have been contacted by a number of people in the CFS who are quite concerned with the introduction of the new industrial laws in South Australia on 8 August. It is my understanding that CFS volunteers have been covered under statute by WorkCover. With the introduction of the new WorkCover legislation whereby workers are not covered during journey accidents from work, I understand that the CFS volunteers travelling to their fire trucks and home after firefighting duties on a voluntary basis are similarly not covered.

Our CFS volunteers provide sterling service to our community, which has been praised publicly following their magnificent contribution to the bushfire effort in New South Wales earlier this year, although their contribution to the safety of country areas in particular is actually greater than that one-off event. In fact, the Minister for Emergency Services, Mr Matthew, a latter day J. Edgar Hoover, thought it was such an important contribution that he travelled to Murray Bridge to greet them on their return to South Australia. I am advised by an eyewitness that Mr Matthew almost missed their arrival. Apparently, he was parked on a hill away from the main gathering for the reception but, fortunately, one of his staff who had found the right place had the presence of mind to use his mobile phone to advise the Minister of the imminent arrival of the brave volunteers, in time for Mr Matthew and his entourage, including a police escort larger than for O.J. Simpson, to charge to the scene just at the precise moment for maximum media exposure befitting such a meritorious event. Two things were clear from that significant occasion: first, the Minister was covered for injury whilst travelling to and from the scene of the reception, as were indeed the volunteers. However, I am now advised that, under the Liberal Government's new WorkCover rules, it appears that only the Minister would be covered.

My questions to the Minister are:

1. Will the Minister for Emergency Services prevail on his colleague the Minister for Industrial Affairs to amend the WorkCover legislation so as to provide protection for volunteers who undertake journeys to and from fire depots?

2. If he will not do so, will he provide from his own budget and at no cost to the volunteers or the local government authorities they serve a no-fault insurance cover for all CFS volunteers to cover such journey accidents?

The PRESIDENT: Order! When asking the question the honourable member reflected on Ministers in another House, which was opinion and was not required. I would ask that that not happen in future.

The Hon. K.T. GRIFFIN: I will refer the question to the appropriate Minister and bring back a reply.

ABORIGINAL STAFFING

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about the Culture and Site Services Section of the Department of Aboriginal Affairs.

Leave granted.

The Hon. SANDRA KANCK: I was alarmed when I recently discovered that at least eight staff members of the Culture and Site Services Branch of the Department of Aboriginal Affairs had taken targeted separation packages, were on leave or had been transferred, and that the unit is currently staffed by only one full-time member. It has been confirmed by a number of sources that these drastic staff reductions, which have taken place since the Government took office last December, have meant that adequate advice on Aboriginal heritage is not available to the Minister, developers, pastoralists, miners, other Government departments or members of the public.

I am informed that there are no professionally recognised anthropological staff left to advise on Aboriginal culture or sacred sites and no women with any anthropological experience at all. I also understand that, as part of cuts to the sections field work budget, four wheel drive vehicles have been taken away and that the replacement vehicles are not suitable for off-road driving, which is necessary to visit a number of remote Aboriginal communities.

In a ministerial statement about a meeting of Premiers and Chief Ministers, the Premier said in the other place that the Hindmarsh Island bridge debacle has highlighted the need for change and that the Premiers and Chief Ministers agreed to support a review of this area. My questions to the Minister are:

1. Is it true that the Culture and Site Services Section of the Department of Aboriginal Affairs is currently staffed by only one full-time member?

2. Is it true that the Department of Mines and Energy is currently unable to secure adequate and timely information on Aboriginal sacred sites and culture?

3. How are the Minister and Government departments currently obtaining their information on Aboriginal sacred sites and culture?

4. In the aftermath of the Hindmarsh Island bridge decision and the agreement with the other State and Territory Governments on the need for change, what steps will the Government take to ensure that the State Aboriginal Affairs Department and the Culture and Site Services Section are resourced adequately to enable information vital to protecting Aboriginal interests to be obtained?

The Hon. DIANA LAIDLAW: I will refer those questions to the Minister and bring back a reply. I should add that much work of the nature the honourable member has outlined is also undertaken by the South Australian Museum, which has been very busy recently on a lot of the site and cultural work that has been undertaken over time by the Aboriginal unit. In fact, the South Australian Museum has recently won very substantial grants from the Federal Government to do, on a national basis, a lot of this cultural and sacred site work and also to explore within the museums the nature of their collections. I understand the respect with which the Museum is held in this regard has meant that it has won two national consultancies. The value of that work is well over $1 million.

I therefore think we can stand proud in this State in terms of the respect for the work we do in this field. While the honourable member may wish to suggest that there is some alarm in the Culture and Site Services Section, I believe that we are well served in this State, certainly much better than any other State, in the work that the Aboriginal people do in this field and the work that white people do in terms of working with Aboriginal people in this very sensitive area.

I know, because of the Mabo legislation, too, that more and more mining companies, pastoralists and others are also referring to the Museum to have their inquiries answered. So, I do not think there is cause for the alarm in the sense the honourable member was addressing her question. I will certainly refer the question to the Minister for a more detailed reply.

WATER CONNECTIONS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Education, representing the Minister for Industry, Manufacturing, Small Business and Regional Development, a question on the EWS.

Leave granted.

The Hon. G. WEATHERILL: At present the EWS lay water services from mains to home boundaries. The department is responsible for all maintenance and road restoration, etc., on these services. The consumer is responsible for their service from the home boundary through their property. When this work is taken over by the contractors, will they continue to lay and maintain home services from the main through to the home boundary? If not, the cost to consumers would be astronomical.

The Hon. R.I. LUCAS: The honourable member should be delighted that the question he asked yesterday about the EWS and targeted separation packages saw instant action from the Minister and the Government with today's announcement in the *Advertiser*. Perhaps it was partially in response to yesterday's question; I could not say that it was wholly in response thereto. I would be pleased similarly to refer his question today to the Minister and bring back an early response. I cannot promise such a quick turnaround on this particular occasion.

ELECTRICITY THEFT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Education, representing the Minister for Industry, Manufacturing, Small Business and Regional Development, a question about cheating against ETSA.

Leave granted.

The Hon. ANNE LEVY: It has been drawn to my attention that there is the potential for private individuals or business consumers to cheat (in fact, I have been told that it is actually happening) ETSA by rearranging their wiring in such a way that they are obtaining electricity without paying for it.

The Hon. K.T. Griffin: If they survive.

The Hon. ANNE LEVY: Yes, if they survive. Quite a number of people in the community have basic knowledge about electricity and are capable of applying the necessary electrical connections. I understand that this matter is of concern not only in South Australia but elsewhere in Australia. The Queensland Government gave information that SEQEB, which serves South-East Queensland only, not the whole of Queensland, estimated that it was being defrauded of $18 million worth of electricity each year.

The Queensland Government obviously is very concerned about this matter and, with the cooperation of the police, it is taking the appropriate action through SEQEB to ensure that those persons defrauding SEQEB are brought to book and that this cheating is stopped. It is a matter of great concern to everyone, as indeed it should be, that such defrauding of electricity results in the electricity authority having to charge higher prices to everyone else to make up for the shortfall. My questions are:

1. What is the estimated number of cases concerning defrauding of ETSA in South Australia?

2. What action is the Minister undertaking to see that such cheating is prevented and that appropriate activities are undertaken by both ETSA and the police in this State to ensure that massive fraud against ETSA is not occurring in this State, as is apparently occurring in Queensland?

The Hon. R.I. LUCAS: I will be pleased to refer the honourable member's question to the Minister and bring back a reply.

POLICE SUPERANNUATION

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about police superannuation.

Leave granted.

The Hon. T.G. ROBERTS: During the last session of Parliament the Government indicated that large scale changes to the superannuation schemes for both public sector industry workers and the police would be altered and that the benefits would be slashed.

An article in the *Advertiser* of 10 August referred to the continuation of that plan resulting from legislative changes. Quite a significant increase has occurred in the number of women who have been admitted to the Police Force. If one compares the make-up of the Police Force some 10 years ago with the current figures—and I have not got them before me—one sees that a huge increase has occurred in the intake of women into large areas of police activities. They basically are working alongside men in most circumstances, whether it be in the administrative field or, in some cases, in dangerous pursuits.

The way in which job opportunities can be increased for women in society is for some of those male dominated industries to look at the available work opportunities for women, and then through enterprise bargaining arrangements one would expect that the equality between the genders would be maintained. However, if one examines the proposal being put in relation to superannuation, one will see a discriminatory position in regard to current members of the Police Force, which is made up of the predominantly male officers as well as some of the new intakes, including in recent years a large number of women.

However, the new intake will contain many more women, and there is no reason why there should not be a 50-50 gender split in relation to the Police Force. So, it appears to me that the application for the new superannuation scheme is discriminatory against new employees, and therefore it will discriminate against the potential intake of many women. My question is: what efforts will be made by the Minister, as an individual within the Liberal Party Caucus and with the ministerial portfolio she holds, to prevent this blatant

discrimination from occurring and to allow the current scheme to continue?

The Hon. DIANA LAIDLAW: I am aware of the issues that the honourable member has raised, and I have also read with interest the article to which he referred. I share his zeal and his belief that, in time, women could comprise at least 50 per cent of the Police Force. In relation to the matters of which I am aware, I have asked my office to speak to the Minister for Emergency Services. I have not received a reply from those inquiries, but now that the honourable member has raised this matter in this place I will ensure that I receive a reply very quickly, and I will convey that reply to the honourable member as soon as I possibly can.

TECHNOLOGY OUTSOURCING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Treasurer a question about outsourcing of information technology and privacy concerns.

Leave granted.

The Hon. M.J. ELLIOTT: Apparently at the end of this month the State Government is due to announce a successful tenderer of its information technology outsourcing proposal, which is projected to cost $1.2 billion over the next seven years. While there are several areas of concern about this move, it is the privacy issue which has ramifications for our entire community, a matter that I wish to address today.

The previous Government has established information privacy guidelines to which each Government department must adhere. However, under the outsourcing arrangements Government departments will not be holding, nor necessarily processing, information.

I note that virtually all OECD members now have privacy legislation which offers good protection regarding information held in databases. While the Federal Government has legislation to cover information in its own databases, there is no legislation covering South Australian data, whether it is held in public or private databases.

I also understand that the Government has a longer term ambition that South Australia should become a provider of information services to overseas consumers. I bring to the Minister's attention that many members of the European community will not allow any information exchange into nations which do not have information privacy legislation. In the view of many concerned people, it would be irresponsible for any attempt to privatise the holding of information without first addressing the question of legislation regarding privacy. My questions are:

1. Will the Minister ensure that legislation is in place before any information technology is outsourced?

2. What steps are being put in place to ensure the privacy of information on databases managed by private companies?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply.

TEACHERS

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about student teachers in training and other teachers.

Leave granted.

The Hon. T. CROTHERS: In part, an article on page 9 of the *Advertiser* dated Saturday 30 July and headed 'Bleak Hope for Budding Teachers' states:

> Job prospects are bleak in State schools next year for teacher graduates of the class of '94.

If this is true, the position for many of these graduates must be very bleak indeed, given the Government's proposals to close down many of the present State schools. No doubt the position may become bleaker still; behind the graduating class of 1994 are other future graduating classes of teachers. The scope for the employment of teachers within Australia appears to be narrow indeed as a consequence of the training being of a very specific nature; that is, it is said that this type of teacher training is mainly job-specific and does not fit the graduate for any profession other than teaching.

In light of the likelihood of some present teaching staff being rendered redundant by the policies of the present Government, in light of the fact that the current crop of teachers in training would already have paid many millions of dollars of their own money towards their present training and in light of the fact that the present policies of the Government will almost certainly ensure that even fewer jobs are available for graduates and presently employed teachers, has the Government considered or will it consider:

1. a fully funded retraining scheme for the retraining of redundant teachers which will equip them for employment other than teaching but retain them within the South Australian work force; and

2. a fully funded retraining scheme for those South Australian students currently undergoing teacher training, given that the possible foreshadowed changes by the Government to present education structures may mean that there is a much lower chance of their being gainfully employed than was the case when they first commenced their training?

The Hon. R.I. LUCAS: It is true to say that the employment prospects of the graduating class of 1994 are bleak, but it is also true to say that the employment prospects of the graduating classes of the past five or six years and almost 10 years have been bleak as well. The simple facts of life in the South Australian education system are that perhaps 10 or 15 years ago we had an attrition or turn-over rate among our teachers of about 11 per cent, so that every year 11 per cent of our teachers died, retired or moved to another challenge or another job. Therefore, in those days we replenished our teaching force by some 11 per cent each year and were able to employ large numbers of new teachers within our education system. In the past five or six years, that attrition rate of 11 per cent has dropped to 1 per cent or 2 per cent. This phenomenon has not arrived on us just this year; it has existed for some time.

Because of economic circumstances teachers have chosen to stay on in teaching for much longer. Perhaps they do not want to change their profession or the other job prospects are not high, and we therefore have a very low attrition rate. So, for the past few years we have been hiring only about 200 to 250 new teachers into our teaching force every year, and that is an extraordinarily low number in the system. So, the situation in relation to 1994 will be difficult for graduates, but this has applied to graduates for the past four or five years.

In relation to whether the Government will consider fully funded schemes, this Government will consider a whole range of propositions but, when one talks about fully funding, it depends upon who will take on the responsibility. If it is to be fully funded by the applicants for those job retraining

schemes, with some subsidy through the Department for Employment, Training and Further Education or a similar scheme, clearly there is the prospect for something. However, if the honourable member's question is whether the State Government may fully fund the retraining, the answer is 'No.' Quite simply, there is not the financial capacity for the State Government to take on that sort of responsibility when we currently have almost 4 000 unemployed teacher trained people within the South Australian community at the moment, without looking at what might be coming out of the graduating class of 1994.

BOOT CAMP

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Correctional Services, a question about boot camp.

Leave granted.

The Hon. M.S. FELEPPA: Recently in a television news program, the sending of young offenders to boot camp was advocated by an interstate member of Parliament; I think it was the Western Australian Attorney-General. Boot camp as an alternative to prison was raised in this Parliament on 23 February, during the previous session. It was raised by the member for Hanson, Mr Leggett. In his reply, Mr Matthew said:

> As to a boot camp, I advise the questioner that I do not have enough knowledge of the system, nor does my department, and for that reason I do not dismiss the suggestion.

He goes on to say:

> It would be a dereliction of the ministerial duty of any Ministers not to consider any options that were put before them, and I will, therefore, continue to explore all options.

In a recent television news program the interviewee said that sending young offenders to boot camp is to teach them self-discipline. The segment showed boot camp treatment, which seemed most appalling. Boot camp training can be appreciated from many American films of American service life, and it is not appealing. It would be as if a prisoner were sent to boot camp to be punished, whereas being sent to gaol is the punishment. The theory and practice of boot camp training for the armed services is to reduce a serviceman to a degraded state of physical exhaustion and mental intimidation, so that the spirit of the person is broken and the person is then of a mind to perform any command without question. It was this kind of training that led to the My Lai massacre in Vietnam in 1968, for which Lieutenant William Calley took the entire blame. The blame should have fallen on the boot camp system of training.

If young offenders were submitted to boot camp training, as is accepted by the services, they would learn anti-social attitudes and anti-social behaviours in response to command. Back in society, the newly released would be lost, with no command and no curb to their anti-social training. If young offenders or even prisoners were sent to a camp situation, they should be sent there for rehabilitation by being encouraged to develop self-reliance and self-discipline in a system of honour in which they can take pride. In my view they should not be humiliated in their own eyes and degraded in their opinion of themselves. There can be virtue in a camp situation for selected prisoners. Boot camp, with its horrors and anti-social outcome, should certainly be avoided. Therefore, my questions to the Minister are:

1. Will the Government give an undertaking that it will not approve the use of demeaning boot camps as punishment for prisoners?

2. Will rehabilitation, development, self reliance and personal discipline be the object of the Government if a camp style institution is introduced?

The Hon. K.T. GRIFFIN: My recollection at the time that this was raised is that the Minister for Correctional Services indicated that they were not on his agenda. I am aware of what the Hon. Cheryl Edwards, the Western Australian Attorney-General, has said publicly about this. In fact, she made a quick trip to the United States earlier this year to look particularly at the style of dealing with young offenders. It is an issue that I will refer to the Minister and bring back a reply.

ARTS GRANTS

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister for the Arts a question about peer group assessment.

Leave granted.

The Hon. ANNE LEVY: I referred yesterday in my Address in Reply speech to the abolition of peer group assessment by the Minister. She may not have had an opportunity to hear my speech as she was unable to be in the Chamber at the time. For many years the South Australian Government, of either political persuasion, adopted a system of peer group assessment in determining grants to arts bodies in the community, be they major or minor. Since the new Government came into office it appears to have dropped peer group assessment in determining allocations to major arts groups such as the State Theatre Company, the State Opera of South Australia, the South Australian Youth Arts Board and so on. In the past, allocations to these bodies were made by the Arts Finance Advisory Committee (AFAC), which also determined the sums allocated to each of the Art Form Advisory Committees, that is, how much the Literature Advisory Committee had to play with in terms of the more minor grants and project grants on which it gave advice.

The Arts Finance Advisory Committee, while it certainly had one or two bureaucrats on it, always had people from outside the bureaucracy as its members, people who were highly respected in the arts area who could be regarded as peers and who were assessing the value and the needs of these major art groups and art forms. The terms of the previous Arts Finance Advisory Committee members expired last year and, so far as I can ascertain, in the eight months since then no-one has been appointed to AFAC. If it still exists, it is a committee without members.

Certainly, there was talk last year that the structure of AFAC should perhaps be changed, but the principle of having non-bureaucrats as members of the committee had never been questioned, as it was felt highly desirable that people from outside the bureaucracy could contribute to the allocation of resources and that the principle of peer group assessment would be maintained. I now understand AFAC does not exist and the grants to major organisations—I am not talking about the smaller ones about whom advice is provided by the different Art Form Advisory Committees—are made only by bureaucrats, what I call the gang of four from the department. Of the four people concerned, whom I will not name, two of them certainly have a great deal of experience—

The Hon. Diana Laidlaw: To whom are you referring?

The Hon. ANNE LEVY: The gang of four who made these decisions.

The Hon. Diana Laidlaw: Who are they?

The Hon. ANNE LEVY: I will tell you if you like, but I see no reason to name public servants in Parliament.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: I have no intention of doing so, despite your having done so on frequent occasions when in Opposition.

The PRESIDENT: Order! We are now debating the question. Do you mind just asking the question?

The Hon. ANNE LEVY: If there were no interjections, Mr President, it would be much easier.

The PRESIDENT: You do not need to respond to interjections. The Hon. Anne Levy.

The Hon. ANNE LEVY: Okay, Mr President. I would like to finish my explanation.

The Hon. Diana Laidlaw: We heard it all last night.

The PRESIDENT: Order!

The Hon. ANNE LEVY: You weren't here.

The Hon. Diana Laidlaw: Yes, I heard it over the—

The PRESIDENT: Order!

The Hon. ANNE LEVY: Thank you for your protection against the interjections from the Minister, Mr President. Of the four bureaucrats, two certainly have knowledge and experience in the arts, but they are bureaucrats and do not enjoy the status of providing peer group assessment as far as the demoralised members of the arts community are concerned. The other two do not have an arts background and know very little about the arts. I am not questioning their competence as financial managers but in no sense of the word can they be regarded as peers when it comes to assessing grants to major arts organisations.

Will the Minister admit that she has abandoned peer group assessment for determining grants to major organisations? Will she reconsider this decision and again establish a system of peer group assessment so that South Australia can return to its proud record that is admired around the country of having peer group assessment as the principle for allocation of all arts money?

The Hon. DIANA LAIDLAW: I have no intention of appointing anyone to what was known as the Arts Finance Advisory Committee. As the honourable member knows, the appointments were due for renewal at the end of last year. The advice from the arts companies that I spoke to that used to be referred to the Arts Finance Advisory Committee for determination of grants was that they would be relieved to get rid of, if not welcome getting rid of, a layer of delay. I spoke to smaller groups as well and they asked why they should have to go through two peer group approaches. First, there was the advisory committee system, which has been retained, and then the whole matter was referred to the Arts Finance Advisory Committee. On the basis of the advice received from the companies concerned I decided that there was no need to continue with the system of peer assessment in respect to the larger organisations.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: I have not abolished peer group assessment for the smaller groups, which is what the smaller groups wanted, and that is how it will continue to be administered. The larger groups did not. I can assure the honourable member that almost on a daily basis in terms of some companies, and certainly on a monthly basis with all of them, there were positive and mature discussions between the department and the respective companies. They do not see the people with whom they work in the department as the 'Gang of Four;' they are working in partnership.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

The Hon. DIANA LAIDLAW (Minister for Transport) obtained leave and introduced a Bill for an Act to deal with consent to medical treatment; to regulate medical practice so far as it affects the care of the dying; to repeal the Natural Death Act 1983 and the Consent to Medical and Dental Procedures Act 1985; to amend the Guardianship and Administration Act 1993 and the Mental Health Act 1993; and for other purposes. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

Honourable members will recall that the last Parliament spent some time dealing with issues surrounding consent to medical treatment and palliative care. The debate followed extensive examination by the House of Assembly Select Committee into the Law and Practice Relating to Death and Dying. The Bill to implement the legislative recommendations of the select committee did not pass through all the necessary stages before the Parliament was prorogued upon the calling of last year's State election. However, debate in this place was well advanced.

The Government is committed to placing this important matter on the agenda once again. It is, in a sense, a matter of dealing with unfinished business. While the procedures of this place are such that the Bill has to be introduced in the manner of new legislation, in order to progress the matter it is being introduced in the form it had reached when events overtook its final passage late last year. As many honourable members will recall, there were matters which were to be reconsidered as the Bill proceeded through its concluding stages. The introduction of the Bill in this form will enable that to occur.

I indicate that the Bill does not reflect my views on this important issue and I suspect that it may not satisfy any member in its current form. However, the Government believes that the Bill in this form will allow the debate to proceed in this place, and we wish to encourage such debate. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of the Bill is:

(a) to provide for medical powers of attorney under which those who wish to do so may appoint agents to make decisions about their medical treatment when they are unable to make such decisions for themselves;

(b) to enable those who wish to do so to make an advance directive themselves about their medical treatment in subsequent circumstances when they are unable to make such decisions;

(c) to allow for the provision of palliative care, in accordance with proper standards, to the dying and to protect the dying from medical treatment that is intrusive, burdensome and futile;

(d) to consolidate the law relating to consent to medical treatment.

The select committee found virtually no support in the health professions, among theologians, ethicists and carers, or indeed in the wider community, for highly invasive procedures to keep the patient alive, come what may and at any cost to human dignity. Clearly, moral and legal codes which reflect such practices are inappropriate.

However, at the other end of the spectrum, the select committee firmly rejected the proposition that the law should be changed to provide the option of medical assistance in dying, or 'voluntary euthanasia'. The Report dealt at some length with the reasons why the select committee believed the concept of intent, and distinctions based on intent, should be maintained in the law.

The select committee endorsed the widely supported concept of good palliative care—that is, measures aimed at maintaining or improving the comfort and dignity of a dying patient, rather than extraordinary or heroic measures, such as medical treatment which the patient finds intrusive, burdensome and futile.

A fundamental principle inherent in such an approach, and indeed, an underlying tenet of the Bill, is patient autonomy. The concept of the dignity of the individual requires acceptance of the principle that patients can reject unwanted treatment. In this respect, the wishes of the patient should be paramount and conclusive even where some would find their choice personally unacceptable.

The Bill deals with this matter in several ways. Firstly, it encompasses certain provisions of the Consent to Medical and Dental Procedures Act 1985, since that Act is to be repealed. That Act provides for the treatment and emergency treatment of children and adults. The format has been modified to make it more understandable to those who are not legally trained.

The Bill also enshrines the requirement that a medical practitioner must explain the nature, consequences and risks of proposed medical treatment; the likely consequences of not undertaking the treatment; and the alternatives. In other words, 'informed consent' is maintained. Obviously, this process occurs now as a matter of good medical practice. However, the select committee believed an issue of such importance should be prominently canvassed in the Bill, and provision is made accordingly. Protection from liability is provided for medical practitioners where they act with the appropriate consent or authority; in good faith and without negligence; in accordance with proper standards of medical practice and in order to preserve or improve the quality of life.

The Bill introduces the concept of a medical power of attorney. Clause 7 provides that a person may appoint another, by medical power of attorney, to act as his or her agent with power to consent or refuse to consent to medical treatment on his or her behalf where he or she is unable to act. An appointment may be made subject to conditions and directions stated in the medical power of attorney. The agent must be 18 years old and no person is eligible for appointment if he or she is, directly or indirectly, responsible for, or involved in, any aspect of the person's medical care or treatment in a professional or administrative capacity. If a medical power of attorney appoints two or more agents, an order of appointment must be indicated and power must be exercised in that order. However, a medical power of attorney cannot provide for the joint exercise of power.

It is an offence to induce another to execute a medical power of attorney through the exercise of dishonest or undue influence. A person who is convicted or found guilty of such an offence forfeits any interest in the estate of the person who has been improperly induced to execute the power of attorney.

Honourable members may recall the Natural Death Act 1983. The Act confirms the common law right to refuse treatment, and expands upon it. It enables adults of sound mind to determine in advance (by declaration) that they would not consent to the use of extraordinary measures to prolong life in the event of suffering a terminal illness.

The medical agent provisions of this Bill seek to build on those foundations and to move beyond the limitations of the current Act, in light of experience over time. Clearly, a person will choose to appoint as an agent someone with whom there is a close, continuing, personal relationship. People will choose agents who understand their attitudes and preferences and in whom they place trust and confidence.

The medical agent can only act if the person who grants the power is unable to make a decision on his or her own behalf. However, the circumstances are not restricted to terminal illness—the patient may, for instance, be unconscious; the patient may be temporarily or permanently legally unable to make decisions for himself or herself.

The medical agent simply stands in the place of the patient and is empowered to consent or refuse consent in much the same terms as can the patient.

Obviously, the person one selects to be one's agent will be a person in whom substantial trust and confidence resides. The agent will most likely be a person with whom one moves through life, sharing common experiences and like responses to medical questions. The whole purpose of the medical agent provisions is to give the patient whatever flexibility he or she requires and chooses to take. An agent can be appointed for a specified period and can be given specific instructions. The agent must agree to act in accordance with the wishes of the patient in so far as they are known and act at all times in accordance with genuine belief of what is in the best interests of the patient. There are certain decisions an agent cannot take, however, including authorising refusal of the natural provision or natural administration of food and water or the administration of pain or distress relieving drugs. The Committee believed such a refusal requires a level of self-determination which can only be exercised by individuals acting consciously, in all the circumstances, on their own behalf.

The appointment of an agent also removes the uncertainty which can be created by a family situation where several people claim to represent the true wishes of the patient. Such situations are resolved by medical practitioners every day, and will continue to be even after this Bill becomes law, but where an agent is available, the choice is in effect made by the patient.

The Bill includes provision for review of a medical agent's decision in certain circumstances. A medical practitioner responsible for the treatment of a patient for whom a decision is made by a medical agent, or a person with a close personal relationship to the patient or patient's family, may apply to the Guardianship Board for a review of the decision of the agent, to ensure that the decision is in accord with what the patient would have wished.

The Board which must conduct the review expeditiously, can cancel, vary or reverse the decision and give consequential directions. There is thus a safeguard against what one would hope would be infrequent abuses of power by the medical agent. There is no appeal from a decision of the Board.

The Guardianship Board has no jurisdiction to review a decision by a medical agent to discontinue treatment if—

(a) the patient is in the terminal phase of a terminal illness; and
(b) the effect of the treatment would be to prolong life in a moribund state, without any real prospect of recovery.

The Bill also recognises that some people will not have anyone they wish to appoint as a medical agent, or indeed, some people will not want to appoint a medical agent. The Bill therefore includes a mechanism similar to that in the Natural Death Act, for such people to make an advance directive in relation to medical treatment.

The Bill contains specific provisions which deal with the care of the dying. It should be noted that the prohibition against assisted suicide remains in the Criminal Law Consolidation Act. Nothing in this Bill reduces the force either of that prohibition, or of the law against homicide. The Bill makes this expressly clear.

The Bill seeks to ensure that a medical practitioner responsible for the treatment or care of a patient in the terminal phase of a terminal illness, will not incur liability if he or she acts—

- with the appropriate consent;
- in good faith and without negligence; and
- in accordance with proper professional standards of palliative care

even though an incidental and unintended effect of the treatment is to hasten the death of the patient.

The select committee was made aware of the broad community acceptance of measures taken to provide for the comfort of the patient. Drugs designed to relieve pain and distress commonly prolong life, but they may have the incidental effect of accelerating death. The medical profession is understandably concerned about the risk of prosecution, however small that risk may be.

It should be emphasised, however, that the protection afforded by clause 13 applies if, and only if, the conditions set out in the clause are satisfied. The Bill needs to be read in the context of the general criminal law of the State. If the acceleration of death is the intended consequence of the 'treatment', then the Bill offers no protection and the person administering the 'treatment' would face prosecution for homicide or assisted suicide depending upon the circumstances.

The Bill also makes it clear that , where a patient is in the terminal phase of a terminal illness, with no real prospect of recovery, and in the absence of an express direction to the contrary, a medical practitioner is not under a duty to use, or continue to use, extraordinary measures in order to preserve life at any cost.

The non-application or discontinuance of extraordinary measures in the circumstances defined in the Bill is not a cause of death under the law of the State. This provision ensures that the true cause of death (that is the underlying cause of the person's terminal illness) is recorded. It does not provide medical practitioners with a legal

device to avoid the consequences of their negligent actions or with a means to implement euthanasia legally. Any such attempt would lead to prosecution under the criminal law.

The Bill will help to enhance and protect the dignity of people who are dying and will clarify the responsibilities of doctors who look after them. It is hoped that, with further consideration, legislation will emerge which will see South Australia well placed in the care of the dying.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1 provides that the short title of the measure is to be the Consent to Medical Treatment and Palliative Care Act 1994.

Clause 2 provides for commencement of the new Act on a date to be fixed by proclamation. All provisions of the Act have to be brought into operation simultaneously.

Clause 3 sets out the objects of the Act.

Clause 4 contains definitions that are required for the purposes of the proposed new Act.

Clause 5 provides that the new Act will not apply to medical procedures if they are directed towards research rather than towards diagnostic or therapeutic objects.

Clause 6 provides that a person over 18 years of age may make an anticipatory grant or refusal of consent to medical treatment, which will be effective if the person lapses into a state where the person is incapable of deciding for him/herself about medical treatment that is, or is not, to be administered.

Clause 7 provides that a person over 18 years of age may appoint a person, by medical power of attorney, to act as his or her agent with power to make decisions about medical treatment on his or her behalf where he or she is unable to act himself or herself. An appointment may be made subject to conditions stated in the medical power of attorney. A person is not eligible to be appointed as an agent if he or she has not attained the age of 18 years, or if he or she is responsible for any aspect of the person's medical care or treatment in a professional or administrative capacity. A medical power of attorney may provide that if an agent is unable to act, it may be exercised by another nominated person. However, a medical power of attorney cannot provide for the joint exercise of power. The medical agent must observe any lawful directions included in the power of attorney and cannot refuse the natural provision or natural administration of food and water, the administration of drugs to relieve pain or distress, or medical treatment that is part of the conventional treatment of an illness and is not significantly intrusive or burdensome.

Clause 8 requires production of the medical power of attorney to the medical practitioner who is treating the patient.

Clause 9 provides a limited right to have the decision of a medical agent reviewed by the Guardianship Board.

Clause 10 makes it an offence to induce another to execute a medical power of attorney through dishonesty or the exercise of undue influence. It is also an offence for a person to purport to act as a medical agent knowing that the power of attorney has been revoked. A person who is convicted or found guilty of an offence against this clause forfeits any interest that the person might otherwise have in the estate of the grantor of the relevant power of attorney.

Clause 11 relates to the medical treatment of children. Before a medical practitioner administers medical treatment to a child, the medical practitioner must seek the consent of a parent or guardian of the child. (It should be noted that a 'child' is now defined as a person under 18 years of age rather than 16.)

Clause 12 relates to the performance of emergency medical treatment. If a medical agent has been appointed and is available, medical treatment cannot be administered without that agent's consent. If no such medical agent is available but an appointed guardian is available, the guardian's consent is required. Subsection (5) relates to the situation where a parent or guardian refuses consent to a medical procedure to be carried out on a child. A comparison may be drawn with section 6(6)(b) of the Consent to Medical and Dental Procedures Act 1985. In such a case the child's health and well-being are paramount.

Clause 13 provides for the maintenance of a register of anticipatory treatment directions and medical powers of attorney.

Clause 14 places a duty on a medical practitioner to give a proper explanation of proposed medical treatment.

Clause 15 provides immunity for a medical practitioner who has acted in accordance with an appropriate consent or authority, in good faith and without negligence, in accordance with proper professional standards, and in order to preserve or improve the quality of life.

Clause 16 relates to the care of the dying. A medical practitioner will not incur liability by administering medical treatment for the relief of pain or distress if he or she acts with the consent of the patient or of some other person empowered by law to consent, in good faith and without negligence, and in accordance with proper standards of palliative care, even though an incidental effect is to hasten the death of the patient. Furthermore, in the absence of an express direction to the contrary, a medical practitioner is under no duty to use extraordinary measures to treat a patient if to do so would only prolong life in a moribund state without any real prospect of recovery. Subclause (3), relating to the identification of a cause of death, is modelled on a provision of the Natural Death Act 1983. Directions as to taking, or not taking, extraordinary measures can only be given by the patient or the patient's medical agent or, if no medical agent is available, by a guardian or, in the case of a child, by a parent.

Clause 17 provides that the new Act does not authorise the administration fo medical treatment for the purpose of causing death of the patient, and does not authorise a person to assist the suicide of another.

Clause 18 enables the Governor to prescribe forms for the purposes of the new Act.

Schedule 1 sets out the form for a medical power of attorney. The appointed agent will be required to endorse his or her acceptance of the power and undertake to exercise the power honestly, in accordance with any desires of the principal, and in the best interests of the principal. The attorney must be witnessed by an authorised witness (as defined).

Schedule 2 sets out the form of an anticipatory direction dealing with medical treatment under section 6 of the new Act.

Schedule 3 provides for the repeal of the Natural Death Act 1983 and the Consent to Medical and Dental Procedures Act 1985. A direction under the Natural Death Act 1983 will continue to have effect. Enduring powers of attorney granted before the new measure and purporting to confer relevant powers on the agent can have effect under the new legislation. Appropriate consequential amendments are made to the Guardianship and Administration Act 1993 and the Mental Health Act 1993.

The Hon. BARBARA WIESE secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 10 August. Page 101.)

The Hon. DIANA LAIDLAW (Minister for Transport): I support the motion, and in doing so I should like to comment on a number of matters that were raised by the Hon. Ms Levy in her contribution yesterday. I had meetings that were arranged by the Parliament and could not be present during the whole of the Hon. Ms Levy's speech. However, I had an opportunity to listen from time to time through the loudspeaker in the room. Also, thanks to cooperation from *Hansard*, I was able to gain a copy of the honourable member's speech last night, which I read with great interest. I was surprised at the beat-up of so many matters and a little disappointed, I suppose. Notwithstanding the role of a member of the Opposition, it was almost as if the former Minister had not let go and was going through a grieving process. Despite all that, she made a number of statements which require replies and to be put in context.

The honourable member went on at some length about the sacking of the Chair of the Women's Suffrage Centenary Committee. It is true that in late December I asked the Chair, Dr Jean Blackburn, whether she would step aside as Chair of that committee, and she agreed to do so. At the time she agreed to take the position of Vice Patron, but later reconsidered that view. At all times we have discussed this matter amicably, and for the record I should indicate that it was not on my part or that of the Government a political act. To

accuse me and the Government of such an act is without foundation. From the discussions that I have had with Dr Blackburn, I do not believe it has ever been suggested that my request was motivated by my political views. In fact, my view is that the previous Government and the former Minister for the Status of Women were not nearly diligent enough in ensuring that the steering committee and executive committee were bipartisan in nature. Honourable members may recall that the executive committee, while the Hon. Ms Levy was Minister, comprised the Chair, Dr Blackburn, the Deputy Chair, Ms Mary Beasley, a representative of the Labor Party, and a representative of the National Council of Women. There was no Liberal Party representative. I understand that notwithstanding requests to the Minister from the highest level on the steering committee that the Liberal Party also be represented, at no time did the former Minister agree.

One of the first steps that I took, as Minister for the Status of Women, was to ask that there be a Liberal Government representative on the committee, and I also asked the Hon. Carolyn Pickles as shadow Minister for the Status of Women whether she would like to continue on the steering committee. In terms of any accusations of political partisanship on my part, I can indicate with pride and confidence that such accusations do not fit as far as I am concerned.

I have gone out of my way to ensure that the shadow Minister for the Status of Women had opportunities provided at the highest level on the steering committee during this year, opportunities which the former Minister never provided to me or any Liberal member. I was also accused, on the basis of politics, of sacking Ms Loine Sweeney as executive officer. It was inferred that, because Ms Sweeney had been employed by the Hon. Ms Levy, for some reason I disliked her, or that I could not work with her, or I would not put up with her. It is an amazing suggestion. Perhaps that is how the Hon. Ms Levy would operate in similar circumstances: it is not the way I operate.

If I had wanted to remove Ms Sweeney I would have done so when I first became Minister. I had no wish to do so, and I had no intention to do so. I was quite relaxed about working with Ms Sweeney as I believe she was with me, and we did work well on many occasions. Politics was never brought into the matter. We worked professionally in the interests of women's suffrage. I, however, had to make a decision in terms of the future of the secretariat once it was confirmed that the funding allocation I sought for the Women's Suffrage Secretariat for the remainder of this calendar year could not be realised. I had sought $149 000; I was only able to secure $100 000.

The $100 000 was certainly an increase on what Treasury first thought it could offer the committee for the remainder of the year. In the circumstances, I considered that it was imperative that the program that had been prepared for the year to date continue, and that was in terms of some of the major events, such as the important conference on Women, Power and Politics, which is to be held shortly. I was able to confirm that we would be able to keep on four of the six staff in the secretariat. Four of the six were actually supported by the Commissioner for Public Employment as sponsorship for the suffrage centenary.

Two other staff, Ms Sweeney and a clerical officer, were in fact engaged by the secretariat, but because our funding had been reduced, and as I did not want to stop the public program, mainly put together by volunteers, I had to make a decision that both officers could not continue. That did not mean that I was sacking them. They were both public servants. I indicated to both that I would be prepared to help them in every way possible in seeking alternative employment. I did so by arranging for both to meet, when they wished, with the Commissioner for Public Employment to have their needs readily addressed.

If I had difficulty with Ms Sweeney, as it has been suggested, I would not now applaud her position as public relations officer with the State Library. It is a position that she has at the present time. As Minister for the Arts, I will work with her in this position as I worked with her when she held the position of executive officer of the Women's Suffrage Centenary Secretariat. It is important that the rather mean, bitter and distorted accusations that were levelled at me about introducing politics and political decision making to the secretariat's activities, and to the steering committee's composition be dismissed, and I appreciate the opportunity to do so promptly after the Hon. Ms Levy spoke yesterday.

In respect of the Women, Power and Politics conference, I was not able this morning to receive advice as to why brochures were not sent immediately to women members of Parliament in other States. Certainly, I would have to agree with the honourable member that women members of Parliament in other States are the most obvious people to receive the registration form and background information. Certainly, early advice was sent. I have yet to follow up this information. I will provide the honourable member with an answer either before the Parliament resumes in two weeks or at that time.

I have been able to determine that locally most of the brochures were sent out on 2 June. Brochures were sent overseas on 1 June. Approximately 600 to 700 registration forms were sent out overseas, and in Australia 2 000 forms were sent out. So, the mailing list has been extensive. At this stage, 60 per cent of bookings are from South Australia. To date we have 320 registrations of interest; 60 or 70 are concessional registrations, and we have four from New Zealand. We are expecting more from overseas in the near future.

The honourable member went on to discuss her concerns about the future of the women's community health centres. I will respond at length to those concerns when I respond to the motion that has been moved by the Hon. Carolyn Pickles in this place. In terms of the St Peters community centre, I advised the Hon. Ms Levy, in response to a question earlier this session, that it was my intention to ensure that there were funds at least until December of this year—the end of the calendar year. I am able to confirm that funding will be provided for the full financial year. We have only been able to confirm that matter within the last week. It was not my intention to advise the Parliament before I had an opportunity to advise the St Peters Community Women's Centre. Correspondence has been sent to the centre about this matter.

I am meeting with representatives of the centre on 29 August. I appreciate that there have been a number of requests by the centre to meet with me. The centre is aware that I wanted to resolve this question of funding for not only the calendar year but the financial year. I had arranged initially to meet them in May but members will recall that we sat an extra week and that appointment had to be cancelled. I will be meeting them, as I indicated, on 29 August. In the meantime the centre will be advised about the funding for the remaining part of the financial year. The funding for January to the end of June 1995 will come through the lines of the Office for the Status of Women. It will, however, be transferred to FACS and administered by that department.

Another matter that the honourable member raised related to affirmative action and Government policy in terms of refusing to sign any contracts or accept tenders to do business with any company that had been named in the Federal Parliament if that company did not comply with the law of the land in terms of affirmative action legislation. Since the honourable member asked her question I have not taken it further. I thank her for prompting me: I will now do so. I have no excuse for not doing so, other than that the past six months have been the most hectic months of my life. As one who is often accused of being a workaholic, I did not know that it was possible to work as hard as I have had to work for the past six months. I did overlook this matter; I regret that and will pursue it.

I have been accused by the honourable member—and the accusation was repeated in Question Time today—of throwing away the whole policy of peer group assessment in terms of arts grants. As I indicated earlier today in answer to the question, that accusation is rubbish. I did not renew the membership of the Arts Finance Advisory Committee following discussions I had last year with representatives and board members of companies who were required to appear before the Arts Finance Advisory Committee and submit to its questioning.

This was seen as a necessary step, as all the companies were increasingly working with the department in terms of a monitoring and advice role. Certainly, it was my wish that the department, in terms of its greater client and customer focus that I was keen to see, work in partnership with the major companies in this State and not work through an intermediary.

This move has been welcomed by the groups concerned. I understand that the people on the advisory committees for the different arts components, whether it be performing arts, literature or whatever, have been pleased that they now have the responsibility for making the recommendations. Those recommendations now come direct to me and do not go through a third party, which previously was the Arts Finance Advisory Committee. I was responding to the requests of people within the arts community, and I had received nothing but praise for that decision until I heard the honourable member speak about the same matter some time later.

With regard to the rather ugly and emotional term 'gang of four'—in reference to the four people within the bureaucracy of the Department for the Arts and Cultural Development—I am not too sure to whom the honourable member is referring. She did not wish to name them, although I suspect that they would not be unhappy to be named. They would be pleased with the work they are doing with the groups and companies in difficult circumstances to ensure that we do much more for the arts than has been done for many years in the past to help promote and return energy and vision to the State, and to ensure that people do not believe that they must leave South Australia in order to further their career. People in the department, both senior and other staff, are working together well with those who apply for funds, including the statutory authorities. It is therefore ridiculous to suggest that the move has not been well received and that there is a 'gang of four' running the department and the arts in general in this State. It is just not so.

The honourable member asked about the Festival of Arts report, and indicated that it had been released several months ago. It was actually released on 5 July, a month ago, and much progress has been made since that time on the recommendations, which have been accepted in principle by Cabinet. I recall that the Hon. Ms Levy was Minister between April 1989 and December 1993. Very little happened to the Festival over that time in terms of reinforcing its status as the focus for the arts in this State and as the focus for festivals in this country, and as one of the three best festivals in the world. For the honourable member to now say in this place in a belated effort that she was keen to see a change is a great pity, especially when she had the opportunity to promote change and it was not undertaken. Rather, we had controversy of a type that did not help the Festival or did not help confirm support and respect for the board.

As I indicated, the report was released one month ago. At the time I was pleased, after speaking with the Leader of the Opposition prior to the release of the report, that it would gain the general support of the Labor Party. That was reconfirmed yesterday by the honourable member. One of the recommendations was in relation to a selection committee. I must admit that I had some misgivings about this selection committee proposal when I first read about it. I understand, however, the motivation behind the proposal. As the honourable member indicated, it is a tradition amongst Governments of all persuasions in this State that there be an arm's length approach to the arts. The Festival in the past has been managed by a board appointed from representatives of the Friends of the Festival. It is an incorporated association, and it contained representatives from the Government and the Adelaide City Council.

To move to the new structure, where there is greater responsibility by the Festival to the Minister and the Minister to the Festival, it was considered by the review panel headed by Mr Ross Adler, the General Manager of Santos, that there should be this intermediary selection committee, which would have the task of head-hunting around Australia for appropriate people to sit on the new board. It would also be responsible for calling for nominations throughout the South Australian community for people to sit on the board. That selection committee will be making recommendations to me, as Minister, that I will subsequently take to Cabinet and through to Executive Council. I am very pleased to advise that Mr Ross Adler will chair this selection panel. I understand that he chairs other selection panels for major industry groups in the sugar industry and the Barley Board. It is a structure which is not cumbersome, as it has been suggested, but is one which ensures that we get the best people for the job, and we also get people who fully understand their responsibilities and commitments. In a sense, where there is sensitivity in moving from an incorporated structure as the Friends of the Festival and the Festival currently operate to one where the Minister is more involved, it provides this confirmation of the arm's length approach which is so important to the administration of the arts and the Festival in this State.

So, I am pleased to accept appointment by means of this selection committee. I understand that it is a novel occurrence in the field of the arts, but I think it is worth endorsing and certainly worth giving it a go for some time to come. As I have indicated, Mr Adler has agreed to chair the selection committee, and I will be in a position to confirm the names of all members on that committee within one week or two weeks at the outside.

I can indicate with confidence that the Festival is continuing to do business, notwithstanding some uncertainty about the current working arrangements. Certainly Mr Barrie Kosky, as Artistic Director for the 1996 Festival, and Mr Ian Scobie, the Administrator, are working exceedingly well

together. They have just returned from an extensive overseas trip, the purpose of which was to look for and view performances and exhibitions which they are keen to incorporate in the 1996 Festival.

So, work is going on as usual, notwithstanding the fact that the new board is not yet in place. The fact is that the old Board of Governors continues to have responsibility and has a good working relationship with the Artistic Director and the Administrator.

The recommendation of the review team was that board members be remunerated in terms of the Festival. That will be acted upon by the Government. It has not yet been determined at what level the Chair or the members of the Festival board will be remunerated, but I will be in a position to advise the honourable member about that when a number of the other issues in terms of implementation of the recommendations have been fully clarified.

The arrangements yet to be clarified include issues such as the subsidy to the Festival through the Adelaide Festival Centre Trust and the funding arrangements in general for future Festivals. It is not easy to find money for any purpose today, let alone to ensure that we can fund new initiatives, when we have inherited such a mess in terms of the finances of the State. I do not deny that it is a struggle; it is not always as pleasant as we would wish in Cabinet as we are going through these budget matters, but I am looking forward to presenting the positive case for the Adelaide Festival in the near future.

I also pay a tribute to Mr Tim McFarlane, who has been General Manager of both the Festival and the Adelaide Festival Centre Trust for a number of years. I remember when he started work in the accounting field at the Festival. He has grown in confidence, stature, expertise and wisdom since that time. He has certainly been a joy for me to work with in the past few months, and over the years I have appreciated the way in which he has been so successful in revitalising the centre, both financially and artistically.

This is without question the best centre in Australia in management terms. We have an obligation, however, to do much more in terms of the capital works at the centre to improve facilities for patrons and also amenities for all those who work there on both a temporary and permanent basis.

Arrangements have been made for the replacement of Mr McFarlane, whose last day will be 2 September. The board has considered this matter at some length. I have indicated that I am pleased to accept the recommendation that AMROP International be chosen to conduct an executive search for a new General Manager. AMROP International is an interstate firm. I, like the board, considered whether this was wise or whether we should employ a South Australian agency. I was convinced of the merit of AMROP International on the basis that it is one of the world's largest executive search organisations, and that it has an international profile. The consultant, Jenny Varcoe-Cock has extensive experience with executive search assignments with related arts industry. She was previously the manager of executive search for the Victorian Government.

The ability to conduct the executive search, both nationally and internationally, is one of the strengths of AMROP International's bid for this work. The company has the skills to ensure that a positive relationship is maintained with an unsuccessful applicant, who may have an existing and important business relationship with the trust.

AMROP's list of clients in the arts and related fields may be of interest to members. It includes the International Cultural Corporation of Australia; the Museum of Victoria; New Zealand Tourism; ACT Tourism; National Gallery, Canberra; Auckland Museum; Film Victoria; Tasmanian Tourism; the Convention Centre in Melbourne; and the World Congress Centre. So, I am happy to support a recommendation from the board that AMROP International be appointed to undertake this executive search.

In the meantime, I have agreed that Ms Anne Dunn, who is Chair of the Adelaide Festival Centre Trust, be appointed as Executive Chair and she will hold that position for four months at the outside. She will be working on a maximum of three days a week basis. She has made it known to me—and I have agreed—that the trust will be seeking a General Manager who has skills in the following areas: artistic vision and experience; team management and leadership of the people of the organisation; business management and financial skills; and public relations and the presentation of the public front of the organisation in the arenas of commercial theatre, Government, media and the public. The trust has established a process for recruitment, including a subcommittee as well as a selection panel, and they are undertaking their work at the current time.

So, we will miss Tim McFarlane, but on behalf of the Government I certainly wish him well. I also believe that it is a strong compliment to South Australia that one of our own born, such as Tim, has been given this sensational opportunity to work with Andrew Lloyd Webber's company based in Sydney, and he will be working throughout Asia, South Africa, across South America and Australia.

In relation to Carrick Hill, I have spoken with the board, which is keen to appoint another director to replace the director who has recently retired and taken a TSP. In terms of Carrick Hill's future, I am keen for it to work more closely, not necessarily with the Art Gallery, as has been suggested by the honourable member, but with the Waite Institute and its wonderful Urrbrae House, its magnificent Heritage Gardens and the Mawson Museum, as well as with Urrbrae High School across the other side of Fullarton Road. I understand that is to be the base of a new TAFE college and State herbarium, transferred from Brookway Park. So, those discussions are continuing.

I see no reason why the review, commissioned by the former Minister, on Carrick Hill should not be released, and I will speak to the board about this matter. I note that this was not the only review that the former Minister did not release; others included the Art Gallery and the Adelaide Festival Centre Trust. I will have discussions with both those organisations. I received the final report from the Task Force on the Arts last week. I know that people are waiting anxiously for it; I was also waiting anxiously. It will be released to the public in the next few weeks. It is in the public interest that it is released and it is certainly in the interests of the arts that the directions and recommendations are fully endorsed. They may not be embraced by everybody, but it is clear that we need a firm goal and vision and a strong direction for the future of the arts. I commend all the people who have given so much time and energy to the task force in the recent very hectic weeks to prepare this excellent document.

There is a review of corporate services within the Department for the Arts and Cultural Development. The Chief Executive Officer, Ms Winnie Pelz, is away today and tomorrow will be attending a conference on cultural exchange. I was not able to speak to her when I rang her today on several occasions. I will speak to her and advise whether

it is her wish that the report be released; certainly it would be mine, but we will have those discussions. The budget for 1994-95 is still a matter of discussion, as the honourable member would know. I cannot comment at this stage on the actual budget allocations, but I can say that very little has changed, in the sense that rumours run rife in the arts, whether or not it is budget time. Certainly they are running rife at the moment, and I am aware of the anxiety for the arts to have funding confirmed. Certainly, I do not believe that the budget outcome will be a cause for alarm.

I think it is important to get this whole argument about the arts budget in context, especially when the Hon. Ms Levy speaks, because it is true that over the past 10 years when the Labor Government was in power, funding for the arts was radically slashed. The impact was great, because the budget for the arts is small relative to other budgets within Government circles. The total reductions in the Arts and Cultural Development budget between 1990 and 1994 was $10.85 million. I acknowledge that one should discount from that sum the review of the Parks Community Centre which was $510 000, and also discount some portion of the $4.283 million which was associated with the dissolution of the Department of Local Government, the restructuring of the plain library central services, the restructuring of the Adelaide lending service and the establishment of the City of Adelaide Lending Library between 1990-91 and 1992-93. Nevertheless, those adjustments are small. The reductions by Labor between 1990 and 1994 were enormous by any account, especially when the total budget for the arts in this State in any recent year has been about $70 million. On this note, I indicate that I support the motion.

The Hon. ANNE LEVY: I seek leave to make a personal explanation.

Leave granted.

The Hon. ANNE LEVY: In her contribution, the honourable member suggested that application had been made to me as Minister to restructure the executive of the Women's Suffrage Centenary Committee. She has raised this matter before, and I responded to it on 22 February this year, on page 105 of *Hansard*, which I have just checked, indicating that no such application was ever made to me. Despite my having denied this allegation previously, it has been made again today. I reiterate that no application or suggestion was ever made to me about restructuring the executive. It may have been made to previous Ministers responsible for the committee, I do not know; but I reiterate that no application to restructure the executive of the suffrage centenary committee was ever made to me. I would certainly have given it consideration had it been made to me, but it was never made. I would like that clearly on the record so that these false allegations are no longer circulated.

The Hon. C.J. SUMNER (Leader of the Opposition): I support the motion for the adoption of the Address in Reply and wish to deal with two topics. One is the review of the South Australian Crime Prevention Strategy, the report of which was tabled today by the Attorney-General, and the other is issues relating to media reforms. I had intended to deal with just issues relating to media reforms but, in the light of the currency of the crime prevention report, I would like to take this opportunity to comment on the report and the actions of the Government. This of necessity will truncate to some extent what I had intended to say about the media.

The Attorney-General was good enough to provide me with a copy of the report on the crime prevention strategy this morning and I have therefore had some opportunity to read and examine it. Obviously, I am not in a position to provide a detailed analysis, but there are some points which I wish to make and some quotations to which I would like to refer. I put on record my appreciation to the Attorney-General for providing this report at least in time for me to consider it and to contribute to the debate in this way.

I would also like to support the Attorney-General's ministerial statement and commend him for the approach he has taken on this issue. Obviously he and the Government also were faced with a difficult situation with the report that was produced and it was obviously not in his, the Government's or the State's interest to politicise this particular matter, given the importance of issues relating to crime and crime prevention in the community.

The Attorney-General outlined in detail the history and background of crime prevention, and I had intended to deal with that but it is not necessary because I think his ministerial statement covers the situation reasonably comprehensively. Suffice to say, the basic philosophy of the crime prevention strategy has been endorsed by the United Nations, by other countries and by Ministers of various countries.

Therefore, it was not a strategy that was just pulled out of the hat. As has been indicated, the strategy in broad terms had bipartisan support over recent years and the Attorney or other representatives of the Liberal Party participated on the Coalition Against Crime and various spokespeople on behalf of the Liberal Party over the past few years supported the thrust of the strategy, although it is obvious that the Government and Opposition had differing views on some matters relating to the crime issue.

In his ministerial statement the Attorney referred to the developments in crime prevention at the national level and referred to a meeting of Premiers and Chief Ministers in July 1994 and also to the Australasian Police Ministers Council establishing a community safety advisory group chaired by the Police Commissioner, David Hunt. It is probably worth noting that that process of having these matters looked at at the national level began in 1992 when the then Minister for Justice, Senator Tait, proposed a national community safety council or group and, in late 1992 because of the actions taken in South Australia to develop this strategy, I was asked to give a key note speech at a meeting of representatives of various community groups and law enforcement agencies around Australia to start the formulation of a national approach to this issue. Therefore, I am pleased to see that that process is continuing.

When we embarked on the crime prevention strategy in 1989 and committed $10 million over five years to it, because it was innovative and tried to deal with crime in a different way from the conventional police, courts and corrections, I did not expect it to be perfect in every respect. Indeed, that is why it was decided towards the end of the program that there ought to be an evaluation. I would fully expect that there would be criticism of some aspects of the program. Certainly, I did not expect the sort of report that has been produced, nor do I believe that the report fits what my expectations of an evaluation were when it was set in train last year.

I would say that the process whereby the La Trobe Centre for Socio-Legal Studies was selected was all done according to regular Public Service procedures. A committee was established of Mr Kym Kelly, Chief Executive Officer of the

Attorney-General's Department; Mr John Daws, former Chief Executive Officer, Correctional Services Department and a person with very wide experience in matters relating to the criminal justice system; and Sue Millbank, Director, Crime Prevention Unit. There might have been someone else on the committee as well. They assessed the tenderers and decided on La Trobe.

I must confess that I was a little surprised at the time that La Trobe had been selected because the other contender was the Australian Institute of Criminology. I felt the institute would have had the resources to carry out an evaluation of this kind because it was a large task.

The Hon. K.T. Griffin: I was told that they wanted to do all the work in Canberra, while La Trobe was willing to use people on the ground here.

The Hon. C.J. SUMNER: The Attorney says that the institute wanted to do the work in Canberra, whereas La Trobe was willing to locate people here. That is a legitimate consideration to take into account when deciding what group to accept. I am not making any criticism of the decision, which I accepted and I signed the contract. I was mildly surprised that La Trobe got the tender over the institute. As it has turned out, it is now clear that La Trobe did not have the resources to carry out an evaluation of this kind, and I am sure that that will be clear to anyone who reads the report.

Regrettably, taxpayers' money has been largely wasted. I agree with the Attorney that this is an unsatisfactory document. Certainly, it is not what I had in mind when the evaluation study was commissioned. I envisaged that the review team would look at the programs that had been put in place on the ground and decide which ones worked, which ones did not and then make recommendations about specific programs that should be continued into the future. We have not received that.

Clearly, and I can only agree with the Attorney, the product is very disappointing. In my view they have not done what they were asked to do: they have done what they were not asked to do. I believe it has been written to fit the preconceived ideas of the authors. As the Attorney-General pointed out, they have clearly chosen to select evidence supporting their ideas and they have ignored evidence that paints a different picture. In my view there is an ideological agenda and I will deal with that shortly. The report has been unfair to individuals who have been named.

It is clear in some instances that the normal principles of natural justice have not been followed where there are criticisms of individuals. It is clear that this team was not equipped to make findings of fact about individuals. There seems to have been no rigorous attempt to look at the evidence as one would do in court or a cross-examination. There has been no rigorous attempt to test the evidence and statements put forward by various people. I am not suggesting that a review of this kind should be carried out by a royal commission, where evidence and witnesses are tested. Heaven forbid, because it would never end.

However, there is still an obligation on people conducting a review of this kind, if they want to criticise individuals, to put those criticisms to them and to ensure that the report accurately records the differing points of view. I was a victim of this process in at least one instance. It is not that I think it is particularly important, but I raise it as evidence of the point that I am making about allegations not being put back to the people about whom the allegations were made for their comment. On page 18 there is the following:

> Already there was friction between the Attorney-General and the senior criminologist involved in the strategy, Dr Adam Sutton.

That is the first time that I have heard of friction between the Attorney-General and the senior criminologist. Perhaps Dr Sutton thought it existed, but it did not exist as far as I was concerned. I cannot recall that point having been put to me by the review team; yet here it is as a statement of fact apparently gleaned from an interview with Dr Adam Sutton in May 1994. The strategy was put together in 1989. Indeed, it was worked on by Dr Sutton with me, so I find it somewhat surprising that he has the overall view that these were political documents that were inherently theoretically flawed and that the strategy was weighed down with too many political promises for it to be successful. That is the first I have heard of that from Dr Sutton, and it was certainly not conveyed to me at the time. My point is that an assertion is made about something that the review team says is factual. I say that it is not, and as far as I can recall I was not asked about it and my view is not in the report.

As I said, what I envisaged was that this report would look at the programs. Instead, it seems to concentrate on administrative arrangements within the Crime Prevention Unit. Looking at the report, an inordinate amount of time is spent on what is called power pathways or bureaucratic disputes within the Crime Prevention Unit. In my view, they were not and should not have been paid to conduct a review of that kind. They did not evaluate the projects in the manner that was envisaged.

One has only to look from page 130 onwards where the report deals with the local crime prevention committee program. It lists the Together Against Crime Committees, and all it does is to list what they do. I will give one example, because, as honourable members will be aware, I am familiar with it after the contretemps I had with the Mayor of Port Augusta. About the Port Augusta Crime Prevention Committee Incorporated, the report states:

> The Port Augusta is a council auspiced committee which was formed out of a community forum and originally comprised a membership of 54 local people. The committee has structured a number of subgroups which report to management on a monthly basis. Areas of priorities have included domestic violence, substance abuse, youth, court companions, Aboriginal support.
>
> Programs targeting youth have consisted of a motor vehicle prevention project, 'Street legal', 'Graffiti Art Project' and recreation. The committee has also produced promotional material on substance abuse, parenting and community safety. More recent initiatives involve cultural awareness and police/Aboriginal youth camps.

That is the extent of the analysis of that program. I can find nothing else in that report which analyses that program. When this evaluation was contemplated, I envisaged that the review team, rather than repeat what we know anyhow, would have gone to Port Augusta, looked at those programs, analysed them, seen whether they worked, whether they had community support, whether they had any effect on crime in that locality and reported. It has not done so.

One can go through virtually all the Together Against Crime Committees from page 130 onwards and find that it is just a summary of their activities. There is very little of the analysis that was anticipated. Similarly with Ceduna: page 132 describes what is happening in Ceduna. Yet when I was in Ceduna to launch the strategy, there was a very large meeting at the community hall and people were telling me that this was a program that for the first time had brought together in Ceduna—which in the past has been a troubled town with race relations—business people, local government

leaders, local community people, police and the Aboriginal community in an attempt to deal with tensions in that town and the crime that exists. I do not know how it worked after that initial meeting, but this group was supposed to tell us about it, and clearly it has not. When I was there, there was good will and people were pleased that someone had at last tried to get the community together to stop the sort of disputes that had taken place in the past.

One other assertion that is made more than once is that somehow or other there was political interference. I am not quite sure what political interference means in this context. One can say that if an Attorney-General attempts to influence a judge about the way that he makes a decision, that would be political interference and that would be offensive to the principles of the independence of the judiciary and the rule of law. However, I do not know how one can say that political interference is illegitimate when a responsible Minister is setting out to implement a program.

I make no apology for saying that I played a role in the development of the policy—I thought that was what Ministers were supposed to do—and that role was played with Dr Sutton. It seems strange that, on the one hand, a group like this should use words such as 'political interference,' and, on the other hand, we had the State Bank Royal Commission saying, 'You did not politically interfere enough; you did not find out what was going on; you did not do anything about it.' On the one hand, we did nothing about the State Bank, and in this case the implication is that somehow or other the politician should not have had a role because that is political interference and it should have been left to expert criminologists.

I mentioned Dr Sutton's role in the preparation of the policy, and I commend him for it. He is a good researcher, he worked hard on the topic, and I have no complaint about that. However, it is quite clear, during the implementation in the initial stages of the program, that Dr Sutton was not effectively able to administer it. I regret that very much, but that is what occurred. I was not in there on a daily basis trying to get rid of Dr Sutton. It was clear to me, and I think more clear to the head of the Attorney-General's Department, Mr Kelly at the time, that the thing needed a change in its administrative arrangements, and that was carried out. I regret that very much because I had worked closely with Dr Sutton in the development of the program. I think the report therefore has to be seen, to some extent—and I do not want to be overly critical of this—as a disgruntled employee making criticisms of the program because he was not able to see it through, because it was felt that he was not able to administer the program. I am saddened by that, but there is not much doubt in my mind as you read the report that that is a factor that is operating in some of the criticisms that are made.

I turn to whether or not this Latrobe team had the capacity to carry out this evaluation. It is quite clear that at some point the team came apart. The initial person who was supposed to be involved was Mr Reece Walters, who continued through and is now listed as an author, and a Mr Coventry. At some point Mr Coventry was dropped off the team. That must have occurred in March of this year. I do not know why that happened. There may have been legitimate reasons for it, but I think we are entitled to know. The Attorney-General may might care to follow that up. As a result of Mr Coventry being dropped off, a Mr Mike Presdee was brought on to the team.

I would just like to give some anecdotal evidence. I know that that can be criticised, but it does, I think, indicate to me some of the problems that occurred from my point of view. Mr Walters came to see me in March of this year and had a long interview. I said to him, 'I have quite a lot of documentation here which I am happy for you to look at and read for the purposes of your research.' He seemed very pleased with that. I then did not hear anything about it until there was a request to come to see me with Mr Presdee in early May. He then said that he wanted to look at my documents. By that time I had packed them away to send to the archives. But nevertheless, I got them out, handed them over, and they took them off. Obviously they must have used them to some extent at least to assist in the writing of the review. The point I make about that is that, some nine months into the review process, they come to my office to get papers in order to assist in the writing of the review. That tells me something. I am not sure that I smelt a rat at the time, but I was a little bit surprised by it.

The next little bit of evidence again is a matter of some surprise, and I happened to keep the note. On 11 July, Mr Walters rang my office and asked a question, which my secretary took down: 'Was the allocation of $10 million for the Attorney-General's Crime Prevention Strategy in 1989 new money, or was it $5 million of new and $5 million reallocated as proposed by Cabinet office?' Bear in mind that this is only two or three days before the report was due to be handed to Government. He advised me that the report had been extended to 15 July. I tried to contact him, but I could not speak to him. Eventually, he rang again and my secretary left a message on the machine that $10 million was all new money, which I had told my secretary to tell him.

The point about this again is that it is extraordinary. It is inexplicable to me, given that the first press release that I put out about the crime prevention strategy in 1989 actually said that this was $10 million of new money. Sure, there were Cabinet officers' suggestions and Treasury suggestions. Treasury does not like spending money—it hates it—and if you put up a proposal to spend money it will try to object to it.

I had insisted at that time that this program would not have any credibility at all unless the money was seen to be new money and added to the existing justice allocation. So, it is surprising that this team, with apparently a short time to go, had not read the press release that I put out that kicked off the strategy. That is staggering. However, obviously the fact that this had to happen meant that some things were going wrong with the review. I was not aware of what they were, but I give those two examples to indicate that from my personal dealings there were problems.

Why did they get my documents with only two months to go after the strategy had been going for eight months, and why did they not know within the first week that the $10 million was new money? I suspect that they were trying to show that we had bodgied the figures somehow. That is not what they were paid to do. If they spent money doing that, it was a waste of public money. I do not know whether that is what they were trying to do, but in reality they did not know this fact apparently until two days before the report was to be produced.

Mr Presdee arrived in April 1994. The program has been going for about eight months and questions need to be asked. Why did Mr Walters not write the report? He had been involved in the program from the beginning. Why was Mr Coventry dumped (it may have been for legitimate reasons)? Why was Mr Presdee brought on and by what processes? I understand and accept that the Government or at least the

Attorney (I do not know about his department) had no involvement in this or did not know about it.

The question then arises: how can Mr Presdee write a credible report when he had not been involved in any way with the previous eight months of interviews and research? Again, clearly, he did not have the capacity to write the report. Whether there is any point in pursuing these questions, I do not know.

Why was Mr Presdee selected? Was there some objective means or method to engage Mr Presdee? Why was he brought from overseas? Why was not someone from Australia appointed? Clearly, there is ample expertise within Australia to write a report of this kind. Why did they not get someone from within Australia? I am not sure. The Attorney might want to put those questions to the La Trobe people at some time. I do not believe that they could not get anyone from within Australia. If it was just a matter of wanting assistance to write a report, why did they not get a journalist or professional report writer? Why Mr Presdee? That must be answered in the light of this very unsatisfactory report.

The other issue is whether or not any hidden ideological agenda was involved in the preparation and writing of this report. No doubt criminologists bring a number of approaches to their work. They all have their own value systems and theories about crime, the causes of it and what should happen. Some have a clear ideological position, to which they are entitled. We may argue with them or debate those values openly if they are explicitly stated. However, an ideological agenda should not be used to influence an objective piece of social scientific research.

There must be concerns that in this report there was an ideological agenda. In other words, by some process, the review team tried to fit its findings of fact to its preconceived ideological agenda. As I understand, Mr Presdee is a sociologist, has worked on youth policy and has done some research on youth and crime, but I do not believe he has ever done any research that is of this magnitude. I may be wrong and, if I am, then I am happy to be corrected. However, he was selected.

One then has to ask the question whether any ideological values were being brought to bear in the writing of this report. Mr Presdee is entitled to his ideology, to his values, to debate them and to put them in the public arena, and we are entitled to debate and argue them. I do not denigrate his right to do that. I might disagree with his ideas; I probably agree with some. But it really is absolutely critical, for academic integrity, for that ideological agenda not to be used to write a report that is not based on evidence.

I believe it is relevant to this debate to refer to some of Mr Presdee's already stated views on a number of topics. I refer to a paper described as an occasional paper No. 3, entitled 'Made in South Australia: Youth Policies in the Creation of Crime' and produced by Mr Presdee in November 1987, in which statements appear from him. I will read some of them to give a flavour of what I am trying to say. I am not criticising him for having the views. At this stage, I am not even criticising his views. What I am asking is, 'Was it reasonable for someone with these views to be engaged to carry out an objective piece of social scientific research?' He states as follows:

> The Labor Government, through the embracing of policies aimed at producing a form of people's capitalism, has raised popular expectations that have contributed to the formation of a culture that is essentially individualistic, competitive, efficient and affluent. As the economy has collapsed with falling world commodity prices, so there has been a cultural acceptance by the more conservative forces of labour—

read 'Labor Party'—

> of a deregulated economy, partially privatised and guided only by the hidden hand of the market.

Further, he states:

> The fact that these policies have created massive corporate success has given both confidence and comfort to those conservative workers made insecure in their traditional class positions by the sudden and deep recession.

Presumably, conservative workers are workers who support the Labor Party. He goes on:

> We have all, in recent years, become more aware of what is going on in the courts of our corporate kings, as Australia enters a culturally imperialistic period, heightened by the stock market crash of Black Monday...
>
> The Labor Government, more than any other Government, has brought to the centre stage their corporate masters so that we might all gain spiritual sustenance from both the size of their economic success and the right fullness of their social behaviour...South Australia boasted its own post-crash celebration with its better than ever four day Grand Prix extravaganza that produced an orgasm of drinking and dying.

It goes on:

> The stock market crash has made more visible the culture of our designated national heroes, but has little altered the way in which they live...

It then deals with some criticisms of the entrepreneurs, some of which I might agree with, and continues:

> At the same time that corporate wealth has created new individual expectations, so the Treasurer has proudly announced—

this is Treasurer Keating, I assume—

> to New York entrepreneurs that business in Australia has prospered since Australian workers had accepted a 7 per cent cut in real wages under four years of Labor Administration.

It further states:

> There has been a fundamental misunderstanding by this Government—

I assume that is the Federal Government—

> about how young working-class people live; their expectations, hopes, fears; their happiness; their desperation. The present governing group of Parliament, peak unions and corporate capital presents itself to the country as a grey, sombre-suited wall of conservatism (the very picture of propriety), who are under the misapprehension that young people need to be coerced into the new, sparkling, corporate economy...
>
> It is only by enforcing control mechanisms that the unacceptable social side-effects of economic deregulation can be masked and portrayed as a moral rather than an economic question.

It then goes on about the regulation of young people and states:

> It is their [politicians' and political economists'] failure to do so that has led them to the belief that improvements in training opportunities in schooling will, on their own, persuade young unemployed people to give up their 'hedonistic' lives of leisure and suspend their involvement in the culture of affluence, whilst they are re-trained and re-schooled ready for life on the dole at 18 rather than 16.

But again he emphasises that it is the failure of politicians and economists—failure presumably of Labor Party politicians.

The Hon. K.T. Griffin: There is another section which states:

> Crime, as we know it, has been constructed by politicians as a central threat to the existing order of society for over 150 years. . .

The Hon. C.J. SUMNER: I am coming to that one. That is in the report. I am referring to Mr Presdee's article. It continues:

The present Federal Government's policy of starving young people back into education is likely to drive as many young people into the vagaries of the cash economy and crime, as it is likely to drive young people into the experience of traineeships.

It goes on:

Whilst politicians and administrators peddle the politics and economics of 'competition, efficiency and affluence', they should look deeper than the play things of our corporate kings and look towards the struggle for survival, the struggle for creativity and the struggle for humanity that many young Australians are engaged in now. There will be little thanks for youth policies that neglect the creation of work for the unintentional creation of crime.

That is his opinion; in fact, it reads quite well, I might add, and I would probably agree with some of what he has said. However, one does not have to consider all those quotations to note that Mr Presdee has an agenda. He has an ideological position. In an article written in the *Australian Society* in November 1985, which I will not read in total but which is entitled 'The Consumers Who Cannot Consume', shopping centres are referred to in two ways: first, as 'cathedrals of capitalism'; and, secondly, as 'a citadel of consumerism'. Again, Mr Presdee is entitled to those views. However, they are hardly the views of someone who could be regarded as value-free—not that anyone is value-free, but he has a very strong ideological position. He is entitled to that, but whether that means he has the qualifications to write a report of this kind I believe has to be seriously questioned.

The Hon. T.G. Roberts interjecting:

The Hon. C.J. SUMNER: Indeed, I am not saying that he cannot write, but that is not the point of the argument. Again, in the *Reporter*, which is the Australian Institute of Criminology Quarterly (volume 8, No. 1, March 1987), he states:

The response of the political Parties in South Australia to what is perceived as a crisis in law and order has been an undignified scramble to out-Rambo each other with promises of even tougher sentences; more regulations concerning the behaviour of young people in public spaces, shopping centres and on public transport; and promises of more and more policing. There is little doubt that the culture of working class young people has become, in effect, a crime.

Again, that is a quite clear, unequivocal statement of his position. So, it is clear that Mr Presdee does not like politicians; it is clear that he does not like mainstream Labor politicians; and it is clear that he does not think much of mainstream social democratic policies. I suspect that he would be even more critical of members opposite and a Conservative Government's policy. The reality is that he is a radical critic of social democracy, and Labor Parties in particular. He is entitled to be a radical critic and he is entitled to put forward his point of view, but I suggest that serious questions must be raised about his ideological position and why he was selected—apparently by the La Trobe group—to complete the writing of this document.

I will now go through some matters in the report. I must say that I was a little surprised by the foreword, which I assume was written by Mr Presdee and Mr Walters. I suppose one can get used to self-serving statements, but this really is a bit over the top. In the foreword, Mr Presdee and Mr Walters state:

Moreover, it [that is, the report] has bravely unearthed and critiqued the political processes which shape and influence the development and implementation of government policy and rigorously analysed the executive which has been empowered to manage the Attorney-General's crime prevention strategy.

Leaving aside whether that was actually what they were paid to do—and I suggest they were not—it does seem to be, as I said, a little over the top. Likewise, Mr Walters, in his personal acknowledgment, again with self-serving statements, says:

I am proud to deliver a quality document to the South Australian State Government.

Well, I can only assume that he got wind of the fact that the Government was not very happy with the document and he tried to do a little boosting of its quality. Perhaps he protests too much.

I turn to page five of the report, which contains strains of the previous tune from Mr Presdee. It states:

In recent years a procession of corporate kings and their courtiers, bankers, accountants, company directors, lawyers and politicians have attempted to explain to the community the evaporation, if not the disappearance, of billions of dollars of taxpayers' and shareholders' money. South Australia has witnessed its own procession and is still listening to the explanations, but there is little doubt—

listen to this; this is an assertion—

that in the end corporate crime will have cost South Australians dearly in the last five years. Indeed, in South Australia white collar crime could well account for the greater majority of all of the cost of crime in this State.

In the light of the State Bank, members opposite would probably be pleased to hear that. They might say, 'Three cheers to Presdee and Mr Walters.' But my concern is to analyse it as a statement of fact and see whether it has any credibility and whether there is any evidence to back it up. The first point with respect to the State Bank is that, despite all the trying and despite millions of dollars spent on inquiries, no criminality was found in the State Bank disaster. So, the question is: what is he referring to? Is he referring to crime defined as a breach of the criminal law, or is he referring to his own perception of what is a crime? It is interesting; it is underlined:

In South Australia white collar crime could well account for the greater majority of all of the cost of crime in this State.

That is the assertion. No evidence is produced in this report to back up that assertion. I should say that I am concerned about white collar crime; I believe it is a major problem in Australian society and should be pursued, but the point about this, apart from the rhetoric of corporate kings, courtiers and bankers, etc., is what evidence is produced to back up that statement in this report? There is absolutely none.

Moving to page 10, and this is the quote about which the Hon. Mr Griffin was interjecting, I quote the following:

Crime as we know it has been constructed by politicians as a central threat to the existing order of society for over 150 years. . .

and it goes on. I am not quite sure what that means, but it is clear that it comes from an ideological position, an agenda which the authors of this report clearly have. I dealt with the supposed friction between Dr Sutton and me of which I had not heard until I read about it in this report. On page 20, under the heading of 'Power Pathways' (whatever they happen to be—presumably some sociological jargon), the report states:

The creation of a new political strategy that would be given the centre stage of Government policies and would also create new bureaucratic arrangements and structures is always likely to trigger power struggles amongst both politicians and public servants.

For that bit of wisdom we are indebted to someone called S. Lukes, 1986. It did not seem to me to be a particularly profound statement, nor did it seem to be a statement that was particularly relevant to what the review team was supposed to be looking at. On page 23 we have this statement:

What had gone on for 12 months—

listen to this—

was a complex power struggle of both politicians and bureaucrats.

I assume I was involved in it; I assume I was one of these people. I did not actually have any perception at the time of being involved in a complex power struggle, but that may be my naivety. The report continues:

Because of the high political profile of the crime prevention strategy, immediate implementation was important. The more academic head of this unit had been slower and more methodical than politics required, and dissatisfaction had been expressed within the Attorney-General's Department.

That was Dr Sutton. He was an academic and he was going slowly and methodically, according to page 23 of the report.

Page 50 of the report refers to the formation of four sub-programs which, in practice, became the major focus of the CPU activities, but they 'were not arrived at until two years after the August 1989 launch of the crime prevention strategy'. That is a criticism in this report that things did not get going early enough. So, they support Dr Sutton's slow and methodical approach, but at the same time they criticise the fact that a major focus of the activities was not put in place until two years after the launch. They cannot have it both ways, although quite clearly that is what they are trying to do.

I have dealt with the criticism of crime prevention committees. I refer to the recommendations on page 225. Recommendation 2 states:

The crime prevention strategy was a fundamentally and profoundly flawed strategy lacking a coherent and cohesive set of criminologically grounded policies.

'Fundamentally and profoundly flawed'. What 'a cohesive set of criminologically grounded policies' might be, I do not know, because from my experience of criminologists they are as disputatious about theories as are many academics and politicians, although I accept that certain things are agreed between them. However, that recommendation states: 'fundamentally and profoundly flawed'. If it was fundamentally and profoundly flawed, one might say, 'Well, we'll turn to the recommendations for future action', which I also understand were added only at the last minute, but the Attorney can tell me whether that is true. What do the recommendations say? Recommendation 5 states:

Community based crime prevention continues to be a major part of South Australia's approach to crime prevention.

So, we have the whole report dumping on the program and then a recommendation that it continue. That seems to me to be very peculiar.

The Attorney will find from what I have said that a number of questions should be addressed, and I suggest that be done. The last matter to which I wish to refer is on page 259, which deals with the literature review. With regard to most reports of this kind which I have seen and in which I have been involved—mainly seen; I have not been directly involved—where you have a literature review, you actually have a review; you do not have one and a bit pages saying that you have conducted a literature review. The report states:

The National Centre for Socio-Legal Studies—

I note it is no longer the La Trobe Centre for Socio-Legal Studies; it has been upgraded—

has conducted an analysis of international, Australian and South Australian literature regarding various approaches to crime prevention.

That is fine, but where are they? They are not in the report. The Attorney-General might like to tell me whether he has them. If he does not have them, this group has used South Australian taxpayers' money to build up its database in Melbourne. I want to know where these documents are and whether they have them—and they should have them; they should all be made available to the South Australian Government for incorporation in the library of the Crime Statistics Unit.

I have taken longer than I expected, but I hope it is worthwhile and I hope we can draw some lesson from it. Where do we go from here? I support the Government's approach, as I said before, and I commend it for that approach. Obviously, the Government will have to make up its mind (I am glad I do not have to do that) later in the year about the future of the program. I am not indicating what our attitude will be once those decisions are taken. One proposition that occurred to me as a result of this report was whether we ought to get another group to look at it.

I can understand the Attorney's reluctance to do that, sending good money after bad. I do not criticise him for not doing that. That was certainly an approach that could have been taken to ensure that the people who have been wrongly criticised in this report have a fair chance to have their say. But as the Government and the Opposition have not accepted the report, there seems to be little point in proceeding with that. One thing that might happen, and the Attorney might consider this, is that the Crime Prevention Unit could formally write a response to the report and have it tabled in Parliament.

One problem with reports such as this is that academics will use the report and research to write articles in learned journals in Australia and around the world. The problem is that sometimes these things then become the accepted wisdom. I think the Attorney might consider whether or not the Crime Prevention Unit should be able to have its say in a reasonable and rational way to put its side of the story and its critique of the report on the record.

Clearly, it is too late to refuse to pay, and I accept that the Attorney probably had a difficult decision about paying for the report given that, by the time the problems emerged, most of the money had been paid anyhow. I make no criticism of that, but it is an issue that could have arisen. La Trobe University will obviously have to examine its procedures. If it does not, it runs the risk of damaging its reputation, and it clearly needs to look at whether or not the Centre for Socio-Legal Studies is equipped to carry out reviews of this kind.

What are the lessons for Government? Clearly, we have to be very wary of engaging just academics to do these reviews, people without any practical experience whatever and academics who may have their own agenda and ideological bias and who might be using it as a means to justify their own view of life. Governments should be alerted to the problems that are now manifest by the production of this report. The Attorney might like to consider whether it should be placed before SCAG, Police Ministers, the Federal Government, the Criminology Research Council and so on.

There may be a case in light of this situation for some group nationally to prepare a list of credible academic institutions capable of doing research projects as large as this. There is also a more serious issue. In what forum this should be taken up I do not know. Perhaps the Australian Vice Chancellor's Committee is an option. It is clear that universi-

ties, like other public authorities, are engaged in commercialisation and thus are urged to put up proposals to earn money.

It is quite clear that in this case they have overreached themselves: they have bitten off more than they can chew. It is important for us as a community to address what procedures can be put in place to ensure quality control. It is a serious issue that potentially affects our international reputation and the international reputation of our universities if reports such as this are produced. That may be something that the Attorney-General would like to take up. In summary, my assessment of what happened in this case is this: La Trobe University was given the task of evaluating the program. I do not believe, in retrospect, that it had the capacity to do that. It did not have the resources to prepare the report: it did not have the expertise, and it did not have people with the capacity to write a report of this kind.

I am not saying—and I want to be fair—that the university is not competent to undertake other areas of research. It may well be possible for it to do more limited areas of research. However, in retrospect it is clear that it did not have the capacity to carry out a substantial review—in fact, a $300 000 review—of this kind. As time went by in the course of getting the review together, it is clear that it ran into trouble. I do not know at which point that was. One would find that out only by some sort of inquiry, which we have said we will not conduct. But at some point it got into trouble. We do not know why Mr Coventry left; there may have been valid reasons. But two or three months before the report was due someone new had to be brought in. With that having to happen, it is obvious that the project was in trouble.

At that point, when it realised it was in trouble, instead of trying to push it through and finish it in this unsatisfactory form, La Trobe should have fronted the Government when it became clear it was not going to be able to handle it. In my view, that would have been the straightforward and proper thing to do. It looks to me that, in about March, they must have had some assessment that they were not going to be able to complete it. But instead of that they said, 'No, we will go ahead. We will get Mr Presdee in to complete it.' That is what they did and, as I understand it, they have resisted any attempts to suggest that the report is not adequate.

That is what I believe happened. It is most unfortunate. The Government has very little guidance from the report as to future directions of the strategy, but I do think there are lessons to be learned: lessons about the selection process; about the sort of people who are engaged to do this work and whether or not they have the capacity to do it; and lessons about whether they start with a pre-conceived agenda, either an ideological agenda or another agenda that is very common amongst criminologists, which I would describe as the arrogance of the expert. There is a feeling that if only the politicians would leave it to us, the criminologists, it would be all right.

In other words, the problems are always created by politicians. This is a feature of life: it is always the politicians who are to blame. If the politicians would get out and leave crime policy to the experts, everything would be okay. There is a little bit of this in some of the material that I have read, including some of the writings of Mr Walters, on an analysis he undertook of a program in Victoria. The assumptions from criminologists are that politicians always act from base motives and it is only the criminologists who have the wisdom and expertise to do anything about it.

The Hon. J.C. Irwin: These are academic criminologists.

The Hon. C.J. SUMNER: Yes. All I am saying is that there are ideological agendas, which are clear; whether they influenced the report in this case, I do not know, but clearly the person writing the report comes from a position of being a critic of social democracy, Labor Governments, capitalism, and so on. Leaving that aside, apart from that ideological basis, there is also, I believe, an attitude amongst academics and criminologists—which I have seen over the past 11½ years or more—that it is the politicians who are the problem in crime prevention—the politicians, or the media, or someone else—and, if it was left to the criminologists, everything would be all right. Maybe there was a bit of that in this too, with their discussion of political interference and so on. In other words, there is in some of these things what I call the arrogance of the expert. In future, in engaging people to do these jobs, we need to beware of that.

I regret that this has turned out the way it has, but I do commend the Attorney-General for the manner in which he has approached it, and I will continue, at least at this stage, to offer support for the process he has set in place and look with interest at what he is able to come up with as to the future of crime prevention in South Australia.

Having been a bit long-winded about that subject, I want to refer to media reforms, but I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CRIMINAL LAW CONSOLIDATION (FELONIES AND MISDEMEANOURS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 August. Page 102.)

The Hon. R.D. LAWSON: I support this measure and applaud the Attorney-General for its introduction. The principal provisions of this Bill deal with the abolition of the categorisation of offences into felonies and misdemeanours, and I certainly support that proposal. I cannot, however, refrain from commenting, as the Attorney-General commented in his second reading explanation, that this measure was, in fact, advocated initially by Sir James Stephen, a famous English criminologist as early as 1883.

The Hon. C.J. Sumner: So it wasn't my idea.

The Hon. R.D. LAWSON: Indeed, it was not. The rule was abolished in England in 1967. The Mitchell committee in this State recommended its abolition in 1967 also. It has been abolished elsewhere in Australia, except in New South Wales. The Attorney-General said, 'It is time that this State caught up with the rest of the country.' That is a sentiment I heartily endorse. The arcane rules of the criminal law, such as the distinction between felonies and misdemeanours, do not serve the community. Contrary to popular misconception, most lawyers do not relish obscurities. They do favour measured and sensible reforms, not only in the criminal law but of legal processes generally.

The object of the Bill is, as the Attorney-General stated, to remove the distinction between felonies and misdemeanours and to make only such other amendments as are necessary to accommodate that removal. I support that strategy if it is the only way forward. Personally, I would have preferred to see a general review of the criminal law in this State similar to the general review undertaken by Sir Harry Gibbs into the Commonwealth criminal law and similar reviews made elsewhere. In this State we have had a somewhat *ad hoc* approach to amendments to criminal law, and

that approach, in my view, gives rise to some difficulties which are highlighted in this Bill. I will mention only a couple.

The first is the felony murder rule which has not been abolished but which is, in effect, now entrenched in statute in a way that it was not previously entrenched. That rule was abolished in the United Kingdom in 1957 and its abolition has been recommended in many Australian and overseas law reform reports. The rule deems a person to be guilty of murder in circumstances where the prosecution is unable to prove the necessary element of intent to injure on the part of the offender. The Attorney-General correctly said that the rule has 'a certain popular appeal.' However, I doubt that the existence of popular appeal in criminal law is sufficient justification for the retention of the rule. I urge that in an overall review of the criminal law and in due course this rule be re-examined.

The next matter relates to clause 8, which deals with the offence of sacrilege. This provision remains largely untouched from that which presently applies in our Criminal Law Consolidation Act. The new provision stipulates that a person who breaks and enters a place of divine worship and commits an offence there is guilty of sacrilege and liable to be imprisoned for life. There is no doubt that the community demands strong penalties for offences against places of worship, but I query the retention of a life sentence for an offence of this kind. The Mitchell Committee recommended that, in the overall scale of penalties for criminal offences, sacrilege should be at the higher end, but certainly not at the level of life imprisonment.

There is no occasion, apart from reflecting community standards, to insist upon the exaction of such a penalty. Clearly, everyone understands that no court in this day and age would sentence a person to life imprisonment for such an offence. The criminal law is not served by having embodied in the statute provisions which are there only for window dressing purposes. In an overall review of the criminal law in this State, I would favour re-examination of the penalty for that offence. Finally, I should mention my concern about the drafting method adopted in this Bill. Members will note that some of the clauses are followed by explanatory notes which are printed in italics. I favour any headings or notes which enlighten the reader and which are included for the purposes of explanation. I have no reservations about the inclusion of such notes. However, clause 3 of the Bill provides that:

> (2) A note to a section. . . forms part of the text of the Act unless the note clearly has no substantive effect.

That is a drafting method about which I have some qualms. There will always be room for legal debate upon the true meaning of a note and, indeed, of a section where you have a provision such as that unless the note clearly has no substantive effect. There will be argument as to whether a note does or does not have substantive effects. I have no particular reservation about any of the particular notes in this Bill, but if we are going to find in our legislation generally notes being included together with the rider that they form part of a text unless they clearly have no substantive effect, then we are taking a step about which I have some reservations. I commend the second reading of the Bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contribution on the Bill. There are two issues which need to be specifically addressed. One is the felony-murder rule and the question whether we intend to do anything about it. I indicate to the Council that an examination of that is on the agenda. What we endeavoured to do with this Bill was to make minimal, if any, amendments to the substantive criminal law, apart from the abolition of the distinction between felony and misdemeanour. It is certainly the intention of the Government to examine further the felony-murder rule.

I understand that on the last occasion this was raised, the criminal defence counsel were very much in favour of its abolition. On the other hand, there was some public comment and then representations made by the Australian Bank Employees Union and by others in banking circles who were concerned that abolishing the rule might give some benefit to those who committed robbery. So there was an emotive reaction to it. I think we were dealing with this a couple of years ago, and I may have raised from Opposition that same question which was raised with me by the Bank Employees Union. It is an issue that is on the agenda and it will be examined; but apart from the changes which are made in this Bill.

The other issue which the Leader of the Opposition raised was whether the process of review of the criminal law led by Mr Matthew Goode would continue. I can indicate that it is continuing. It may not be so heavily directed towards codification of the criminal law but we are not withdrawing from the general process of review of the criminal law in South Australia. Mr Matthew Goode remains very heavily involved in that process. There are other issues of substance which need to be addressed subsequent to the passing of this Bill, but as I indicated earlier it was a preferred course that we not deal with any part of the substantive law other than the abolition of the distinction between felonies and misdemeanours. Any other issues will be addressed subsequently. I can give an assurance to the Council that that is what will occur.

Bill read a second time and taken through its remaining stages.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 125.)

The Hon. C.J. SUMNER (Leader of the Opposition): I would now like to continue my Address in Reply speech and move on to the topic I intended to address in the first place, that is, before the Attorney-General decided to table the crime prevention report. I will certainly try to keep my remarks as short as possible. I intend briefly to examine issues regarding free speech and related issues, such as defamation law reform; media ethics, including the protection of confidential sources of journalists; and privacy. I do this in the context of the debate which is occurring in Australia and which has been going on for some considerable time.

The Australian Law Reform Commission report on defamation and privacy was released in 1979. Attempts have been made since then which have now been revived to achieve defamation law reform. The code of ethics for journalists is currently under examination by a special group established by the Media Alliance. We have had debate over the past couple of years on a Privacy Bill. We have seen the gaoling of journalists for failure to reveal sources, and we have heard continuing debate about a Bill of Rights. What I am saying is also in the context of international debate about

these issues—for example, in the United Kingdom surrounding privacy with the Calcutt inquiry.

Recently I undertook a parliamentary study tour principally to attend the Executive Committee of the World Society of Victimology in The Netherlands, but during which I took the opportunity to study issues relating to the media in The Netherlands; in Belgium, through the International Federation of Journalists; the Council of Europe in Strasbourg; and also in Italy.

The themes that we see in Australia are the same: what should be the limits of free speech, what about diversification within the media, and what about monopolisation and the effect of technology such as Sky TV? We see the debate over whether there should be, and if so what, regulation of the media generally, in both ownership and media standards, against the argument that market forces can be allowed to determine issues dealing with media ownership and that there should be minimal provisions dealing with media ethics.

There are issues such as whether there should be editorial charters to ensure that journalists have the freedom to write according to their own conscience and ethics, free from proprietorial pressure. On the one hand we have the dilemma for journalists where they would like editorial charters but, on the other hand, want for themselves the freedom from a number of constraints.

I am in the process of finalising my report on my overseas trip and it should be in the Parliamentary Library soon. It has record of interviews with a number of people as well as documents that I was able to obtain when I was overseas. It may be of interest to members.

One of the problems in debating issues relating to the media is that the media control what information is given to the public. If you take on a fight with the media such as the case of introducing a Bill to establish a tort of privacy, you can rest assured that you will have a fight. The media are very keen to ensure that no restrictions are placed on what they are able to do. If you take on the role of critic of the media and of putting forward views with which the media disagree, you can rest assured that you will get a battle.

We have seen, however, some chinks in the armour recently where the media have dared to criticise themselves. We saw the Ian Gillespie program on SBS, and also *60 Minutes* last year devoted a whole program to media ethics. We have the ABC's Stuart Littlemore's *Media Watch* although some—journalists mainly—consider it not to be a program that they enjoy. From a personal viewpoint, despite the fact that occasionally some assertions are made that are hard to justify, on the whole *Media Watch* provides an important service to the Australian community, and Stuart Littlemore and the ABC should be commended for it.

At the present time, however, if we are talking about the issues to which I have referred, there is a stand-off between the media, proponents of free speech and the legislators. What I am putting forward (it will inevitably be in a skeletal form) is a proposal to resolve this stand-off. What I am saying is not worked out in detail, but I will be asking Parliamentary Counsel to draft a Bill for introduction later this session.

I should start by saying that, although I will prepare a Bill for State Parliament (which is all that I can do), it is my view that the ideal situation is for these issues to be dealt with nationally; that is, the law relating to communications within Australia as a nation, whether it be television broadcasting or the print media, should be dealt with by national law. Obviously, television and broadcasting are dealt with nationally, but other communications, the print media in particular, are dealt with by defamation laws in each State. I personally support a referral of powers from the States to the Commonwealth Parliament to enable this to occur, and that was a proposal that was agreed to by some of the constitutional conventions that were held in the late 1970s and early 1980s. If it cannot be done by a referral of powers, then obviously it is one matter that should be considered for a referendum to be put to the people.

The Hon. R.D. Lawson: Or a foreign treaty.

The Hon. C.J. SUMNER: I suppose a foreign treaty is possible, but that is a debate that I do not want to enter into at this point. It seems to me that the key to a resolution of this stand-off is to develop a law which properly balances the right of free speech with social responsibility. Unless the media are prepared to concede something, then the debate will go nowhere, as has been the situation over the past 15 years.

Central to the debate is the quality of the media, its standards and ethics and means of enhancing those standards and ethics. I will not expand on the different philosophical approaches to free speech issues, but often it is considered that article 1 of the United States Bill of Rights is at one end of the spectrum, permitting, as it does, pornography, hate literature, etc. Another view is contained in the European Convention on Human Rights, article 10, which does permit countries to have legislation prohibiting racial vilification, for instance.

The question is: where should Australia be placed in this spectrum? I will now turn to my suggestions, the first of which is a statutory right to free speech. I have before the Council a proposal for a select committee to examine a charter of rights for South Australia, including the right to free speech. I would support such a charter. The common view is that our common law traditions, obtained from the United Kingdom, are sufficient to enable fundamental rights to be protected. Well, undoubtedly the common law plays an important role, but it is important to realise that the United Kingdom has left us behind in this respect. In effect, the United Kingdom now does have a charter of rights through the European Convention on Human Rights, and there is machinery to enable complaints to be made by British citizens to the European Commission on Human Rights and to the European Court on Human Rights.

In my view legislators should enter this field. If we do not, there will be a power vacuum. Courts will fill this with their own values or their own prejudices, and I believe that a democracy is better served by these decisions being taken up front by politicians and addressed in a legislative form.

The next issue with which I would deal is defamation law reform. I continue to support truth as being sufficient to support the defence of justification. We do need to look at court ordered corrections, with less emphasis on money awards, and a simple procedure to get a matter before a court early and have it conciliated before a judge so that a quick correction can undo any damage.

In this case there would be less need for lengthy and expensive litigation and it would reduce the emphasis on monetary awards of damages. When on my study tour, I was informed of the situation in the Netherlands, where defamation cases come before a judge within 14 days and attempts are made to conciliate the dispute and to get a resolution of it by a correction. If that cannot occur, obviously the matter proceeds to a Full Court hearing. However, some sort of procedure in these cases that enabled matters to be brought

before a court quickly would achieve the objective of getting early corrections to damaged reputations, and would also reduce the emphasis on monetary awards of damages.

The other proposal, which I think needs examination, is whether there should be a public figure test. Again, time does not permit me to go through the in's and out's of the United States' concept of a public figure and the defence that is available where a public figure sues for defamation. Nevertheless, it is worth noting that, in the legislation which was prepared in New South Wales, Victoria and Queensland and which is currently before those Parliaments, while the American public figure concept is rejected, those Bills propose qualified privilege based on public interest. The legislation proposes a qualified privilege for publications relating to a matter of public interest made in good faith and after appropriate inquiries.

It might be that, if that were enacted, it would effectively provide us with something similar to a public figure test, and I believe that that can be examined. It might be possible to introduce a public figure test, which would enable greater scope for public figures to sue for defamation than that which is permitted in the United States at present, but which would provide the defendants, the publishers, with more effective defences to action than those which currently exist in Australia.

In relation to the protection of journalist sources, a proposal that could be examined is shield laws, which are similar to those in New Zealand. My studies have brought me to the conclusion that no countries in the world have absolute protection of the confidentiality of journalist sources and, while Austria is occasionally quoted as giving that effect, that is not actually true. It does have some laws protecting journalist sources, but it is certainly not an absolute protection. Likewise, in Italy, while there is a law dealing with the protection of journalist sources, it is again not absolute; there is still a discretion left to the court, and it is interesting to note that, in countries such as Italy, there is a system of registration of journalists, something which I am sure would not be supported by the media in this country.

The other proposal that I put forward is to try to find effective means for dealing with media standards and journalists' ethics. The journalists' code is totally ineffective, and I note it is being reviewed. The Press Council is of limited value.

Again I am having to shorten what I intended to say. However, what I believe could be considered is the establishment of a press council with statutory backing. This proposal does not involve a Government tribunal, but would be a self-regulatory press council with statutory backing. The powers of the press council to order corrections and enforce sanctions against journalists found guilty of unethical behaviour would need to be examined in this context. However, at the very least, a press council of this kind would be able to adjudicate on complaints in public and publish its findings without fear of defamation proceedings.

Threat of defamation is one of the responses which the Media Alliance currently gives to criticisms that allegations of unethical conduct against journalists are all dealt with in secret. Of course, whenever there is any suggestion of a tribunal or body being established to regulate the industry, the media oppose it very strongly.

So, my proposal does not include a tribunal or body that directly involves the Government, but involves a self-regulatory press council, which could have an independent Chair and people nominated by proprietors and by journalists. In other words, it would involve self-regulation, but with statutory backing. Again, the details of it would need to be examined, but I think it is worth consideration.

The other part of the package is to revisit privacy laws—a general tort of privacy. However, if journalists are acting in accordance with their code of ethics as determined by the press council, then they would not be in breach of any privacy laws.

In summary, the media package of reforms that I am proposing would include a statutory right to free speech; defamation to be dealt with by a simple court procedure; a defence of qualified privilege based on public interest, or possibly a public figure test modified from that which is operative in the United States; truth alone as a defence; and court ordered corrections. It would include—

The Hon. R.D. Lawson interjecting:

The Hon. C.J. SUMNER: No, in addition to what exists. I am not purporting to give an analysis of all the elements of the law of defamation. I am merely pointing out those points which I think need to be addressed and which should satisfy the media's demand in this area. We have free speech, a statutory right, defamation law reform, shield laws for journalists based on the New Zealand model, but certainly not absolute protection for confidentiality of sources.

On the other side of the equation, there is a privacy law with a defence for journalists where they act in accordance with their code of ethics and a statutory press council, which could consider complaints against the media—journalist ethics—but which would not involve a situation where there was any restriction on entry to the profession of journalism. It could go as far as having power to deal with a journalist who has behaved unethically by way of fine or, in some cases, by a prohibition on their working as a journalist.

The media must be prepared to come to grips with lack of professionalism and adequate standards in the media. If they are prepared to do this, that seems to me to be the key to reform. If legislators could be assured that, by self-regulation, the media were promoting and enforcing proper standards of professionalism and ethical behaviour in the media, I believe they would be much more inclined to proposals which liberalise defamation laws, which enshrine free speech provisions and provide protection of journalists' sources. I suspect that, unless some attention is given by the media to the issues of professional standards, ethics and the means of their enforcement, it is unlikely that the impasse over these free speech issues, which have existed in Australia at least since 1979, will be resolved. As I said, my proposals are by their very nature general. I would have given them more detailed consideration had I not been distracted by another matter, but I indicate that I will be seeking to get a Bill prepared and, in the preparation and introduction of that Bill, will deal with these matters in more detail and in a more considered manner. I support the motion.

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

ADJOURNMENT

At 6.23 p.m. the Council adjourned until Tuesday 23 August at 2.15 p.m.