LEGISLATIVE COUNCIL

Tuesday 15 November 1994

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

ASSENT TO BILLS

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

Appropriation,

Land Tax (Scale Adjustment) Amendment,

Motor Vehicles (Learners' Permits and Probationary Licences) Amendment,

Pay-roll Tax (Superannuation Benefits and Rates) Amendment,

South Australian Country Arts Trust (Touring Programmes) Amendment,

Southern State Superannuation.

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to Question on Notice No. 17 be distributed and printed in *Hansard*.

LAND, BROADACRE

17. **The Hon. BARBARA WIESE:** Given that the price of broadacre land that is sold to developers had declined in real terms by an average of 2.5 per cent per year over the decade since the South Australian Urban Land Trust was formed, what impact on broadacre land prices does the Minister for Housing, Urban Development and Local Government Relations expect from his decision to end the South Australian Urban Land Trust's land banking activities?

The Hon. DIANA LAIDLAW: It is acknowledged that land sold to developers by the South Australian Urban Land Trust has declined in real terms by an average of 2.5 per cent per year over the decade since SAULT was formed. This information is recorded in a publication entitled 'The Role of the South Australian Urban Land Trust in the Land Development Industry 1981-1991' published by SAULT in February 1993.

The Commonwealth Industry Commission Inquiry into 'Taxation and Financial Policy Impacts on Urban Settlement, 1993' concluded that Government should not be involved in land banking.

In the light of this inquiry, and other factors including the size of the State debt, the Government has frozen any further broadacre land acquisition by SAULT and is offering the existing stock for sale.

It is important to note that this sell off will be staged over a number of years and will take place in an orderly and timely fashion. This orderly release of SAULT land will be essential to sustain the building industry and contain land costs for home buyers while at the same time ensuring property prices generally will not be depressed.

There will be no fire sale.

The Minister does not expect there to be any major impact on broadacre land prices resulting from the Government's decision to phase out its land banking operations. The Government is firmly of the opinion that the market forces of supply and demand will continue to ensure a steady supply of land for residential development which will keep prices stable.

MEMBERS' INTERESTS

The PRESIDENT: Pursuant to the provisions of section 3(2) of the Members of Parliament (Register of Interests) Act 1983, I lay upon the table the Registrar's statement, November 1994, prepared from the primary return of a new member of the Legislative Council.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the Registrar's statement be printed.

Motion carried.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1993-94—
- Casino Supervisory Authority.
- Small Business Corporation of South Australia.
- South Australian Superannuation Board.

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

Reports, 1993-94—
- Attorney-General's Department.
- South Australian Tourism Commission.

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
- Liquor Licensing Act 1985—Dry Areas—Hindley Street/Rundle Mall.

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

Reports, 1993-94—
- Murray-Darling Basin Commission.
- Nurses Board of South Australia.
- South Australian Harness Racing Board.
- State Transport Authority.

Regulations under the following Acts—
- Racing Act 1976— Sports Betting—Japanese/Australian Grand Prix.
- Road Traffic Act 1961—Clearway North Terrace.
- South Australian Health Commission Act 1976—Surgically Implanted Prostheses' Fees.
- Urban Land Trust Act 1981—Additional Land—Modbury Heights Development Area.

PETROL RESTRICTIONS

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table copies of a ministerial statement made by the Deputy Premier and Treasurer in the other place on petrol restrictions.

Leave granted.

INDONESIAN JOURNALIST EXCHANGE

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table copies of a ministerial statement made by the Minister for Industry, Manufacturing, Small Business and Regional Development and Minister for Infrastructure in the other place on Indonesian journalist exchange.

Leave granted.

GRAND PRIX

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Industrial Affairs and Minister for Tourism in the other place on the 1994 sensational Adelaide Australian Grand Prix.

Leave granted.

QUESTION TIME

JUDICIARY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about the independence of the judiciary.

Leave granted.

The Hon. CAROLYN PICKLES: Today the judicial officers of the Industrial Relations Commission issued the following statement:

This statement has been authorised by the Full Commission. Before the commencement of the State wage case, but after the constitution of the bench was known, the then Acting President of the commission was informed of certain proposals scheduled to go to State Cabinet which would have changed the person acting as President of the commission. The then Acting President wrote to the Minister seeking clarification of the purpose of this proposed change. Without attributing motives we note that had this appointment proceeded it would have had the effect of changing the persons who constituted this Full Commission. This would have had undesirable implications, especially given that the Crown is an intervener in State wage case proceedings, as is the Commissioner for Public Employment.

The situation was made the more offensive as the representative of one of the parties to the State wage case was the person who phoned the Deputy President heading this Full Commission and advised these proposals. It should be understood these proposals were raised without prior consultation with or knowledge of the members of the commission directly involved. In the event, those proposals were not proceeded with. However, no response has been received to the letter of the Acting President giving explanation or advice. This Full Commission wishes to place on record its concern that these proposals were formulated at that time and could have given rise to concerns of political interference in the processes of the commission. This commission will continue to carry out its statutory duties without fear or favour. Our decision has not been influenced by these events, and we regret it has become necessary to make this statement. This commission's independence must be preserved and we will not permit interference by any party with the exercise of our function.

My questions to the Attorney are:

1. Who was the representative of the Crown who phoned the Deputy President heading the Full Commission as constituted for the recent State wage case?

2. Who authorised or instructed that telephone call to be made?

3. Why was the telephone call made at all?

4. Will the Attorney concede that this behaviour constitutes unwarranted political interference with the conduct of the judicial process, or at least readily gives rise to a perception of such political interference?

5. Does the Attorney-General condone Government communication of this nature with the judiciary, and is it at all inconsistent with the Government's policy with respect to the independence of the judiciary?

The Hon. K.T. GRIFFIN: I certainly do not concede that there has been any unwarranted interference with the independence of the judiciary.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Maybe they have got the wrong end of the stick; I do not know. The fact is that no member of Government has in any way sought to interfere with the independence of the judiciary or the Industrial Relations Commission. Judge McCusker, who made the statement, certainly gave no early warning of it. As I understand it, it took all the parties by surprise that such a statement should be made in the context of the delivery of the decision on the State wage case. So far as I am aware, there was no unwarranted or any attempt to interfere with the independence. As to the first question, I do not know who was the representative of the Crown who made contact, if such contact was made, in the circumstances identified by the Deputy President. I do not know whether a telephone call was made and, if it was made, who authorised it or who made the call. As to the question of why a call was made, there is not sufficient information in the statement made by Judge McCusker to be able to identify the circumstances in which it is asserted that the call was made. I will refer the matter to the Minister for Industrial Affairs, who has the responsibility for the Industrial Relations Commission and the legislation, to ascertain information about the matter. When I heard over the lunch period that this statement had been made it seemed that quite obviously someone has the wrong end of the stick and that—

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: The Industrial Commission may have the wrong end of the stick.

Members interjecting:

The Hon. K.T. GRIFFIN: I am just saying that maybe it did, but it is an issue that I will follow up and bring back a reply in due course.

The Hon. CAROLYN PICKLES: I desire to ask a supplementary question. Will the Attorney-General make his own independent inquiry about this matter? Will he answer all my questions and bring back a reply to the Parliament?

The Hon. K.T. GRIFFIN: I do not know what the honourable member is on about. I said I would make some inquiries and bring back a reply.

The Hon. Carolyn Pickles: You said you'd ask the Minister for Industrial Affairs.

The Hon. K.T. GRIFFIN: I will, because the Minister is responsible for the Industrial Relations Commission—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: This does not relate to the court.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The court is a participating court under the Courts Administration Authority Act. That does not mean that as Attorney-General I have a direct responsibility for that court. Certainly, I have no responsibility for the Industrial Relations Commission and members have acknowledged that in debate from time to time. Even the Chief Justice acknowledges that the Industrial Relations Commission is a different body. There are different aspects of that from those which might apply to a court. I am always concerned, Governments are always concerned and Attorneys-General are always concerned about allegations of interference with so called judicial independence. I have commented on that both in Opposition and as Attorney-General.

The fact is that what one person might construe as an interference with judicial independence is nothing of the sort. In fact, the present Chief Justice in promoting the Courts Administration Authority model, acknowledged, when the previous Attorney-General was putting it through the Parliament, that there was no threat to the independence of the judiciary, but the Courts Administration Authority was proposed by the Chief Justice and supported by the previous Government on the basis that it would guard against interference with judicial independence. I made the point at the time

that the question of judicial independence is very much related to the capacity of a judicial officer to make a decision.

No Government of whatever political persuasion has sought to interfere with judicial independence in that context. Ultimately judges, like everyone else, are responsible to the Parliament, although I notice from what the Chief Justice is reported to have said on the weekend, that the Parliament should not be involved in ensuring that the judges are independent. That is another issue that we will visit on another occasion, but from my point of view I said I would make some inquiries; I will bring back a reply.

ROXBY DOWNS TO ANDAMOOKA ROAD

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about outback roads.

Leave granted.

The Hon. R.R. ROBERTS: I have spent the past three or four days in Roxby Downs and Andamooka, and I found that, on visiting Andamooka, the most burning issue being discussed there was the state of the road between Roxby Downs and Andamooka. When I returned to Roxby Downs I had occasion to talk to a number of other people, and I found that that was indeed also a bone of contention in Roxby Downs. The reason that comes about is that, because of the shortage of housing and the high cost of housing in Roxby Downs, workers at Olympic Dam are choosing to live at Andamooka, which is about 50 kilometres up the road.

There was a program to reseal the road to Andamooka. My constituents advise that the road is in such a bad state—and I did drive over it and would confirm most of their observations—that they regularly shred tires. I was advised by the transport carrier at Andamooka, Mr Robertson, that he puts other tyres on his vehicle to travel that road. The state of the road is in a somewhat dire state. My constituents have been advised that the sealing program that was taking place has been stopped. Can the Minister say why the program has stopped? Would she also give some indication when work on the road will recommence to ensure the safe travel of people over the Andamooka road?

The Hon. DIANA LAIDLAW: One of the commitments that the Liberal Government made was to seal all unsealed rural arterial roads in incorporated areas, and we have started on that program this year. However, because I received so many representations early this year from people in the area to which the honourable member refers—from Roxby Downs to Andamooka—and also carriers from Port Augusta, we decided that we would also include the Roxby Downs-Andamooka road in the sealing strategy, notwithstanding the fact that it is not in an incorporated area; it is in an unincorporated area.

So we gave a considerable boost to the claims by people in Roxby Downs and Andamooka for both tourism reasons and also other general economic reasons that this road required priority. I announced funding for this road as part of budget initiatives. I have not been advised that the work has been stopped for any reason, but I will certainly make urgent inquiries about that matter, because it was one initiative which the Hon. Caroline Schaefer, just after budget time, announced with some pleasure. It certainly was one that I was proud to get through the department and through Cabinet. I know of no reason why it should stop, and I will make urgent inquiries and bring back a reply.

RURAL DEVELOPMENT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services representing the Minister for Industry, Manufacturing, Small Business and Regional Development a question about industrial development in the Bordertown area.

Leave granted.

The Hon. T.G. ROBERTS: Like the Hon. Ron Roberts, I was out in country areas during the break and visited Bordertown.

An honourable member: Did you play golf?

The Hon. T.G. ROBERTS: Yes, I did get in a game at Millicent. I met many of my constituents, but I missed the honourable member's father because he was not there on Saturday afternoon. While I was at Bordertown the question of Tatiara Meats was raised with me. I have already asked a question in this place about the industrial relations implications associated with the repackaging of the awards in the area and the role played by the Minister for Industrial Affairs and Mr Houlihan in drafting that document. Bordertown, like many country and regional areas, is a single industry town, although it has road and rail services and gets some spin-off in economic terms from tourism. However, in the main I think it could be regarded as a single major industry town built around Tatiara Meats.

The situation facing the town is that two-thirds of employees will go back on reduced wages, and the whole town and regional income has dropped considerably. I spoke to representatives of the unions and to some other residents in the area about attracting alternative industries to the area. As all members know, it is not easy to pull alternative industries out of the air at a minute's notice. There was a sense of urgency in the town to try to provide alternative employment in case the drought gets worse and the problems associated with the meatworks deteriorate. That seems to be the general view. However, it appears that the economic development boards and the Economic Development Authority are unable to come to terms with regional development in some areas, and I guess that the West Coast would fall into that category. Will the Government, as a matter of urgency, look at the Bordertown region for the promotion of regional industrial, agricultural or horticultural development?

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

DENTAL WAITING LISTS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about the increased length of dental waiting lists.

Leave granted.

The Hon. SANDRA KANCK: Earlier this year I visited the dental clinic at the Port Adelaide Community Health Centre and was surprised to learn that waiting lists for dental care are unacceptably long and are increasing at a rapid rate. For instance, the waiting lists for those awaiting no more than a check-up are now as along as 18 months, and only the most urgent cases are seen within six months. I know of one case of a woman, a pensioner, who has a broken tooth which is heat sensitive and who was told that it would be at least 15 months before she could have any treatment. The Port Adelaide clinic is not the only one with long waiting lists.

Recently I received a letter from a constituent in Port Lincoln who said that in the middle of last year urgent work there required a six-month waiting list, but now it has expanded to over 12 months. My questions are:

1. What are the waiting lists for dental care clinics around the State?

2. What are the reasons for those waiting lists, given that private dentists are available to undertake this work?

3. Given that such clinics are available only to people with a health card, and many of them are pensioners, what action does the Minister propose to take to reduce those waiting lists?

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

WATER CONSERVATION

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government as well as the Minister for Infrastructure, a question about water conservation.

Leave granted.

The Hon. M.S. FELEPPA: The water resources of this State are in a worrying situation with the State receiving only just over half of its average rainfall to this time of the year. The reservoirs are low and we are constantly pumping water from the Murray River. Our State has had repeated droughts throughout our history and we can no doubt expect more in the future. In the early 1980s I drew the attention of the Minister then responsible to the very issues raised by a concerned citizen in a letter written to the editor of the *Sunday Mail* published on 25 September 1994 which reads:

> I am a young pensioner who privately rents, as most of my friends do. We wonder why it is not compulsory for landlords to fit dual-flushing toilets and rainwater tanks. Water, after all, is our most important and precious natural resource, as our farmers and any other normal person knows. At the moment so much water goes to waste. Years ago, all homes had rainwater tanks. Now, as rainwater tanks rust, landlords have them removed but not replaced.

At the time that I raised this issue there was a public awareness campaign to conserve water, but there were no actual steps taken at that time to ensure water conservation measures such as the compulsory installation of dual-flush toilet systems or rainwater tanks. However, the State of Victoria saw the wisdom of this type of measure and the installation of dual-flush toilet systems was made mandatory in all new and replacement installations as far back as 1984. While it might be too late to lessen the effect of the current drought, it is now time to look at new ways to conserve water in this State, and the mandatory installation of dual-flush toilet systems in new dwellings is an obvious starting point. Another measure would be the mandatory installation of rainwater tanks in newly constructed dwellings, which would provide a ready supply of water in many households. This type of measure would benefit households by providing financial savings from their water bills as well as assisting the State by conserving the limited water available during dry or drought seasons.

I note with some interest an article that appeared in the *Advertiser* on Thursday, 8 November 1994 which reported that some local councils are considering making water efficiency a prerequisite for building approval, as well as making rainwater tanks and dual-flush toilet systems compulsory in new homes under their development plans. However (and this is the point which worries me) in this article the Minister for Housing, Urban Development and Local Government (Mr Oswald) is reported as saying:

> The State Government has no plans to amend its building code.

Will the Minister for Infrastructure implement a vigorous water conservation awareness campaign this summer? Will the Minister for Housing, Urban Development and Local Government Relations consider making it mandatory to install dual flush toilet systems and rainwater tanks in all new houses? Will the Minister further consider amending the building code to encourage and allow local councils throughout the State to adopt a uniform approach to the conservation of water in a manner already being considered by some councils?

The Hon. DIANA LAIDLAW: I share the sentiments expressed in the honourable member's question and explanation. I will refer those questions to both Ministers and bring back a reply.

ABORIGINAL CUSTOMARY LAW

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about Aboriginal customary law.

Leave granted.

The Hon. L.H. DAVIS: The national media has in recent times been reporting that the Attorneys-General and Aboriginal Affairs Ministers from across Australia have taken the historic step of incorporating Aboriginal customary law into the nation's mainstream legal system. As the Attorney is no doubt aware, the judiciary has been from time to time faced with the dilemma of conflicting legal systems, that is, Aboriginal customary law as against our mainstream legal system. In fact, the Law Reform Commission made recommendations on this matter some time ago. What is the South Australian Government's position on incorporating tribal law into State law?

The Hon. K.T. GRIFFIN: This issue was on the agenda of the Standing Committee of Attorneys the week before last in Melbourne, and we had all agreed that we would allow representatives of ATSIC and the reconciliation group to make a presentation to the standing committee and, as a result, Mr Mike Dodson and Mr Charlie Perkins did speak to the standing committee about some issues that related to access to justice for Aboriginal people and Aboriginal customary law.

No decision was taken by the standing committee on the issue. We did decide that our officers would look at the papers which had been presented by those persons and that we would analyse the consequences of what they proposed and determine our position, most likely at the February meeting of the standing committee.

There was certainly no indication given that we were moving to adopt Aboriginal customary law and incorporate it into our own law. Quite obviously there are some difficulties with that in the criminal area, and I have made public statements about the fact that any customary law that resorts to barbarism, including spearing, was not something that in our society we should tolerate. It has, of course, been pointed out that it is not only in the criminal law area but also in the civil area that Aboriginal customary law may have a part to play where the law does impinge upon relationships between Aboriginal people.

I suppose to some extent one could say that Aboriginal customary law has been recognised by the High Court in its

decision in the Mabo case and the subsequent native title legislation enacted by the Commonwealth Parliament—issues that we will have an opportunity to address in this place this week and next.

But, in terms of the direction of the Standing Committee of Attorneys, no commitment has been given other than to examine the issues which have been raised with us and to further consider the matter at the next meeting.

GOVERNMENT AGENCIES

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Leader of the Government in this place a question about arrogance in some Government agencies.

Leave granted.

The Hon. T. CROTHERS: The most arrogant member of all, the Hon. Legh Davis, smiles. On page 5 of the *Advertiser* of Wednesday 2 November 1994, in a report headed 'Arrogant Officials Slammed', the State Ombudsman has accused some Government agencies of official paranoia and arrogance over their refusal to deal with people's information requests made under freedom of information legislation. Indeed, Mr Biganovsky went on to say that he wanted the State Freedom of Information Act amended to place the onus on agencies to justify why they should not provide information. He further said that he had had problems with '. . . most of the departments I have had dealings with, with the exception of the Education Department'. The Leader can take a bow, but there is not much other joy here, Leader.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: In the article he goes on to deal with amendments he would like to see to the present Act. He is also critical of the way and manner in which departments choose the so-called deemed refusal concepts, the manner in which some aspects of public law such as openness, fairness and rationality are set aside by this process, and he also deals with other aspects that in the dispensation of his duties he has found troublesome.

One of his conclusions is that 'Officialdom should not be rewarded for inactivity by saving or escape provisions.' Given that the present Government in its early days in power made a significant number of changes to heads of Government departments, and also given that any Act is only as good as the manner in which it is implemented, I direct the following questions to the Minister:

1. Has the Government had any contact with or from the Ombudsman relative to this matter?

2. How seriously does the Government view the departments' attitudes in withholding information from the State's Ombudsman, thus affecting in some instances his capacity to fully discharge his responsibilities?

3. What does this Government intend doing in order to rectify these shortcomings referred to by the Ombudsman in respect of the Freedom of Information Act?

4. Does the Minister believe that the contents of this article are pretty appalling, and will he say what steps, in the interests of all South Australians, the Government intends to take to rectify the matter? Dare I suggest that, as a first step, the offending policy makers in senior Public Service positions be educated in what the Freedom of Information Act is supposed to achieve in all of our citizens' interests, and the fact that their wages are paid for by all the taxpayers of the State to perform services for all South Australians, something which clearly—and these are some of Mr Biganovsky's comments—they are not doing?

The PRESIDENT: That question contained a bit of comment.

The Hon. R.I. LUCAS: I will need to refer the honourable member's questions to my colleague the Attorney-General in relation to some aspects thereof and perhaps to other Ministers as well and bring back a reply. I have been quickly advised that the Ombudsman might have been, at least in some parts of that article, slightly misreported in relation to comments that he made, but I will get—

Members interjecting:

The Hon. R.I. LUCAS: I will get a full briefing. I am sure he was not misreported in relation to his comments about officers of the Education Department, as referred to by the Hon. Mr Crothers. I took great interest in the comments of the Ombudsman. If that part of his statement is correctly reported, it is a credit to the officers in that section of the Education Department, who do not always get the public thanks that they merit and deserve. They are the subject of criticism. I noted, somewhat disappointingly, some criticism by the Hon. Mr Crothers about members of the Public Service and the service they deliver. I will be getting my early *Hansard* copy of the statements that the Hon. Mr Crothers has made in that question about the quality of the service of public servants and take it up with my good friends and colleagues in the PSA and the Institute of Teachers.

Members interjecting:

The Hon. R.I. LUCAS: The PSA in particular, because they will know that the only member in relation to this particular exchange who stood up and congratulated members of the Public Service generally for the service they provided and was not being critical of the very difficult task that they undertake was the Leader of the Government representing the Government on this issue, and that the very generalised criticism of public servants was made by the Hon. Mr Crothers, representing the Opposition on this matter, in relation to the performance of public servants.

I would be pleased to refer the honourable member's questions to the Attorney-General and, as I said, perhaps one or two other Ministers depending who has ministerial responsibility for the questions raised by the honourable member, and I will be pleased to bring back a reply as expeditiously as possible.

The Hon. T. Crothers: I am told by my friends in SAIT that all things are going well within the Education Department.

The Hon. R.I. LUCAS: That has to go on the *Hansard* record, and I must respond to that. I want to thank the Hon. Mr Crothers for his generosity of spirit in the comment that he has made: that his friends in SAIT have told him that things are doing particularly well in the Education Department. I thank the Hon. Mr Crothers for his generous statement.

Members interjecting:

The PRESIDENT: Order!

ROAD TRAINS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about road trains.

Leave granted.

The Hon. CAROLINE SCHAEFER: Members would be well aware that many farmers on Eyre Peninsula look

forward to the introduction of the trialing of AA road trains across the rest of the State and as far south as Lochiel. Road trains have operated, of course, for many years west and north of Port Augusta. It is proposed that this Government allow trialing of road trains through Port Augusta and as far south as Lochiel.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: The honourable member opposite interjects, 'Why not to Adelaide?' I do not know, but I am sure that would make a suitable question for the honourable member at some stage in the future. Many farmers look forward to this trialing because, other than the major crops of wheat and barley, many farmers grow crops such as triticale, legumes and canola in not large enough quantities to export. Since there is no suitable rail link, the only method of transporting these crops is by road, and this will mean a major reduction in freight costs to those farmers. Indeed, one constituent contacted me suggesting that it will result in a 39 per cent decrease in costs over a 420 kilometre trip. Those savings will, of course, be passed on through the community. One person has written to me saying that it is the greatest single transport related benefit to Eyre Peninsula for nearly 20 years.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: No, it is actually a Mrs Roberts from Port Pirie. I note that the Minister was asked to meet last week with people in Port Augusta who have expressed concern about and opposition to this proposal. I now seek the Minister's reassurance, as a result of that meeting, that the trial will go ahead so that the concerns of constituents on Eyre Peninsula can be allayed. Also, if it is to proceed, will the Minister say when it will begin and what, if any, restrictions will be imposed on these road trains?

The Hon. DIANA LAIDLAW: The trial will commence as promised on 1 December this year. It is true that there has been a lot of agitation in Port Augusta. I recently met with the Mayor in Adelaide on Saturday 5 November and the following Tuesday morning in Port Augusta with councillors, representatives of the Chamber of Commerce, the unions, and quite a number of other people, including Farmers Federation representatives. I gave an undertaking to the Mayor and to the council that we would undertake the initiative in a number of areas.

Applications for permits have been made but as yet none has been issued. As part of the permit conditions, road trains—which will be double and not triple road trains—will be required to travel through Port Augusta at 40 kilometres per hour throughout the 60 kilometre an hour zone. So, the road trains will be travelling at a much slower speed than the rest of the traffic, and that was certainly welcomed by the councillors and the Mayor.

Also, I have indicated that, as part of the permit conditions, road trains will be required to assemble and to remove the dust from their tyres and wheels at specified points. One problem has been that road trains stop and assemble anywhere they wish in Port Augusta, but particularly outside the Standpipe Motel.

Drivers leave one trailer at that location while they proceed through to Adelaide and then return for that trailer. That initiative has also been welcomed. I have also agreed—and the police are more than ready to cooperate in this regard—that by 1 December, when the trial commences, red light cameras will be operating in Port Augusta. This will be the first area outside metropolitan Adelaide where red light cameras will be operating. They will be operating on the main highway through Port Augusta and the intersections of Carlton Street (which is near the TAFE college) and Burgoyne Street.

In addition, the representatives of the council ask that there be a flashing advance warning light near the pedestrian crossing west of Burgoyne Street, and it has been agreed that the Department of Transport will fund that initiative. At that time and since, we have had a lot of discussions about the need for overtaking lanes between Port Augusta, Lochiel and Port Wakefield. Work is being undertaken by the Department of Transport with advice from the local community, and those discussions will be advanced following my discussion. Because of this initiative it is quite apparent that there is some concern about the number of heavy vehicles travelling on the road.

I needed to point out at the time, and I now do so for members, that the South Australian Road Transport Association estimates that the introduction of A trains could halve the number of semitrailers currently using the road, and that is a huge advance in terms of road safety. We will see half the number of trucks on the roads. I also note that since the former Government permitted AAA trains to travel from Port Augusta to the Northern Territory there has been not one recorded accident of which I am aware on that stretch of the Stuart Highway.

They are not an unsafe vehicle; otherwise, they would not be allowed on our roads at all. As they are a safe vehicle we have made special allowance for them when passing through Port Augusta to accommodate the concerns of local residents, but we are also, as part of our economic development strategy in this State, ensuring that transport and the people who produce goods are able to get them to market as efficiently as possible.

AA trains operating south of Port Augusta are one such initiative. Overall, it is estimated that in the first year of operation transport operators and, in turn, manufacturers and consumers will be saving $2.3 million and in 2½ years the cost savings are estimated at $7 million. This is a big microeconomic reform in that sense and I have been pleased to receive correspondence and phone calls in strong support of the proposal from the Eyre Peninsula, in particular.

The Hon. SANDRA KANCK: I desire to ask a supplementary question. I have been given information—

The Hon. Anne Levy: That is not a supplementary.

The Hon. SANDRA KANCK: I will put it in another way. Will the Minister comment on information I have been given about the safety of those vehicles, that there is a sway factor of 10 feet, that is, five feet either way at the back of the vehicle?

The Hon. DIANA LAIDLAW: I understand that that is so for AAA trains but not so for AA trains, which is one of the reasons why the trial from Port Augusta south to Lochiel will be confined to AA trains, which are about 10 metres longer than the B doubles we are used to seeing on our roads. They are not an alarming vehicle. Certainly I would not be permitting unsafe vehicles on the road.

PARLIAMENTARY SUPERANNUATION

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Treasurer, a question about parliamentary superannuation.

Leave granted.

The Hon. M.J. ELLIOTT: On 13 October the Treasurer, Hon. Stephen Baker, made a public statement that the State Government would set up an independent inquiry into parliamentary superannuation. In an interview with 5AN's Keith Conlon he stated that by the end of the month, that is, October, he hoped to have an independent tribunal or body set up. In the interview, Mr Baker stated:

I am hopeful I can have something in a form which in fact passes scrutiny by the end of this month.

The month ended more than two weeks ago. First, when will the Minister announce an independent inquiry into MPs' superannuation? Secondly, if he has not set up such an inquiry, why has he broken his pledge that something would be done by the end of last month?

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

ARTS ADMINISTRATION

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

Leave granted.

The Hon. ANNE LEVY: Members may recall that a few years ago all sections of the Department for the Arts plus some statutory authorities were subjected to review, but these reviews were all published and made public documents, with the exception of two where the boards of the institutions concerned requested that they not be made public.

The Hon. Diana Laidlaw: It was three.

The Hon. ANNE LEVY: Two, still. The review of the administration sections of the department at the time was undertaken by outside consultants so that there could be no question of internal bias. The review was made public. We all know that the Department for the Arts and Cultural Development has been having a review of its administration and administrative practices, which doubtless covers the Corporate Services section, the Arts Development Division and administration generally within the department. When previously asked about it, the Minister informed me that the review was still taking place. I understand the review is now finished, that there is a report that has not been publicly released as yet and that it was not undertaken by outside consultants. I understand it has been presented to the department but, as I indicated, the report has not been publicly released.

Doubtless, the Council will recall that for a long time the Minister, then shadow Minister, made endless comments about overstaffing in the department, suggesting that there were far too many people in administration, that money should be out where the artists are and that the department's staff should be cut considerably. Will the Minister release publicly and table in this Council the review into the administration of the Department for the Arts and Cultural Development that has been completed? If the Minister will not table it, why will she not table it, seeing that all other comparable reviews were released previously and there is certainly no board here requesting that the report not be released? Can the Minister confirm that this great review of administration in the department suggests abolition of only three positions in the whole department for the purpose of streamlining administration, which is hardly a wholesale reduction in the level of administration in the department?

The PRESIDENT: The Minister will ignore the last comment, which was an expression of opinion.

The Hon. DIANA LAIDLAW: That certainly was opinion. I never indicated that there would be a wholesale reduction. I indicated that the department would be streamlined and that resources should be out in terms of the performing and visual arts community where the product is and not in the bureaucracy. I have never hidden my sentiments in that respect and they are well supported by the arts community at large. There has been considerable refocussing of departmental efforts in the last year, starting first with the change of name from 'Arts and Cultural Heritage' to 'Arts and Cultural Development'. Development of the arts is our game or business. We are now focussing on cultural enterprise development, cultural export development and cultural tourism. At present we are doing an enormous amount of work and there will be a further look at the department's effort in terms of the multi-media industry. It is quite clear—

The Hon. Anne Levy: Answer the question.

The Hon. DIANA LAIDLAW: I am answering the question. I am saying that those steps are already being taken irrespective of any review of the department because they reflect the Government's goals in terms of the development of the arts. Ms Winnie Pelz, CEO of the department, came to me earlier this year and advised that she would like to have an assessment made of the department's structure, particularly in arts development and the corporate sector because, as part of that assessment, she indicated she wanted to determine what functions should be continued by the department on behalf of agencies, what functions could be outsourced and what functions the agencies could absorb. I readily agreed to her request and I understand that she has received the report. I have not yet seen it.

The Hon. Anne Levy: Will you make it public?

The Hon. DIANA LAIDLAW: I will ask for it and make it public. There is nothing to hide in this area. We have been open all the time. We want to be aggressive in the department in terms of development of the arts. The arts must have a much closer economic development focus and the steps we have taken today have ensured that that is so and we will be taking more steps in the future. There is nothing to hide.

STATE INFRASTRUCTURE

In reply to **Hon. T. CROTHERS:** (11 October).

The Hon. R.I. LUCAS: The Minister for Industry, Manufacturing, Small Business and Regional Development, Minister for Infrastructure has provided the following response.

1. The Federal Government has supported the construction of major EWS infrastructure over the last two decades by way of specific purpose loans and grants under various funding arrangements.

This has largely been in the area of water quality, both in metropolitan and country areas. The Metropolitan Water Filtration Program was completed in 1993-94, funded jointly by State and Federal Governments.

Country Water Supply Improvement Programs (COWSIP) have been funded and continue to be funded under the National Landcare Program jointly by State, Federal and local Governments.

Currently the Federal Government, along with the State Government, is supporting the rehabilitation of highland irrigation areas under a cost-sharing arrangement with irrigators, as set out in the management plan for the irrigation areas.

These arrangements and other smaller national Landcare programs, the focus of which is on community health is independent of the commercial form of the agency delivering the service. This will continue under corporatisation for as long as the EWS is involved in the various activities that attract Federal Government support. On the wider front, the Federal Government is fully supportive of the commercialisation initiatives of the Australia Water Industry.

2. The estimated savings by the EWS quoted were $38.2 million per year. This was made up of two components: $26.7 million

through outsourcing functions currently undertaken by the EWS; and $11.5 million through performance improvement of functions that will not be outsourced.

This compares conservatively with an estimate by the Commission of Audit of $44.7 million through broadly equivalent mechanisms.

The figures have been determined on the basis of a thorough consideration of costs, both labour and materials, which are currently incurred and cover the complete range of functions undertaken by the EWS.

Notwithstanding this, just over half of the employees released through this process will leave voluntarily with significant pay-out benefits (TSP/VSP). The remainder of employees released are expected to be transferred to outsourcing contractors. The analysis of this proposal has considered all associated employee separation costs.

3. The EWS is not being privatised; it will become a public corporation, subject to control and direction by the Minister for Infrastructure. The regulatory powers under the Waterworks and Sewerage Acts are to be retained by the Minister.

4. The corporatisation process will not have any impact on the prices paid by users for water and sewerage services.

5. The reasons for the answer to question 4 are that the powers to set prices are being retained by the Minister following corporatisation of the EWS and the substance of those powers is not being altered.

6. In view of the approach taken in South Australia, which is different to that taken in Britain, this question is not relevant.

7. Since the EWS is not being sold, this question is not relevant.

8. Refer to the reply to questions 3 and 4 above.

9. This question is also not relevant. Since the EWS is not being sold there is no question of buying it back.

STATE FINANCES

In reply to **Hon. T. CROTHERS** (19 October).

The Hon. R.I. LUCAS: The Premier has provided the following response. The honourable member's questions are based on his apparent view that any involvement of international companies in the Australian and South Australian economies is not in the national and State interest. Clearly, his view is not supported by the Federal Labor Government, as well as the South Australian Government.

The honourable member raises as one example the proposal to outsource Government information technology to EDS. In fact, independent economic analysis indicates that this arrangement will generate $500 million of economic benefit to South Australia. It will also create 1 300 direct new jobs and several thousand indirect jobs.

In relation to privatisation, major privatisations being pursued by the honourable member's colleagues in the Federal Government, as well as those proposed by the South Australian Government, aim to reduce debt as well as enhance competition and provide improved services to consumers.

INFORMATION TECHNOLOGY

In reply to **Hon. M.J. ELLIOTT** (6 September).

The Hon. R.I. LUCAS: My colleague the Hon. Stephen Baker has provided the following response. The evaluation process conducted was to ensure that the decision making was managed properly: it was done on the basis of a competitive negotiation with IBM and EDS. They put forward proposals which included commercial-in-confidence material and because it was a competition, neither company should gain any information about the other company that could have given them an advantage in the process.

I am happy to provide the following general information on criteria used to evaluate the companies:

- industry development
  - commitment to the MFP, Centre of Excellence, etc.
  - support local industry, etc.
  - expansion of export potential for the State.
- outsourcing
  - human resource issues associated with employment of public sector people.
  - a required level of guaranteed savings to Government.
  - commitment to maintaining service levels and protection of data/security, etc.
  - ability to do the required job.
  - refreshment of technology.
  - purchase of non strategic assets.

The Government is considering the entire issue of protection of data confidentiality at all levels as part of its outsourcing negotiation with EDS. Overseas and local practices and precedents will be incorporated wherever practical to ensure that State of the art practices are achieved.

GROTE STREET PROPERTIES

In reply to **Hon. R.D. LAWSON** (20 October).

The Hon. R.I. LUCAS:

1. The Grote Street property consists of two sites of approximately equal size totalling 8 655m^2. The Certificate of Title references are CT 3230/134, 8/123 and 172/181. Both sites were declared surplus to requirements by the former Minister of Education, Employment and Training in 1993. This decision has not been varied by the current Government.

2. The sites have been placed with the Department for Environment and Natural Resources for disposal, in accordance with current Government guidelines.

A number of issues, involving the current users of the site, are being worked through with officers from DETAFE, and this will lead to the successful disposal of the site and a financial return to Government.

SCHOOLS, VIOLENCE

In reply to **Hon. CAROLYN PICKLES** (11 October).

The Hon. R.I. LUCAS:

1. On 14 September three youths (ex students of Parafield Gardens High School) entered the school grounds. They appeared to be under the influence of alcohol. A teacher approached them and requested that they leave. The youths refused to leave and proceeded to assault the teacher, knocking him to the ground, kicking him and punching him. Two students who witnessed the incident reported that it was unprovoked. Police were called, and the teacher was driven home to seek medical advice.

Injuries were relatively minor in nature. The teacher has subsequently been counselled by the local personnel counsellor and returned to duty after 2.5 days leave. He has reported that the principal and staff have been very supportive since his return.

2. The youths who allegedly assaulted the teacher returned to visit the school yard later that day and the following day.

The police visited the homes of the youths involved. The victim has made a formal statement to the police and believes that a prosecution is proceeding against the assailants.

3. I, through the Chief Executive, am supporting the school principal and staff in the implementation of strategies they have developed to ensure that the likelihood of a similar incident occurring is minimised.

The school's Occupational Health, Safety and Welfare Committee had an emergency meeting after the incident and made recommendations which resulted in:

- the purchase of a mobile phone for use of staff on duty
- the establishment of procedures to ensure that teachers operated in pairs on yard duty.

A full staff meeting has been held, in which occupational health and safety issues were addressed and appropriate procedures formalised. School management has met with Inspector Yates from Para Hills police station and ensured that ongoing liaison will occur, and that police responses will strongly support school actions.

The school has requested that DECS Corporate Services Division investigate the feasibility of fencing the northern boundary of the school to inhibit access from that side of the school.

4. The SAIT/DECS committee on violence in schools had its final meeting on 14 September. At this meeting, the working parties tabled recommendations for consideration by DECS.

School Operations Division is currently costing these recommendations and will present a proposal to me through the Chief Executive as soon as costing is completed and possible sources of funding are identified.

As I mentioned on 11 October, I will consider the report and then make a decision about its release. My general approach however is to make as much information available whenever possible.

EWS COUNTRY INFRASTRUCTURE

In reply to **Hon. R.R. ROBERTS** (18 October).

The Hon. R.I. LUCAS: My colleague the Minister for Industry, Manufacturing, Small Business and Regional Development and Minister for Infrastructure has provided the following response. The

EWS is aware of the age and condition of the water mains in Port Pirie and has had recent dealings with the Port Pirie council regarding their condition and the quality of the water supply in general.

The great majority of Port Pirie mains are a long way from the end of their economic life.

In the last four years the EWS has relayed approximately five kilometres of main in Port Pirie at a cost in the order of $700 000.

The above program was aimed at replacing the worst sections of main and has achieved the desired results. Port Pirie now experiences an annual burst rate of about six per 100 kilometres, which compares favourably with burst rates of 13 per 100 kilometres in metropolitan Adelaide (1993-94) and 38 per 100 kilometres in Sydney (1992-93).

The EWS's water supply systems are not designed for the specific requirements of large firefighting demands nor for oval watering systems. EWS target levels of service for pressure and flow are often inadequate for these types of applications and the need for customers to install on-site storage and pressurising systems is common.

WATER SUPPLY

In reply to **Hon. T. CROTHERS** (20 October).

The Hon. R.I. LUCAS: My colleague the Minister for Industry, Manufacturing, Small Business and Regional Development, Minister for Infrastructure has provided the following response.

1. South Australia is assured of getting its 'entitlement flow' in the River Murray this year despite the drought. The entitlement flow is provided for in the Murray Darling Basin Agreement, a legal agreement binding the States. This water will be provided from Murray Darling Basin Commission storages which are holding plenty of water. For example Dartmouth dam is holding 85 per cent of capacity, Hume 70 per cent, and Lake Victoria 91 per cent.

2. The reservoirs in the Mount Lofty Ranges which supply Adelaide with water, are currently holding 50% of capacity. Individual reservoir holdings on 24 October 1994 are as follows:

Mount Bold	15 600 ML	34%
Happy Valley	9 000 ML	71%
Myponga	21 200 ML	79%
Millbrook	8 200 ML	50%
Kangaroo Creek	4 300 ML	23%
Hope Valley	2 300 ML	67%
Little Para	11 900 ML	57%
South Para	19 500 ML	44%
Barossa	4 300 ML	95%

The major country reservoirs are holding the following:

Warren	51%
Bundaleer	32%
Beetaloo	61%
Baroota	44%
Tod	36%

3. No. The Engineering and Water Supply Department has built secure, flexible water supply systems which can withstand fairly severe drought conditions. Many of the State's country water supply systems are either supplied directly from the River Murray or supplemented by it. The two main areas are largely supplied by ground water, and both have adequate supplies to meet all demand over summer.

We have not had compulsory water restrictions in Adelaide since the Mannum-Adelaide pipeline was constructed in 1954. There is no anticipated need to introduce restrictions in South Australia this year.

4. As outlined previously, this situation is most unlikely to occur, however, in extreme cases or where localised conditions dictate, appropriate actions will be taken.

WATER QUALITY

In reply to **Hon. SANDRA KANCK** (18 October).

The Hon. R.I. LUCAS: My colleague the Minister for Industry, Manufacturing, Small Business and Regional Development has provided the following response. Chlorine is universally used as a disinfectant throughout Australia and the rest of the world. Chlorine dose rates and chlorine residuals for all water supplies throughout the State are closely monitored by the State Water Laboratories and are in compliance with National Health and Medical Research Guidelines for Drinking Water. This information is readily available to the SA Health Commission.

Any further information on the heal,th effects of chlorine can be obtained from the SA Health Commission.

The EWS has attempted to minimise the residual chlorine levels on the Mannum-Adelaide pipeline without compromising the public safety of the water supplies to consumers in Inglewood, Paracombe, Houghton and Upper and Lower Hermitage, to name a few. The discharge of water into the Little Para River is an essential operating practice to ensure that the residents in the northern suburbs of metropolitan Adelaide are afforded a continuous safe supply without incurring water restrictions. This is particularly so under the current scenario of low rainfall and very low reservoir storages.

Following the construction of the Little Para Reservoir, the EWS acquired all land along the Little Para River from the dam wall to the dissipaters at Lower Hermitage. Land either side of the Little Para River was fenced off to exclude stock and farming practices. Land management practices such as weed control and revegetation have been implemented to improve the integrity of this waterway.

The above practices have significantly contributed to an improvement in the water quality entering the reservoir.

SCHOOL BUSES

In reply to **Hon. ANNE LEVY** (11 October).

The Hon. R.I. LUCAS: The Department for Education and Children's Services operates 620 school bus routes, the majority of which are country based and are designed to provide an adjacent service to as many families as possible.

School bus routes are established or altered with due consideration of essential factors such as suitability of pick up/drop off points, road conditions, geographical conditions, timetables and costs.

The route alteration process requires schools to lodge a request with the department's Transport Services Team for assessment and acceptance, and the assessment process involves consultation with country councils to ascertain the nature of proposed roads to be used for school bus routes.

The department only uses roads as school bus routes that are certified by councils as being:

- 'all weather and suitable for use by a school bus'.

The department does not request councils to upgrade roads so that they may be used as school bus routes, neither are councils expected to provide and maintain roads solely for use by school buses. If a road deteriorates to a stage where it cannot be certified then an alternative road may be used having regard to timetable and costs.

It is possible that in some cases councils have not been consulted by the Department (viz—minor route alterations to roads already being used by school buses to cater for student movement), however councils have been consulted in all cases of major school bus route review and establishment of new routes to determine road certification requirements.

The department is to implement a review of all school transport services operating within the State, and an essential component of this review will be consultation with school communities and local district and town councils to determine the most safe, effective and cost efficient way of providing these services on behalf of eligible students.

Councils who require specific details of existing school bus routes operating in their district to facilitate road work priorities and planning should contact principals in-charge-of school buses or the department's Transport Services Team.

Also, I understand that some councils have been approached by local community groups to upgrade roads in anticipation that they will be used as school bus routes. Before any road work commences, councils are advised to contact the department's Transport Services Team, as a suitable road does not always warrant a school bus route alteration.

The department is very appreciative of the efforts of country councils in the establishment and alteration of school bus routes, and the ongoing road work approved by councils to maintain roads used as school bus routes. The department is to continue to assess all school bus route alterations in consultation with country councils.

CHILDREN'S SERVICES

In reply to **Hon. CAROLYN PICKLES** (27 October).

The Hon. R.I. LUCAS: Every year the Children's Services Office (CSO) receives applications from teaching staff who wish to be considered for promotion to Preschool Director. The promotion process includes an application being submitted, an interview with appropriate questions, and consideration of relevant work reports.

From this process the CSO gains a list of teachers who are considered suitable for promotion and are subsequently appointed to a promotional position or are requested to fill temporary vacancies throughout the year. Part of the interview process involves providing the intended interviewees with a hypothetical question in advance for consideration by the person prior to interview. Hypothetical questions requiring applicants to give consideration to matters of a strategic nature have been standard practice in previous years.

Teachers applying for interview were supplied with the hypothetical question at least six days prior to the interview. They were requested to give consideration to the scenario outlined in the question and given 15 minutes in which to discuss the matter with the interview panel.

The CSO considers the question to be an appropriate question for staff who will be holding responsible senior positions within the CSO. The applicant would be expected to display a knowledge of the process involved in staff reductions, the reason for such reductions, an ownership of the issues involved as part of the CSO management team, the need to involve parents in the process, an awareness of the role the Regional CSO plays in the process, an exploration of options and alternative strategies for the centre and staff while maintaining a quality program and focus, the ability to reassure parents and the community and to work with them on achieving a good outcome, and addressing the concerns of all staff.

The question does not require the Preschool Director to develop plans for the cutting of centre staff. Decisions on the reduction of staff in a preschool centre are made by the CSO and not the Preschool Director. The question does, however, expect the Director to have some strategies for dealing with the situation. Staff reductions in preschool centres are a common situation which Preschool Directors have dealt with over a long period of time.

STAMP DUTY

In reply to **Hon. BARBARA WIESE** (2 August).

The Hon. R.I. LUCAS: The proposal to reinstate the stamp duty rebate for strata title purchases in the inner city is questionable on a number grounds. Firstly, the scheme has a considerable cost—$20 million—and it is unlikely that the Government would make offsetting savings on infrastructure. Given the budgetary constraints that the Government faces, and competing claims on resources, the stamp duty rebate scheme does not win support. The Treasurer is not confident that the budgetary cost of the rebate would be matched by infrastructure cost savings.

Secondly, while the Government is keen to see inner city redevelopment occur, it questions the appropriateness of giving stamp duty rebates to that relatively affluent part of the community who are in the market for inner city residences. The Government intends to promote inner city development by making available the East End Market site.

Thirdly, the rebate scheme that was in operation covered the whole of the metropolitan area, not just the city. As such, it was a scheme that perhaps marginally encouraged urban consolidation, but did not have any particular focus on inner city redevelopment.

The issue of medium density development is a complex one. Any reforms would need to consider local government zoning regulations (which to some extent reflect democratically expressed preferences), and the appropriateness of existing housing subsidies delivered through subsidised infrastructure. Simply to allocate more funds to subsidise alternative housing forms is not a viable option in the present financial climate.

VOCATIONAL EDUCATION, EMPLOYMENT AND TRAINING BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 758.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Leader for her valuable contribution to the second reading of this Bill. I think, as has been indicated both in this Council and another place, the general principles of the legislation have been worked on for some time, previously under the Labor Government and continuing under the Liberal Government, and are therefore generally supported by all the political Parties represented in this Chamber and in the Parliament, and I thank members for that support and look forward to its speedy consideration in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—'Establishment of VEET Board.'

The Hon. CAROLYN PICKLES: I move:

Page 4, after line 17—Insert new subclause as follows:

(6a) The same number of members must be appointed by the Governor under subsections (5) and (6) to represent the interests of employers and employees respectively.

The Government has accepted that there should be at least two employer representatives and at least two employee representatives on the VEET board. If we leave aside the Chief Executive Officer, who is to be a member of the board *ex officio*, there is potential for the board to comprise two UTLC nominees and nine representatives of employer associations. As the Minister has pointed out in another place, the board will not truly fulfil its function if it is stacked in this way. The problem is that there are so many employer associations which are likely to lobby the Minister of the day for inclusion on the board. The Employers' Chamber of Commerce and Industry, the Master Builders' Association and the Engineering Employers Association are mentioned in clause 7 itself, just to begin with.

There are numerous other employer groups that might wish to claim a right to be on the board, and the Opposition is concerned that someone less iron-willed than the present Minister might capitulate to these various employer interests and that at some point this will become unacceptable to the United Trades and Labour Council and the system would start to break down. For these reasons alone, I think it would be wise to ensure an even-handed approach in the legislation before us. I have today received a facsimile transmission indicating that the Minister is willing to accept this amendment for these reasons, and I am grateful to him for his consideration.

The Hon. R.I. LUCAS: I am advised that the Minister and the Government are prepared to support the amendment moved by the Hon. Ms Pickles. The amendment follows from amendments accepted by the Minister during debate in the lower House, providing that up to two members of the VEET Board should be appointed after consultation with employer bodies, and up to two members after consultation with the UTLC. The amendment proposed provides that equal numbers of members representing the interests of employers and of employees should be appointed. I am told that the Minister believes this is a reasonable proposition. He wanted to examine the amendment closely because of some concerns, but he is now prepared on behalf of the Government to indicate the Government's support for the honourable member's amendment.

Amendment carried; clause as amended passed.

Remaining clauses (8 to 47), schedules and title passed.

Bill read a third time and passed.

SMALL BUSINESS CORPORATION OF SOUTH AUSTRALIA ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 760.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their valuable contributions in relation to this Bill. I understand that this piece of legislation is again broadly supported by all members and all Parties represented in this Chamber, and I thank members for their support and their contributions.

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

FINANCIAL INSTITUTIONS DUTY (EXEMPT ACCOUNTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 696.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports this legislation, which was introduced in another place. The legislation makes superannuation deposits portable without undue penalty in terms of FID taxes and allows the Commissioner to assess and follow up any avoidance of FID tax. The Opposition has no indicated amendments and registers support for the legislation.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Leader of the Opposition for her contribution and indicated support for the legislation. I look forward to its expeditious passage in Committee.

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

ELECTRICAL PRODUCTS (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 719.)

The Hon. SANDRA KANCK: I shall be very brief. As I understand it, the effect of this Bill is to allow for the separation from the trading activities of the Electricity Trust of South Australia of the administrative responsibilities in terms of the testing of electrical products. Part of the philosophical rationale for this is that a Government entity should not be a player and the umpire in the same game. I also understand that the main justification for this Bill is to remove a so-called cost burden from ETSA to enable it to become more cost competitive. My biggest concern, therefore, is that a Government player and umpire will be replaced with a private player and umpire. Clearly this would not be in the interests of creating, to use another economic rationalist expression, a level playing field for electrical products manufacturers. In supporting the second reading, I seek some reassurance from the Government that such commercial conflicts of interest would not arise from the proposed ministerial delegation of testing of electrical products. The Democrats support the second reading.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

GAMBLING

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

That the Social Development Committee be required to inquire into and report on:

1. The extent of gambling addiction that exists in South Australia and the social and economic consequences of that level of addiction;
2. The social, economic and other effects of the introduction of gaming machines into South Australia; and
3. Any other related matters.

(Continued from 3 November. Page 765.)

The Hon. BERNICE PFITZNER: I rise to support this motion. It is with great apprehension and foreboding that I anticipate the results of this inquiry into gambling. I have briefly reviewed the scant scientific literature that is available on the prevalence of gambling and its impact on society. There does not seem to be sufficient justification to extend the varieties of gambling to gaming machines or pokies in pubs, clubs or hotels without awaiting the results of the impact of extended gambling on the community in other States. There are social gamblers who can control their habit but we also have addicted gamblers whose prevalence varies between .25 per cent and 4 per cent of the population. A study done in 1991 based on current addicted gambling in Sydney cites the prevalence as 1 per cent of the total adult population. The American Psychiatric Association's Diagnostic and Statistical Manual (DSM) of Mental Disorder (1980 DSM IIIR) lists gambling as a pathological disorder. To classify a person as a pathological gambler he or she must have four out of the nine possible symptoms, as follows:

1. Frequent preoccupation with gambling or with obtaining money to gamble.
2. Frequent gambling of larger amounts of money or over a longer period of time than intended.
3. A need to increase the size or frequency of bets to achieve the desired excitement.
4. Restlessness or irritability if unable to gamble.
5. Repeated loss of money by gambling and returning another day to win back the losses.
6. Repeated efforts to reduce or stop gambling.
7. Frequent gambling when expected to meet social or occupational obligations.
8. Sacrifice of some important social, occupational or recreational activity in order to gamble.
9. Continuation of gambling despite inability to pay mounting debts or despite other significant social, occupational or legal problems that the person knows to be exacerbated by gambling. (Four out of nine of these symptoms would classify one as being a pathological gambler).

Professor Blaszczyskis in his Report on Pathological Gambling and Criminal Behaviour (1992) found:

· In Australia, the per capita expenditure on gambling far outranks that found in any other contemporary western society.

· In 1989-90 gamblers had lost close to $4.4 billion, and that was before any of the States had pokies.

· The ethnic background of gamblers was 67 per cent Australian, 11 per cent North European, 6 per cent British and 9 per cent Mediterranean countries. Despite the reputed popularity of gambling in Asia, the percentage of gamblers there was only 3.6 per cent; however, the low percentage was explained by the existence of 'hidden' factors as Asians avoided western based mental health services.

· More Catholics were represented among the pathological gamblers compared to Protestants. This was put down to the fact that historically Catholics do not consider gambling to be sinful (Allcock 1986).

· The preferred form of gambling was horseracing (62 per cent), and poker machine gambling accounted for 13 per cent.

· There is a time lag of five years between the introduction of a new form of gambling and the emergence of social problems. With our newly introduced pokies we have a lot to be concerned about.

· Only 15.5 per cent of spouses have prior knowledge of his/her partner's gambling addiction. There were relationship problems as well, amounting to 51 per cent of the sample, and only 6.2 per cent claimed no gambling generated conflicts.

· Of the 306 addicted gamblers in the study, 59 per cent admitted to having carried out at least one gambling related illegal activity. The most frequent types of gambling related illegal activities were larceny (31.4 per cent) and embezzlement (21.6 per cent). It was noted that on average each gambler carried out approximately 10 illegal acts specifically to obtain money to finance gambling behaviours.

· Alcohol did not feature prominently as a predisposing factor (5.7 per cent of cases).

· The introduction of a new form of gambling adversely affects the original gambling market share.

We note this negative trend to be the case, as described in an article in yesterday's *Advertiser*, and bingo charities like Bedford Industries are now losing out. There is also the introduction of new gambling dollars. The most likely effect of this is to increase the number of new gamblers and therefore to increase the number of addicts. More research needs to be done in this area to substantiate this.

The Tasmanian Council of Social Service in 1992 reported on the Inquiry into the Social Impact of the Extension of Video Gaming Machines Beyond Casinos. The report found that these machines, being more accessible and easy to use with gamblers receiving quick rewards, are a particularly addictive form of gambling. This addiction has moved the Dutch Government to ban more than 10 000 gaming machines because of the alarming rise in gambling addicts. I hope we do not see that same result here in South Australia or, indeed, in Australia. Further, the Committee for the Review of State Taxes and Charges in Tasmania (1992) reported on the extent of gaming machines into hotels and licensed clubs. It must be noted that of all the States and Territories, South Australia was reported to have the highest number of clubs per thousand adults, with clubs at 1.06 and pubs at .057 which was the second highest per thousand head of population next to Tasmania which was .91. We can therefore anticipate the potential for increased gambling in these areas. The Tasmanian findings from the Committee for the Review of State Taxes and Charges were as follows:

· Gaming machines were acknowledged to be the most addictive form of gambling.

· Up to 1 per cent of the Tasmanian adult population may be susceptible to problem gambling or addictive gambling.

· A significant proportion of pathological gamblers are likely to resort to criminal means to finance their addiction.

· Although video gaming machines already are available to potential gamblers at casinos, their greatly increased accessibility is likely to increase the incidence of problem gambling or addicted gamblers.

· The tentative nature of the quantitative assessments indicates a need for further research into the incidence and impact of problem gambling.

The latest Schilling report (1993) from Victoria finds that:

· The proportion of household disposable income devoted to gambling in 1992-93 for Victoria was 1.57 per cent, New South Wales 2.72 per cent, and Queensland at 2.3 per cent.

· The players were between two age groups: 20 to 24 years of age and 59 to 65 years of age.

· Males played twice as often as females.

· Asians and European born people spent considerably above the average.

· The big spenders have below average income, were recipients of social benefits, were public renters, lived in one bedroom accommodation and were young (below 30 years of age).

It has been suggested that the total employment generated per machine was one job per two machines. It has now been found that it is more like one job per five machines. The finding also states that there is an 11 per cent increase in non-gaming revenue, such as bar trade, meals and entertainment. From 1991-92 to 1992-93, the overall gambling market showed a total gambling increase from $4.3 billion to $6.6 billion, an increase of 51.5 per cent. The gaming machines turnover for 1992-93 was $2.7 billion, representing 41.4 per cent of total gambling turnover, and 73 per cent of total gaming turnover.

Based on these preliminary facts and figures, the introduction of pokies into pubs and clubs will no doubt generate employment and revenue. Since August 1994, we have so far approved 218 licences for 5 500 machines. However, do we know what havoc these gaming machines will wreak? Therefore, I am pleased that the Social Development Committee will have the opportunity to monitor and investigate the extent and impact that gambling and, in particular, the pokies will have on the community. We are also mindful of the fact that some social damage might not show up for another five years. We must wonder whether, in trying to generate revenue and jobs, this means of gambling justifies the end. I predict that the damage to the fabric of our community that this extended form of gambling will produce will be unsustainable. I therefore support strongly the motion.

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

ELECTRICAL PRODUCTS (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from Page 777.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contributions to the debate. Again, I welcome the fact that it has received support from members and from the political Parties represented in the Legislative Council. I look forward to its expeditious passage in the Committee stage.

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

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 675.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications in respect of this Bill, some in support and others not so forthright. Nevertheless, one would hope that the matter can be further considered in the Committee stage. A number of issues have been raised during the course of the debate, and I will give some responses. If there are matters that have not been addressed, I will deal with those during the Committee consideration.

An argument has been developed that this private management Bill and industrial relations are in some way linked. I would suggest that this is a completely invalid argument and is an attempt to mask a very important piece of legislation that is designed to vastly improve the competitiveness and the quality of services to prisoners as well as to the community. The industrial disputation has arisen as a result of actions by a small group of prison officers to recent changes made to the existing prison system to remove restrictive work practices and reduce costs to national public sector levels.

Institutions have made some significant improvements through restructuring and staff are to be commended for this, but there is still a considerable way to go. The recent report by the Grants Commission cites that the cost per prisoner in South Australia is some 25 per cent more than the other States for the management of prisoners. The debt-laden economy of South Australia is not in a position to continue this practice, and consequently the Government has undertaken, on behalf of the community, to reduce costs in the prison sector to at least the national level. Of course, in other areas of Government we are compelled to exercise significant restraint because of the legacies of the past.

The Audit Commission also noted that one of the major reasons for the increased costs to manage prisoners in South Australia was the high staff/prisoner ratios resulting from restrictive work practices. It is a duty of the Government and management to redress these inefficiencies and, unfortunately, some officers are reluctant to accept changes.

There is a proper forum for dispute resolution and, unfortunately, from time to time industrial action has been manufactured by a small group of officers in an endeavour to frustrate the Government and the department in achieving the objectives of this Bill, that is, a better deal for the community and for prisoners.

The industrial disputation is not of the Government's making and has no link with private management as far as it is concerned. Officers who embrace the reform process and reduce institutional costs have nothing to fear from private management. I am pleased to say that, at a recent meeting with the Public Service Association and staff representatives, an agreement was reached to work through a list of restrictive practices with a view to resolving them quickly. However, failure to resolve these issues will force the Government to take alternative action to reduce costs in existing prisons.

In summary, the argument to try to link the private management Bill and the spate of industrial disputes holds no water, and the Government and department will resist the pressure to be drawn into this aspect of the debate.

An argument has been raised that the Government should negotiate with the unions first rather than privatise at this stage. I should say that the unions are being given an opportunity to contribute to the reduction of costs and have a say in the running of an efficient and effective correctional services system, that is, keeping the public sector slice of the prison system. All changes to unit management have been undertaken in consultation both at the local institutional level and at the fortnightly meetings with the PSA. Unit management will make a significant difference to the safety of staff and the rehabilitation of prisoners.

Restructuring has generally gone very smoothly. For example, changes at Yatala were designed by a committee of some 16 representatives comprising staff, the unions, occupational health and safety, and management. To say, therefore, that the Government does not consult with the staff and the unions is just not true.

Furthermore, other Governments have gone down the road toward privatisation in an endeavour to draw the unions to the negotiating table. Privatisation of Mobilong and Port Augusta prisons was ear-marked and a submission prepared for Cabinet. Legislation was not enacted and costs continued to stay above national levels.

The mere existence of the private management Bill has been the catalyst for a great number of changes that have taken place in the existing prison system. However, failure to pass this piece of legislation may well see competition for services based on quality and price diminish and result in a return to past restrictive work practices, excessive staffing levels, and poor service delivery, and this Government is just not prepared to allow that to happen. States such as Western Australia were in a position to negotiate with unions to reduce costs due principally to their better starting point. In terms of data from the Grants Commission the cost per prisoner in Western Australia was some $43 000 compared to over $56 000 in South Australia. One can therefore see that we are starting at a much higher cost base, and there needs to be an alternative approach to achieve cost savings, to ensure that they can be diverted into improved programs for prisoners and to meet the cost savings required to reduce the extremely high debt of this State.

In addition, Western Australia has already introduced private management in correctional services provision. Part of their home detention scheme has been privately managed for some time. The Government will always be open to negotiate about the reforming of the existing public system, to place it on a competitive footing with the rest of Australia and to erode the 25 per cent cost loading that has currently applied compared with the rest of Australia. The unions and their members have nothing to fear in terms of their jobs in existing institutions should sensible negotiations take place and efficiencies occur. The Government is prepared to negotiate with the correctional officers in the tendering process for the management of the new Mount Gambier Prison.

The officers will be able to tender for the prison management on behalf of the department. Funding has been made available to the staff to engage external consultants in an endeavour to prepare the bid following the passing of the legislation. This Government is the first to allow staff to tender in the privatisation process. Parliament was advised of this in May and that tenders would be offered to both the public and private sectors.

A notion has been expressed that private prisons will receive all the so-called 'good' prisoners. Prisons are

classified by the department, and it will be the department's intention to transfer prisoners to a prison that is commensurate with the classification of that prison.

Should a prisoner's behaviour warrant a change in security rating then that prisoner will be transferred to an institution with a classification commensurate with the new rating. It is not an uncommon practice to transfer prisoners from one institution to another for management and safety reasons. Prisoners with specific problems, particularly medical, will be stationed in an institution that best services their needs.

It is often argued that remand prisons are harder to manage. The Arthur Gorrie Centre in Queensland is a remand institution and is privately managed. There are also three privately managed institutions in the United Kingdom with a remand component.

The Junee Prison comprises mainly medium security prisoners and it, too, is privately managed. Furthermore, a number of maximum security prisons throughout the world are privately managed. Therefore, the argument that the private sector will take the easiest prisoners is unsubstantiated and in fact is denied. It is certainly not the Government's intention to deal with the matter in that way. Some concerns have been expressed about rehabilitation. Education, training, counselling, post-release support, medical attention, etc., are services that all prison operators strive to improve upon. The introduction of the private sector will promote competition in the area.

Private contractors will be required to provide details in their proposals on this area during the contract negotiation stage. In fact, the private sector will be an impetus to actually raise standards. Performance indicators will be developed and applied to both sectors for comparison purposes, that is, to both the public and private sectors. Contracts will be evaluated on both their quantitative and qualitative aspects. The Government is about improving standards, not lowering them.

Profit will not be made by cutting corners by reduced services to prisoners. The legislative and contractual requirements being developed are such that breaches can result in the termination of the contract.

There have also been increased opportunities for work in prison industries which were for many years a low priority. This Government is seeking private sector involvement in increasing the capacity of prison industries in areas that do not affect full-time employment and jobs within the community.

The Hon. T.G. Roberts: You are boring yourself.

The Hon. K.T. GRIFFIN: I am not boring anybody. If the honourable member is bored then it demonstrates that he is not particularly keen on his portfolio responsibilities. I would like to think that he did have a particular interest in them.

The Hon. T.G. Roberts: I was commenting on your yawning.

The Hon. K.T. GRIFFIN: I am not yawning. I am enthusiastically supporting the legislation, and I would hope that the honourable member might be persuaded to do the same once we get into the Committee consideration of this Bill.

As I was saying, the Government is seeking private sector involvement in increasing the capacity of prison industries in areas that do not affect full-time employment and jobs within the community. This has been done in consultation with industry, trade unions and the department. Increased opportunities for work in prison enables prisoners to develop skills to return to the community in a position with employment prospects that they did not have prior to entering prison. It has long been the view of this Government—even in Opposition—that one does have to give prisoners opportunities to develop skills, to develop competence and to be able to take their place back in the community as useful members of society. Prison ought to be a place where, for those who want to develop skills and enhance competence, facilities are available for that purpose.

A good example of rehabilitation in a private prison is provided through Kyle New Vision, a prison just outside Austin in Texas. This prison accommodates 250 prisoners and specialises as a drug and alcohol rehabilitation pre-release centre. Essentially, this prison is a place where prisoners who have drug and alcohol problems can be sent for the final 12 months of their sentence prior to release. Another example of rehabilitation occurs at the Junee Private Prison in New South Wales whereby management endeavours to assist prisoners to get back into the workforce by running programs to enable them to write job applications. Before being allowed to work in prison industries in Junee a prisoner must complete a job application and go through an interview process. The management teaches the prisoner how to go about this process.

The Government has directed increased attention to the education needs of prisoners with some 120 prisoners undertaking basic literacy and numeracy programs, 23 in secondary eduction, 150 undertaking TAFE programs and 10 in higher education programs. In fact, the Government in the past 12 months has increased the number of accredited units of study for prisoners by 24 per cent. These results will be in competition with the private sector to further lift standards and enable prisoners to leave prison with a good educational background.

South Australia has a return to prison rate of more than 65 per cent. Savings generated through private management may be directed towards further rehabilitation programs to address offending behaviour and permit the offender to engage in self improvement opportunities. Finally, this Government has been very conscious of the need to rehabilitate prisoners and the amendments in the truth in sentencing legislation are testimony to this, whereby prisoners are required to address their offending behaviour. Concerns have been expressed about the administration and allocation of punishment.

Concerns raised by the Opposition concerning the administration and allocation of punishment by the private sector are not supported by the legislative framework that is already in place. The interpretation of punishment is probably sometimes confused. The judiciary allocates punishment to offenders in our society and the department administers the sentence imposed by the courts. Punishment, in some respects, is the deprivation of liberty or at least the imposition of some penalty which requires a person to make a contribution back to society or to undertake some activity which in some way or another is additional to their other community responsibilities. The concerns of commentators like Paul Moyle and the Opposition essentially revolve around the quasi judicial hearings that take place as part of in-house discipline resulting from misdemeanours associated with the breaching of managers' rules and prison regulations. Criminal activities are referred to the police for investigation and action.

Proposed clause 9A(2)(a) of the legislation requires that the management agreement must make provision for the management body to comply with the Correctional Services

Act and other Acts and laws. There are sufficient safeguards in the Correctional Services Act to protect a prisoner from potential abuses of power by both a private and a public sector prison manager. In fact, there will be no difference between the two sectors. To manage a difficult institution like a prison one needs to have in place a system that best allows it to function in a fair and orderly manner. These hearings are not new and, in fact, are conducted by both public and private prison managers in New South Wales and Queensland. Furthermore, they will occur in Victoria following the opening of its first private prison.

Prison managers must have the ability to control basic behaviour in their prisons in order to be able effectively to manage the prison. There are some safeguards that both the public and the private sector are and will be subject to, and I would like to identify some of them. First, as to prison managers, section 42A of the Correctional Services Act permits managers of prisons to impose small summary penalties for minor breaches of regulations. Minor breaches of regulations are set out in regulations 31 to 50 and the procedures can follow either one of two courses, which of course relate to minor breaches of regulations and rules. First, the prisoner will be advised of the breach by notice in writing and given the option to be charged or accept the small penalties detailed in the section of the Act, which are forfeiture of privileges for a maximum of seven days or exclusion from work for up to seven days or both. The prisoner is told in advance of the proposed penalty and may decide whether or not to seek a full hearing. If the prisoner accepts the penalty, no hearing or further action is taken.

The second is that, if the prisoner elects to be charged, a formal hearing with the manager will take place under section 43 of the Act. If the charge is proved beyond reasonable doubt, he or she may be subject to forfeiture of the sum of up to $25 to the Crown—not to the private manager or the prison operators, but the Crown. There will be forfeiture of privileges for a period not exceeding 28 days or exclusion from work for a period up to 14 days, or a combination of the penalties. A reprimand or caution can also be imposed. In instances where the breaches of regulations have been more serious, that is, regulations 21 to 30, or if the manager has not opted to use section 42A for a minor breach, the manager may charge the prisoner under section 43 and conduct a formal inquiry. Penalties may include forfeiture to the Crown of the sum of up to $25, forfeiture of privileges for a period not exceeded 28 days or exclusion from work for a period up to 14 days or a combination of penalties.

Penalties associated with urine testing for drugs under regulation 67 can attract a penalty up to three times greater. If the manager is in doubt as to the penalty to impose or believes that it is a serious and complex matter, including those involving possible compensation, he or she may refer the matter to a visiting tribunal under section 44(1). If the prisoner causes damage to property, only the visiting tribunal may order a prisoner to pay compensation. The visiting tribunal provides important safeguards. In the event that a prisoner objects to the penalty imposed by the manager, the prisoner may appeal under section 46 of the Correctional Services Act to the visiting tribunal for the penalty to be reviewed. A visiting tribunal must comprise either a magistrate or one or two justices of the peace. No appeal lies against the order of a visiting tribunal made on appeal under this section. Matters referred to a visiting tribunal are dealt with under section 44. Prisoners may appeal against a visiting tribunal where the proceedings were not conducted in accordance with the provisions of the Act. Section 47 allows the appeal to a court.

A prisoner may also approach a prison inspector who is appointed in accordance with section 20 of the Act to voice any concerns. It is important to realise that a prison inspector must be either a retired magistrate or judicial officer, a legal practitioner or a justice of the peace. The inspector has the power to question any person at the institution, to inquire into the treatment of prisoners or a particular prisoner and to receive and investigate any complaint of a prisoner and make recommendations to the Minister.

In the investigation of any complaint, the inspector may seek the assistance of the Attorney-General. A prisoner may also voice a complaint or concern to the Ombudsman, and any letter sent to the Ombudsman, a member of Parliament, a visiting tribunal or inspector must not be opened. If a letter is sent to the prisoner by the same bodies, it is also not permitted to be opened.

The Chief Executive Officer may direct that the monitor sit in as an observer on manager's inquiries from time to time to determine whether they are being handled fairly and that penalties are consistent with those imposed in the public sector. The monitor, as part of the checks that will be completed into the operations of a private prison, will have full access to all documents, including those associated with hearings. The monitor will report adverse aspects of any hearings to the Chief Executive Officer.

Should there be any abuse of these powers, particularly by the private sector, the CEO also has the right under the legislation to revoke the approval of the prison manager and any staff member.

There has been some reference to the United Kingdom safeguards associated with the allocation and administration of punishment, and to suggest that they are a problem is ill-informed and also not an appropriate basis for comparison. The United Kingdom's system does not contain nearly as many of these safeguards associated with the Correctional Services Act, and therefore one cannot effectively compare the United Kingdom model with what is being proposed here. I would suggest that, in the light of those matters already provided in legislation, there are more than adequate safeguards against abuse of the system by those in the private sector who may have the responsibility within the management structure of those prisons.

Then there is the question of the cost, and a question whether the private sector is cheaper than the public sector in running prisons. There is evidence around Australia that the private sector can provide a more cost-effective service to prisoners than the public sector. For 1993-94, the average cost per prisoner in Queensland for the private prison at Borallon was some 9.5 per cent cheaper than the average public prison. In regard to the privately managed Arthur Gorrie Remand Centre, financial data shows that the cost per prisoner is some 22.1 per cent cheaper than the average public sector prison.

The Hon. T. Crothers: Do the prisoners come out better people and less capable of committing crime again?

The Hon. K.T. GRIFFIN: The recidivism rate, as I understand it, is improving. What I was trying to indicate earlier was that, within the private sector, there are as many incentives to ensure rehabilitation and to ensure that prisoners develop competence, skills and confidence as there are in the public sector. In New South Wales the average cost for a medium security prisoner at the Junee private prison was, for

1993-94, some 19.35 per cent less than the average public prison.

In terms of overseas, there is much evidence which shows that savings in private prisons compared to public prisons can be as high as 39 per cent, with an average in the vicinity of 18 per cent to 19 per cent. And these are figures that were in fact published by the United States General Accounting Office. There is more evidence of the high costs associated with public institutions. For example, in the previous 10 years in South Australia some $160 million in capital expenditure has been spent on a prison system that is now operating at a capacity of approximately 1 300 prisoners. The private prison recently built at Junee cost $53 million to accommodate 600 prisoners. Extrapolating this, prison accommodation for the same capital expenditure should be able to accommodate 1 800 prisoners in South Australia. We are therefore some 500 prisoners short for the same expenditure.

Furthermore, the Government expects that the prison population will reach approximately 1 800 inmates by the year 2000 and consequently, due to poor design and overstaffed institutions, the Government will need to find an extra $60 million to accommodate these prisoners. In effect, the labour intensive institutions are extremely costly to manage, and this has consequently led to the need to radically reform and restructure the current prison system to at least be able to match national costs for similar public institutions. We still have a long way to go to match the private sector cost efficiencies.

Another example of an inefficient prison is Casuarina, which is a 400 bed maximum security prison in Western Australia, which was opened in 1991. The prison cost $90 million, and off the record officials will say that $15 million of the construction costs were attributable to union featherbedding and restrictive practices. Then there are some other examples which I could give in relation to Queensland in particular, but there is ample evidence to indicate that if centres are privately run there will be significant gains in efficiency and cost savings.

There is an argument that has been raised in the debate that, if the private sector wins contracts, costs will rise and eventually exceed what the public sector could provide for a similar service. The thrust of the Bill is to increase competition. There is much evidence in economics that suggests that competition stimulates a dramatic improvement in quality and cost-effectiveness and, at the same time, exposes restrictive practices and inefficiencies. It is planned in South Australia that a dual system of prison management should operate, and this means that the public and private sector will compete alongside each other for providing quality cost-effective services to prisoners to aid in their rehabilitation and return to society as law-abiding citizens. By virtue of the operation of a dual system, there will be a transfer of ideas and technology between the two sectors, and that should be a constant focus upon improvement in best practice.

Competition drives costs down. Those operators not able to meet the Government's costs will not have the contracts renewed. Some five companies have already expressed an interest in the management of prisons in South Australia, and consequently there will be continued competition on price and services.

There have been concerns as to how many prisons will be privately managed. There are no plans to privately manage existing prisons in South Australia. The new Mount Gambier prison is proposed to be the first prison to be offered to public tender, for which both the public and private sector will be able to submit offers. In the States that have private prisons—and that also includes the three planned for Victoria—South Australia will be the only State to have invited the public sector to tender for the management of a new prison.

It must be borne in mind that the new Mount Gambier prison is an entirely new prison and is much different from the existing prison in that town. The new prison proposed to accommodate the expected increases in the prison population by the year 2000 will also be offered for private management. The contract may also provide an option for private capital to be used in its construction. One should say, however, that existing prisons that do not remove restrictive work practices to enable costs to be reduced to competitive levels will be considered for private management, and that includes the Adelaide Remand Centre.

It ought to be recognised though that what we are planning as a Government for private management is not unique. The previous Labor Government in fact prepared a Cabinet submission which proposed the privatisation of the Mobilong and Port Augusta prisons.

There were questions about what areas are being considered for outsourcing. The Commission of Audit identified a number of areas for outsourcing and these included catering, perimeter security, security escorts, hospital watches, prison industries, maintenance of buildings, administration of community corrections and prison management. At this stage the department is developing plans for the private management of the new Mount Gambier prison.

In addition, preliminary work is being undertaken concerning the cost of prisoner transport with a view to possible outsourcing of the function. Some joint partnerships with the private sector are also being examined with respect to prison industries. Other services identified by the Audit Commission will be explored in the near future to determine whether cost efficiencies can be obtained by the Government.

An issue was raised about the use of force. That is set out in section 86 of the Correctional Services Act. It is important to recognise that the same conditions will apply to employees of a private prison as to Government employees, and they will be reinforced in the management agreement. That management agreement will require a private prison to abide by departmental instructions which set out the reporting procedures necessary for incidents, including those where force is used. The management body will be required to submit for approval its manager's rules and emergency procedures concerning the use of force. All cases regarding the use of force must be reported to the manager and subsequently to a Director of the department.

The use of gas requires the approval of a Director of the department. Training must be provided by the management company to a standard required by the department in the use of force. Such training is to ensure that only a minimum of force is used. Unreasonable force may subject the management company to claims under the common law or, more precisely, the criminal law. All officers are trained in the use of restraints, both handcuffs and restraining belts. Their use is specified in departmental instructions, and it is intended that this will also apply to the management company. Gas can only be used upon the approval of a Director of the department, and that would apply equally to the private sector. Only those officers who are trained and licensed are able to use batons. The issue of batons is not a normal practice, other than in times of prison unrest when they are issued to the emergency response group. The department will approve the proposals of the private sector in the use of force.

A question was raised in relation to some aspects of the constitutional propriety of private sector involvement in the management of prisons. The Parliament has the right to determine what functions will be carried out and by whom, including the right to determine who will administer the State's prisons. The Minister and the Chief Executive Officer are ultimately responsible and accountable for the administration of the prison system in South Australia, whether a private or a public prison. The department has the function to administer custodial sentences and community service orders.

There were some questions about private prisons. I have already indicated that Junee is a private sector prison which was opened in April 1993 under a Liberal Government. There are two institutions in Queensland opened under Labor Governments. One is Borallon, opened in January 1990, which now has 268 prisoners, although its capacity was designed to be 244. The other Queensland institution is the Arthur Gorrie Centre, opened in July 1992, with 280 remand prisoners and 140 reception prisoners at the present time, although it was built for a capacity of 380.

The initial contract for Junee is for five years with a renewal of three years. The initial contract for Borallon was three years, which was renewed in November 1992 for a further three years. The initial contract for the Arthur Gorrie Centre is five years with a renewal of three years. In Victoria three prisons have been offered for tender, together with services such as prisoner transport, security at the Supreme and County Courts, hospital security and prisoner court services. There is a third 400-bed prison at Woodford in Queensland which may be privately managed.

Some issues were raised about the Adelaide Remand Centre and there were assertions that the problems were the result of overcrowding, excessive use of overtime, incidents, and so on. I think I need to give some information about that to answer those observations. The Adelaide Remand Centre, following the installation of dual cell accommodation, has an authorised capacity for 248 beds. As at 20 October 1994 it accommodated 208 prisoners. The Adelaide Remand Centre was at that stage running at 40 prisoners below capacity, so arguments that it is overcrowded are totally untrue.

The staff/prisoner ratio at the Adelaide Remand Centre is only marginally surpassed by Yatala as the State's most labour-intensive prison. The year to date average ratio of staff to prisoners at the end of September at the Adelaide Remand Centre was 1:1.28. This is still more than similar centres that operate in New South Wales, Queensland and Victoria based on normal staffing levels. In New South Wales, it is significantly higher. Again, accusations of overcrowding and operating at dangerous staffing levels are unfounded. A recent visit to the centre by a private prison operator from the United Kingdom with 25 years' experience in the public system in that country advised that the Adelaide Remand Centre was grossly overstaffed.

In terms of total expenditure for all components associated with salaries and wages, including overtime and call back, expenditure for the Adelaide Remand Centre for the three months ended September 1994 is $45 000 more than the same period last year. Expenditure on overtime and call backs will reduce significantly following the recruitment of additional staff to fill vacancies. Incidents at the Adelaide Remand Centre for the period January to September 1994 were 37 compared to 28 for the corresponding period in the previous year. This increase has largely moved up in correlation with the increase in prisoner numbers. Therefore, the argument that incidents have increased dramatically since dual cell accommodation was introduced are also unfounded. Dual cell accommodation is a temporary measure until more cellular accommodation is built.

A meeting was held recently with the PSA and staff representatives from the Adelaide Remand Centre to resolve issues associated with restrictive work practices. The PSA agreed to examine the list with a view to resolving them as quickly as possible to enable the centre to reduce its costs and place it on the road to achieving the national costs goal. In respect of drugs at the Adelaide Remand Centre and the assertion that there is a problem with drugs and that it has been brought about by overcrowding, I need to say that the increasing use of illicit drugs in the community has had an inevitable impact within prisons, and this has become an increasing problem for all correctional institutions.

The increase is attributable not only to an increase in illicit drugs in the community, but also to the detection strategies established by the department, including an increased emphasis on the drug detection role of the Dog Squad and the vigilance of correctional staff. Demand reduction incorporates the provision of treatment services, including those of the Prison Drug Unit, which is affiliated with the Drug and Alcohol Services Council. Supply reduction includes measures designed to limit drugs entering the prison and the detection of those drugs which are introduced. This includes actions such as establishing the *bona fides* of visitors, restricting the entry of professional visitors' bags, staff surveillance and the searching of prisons, drug searches by the Dog Squad, restricting visitors' access to prisons and prisoner urine sampling.

The department continually monitors these components and reviews other strategies existing interstate. A trial will be undertaken shortly to assess the effectiveness of providing special clothing to prisoners participating in a contact visit so as to reduce further the possibility of drugs entering prisons. I think that I have answered most, if not all, of the questions and responded to most, if not all, of the comments that have been made by honourable members during the debate, and I repeat my appreciation for their contributions at this stage.

I would hope that members will see that there is wisdom in passing this legislation and in moving towards a more competitive environment for providing services to prisoners and the community. I repeat what I said earlier: there is clear evidence that prisoners do not suffer prejudice as a result of private prison management. There is a significant focus on rehabilitation and the minimisation of recidivism by the private sector managers involved in prison management across Australia and overseas.

The Council divided on the second reading:

AYES (17)

Cameron, T. G.	Davis, L. H.
Feleppa, M. S.	Griffin, K. T. (teller)
Irwin, J. C.	Laidlaw, D. V.
Lawson, R. D.	Levy, J. A. W.
Lucas, R. I.	Pfitzner, B. S. L.
Pickles, C. A.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Stefani, J. F.	Weatherill, G.
Wiese, B. J.	

NOES (2)

Elliott, M. J.	Kanck, S. M. (teller)

Majority of 15 for the Ayes.

Second reading thus carried.

STATE LOTTERIES (SCRATCH TICKETS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 764.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contribution to this debate. There has been much interest in the House of Assembly and in the Legislative Council not necessarily about the original intention of this Bill but in relation to the age that individuals can access scratch tickets and whether there should be an age limit of 18 or 16 or a continuation of the present arrangement where there is no age restriction at all. In debate so far we have already seen all of those views presented by members. Some members support the *status quo*, some support the age of 18 (which is the provision from the House of Assembly) and some support the age of 16. I am not sure whether I understand the significance of all the Hon. Ms Levy's amendments, but I am sure she will explain them in Committee. There are some further amendments in relation to penalty provisions, but I understand she supports the age restriction of 16.

My view on this issue is that we should continue with the *status quo*, namely, that there be no age restriction at all. The only issue I am still trying to resolve in my own mind, as this is a conscience vote for all members, is how one works through the process. At the moment we have a provision for 18 years of age, and some members want to move to 16. My preference is to have nothing, but I guess I would settle for 16.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: Yes, but I think there are some members who may be prepared to support no restriction at all.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: Well, I am not sure, that is the issue we will have to work through in Committee. The Hon. Ms Levy says that it might not be possible to vote on my preferred option of not having any provision at all and then going to the Hon. Ms. Levy's position which is for a restriction of 16. My concern is that, if the amendment to move from 18 to 16 is successful, some members may be relatively comforted by that and leave it at 16, rather than supporting a complete removal of the restriction under the legislation and returning to the *status quo*. But we can resolve that issue as we soldier our way through the Committee stage of the debate. I thank members for their contributions and indicate that at least on that issue and related issues I think all members of whatever Party in this Council are adopting a conscience vote.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Minors not to participate in instant lotteries.'

The Hon. T. CROTHERS: I move:

Page 2, line 19—Leave out '18' and insert '16'.

This is the first of two amendments I have on file. The second one has a connection that is symbiotic on the first. If this amendment is not carried, I will not proceed with the second, but it is my intention, if there is opposition to my amendment, to call for it to be determined by division.

In my second reading contribution, I fairly well covered the territory that led me to introduce this amendment, which is to delete the age of 18 years where it appears in the Bill and replace it with 16 years. I do that for two reasons.

There are two schools of thought with respect to the matter of whether it should or should not have an age limit. The fact is that many parents went to members of another place and complained that children for whom they still had a responsibility were getting into trouble by buying lottery tickets and were selling household effects and even getting to the stage where they were doing things that were outside the law in order to provide themselves with the monetary wherewithal to purchase the tickets in question.

One must have some feeling for those parents because, at the moment, the way things are, they simply have to grin and bear it with respect to any moneys that their children may have illegally obtained or spent purchasing lottery tickets. They as the parents or custodial gardens are the people who are responsible ultimately in the eyes of the law as it is currently constituted in South Australia for the behaviour of the child who is still under their care.

Having said that, I should say that it struck me as odd that we should take 18 as the age whereby it becomes legal with respect to a person's legal capacity to purchase scratch lottery tickets. On balance, there has to be some sanction in the Act in respect of allowing parents to deal with those lottery agents who continue to sell tickets to children who, if this Bill were carried, would be under age.

I understand the argument that the section in the Act will hardly, if ever, be policed. It is much the same as the argument over which legal age you have to be to buy tobacco and its products. It is there, but it is rarely if ever policed. Like most Acts that contain rarely used provisions, they are there for a good reason. In this case, the rationale that underpinned members in another place to vote in support for this was that which said, 'We will give the guardians or parents some access to some rights of redress in relation to lottery agents who, although told by the parents not to sell the tickets to their children, continue to so do.' As the Act currently stands, there is little or nothing that can be done about it. But I think that the age of 18 years is much too severe.

During the second reading debate, I did draw the attention of the Council to the fact that you could have riding a winner of the Melbourne Cup a 16 year old whose employment is at least in part paid for by the gambling wagers of the general public.

The Hon. R.I. Lucas: Well, ban it!

The Hon. T. CROTHERS: The Hon. Mr Lucas said 'Ban it.' I would like to think that was said in jocular jest. Of course, I will not give him the serve he gave me during Question Time, although I am tempted sorely. My good humour would not permit me to do that. But I do think there is a case for there to be some cut-off point. I am fairly easy going on it, I might say, but for us to let it go is to be detrimental to those parents who are presented with the foibles of youth and the problems that some of their children present them with in respect of their responsibilities. It is for that reason that I move this amendment. As I said, I had to toss up whether it should be 14, 15 or 16 years, but I thought 16 was reasonable, given that people can fly planes at 16, drive motor cars at 16 and in fact be the successful—

The Hon. Caroline Schaefer interjecting:

The Hon. T. CROTHERS: Well, they can legally do it.

The Hon. Anne Levy interjecting:

The Hon. T. CROTHERS: Oh, you are supporting me? Good.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: I am not myself today. Anyway, it just seemed incongruous to say that 18 should be the legal age to buy a 50 cent or $1 scratch lottery ticket or the local chook raffle ticket, when people in their employment can be engaged to ride winners of sporting events such as the Melbourne or Caulfield Cups. Indeed, some jockeys under the age of 18 have in fact done just that very thing. I repeat: the earnings they make in their employment are at least in no small measure paid for by the gambling wagers of the general public.

Whether we like it or not, it is a trait of Australians to be interested in having a punt. I am not a punter. I buy my X-Lotto tickets, and have not won anything yet, but we always live in hope.

I would ask the Committee to support my amendment. I do point out to the Leader that if my amendment is voted against I will not proceed with the second amendment which is symbiotic on the first. However, perhaps the way for the Leader to go is to vote both for my amendment and the subsequent amendments moved by the Hon. Anne Levy. I will not be supporting her amendment, but as an old tactician—

The Hon. R.I. Lucas: What would happen if your amendment was defeated and it was left at 18? Would you vote against the whole Bill?

The Hon. T. CROTHERS: If the Hon. Anne Levy's amendment is defeated, we are left with the Bill as it stands.

The Hon. R.I. Lucas: Would you vote for clause 4 unamended, leaving it at 18 years?

The Hon. T. CROTHERS: I would find that difficult.

The Hon. R.I. Lucas: You may vote against the clause in that circumstance?

The Hon. T. CROTHERS: I may do that. The easier route is that which was suggested by interjection by my colleague Ms Levy: vote for my amendment and also for hers, and let us see where that takes us. I should think that if the Hon. Ms Levy's amendment was carried mine would be shoved out the door as being of an opposite type of amendment.

The Hon. Anne Levy: No, your amendment is compatible with mine.

The Hon. T. CROTHERS: I am now not incompatible with sister Levy. That is the most marvellous piece of information that has been imparted to me in my almost eight years in this place. After that bit of jocularity, I commend my amendment to the Committee and seek the support of all members.

The Hon. M.J. ELLIOTT: I support the amendment. As I did not speak at the second reading stage, I make a couple of quick comments before returning to the amendment specifically. My personal view is not that gambling is a bad thing but that it is something from which many people gain a great deal of enjoyment. Unfortunately, for a large number of people it becomes a personal disaster. It is not happening at the moment, but I feel that our State should be recognising a need to cater for the demand for gambling and should not be creating demand for gambling and encouraging it to occur.

With the recent introduction of poker machines I note that the predicted outcomes have occurred: they have brought in a large number of new gamblers; they have also taken away some share of the market, particularly from the Lotteries Commission. As sure as night follows day, I know that the Lotteries Commission will do what it and the TAB have been doing to each other for a long time, and there will be a constant fight for market share and the constant introduction of new products. The 'gambling kingdoms', as I would term them, will continue a competition both to maintain market share and, if anything, try to increase it.

I consider that reaction as being unhealthy, just as whilst I believed smoking tobacco should be legal I supported the banning of advertising. I see quite a distinction between allowing people to do something which is, in some cases, harmful and positively encouraging them to do so. Unfortunately, our State is in a position at the moment where it positively encourages gambling to occur as distinct from allowing it to occur and catering for demand. The time is well overdue for South Australia to have some form of supervisory body overlooking all gambling operations with its prime motivation being to cater for and not encourage demand.

I bring that perspective and attitude to gambling generally and do so as a person who probably gambles about once every two years. It is a bit of fun; I do not get any great thrill out of it, but I do not begrudge anybody else from participating. I then bring the argument back to this question of age. As a parent, I realise that as my children move toward adulthood they will need to be progressively given freedom. They will progressively need to make their own decisions about life: about when they will go out and how long they will stay out for. That is a decision my children will not be getting for a little while yet.

They will make decisions about whether or not to smoke, whether or not to drink alcohol, and about how they will drive a car. The law will not allow them to drive a car until they are 16 and the law will also tell them what the rules are, but they will be making decisions about the care which they apply. Growing up, I think for children, is a matter of deciding at what age they are ready to make particular decisions. The truth is that for every individual there is a different age at which they are truly ready. The argument about what 'ready' means could be a lengthy one in itself.

In legislation we have set ages for making decisions about medical consent, driving and buying cigarettes. All this Parliament can do is say, 'When people reach this age we consider it is reasonable that they start making fully independent decisions.' What we are trying to do here is determine when a person should be making a fully independent decision about gambling.

I consider that gambling has some negatives. It has the potential to be insidious, and I know of quite young children who were encouraged to gamble and who are now hooked on gambling for the rest of their lives. I do not think we should be encouraging young people to gamble as distinct from saying to adults, 'You may do so if you so choose.' Where is the cut-off age? From my knowledge of children the age of 16 is not unreasonable. I admit that it is arbitrary, but I do not see that age as being unreasonable. For that reason, I will support the amendment.

I make a note that the Lotteries Commission is now using automatic machines for the dispensing of their product. It makes something of a mockery of this. I believe that the Lotteries Commission will give some undertakings that it will be careful about the location of those machines.

It was necessary for us to legislate where cigarette machines might be placed. I make the comment that if the Lotteries Commission does not voluntarily conform to the same sorts of codes as relate to cigarette machines it will be making a mockery of a law that this Parliament might deem to pass, and I would find it unacceptable that it behaved in such a manner.

Whilst the question of age itself is arguable, if the Lotteries Commission treated the law with contempt that would in itself cause me great concern, and we might need to revisit that matter at a later stage. I hope that does not occur. In summary, I support the amendment, which is reasonable in the circumstances.

The Hon. K.T. GRIFFIN: All members would know that I have some fairly strong views not only about extension of opportunities for gambling but also about the impact of gambling on citizens, and particularly young people. I have concerns about promotions by the Lotteries Commission being made accessible to minors. In fact, I recollect that in Opposition I moved an amendment at one stage to do what this clause 4 is now seeking to do, because I was concerned about young people being able to walk into a newsagent's shop or some other facility such as a pharmacy and purchase tickets over the counter.

Those young people could range from a very young age—and I have seen some fairly young people (less than the age of 10) purchasing these sorts of tickets—up to the early teens. I think there are some risks for young people getting into the gambling habit or business at too early an age. It is like the elusive pot of gold at the end of the rainbow: it is very difficult ever to find it but there are some people who keep spending in the hope that they will find it, but they never do. Some young people will look to this as a means by which they may at some stage in the future be able to win that pot of gold but continue to spend money to do it. The evidence from the Adelaide Central Mission reveals that kids are stealing to allow them to engage this passion of gambling. I am therefore supportive of clause 4 in the Bill and will certainly be seeking to support it.

In terms of the age, I have a preference for 18. It is an age at which, most likely, young people would have reached sufficient maturity to be able to make some decisions for themselves about lottery tickets. I know that there are also young people of a much younger age who are capable of making informed decisions about these sorts of issues, but I refer to a couple of precedents. One is the Tobacco Products Control Act, where recently we increased the age from 16 to 18 years of age. I refer to the Casino Act where admission to the Casino is not permitted to anyone under the age of 18 years. I refer to the Liquor Licensing Act, where a person under the age of 18 may not enter or remain in part of a licensed premises in certain circumstances but is certainly not able to obtain or consume liquor in licensed premises.

The Hon. Anne Levy: They can enter licensed premises—

The Hon. K.T. GRIFFIN: They cannot go into licensed premises defined in a late night permit at any time when liquor may be sold in pursuance of a permit or licensed premises in respect of which an entertainment venue licence is in force at any time that liquor may be sold otherwise than to a diner in pursuance of a licence. I said 'may not in certain circumstances enter licensed premises'.

The Hon. Anne Levy: They can go into licensed premises and restaurants with their parents.

The Hon. K.T. GRIFFIN: Of course they can. Nothing I have said suggests that they cannot do that. I was just making the point that in some circumstances they are not permitted to enter, but in all circumstances they are not permitted to obtain or consume liquor in licensed premises. I draw the attention of the Council to another interesting point in section 121 of the Liquor Licensing Act, that is, that a minor who participates in the game of chance known as 'Keno' while on licensed premises is guilty of an offence. A licensee who permits a minor to participate in the game of chance known as 'Keno' while the child is on the licensed premises is guilty of an offence. On licensed premises a person under the age of 18 cannot consume liquor and cannot participate in Keno.

Of course, under the Gaming Machines Act there are also restrictions upon minors, that is, people under the age of 18 playing the gaming machines. The age of 18 has a consistency about it that I suggest ought to be maintained in this Bill. Therefore, I am prepared to support the age of 18. I know the Hon. Anne Levy has not dealt with her amendments but I want to say that I am not willing to support them. I know under the Tobacco Products Control Act there is no provision for an offence by the minor purchasing cigarettes but, under the Liquor Licensing Act, certainly there is an offence where a minor obtains or consumes liquor on licensed premises or plays the game of chance known as 'Keno'. My view is that it is all very well to place a burden on the retailer or operator of the premises (in this instance it may be the newsagent or the pharmacist) but they are then at the mercy of those who might be under 18 endeavouring to play the system and I think there ought to be some disincentive for minors. They ought to carry at least some measure of the responsibility that the law imposes upon operators of those premises.

The Hon. A.J. REDFORD: I preface my comments by drawing the Committee's attention to the headline article in last Thursday's *Advertiser*. In speaking in the second reading stage I said I opposed clause 4 and opposed the imposition of any age whatsoever. I said that principally because there is a certain element of parental control and responsibility and it is not for parents or families to seek to usurp that responsibility to Parliaments and rules and regulations. I put other reasons, but that was one of the principal reasons. I have the same concerns, perhaps for different reasons, as put by the Opposition's Treasury spokesman in another place, Mr John Quirke, in relation to the use of instant money ticket vending machines. If these machines are going to be put into widespread use my whole attitude to an age limit may change. Whether it changes now or at some future date depends on what the Lotteries Commission does. I have not yet made up my mind, although I have to do that in the next few minutes.

I have a number of questions and I preface my first question by quoting from the *Advertiser* article, as follows:

> The commission's Acting General Manager, Ms June Roache, yesterday confirmed the trial of the machines which were 'very popular overseas'.

As to the jurisdictions where these vending machines are used, are there age limits in those jurisdictions? If there are age limits in those jurisdictions, was the use of these vending machines the cause of the imposition of the age limit? If there are no age limits in those jurisdictions, is there any evidence to suggest that there has been widespread use of machines by young people (people under the age of 16) buying such tickets? The article also states:

> Parliament has been told children are spending up to $300 a week across the counter on instant money tickets.

Is there any evidence that is the case? Is it the commission's view that the use of these vending machines is likely to increase the likelihood of younger people buying tickets? If so, is that likely to be widespread? Further, is there a possibility that the commission will put these machines out generally for widespread use or has the commission any

guidelines in mind at this stage as to the use of these machines? The article further states:

> A number of the children using these machines were involved in petty theft to get money to play them.

That is a quote from the South Australian Council of Social Service Senior Project Officer, Ms Margaret Galdies. Is it the commission's view that a number of children using these machines have been involved in petty theft in order to play them? Does the commission have any knowledge on that? Has the commission made any inquiries to that effect? Is there any information which otherwise supports or refutes the allegations made by Ms Margaret Galdies? Has the commission looked at the report referred to by Ms Galdies, who refers to a study in the United Kingdom among secondary school students and, if it has, what information does the study or report reveal?

The Hon. R.I. LUCAS: As to the third question, whether it is possible that these vending machines are going to be in widespread use throughout the community under controlled situations, the simple answer would be 'No'. I have been advised by the Lotteries Commission that there has been a strictly limited trial of three machines in high, medium and low throughput areas.

That trial finished on 6 November, and the machines have been withdrawn as of 9 November. The commission is still assessing the matter and is to provide advice to the Treasurer and the Lotteries Commission in relation to that particular trial. So, we are not in a position at this stage to give any final judgments on that. However, I think it is fair to say that, whilst no final or conclusive report has been brought down, no-one, let alone the Government or representatives of the Government, would be allowing vending machines to go into any circumstance in the community without any particular control. Certainly, if the decision was that they would continue, there would have to be some sort of guideline as to the use.

I am advised that one prospect is the possibility of machines being made available in gaming machine outlets; another prospect might be, where the Lotteries Commission has authorised agents at the moment, as part of that authorised agency there could be an adult keeping an eye on things. However, no decisions have been taken; the trial is being assessed; and a report will be made available before any decision is taken as to, first, whether or not the machines will be made widely available and, secondly, if they are to be made available, under what guidelines they might operate.

As to the honourable member's second question, I am advised that the Lotteries Commission has no evidence of children spending $300 a week on scratch tickets. I must say that I find it hard to believe that any child would be spending $300 a week on scratch tickets. If they are into them in that big a way—

The Hon. M.J. Elliott: Basketball cards.

The Hon. R.I. LUCAS: Maybe basketball cards. I would like to know where they are getting the $300 a week. The Hon. Mr Elliott says, 'Basketball cards', and that might be the case, but they are about $6 a pack these days, so it is a bit more expensive than the average scratch ticket at the moment. Even then, I think they would struggle to spend $300 a week on basketball cards; they may well spend it over a month or so or a couple of months, but it appears to be a question of someone getting access to that sort of money. Certainly, the answer is that there is no evidence of that.

In relation to the honourable member's question about whether vending machines are likely to increase the likelihood of children spending $300 a week or some similar amount of money, that would depend on, first, whether or not vending machines are introduced in South Australia on a permanent basis and, secondly, the guidelines and restrictions on the use, as the Hon. Mr Redford indicated earlier. A survey has been done of about 13 000 purchasers of Lotteries Commission products—so that is not related to just scratch tickets—and that survey showed that .86 per cent of those people were persons under the age of 18.

The Hon. A.J. Redford: Did that involve vending machines as well?

The Hon. R.I. LUCAS: No; that would have been a survey done earlier this year, so it would have pre-dated that. In relation to age limits and vending machines, the only information I can provide to the Hon. Mr Redford is that there is a trial in Western Australia for vending machines, and that has been going for about 12 months. There is an age limit of 16 years in Western Australia, but I think that pre-dates the trial. In Victoria there is an age limit of 18 years on some products, and Tattersalls is about to embark on a pilot program on the use of vending machines in Victoria.

In relation to the overseas information, there were two questions from the Hon. Mr Redford; questions No. 1 and No. 5. The officers available from the Lotteries Commission have not seen the study on secondary students in the U.K., which was referred to by the person in the article. However, the Lotteries Commission will be seeking detail on that and will be having a look at it. In relation to the overseas jurisdictions, there is no specific report on the information that has been collected. Again, as with the U.K. study, it will be further information that the Lotteries Commission officers will need to gather as part of some sort of overall assessment of whether or not one should continue with the vending machine option. If I have missed any of the questions by the honourable member he might like to pursue that.

My position, as I indicated in the second reading, is that I support the *status quo*. I have wrestled with the question of what to do, because the Hon. Mr Crothers has indicated that, should his amendment not be successful and the Bill stand unamended, he may well support my preferred position, which is to vote against the clause, whereas I suspect that, if his amendment is carried, he is certainly not going to vote against the clause. As always the Hon. Mr Crothers is being inscrutable and I do not know what his final decision will be. So, on balance, I will support the provision for 16 years, even though it may well make more difficult my preferred option, which is to, in effect, vote against the provision and stick with the *status quo* that exists in South Australia.

The Hon. A.J. REDFORD: Can the Minister provide members with a copy of that study in the event that the commission does decide to have vending machines, because in that event it is likely that this topic would be re-visited, assuming that the amendment for the age limit does not succeed?

The Hon. R.I. LUCAS: I would be happy to take up that issue with the Minister responsible, and through him, with the Lotteries Commission, and bring back a reply or perhaps correspond with the honourable member. I am not sure what the attitude of the Minister responsible is in relation to it. The report has not been completed; it is still being worked on, so no report exists at the moment. To be fair to the Minister, we will need to allow time for, first, the report to be finished and, secondly, for him to consider it. I will certainly put the

honourable member's representations to him, and ensure that either the Minister corresponds or I, on his behalf, correspond with the honourable member.

The Hon. A.J. REDFORD: In addition, could the United Kingdom study referred to by Ms Margaret Galdies be made available if possible?

The Hon. R.I. LUCAS: I think that should be easier, assuming that the Lotteries Commission staff are able to locate a copy of that report. If Ms Margaret Galdies has a copy of the report, I am sure she will probably make it available to the commission, and via that we can make it available to the honourable member. If she has not got a copy of the report, we will undertake, through the Lotteries Commission staff, to pursue it overseas and track it down. Whenever the staff are able to track it down, we will send a copy to the honourable member.

The Hon. A.J. REDFORD: In the light of that comment, my position remains unchanged. I do not support any age limit, but that may change if the commission decides to use vending machines. Judging by the response from Mr Quirke in another place, it is likely that we shall revisit this issue if that turns out to be the case. If we must have an age limit, I would support the Hon. Anne Levy's commonsense amendment. The push for this age limit seems to have come from the retailers. They want this age limit and we will give it to them if they really want it, and they can be the responsible people. It seems to me that to make criminals out of children buying scratch tickets and at the same time giving them responsibility for their own health care is incongruous. Perhaps that is the lesser evil than the one which has been foisted upon us from another place.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 2, lines 20 to 22—Leave out subsection (3).

I have four amendments on file, but they all relate to the same matter. The effect of these amendments is to remove the penalty on the young person who is sold a scratch ticket. The situation is analogous to that of cigarettes. Cigarettes are widely available in many locations—the corner deli and so on—but it is an offence to sell cigarettes to a minor. This puts the responsibility on the shopkeeper not to undertake such a sale. If a shopkeeper is caught doing so, there is a penalty. It seems to me that if there are to be prohibitions with regard to scratch tickets, the same logic should apply. If they are not to be sold to people under the age of 16, the shopkeeper has the responsibility to ensure that they are not so sold.

If a minor purchases scratch tickets, it seems to me that no penalty should be imposed on that minor; the penalty is imposed on the shopkeeper who makes the sale. He or she is the responsible adult who knows and should uphold the law and should not sell scratch tickets to a young person. To have a penalty for the young person who requests and is sold a scratch ticket illegally seems to me to be a case of penalising the victim. If Parliament believes that it is wrong for young people to buy scratch tickets, then it is presumably regarding them as victims, and I do not think that victims should be punished.

In addition, one might ask what sort of penalty should be applied to a minor. The clause suggests that the penalty should be $50. Who is responsible for paying that $50? If a 15-year-old purchases a scratch ticket, who is responsible for paying the $50 fine? Is it the minor, who may have no source of income whatsoever, or is it the minor's parent who may have strongly advocated against the purchase of scratch tickets? Should such a parent be held responsible for paying the $50 fine? I think it is opening a great can of worms to impose a penalty on the minor in a case like this.

The Hon. K.T. Griffin: How do you address the liquor licensing problem?

The Hon. ANNE LEVY: It seems to me that the closest analogy is not with liquor, which can only be purchased in licensed premises, but with cigarettes which are available in a wide variety of locations, which are a legal product and which can be sold to any adult. The onus is on the shopkeeper not to sell cigarettes to a minor. Likewise with scratch tickets, penalties should be applied to the shopkeeper, the Lotteries Commission, or whomsoever allows a young person to purchase a scratch ticket. There should be no penalty imposed on the young person in the same way as no penalty is imposed on a young person who, through illegal behaviour on the part of a shopkeeper, purchases a packet of cigarettes.

The Hon. K.T. GRIFFIN: I should like to address the issue of victimisation. It just does not stand up to close scrutiny. Under the Liquor Licensing Act, minors who obtain or consume alcohol commit an offence.

Members interjecting:

The Hon. K.T. GRIFFIN: I am not saying by being on the premises, but they commit the offence of obtaining or consuming alcohol. They also commit an offence if on licensed premises they participate in Keno. I read this out earlier in the proceedings. It cannot be argued that in respect of the purchase of a scratch ticket a young person is a victim and therefore should in some way be specially treated when the Liquor Licensing Act acknowledges that a minor commits an offence in certain circumstances. Even though the proprietor carries the burden of determining age, the fact is that the young person, the 16 or 17-year-old, knows his or her age, not the proprietor.

The Hon. T. CROTHERS: I was not proposing to enter the debate. I support the amendment moved by the Hon. Anne Levy for a number of reasons which may have escaped the Attorney's attention. The rationale for underpinning the reason why the other place brought in 18 as the legal age is to give some protection to the poor suffering parents who, time after time, despite their best efforts, may have been called out to stand bail for the recalcitrant juvenile for whom they have responsibility. What has been proposed is that the juvenile ought not to be fined because the fine will be paid by the parents, not the juvenile. That puts one straightaway at loggerheads with the rationale that underpins the introduction of this Bill in another place which the Hon. Mr Griffin says he supports.

I want to say something in respect of the Licensing Act, of which I have certain knowledge. Some members, for example the young student Mr Lucas or Mr Griffin in his prime, would well remember the Richmond Hotel in the old Rundle Street and when—

The Hon. R.R. Roberts interjecting:

The Hon. T. CROTHERS: Yes, indeed. Anyway, members would remember the bar on the first floor. One of our barmen got pinged one day for serving someone who was under age, so I am aware of the other side of the coin. Let me tell members what happened. The bar was hidden around the corner in the lounge so it was impossible, unless you had 90° vision, to see around the square corner of the bar into the restaurant. Our barman filled up a jug for someone who came up and asked for a jug of beer and two glasses. The consequence of that was that the barman got pinged for serving someone who was under age because there was a 16½-year

old lurking around the corner. The barman had to pay the fine for that. Things have improved somewhat since that time. I point this out to the Hon. Mr Griffin because I can see both sides of the coin. But I still think that, having regard to the debate, we are bound to support the Hon. Ms. Levy's amendment, if we are to carry logic to the degree necessary to enable this place to remain logical with respect to the pronouncements that have been made on the rationale that underpinned the introduction of this Bill in the first instance. I ask members to support the Hon. Ms. Levy's amendment.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 3—

Lines 2 and 3—Leave out 'that person and the minor are each' and insert 'the person is'.

Line 4—After 'Penalty:' insert '$200'.

Lines 5 and 6—Leave out paragraphs (a) and (b).

Amendments carried.

The Hon. T. CROTHERS: I move:

Page 3, line 7—Leave out '18' and insert '16'.

Amendment carried.

The Hon. R.I. LUCAS: As I indicated earlier, I intend to vote against the clause as amended. This is the opportunity for those members in the Chamber who hold the view that the current law should remain and that there be no age restriction to express their views on the matter. I do not intend to revisit the arguments for and against this issue, given the lateness of the hour and the other parliamentary commitments that members may well have in prospect for the evening. I therefore indicate my opposition to this amended clause.

The Hon. ANNE LEVY: I echo the remarks made by the Minister. As I said in my second reading contribution, I think we are making a laughing stock of ourselves by having legislation on such trivial matters. It would be much better if our law made no mention of an age limit for scratch tickets, and in consequence I will oppose the whole clause.

The Hon. BARBARA WIESE: As I indicated in my second reading contribution, I feel the same way and I, too, will be opposing this clause.

The Committee divided on the clause as amended:

AYES (12)

Cameron, T. G.	Crothers, T. (teller)
Davis, L. H.	Elliott, M. J.
Feleppa, M. S.	Griffin, K. T.
Irwin, J. C.	Kanck, S. M.
Laidlaw, D. V.	Pickles, C. A.
Roberts, R. R.	Weatherill, G.

NOES (7)

Lawson, R. D.	Levy, J. A. W.
Lucas, R. I. (teller)	Redford, A. J.
Roberts, T. G.	Schaefer, C. V.
Wiese, B. J.	

Majority of 5 for the Ayes.

Clause as amended thus passed.

Clause 5 and title passed.

Bill read a third time and passed.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

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

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES (CONSISTENCY WITH COMMONWEALTH) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 5.48 p.m. the Council adjourned until Wednesday 16 November at 2.15 p.m.