LEGISLATIVE COUNCIL

Thursday 3 October 1996

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

PAPERS TABLED

The following papers were laid on the table:

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

Gaming Supervisory Authority—Report of an Inquiry

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

Reports, 1996—

Patawalonga Catchment Water Management Board

Torrens Catchment Water Management Board.

QUESTION TIME

SOUTH ROAD PRIMARY SCHOOL

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the closure of South Road Primary School.

Leave granted.

The Hon. CAROLYN PICKLES: In a classic case of belatedly trying to distance himself from the Minister's decision to close the South Road Primary School, the member for Elder has demanded a three year moratorium on the decision. He has finally realised that this might cost him his seat. The member for Elder says that he wants the population projections used to make the closure decision. He says that after being denied this information three times he doubts whether they exist. The member for Elder claims that a doorknock of one-third of the homes in the area has revealed a population of 72 children aged one to four years. My questions to the Minister are:

1. Are claims by the member for Elder that the Minister did not have accurate population projections correct?

2.What population projections did the Minister have, and will he table them?

3.Will the Minister table a copy of all advice given to him by his department relating to the future of the South Road Primary School prior to his decision to close the school?

The Hon. R.I. LUCAS: The member for Elder is an excellent local member, and I have very good relations with him. Contrary to the criticism that the Leader of the Opposition directed at me earlier that I was closing schools in only Labor held electorates, here is proof positive that this Minister in Government acts without fear or favour in relation to issues of rationalisation and restructuring of schools. On the one hand the Leader of the Opposition attacks me for, in effect, looking to close schools only in Labor electorates and in relation to The Parks—

The Hon. T.G. Cameron: You don't care where you close them down.

The Hon. R.I. LUCAS: No, that's not true. As I indicated, these difficult decisions about restructuring are considered by this Government without consideration of the politics of the local electorate—whether it is a Labor electorate, a Liberal electorate, a safe seat or a marginal seat. It is an indication of the impartiality of the process that the Government and the department have embarked upon. As I said, the member for Elder is an excellent local member. He has a view—

The Hon. T.G. Roberts: He will be a oncer if you close the school down.

The Hon. R.I. LUCAS: No, he won't. He will not be a oncer, because he is a good local member. He is out there talking with his constituents in the electorate of Elder.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: where are you now? Are you still the local member?

Members interjecting:

The PRESIDENT: Order! I know members have had a very pleasant lunch, but it is not necessary to be quite as vocal as that—or I might have to close some of you down.

The Hon. R.I. LUCAS: The local member is showing that without fear or favour he is standing up for his constituents and residents in his electorate irrespective of which Government or which Minister has taken a particular decision. And more credit to the local member.

Members interjecting:

The Hon. R.I. LUCAS: Exactly: where was Paul Holloway?

Members interjecting:

The Hon. R.I. LUCAS: I have no concerns at all with hard working, excellent Liberal members of Parliament who represent their constituents and residents as effectively, efficiently and diligently without fear or favour. It does not matter to the local member whether it is a Liberal Minister or a Labor Minister. If he disagrees with the decision, he is prepared to speak out on behalf of his constituents, put their point of view to the Minister and to the Government and stand up for his constituents in his local electorate. That is the sort of freedom that Liberal members have.

The Hon. L.H. Davis: Freedom of speech.

The Hon. R.I. LUCAS: Exactly. They do not have the meek, mild mannered toadying that Labor members have to follow with Labor Ministers of Education and Labor Governments. That is the sort of toadying behaviour that Labor members, Lower House members, had to engage in for years. However, Liberal members are able to speak out without fear or favour and stand up for their constituents.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: On this rare occasion, the member for Elder and I as Minister have a difference of opinion. On virtually every other issue, we are as one. We work in unison.

Members interjecting:

The Hon. R.I. LUCAS: Exactly, arm in arm are the member for Elder and the Minister for Education. However, on this one single, solitary occasion, the member for Elder and the Minister for Education have a difference of opinion.

Although I do not have it with me at the moment, I would be very happy to table the demographic information upon which the decision was taken. I remind the honourable member that most of the information in the report has already been tabled because this decision was part of the Marion corridor project report. The honourable member and other members have asked before for the background to the decision. The report has probably been tabled, as well, and this was part of that decision.

Local parents and principals advised that there were not enough children in the district and they recommended to me as Minister that I should close down three school sites in that

area. They left the decision to me as to which two primary schools and which secondary school should be closed down. Having done the review, they said, 'Minister, we are the local people, we are the parents, we are the principals and we represent the educators and the parents of the Marion corridor. We think that there are too many schools for the number of children in the area, so will you please close down two primary schools and a secondary school? You must take the difficult decision as to which sites are closed.' As Minister, I had to take that decision, and in this case it was South Road Primary School.

The demographic projections for both the Mitcham council area and the Marion council area, which cover the broader catchment for South Road Primary, indicate for the coming 10 years or so either stabilised or declining population numbers in the 0 to 5 and 5 to 9 age groups. The other information that is part of the decision-making process is the enrolment record of that school and neighbouring schools over a periods of 10 or 15 years. I am happy to table all that information to indicate why, first, the parents and principals said to me as Minister that there are too many school sites for the number of children and, secondly, why I agreed to it. I am happy to table all that information.

The Government has taken a decision. The local member knows that the Government has taken a decision, and I respect his right to represent his constituents. He will continue to represent his constituents very well but, as I have indicated to both the local member and to the constituents who have approached him and me, the Government has taken a decision based upon the recommendation of local parents and principals.

POLITICAL FAVOURS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Premier, a question about jobs promised for political favours by the Premier of South Australia.

Leave granted.

The Hon. R.R. ROBERTS: I have a copy of a letter addressed to the Hon. Dean Brown, Premier of South Australia, on Central Arab Information Bureau letterhead and dated 28 October 1996, which reads as follows—

Members interjecting:

The Hon. R.R. ROBERTS: I am sorry, I should have said 28 September 1996. The letter explains the reasons for the questions that I will ask. It states:

> Dear Dean, I find myself obliged to put pen to paper to tell you that you have ruined my reputation and my future aspirations and have hurt me, my wife and my five children in a matter that is reprehensible.
>
> It is important for me to remind you what I did for you since you announced your candidacy for State Parliament up to today:
>
> 1. I was the first to congratulate you and offer my total support.
>
> 2. When you became Leader of the Opposition you asked me to introduce you to all the ethnic groups because you were aware of my capabilities in that regard. This I did after a meeting with you in Parliament House when you suggested that my wife and I invite the leaders of the ethnic communities to my house so you could speak to them about the way the Labour Party destroyed the State Bank and the State economy.

He is obviously not well versed, as he even spelt 'Labor' wrongly. The letter continues:

> I promised to do just that and that most of the ethnic groups, if not all, would be there in two weeks.

A good organiser. It continues:

> 3. Two weeks later more than 180 delegates from the ethnic groups accepted my invitation and came to my home to a barbecue dinner and to listen to you. You and your wife arrived at 6 p.m. and left at 12.45 a.m. and took a list of all the delegates present. The occasion cost me $7 000, which I could ill-afford. You thanked me and told me that the occasion was extremely successful, to which my wife and I replied that it was our pleasure because we wanted you to become our next Premier.
>
> 4. When your leadership was challenged, I worked assiduously to persuade you[r] opponents within the Liberal Party to rally behind you to ensure the defeat of the Labour Government.
>
> 5. Because of the above I created many enemies and you became a liability to me and my future. This did not worry me because my only goal was to ensure your success as South Australia's next Premier. On your instructions Vickie Chapman and I worked very hard for six months to promote you within the ethnic communities and to raise funds from them for the Liberal Party and ensure your success. This made me a prime target for the Labour Party to attack. This did not worry me—

so he is not only brave but he is loyal—

> my wife or my children because we had unanimity of purpose—that being your success.

The Hon. L.H. Davis: Who are we talking about?

The Hon. R.R. ROBERTS: You know the author? Do you want to name him? The letter continues:

> 6. I flew the head of the Arab community from Sydney at my expense and you met with him in Parliament House.

All this can be checked. The letter further states:

> This was done to ensure that you received the votes from the Arab speaking people in South Australia.
>
> 7. When Lynn Arnold announced the election date my commitment became a 24 hour affair during which I kept promoting you at all times. One of those occasions was when the Labour Party called for a rally of all ethnic groups to explain their policies. This meeting was attended by Mr Arnold, Mr Sumner and Mr Groom. I attended this meeting in Bonython Park with your knowledge for the sole purpose of disrupting the meeting.
>
> 8. Four weeks before the elections my wife and I decided to have an ethnic night at the Convention Centre—a black tie affair at $65 per head. It was a attended by 650 people with you and your wife as guests of honour. They gave you a standing ovation which lasted several minutes.

That will never happen again. The letter continues:

> 9. After the election, through no small effort on my part, you became the most popular Premier in South Australia.

That was very early in the piece. Now comes the good bit; just wait for it.

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: The Minister might know something about this. It continues:

> 10. One year after the election I went to see you to ask you for a job. I was in serious need of work. You said, 'No problem. Leave it with me.' I took you at your word and did not hear from you for several months. You started to avoid me and I was told by a senior member of your department that you had given instructions not to take my calls.

This is what you get from the Liberal Party for loyalty. It continues:

> You were told by your advisers—the same ones who advised John Bannon—that I was a criminal and that you should distance yourself from me because I was a liability to you.

For all that loyalty and fundraising! He continues:

> 11. I eventually called at your office and you promised me and my wife a job.

They not only promised him a job but his wife also.

The Hon. T.G. Cameron interjecting:

The Hon. R.R. ROBERTS: Wait until you find out what he did—this is only the request. He continues:

> You asked a member of your staff to come to the office and told her to expect our CVs and she would bring them straight to you. I

was not looking for charity. I have three university degrees, am multilingual and could do much for the economy of South Australia.

The Government needs someone to help it. The letter continues:

My wife has an MA in philosophy and psychology and is a teacher and a librarian.

12. I am not a criminal, I am not a bludger, I am simply the father of five Australian-born children trying to earn a living. I came from a poor but very respectable family with a proud tradition of belonging to one of the oldest cultures in the world.

13. You can understand I am sure how disgusted my wife and family and I were when your Deputy described my home—the home that hosted both of you—as a nursing home. I hope God will forgive you for your sins and those of your predecessors, John Bannon and Lynn Arnold.

Members interjecting:

The Hon. R.R. ROBERTS: I seek leave to table the letter.

Members interjecting:

The PRESIDENT: Order! Is leave granted?

Leave granted.

Members interjecting:

The Hon. R.I. Lucas: Who signed it?

The Hon. R.R. ROBERTS: If members would listen: I said it is a copy of a letter. I am about to explain that it is unsigned, and it will become clear—

Members interjecting:

The Hon. R.R. ROBERTS: My questions to the Premier are as follows—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Is the Premier aware of the events outlined in the letter allegedly from someone from the Central Arab Information Bureau? Did the Premier attend the functions outlined as alleged in the correspondence?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Did anyone approach the Premier for a job in return—

Members interjecting:

The Hon. R.R. ROBERTS: Perhaps the Hon. Julian Stefani can answer this, as parliamentary secretary. I understand you're mates with one of the chief suspects. Did anyone approach the Premier for a job in return for services rendered as outlined in this letter to which the Premier said, 'No problem, leave it with me', but subsequently reneged and instructed the Premier's staff and advisers not to take this person's calls? Finally, who was the person who approached the Premier one year after his election for a job to which the Premier said, 'No problem, leave it with me'?

Members interjecting:

The PRESIDENT: Order! The Minister for Education and Children's Services.

The Hon. R.I. LUCAS: I was laughing too hard to hear all the questions from the Deputy Leader of the Opposition, so I will have to take some of them on notice. Let the *Hansard* record show them. I could not hear some of the questions because not only was I laughing, but so were many of my colleagues. The poor Deputy Leader of the Opposition! Obviously the Hon. Terry Cameron and the Hon. Carolyn Pickles tossed a coin to decide who would be silly enough—that was the first question—to stand up in this Parliament and read out a question and letter, pretending all along that it had been signed by somebody, making a whole series of claims and allegations, some of which—well, who knows what—and then, at the end of it all, have to sheepishly and with a red face own up to the fact that it was not signed; it was anonymous, it was not signed.

When the Hon. Terry Cameron and the Hon. Carolyn Pickles asked the question, 'Who is silly enough on our side to ask this question?', they went up and down the backbench, first to the Hon. Mr Weatherill, no; the Hon. Mr Nocella; the Hon. Ms Levy, certainly not; Terry Cameron was not going to set himself up; the Hon. Paul Holloway; TC is not here today; and Terry Roberts is too smart. Who does it leave? The Hon. Ron Roberts, it has got to be—the only one silly enough to stand up and, first, pretend that it was a signed letter. At least he could have had the honesty up front to say, 'I have an unsigned bit of correspondence here, it is anonymous, and I am going to read it.' But he went on for ten minutes reading out the question, pretending that it was a signed piece of correspondence, indicating that he knew who it had come from, and then, red faced, sheepishly having to admit that it was an unsigned piece of correspondence.

Who wrote it? Did the Hon. Ron Roberts write or type it? Was it the Hon. Terry Cameron? Was it the Hon. Mike Rann? I do not know. The Hon. Ron Roberts should have had the courage to stand up to the Hon. Mr Cameron or the Hon. Ms Pickles and say, 'I am not going to be stupid enough to stand up in the Chamber and read an unsigned piece of correspondence. I have some integrity left'—not much—'as the Deputy Leader of the Opposition.'

The Hon. L.H. Davis: I'll ask questions on prawns!

The Hon. R.I. LUCAS: Yes, 'I'll ask questions on prawns, I'll ask questions on whatever, but at least I have some integrity left and I will not be browbeaten into asking this question by you lot. If you can get a signature to the letter then I will stand up and do it, or why don't you do it? Why don't you ask the question and why don't you read out the letter?' If members have signed pieces of correspondence or if they are prepared to indicate where the correspondence has come from, clearly Ministers and Governments will need to respond to the pieces of correspondence. Until the Deputy Leader of the Opposition has the courage and integrity to provide to the Premier a signed letter, signed correspondence or an indication of who has written the letter—or who has typed it, more importantly—then it will be treated with the contempt that it deserves; and so, too, should the Deputy Leader of the Opposition be treated with the contempt that he deserves.

In relation to some of the issues that are raised in the correspondence, if a signed letter, complaint or something comes to the Deputy Leader of the Opposition or anybody else then, as Leader of the Government in this Chamber, I will undertake to send it to the Premier, Deputy Premier or any other Minister and ask them for comment and response in relation to those issues. If the Deputy Leader of the Opposition wants to take up my offer, as the Leader of the Government in the Council, I ask him to do so.

The Hon. R.R. ROBERTS: As a supplementary question, is the Leader of the Government in the Council aware that five minutes ago the Premier in another place confirmed the authenticity of the letter and was quite surprised to know that we had a copy of it?

The Hon. R.I. LUCAS: How could anyone confirm the authenticity of an unsigned piece of correspondence?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: If somebody has a signed piece of correspondence you can confirm its authenticity. If the Premier has a signed piece of correspondence, he is in a

position to confirm its authenticity. But you cannot confirm the authenticity of an unsigned piece of correspondence that was tabled and used by the Deputy Leader of the Opposition in the Chamber.

Members interjecting:

The PRESIDENT: Order!

EDUCATION DEPARTMENT SITES HERITAGE LISTING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, or perhaps the Minister for the Environment and Natural Resources—

Members interjecting:

The PRESIDENT: Order! I cannot hear the questioner.

The Hon. T.G. ROBERTS: —a question about heritage protection by the Education Department.

Leave granted.

The Hon. T.G. ROBERTS: It is a fairly straightforward issue relating to heritage protection and the demolition of old buildings on current Education Department sites. One small community in Ardrossan is concerned that it looks as though it is too late to save the old barn at Ardrossan, but it may not be too late to save other old heritage buildings on current Education Department property or Education Department property that is being earmarked for sale, where there is no listing of heritage buildings or where the buildings themselves may not be able to be listed for heritage but have some social significance in communities that perhaps want to protect them: where parents, friends, the Government and the Education Department can get together to protect these buildings. I would like to read a letter to explain the situation at Ardrossan.

The Hon. A.J. Redford: Is this one signed?

The Hon. T.G. ROBERTS: It is signed and authenticated.

Members interjecting:

The Hon. T.G. ROBERTS: Because it has not been raised in the Lower House as a trap for young players, this is fairly direct. It reads as follows:

> At 10 Fourth Street, Ardrossan, a 100 (plus) year old barn is to be demolished on Sunday 29 September—

that date has since passed—

> at 8 a.m. The barn is on Government land. The land is where the Ardrossan Area School is situated. The school purchased a block of land with a house, the barn and maids' quarters about four years ago. We are trying to stop the demolition of the barn. On 1 September the State Heritage Branch will begin a search of the Yorke Peninsula to identify places of significance for entry on the State Heritage Register and the Register of the National Estate, and to determine potential State heritage areas. We need to stop the demolition to allow the State Heritage Branch to inspect the barn. The State Heritage Branch has been contacted to obtain the procedures to list a building for heritage. They have advised us to go through our local councillors to nominate the building to the district council who, in turn, nominate it to the State Heritage Branch.
>
> As you can see, this will take about two months to do, and we do not have the time to do it this way. As there is apparently no money to fix the barn, the school council here in Ardrossan has decided the building is to be demolished. We, the Friends of the Barn, have put a proposal to the school council to defer the demolition until the Christmas school holidays. In that time we have asked permission to actively seek interested parties, and pledges have been received as such. We seek further help as, at this stage, our proposals have been ignored.

It is signed 'Friends of the Barn', contact number Allison Dolan, and there is a telephone number. Unfortunately, things have moved on since Friday, when the fax was sent through. The building had been partly demolished and I suspect that it has been totally demolished by now. The walls were still standing yesterday, but I suspect that nothing is left standing. It appears that the school council made a decision that was not popular in terms of the whole of the town, but it may have been the only decision that the school council could make in relation to the protection of its funds, and it may have had to make the decision based on issues other than the protection of heritage. My questions to the Minister are:

1. How many buildings of heritage value or significant community value attachment are there on Education Department grounds that have been identified, and how many are currently being processed?
2. What is the current process of the decision to demolish and what factors are taken into account?
3. What is the Government's involvement in the process?
4. Will the Minister encourage identification of such building sites for heritage listing and preservation of the same in the future?

The Hon. R.I. LUCAS: I am aware of the background to the demolition of the building at Ardrossan, because it has been the subject of some correspondence over the past few weeks in particular. I think the honourable member is correct that the building has been demolished by now. Certainly, that was the intention. My recollection of the correspondence is that this building was not part of any heritage listing, and that was the advice that was given. Whilst I understand the questions that the honourable member has raised in relation to heritage listed buildings on Department of Education and Children's Services sites—and I undertake to take up that issue with the appropriate officers in my department or in that of the Hon. David Wotton—I do not believe that relates to this issue.

The issue was that this was not a building deemed significant enough in terms of its heritage value to be heritage listed by whatever the appropriate body or agency, so there was no impediment to its demolition from that viewpoint. Clearly, a number of people in the local community felt that it should have been, but that view evidently was not accepted by whichever body deems a building as a heritage building. That is my understanding of the circumstances.

The building was demolished in the end because it was surplus to the requirements of the Department for Education and Children's Services, and my recollection, again, is that the cost of maintaining the facilities or improving the facilities to the level that was requested by the local community was going to be about $100 000.

The Department for Education and Children's Services had no need for the barn in terms of ongoing education provision and, obviously, neither the school council nor the local community had $100 000 spare to put into the building. That is the background to the Ardrossan decision. I will check my recollection of those facts to see whether there is anything I need to clarify in relation to the questions that the honourable member has asked about other heritage listed sites. I will either get that from officers in my department or undertake to contact the Hon. David Wotton's department and bring back a reply.

The Hon. T.G. Roberts: And social significance?

The Hon. R.I. LUCAS: I am not sure whether we have listings of buildings of social significance as opposed to heritage listings. I am not sure that I will be able to provide to the honourable member what buildings of social significance exist. I guess that is in the eyes of the beholder, to some

degree. If it is a heritage criterion, the information I give the honourable member on heritage listing will include that broad package of information. If it were to be something separate, not heritage listed but socially significant, again there would be differing views about different buildings throughout the State that some might see as socially significant that others do not. I understand that we work off the general heritage listing provisions.

OUTSOURCING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for State Government Services, a question about outsourcing of State Government services.

Leave granted.

The Hon. M.J. ELLIOTT: I understand that the State Government has decided to proceed with the outsourcing of the public sector's building, cleaning, allied services, maintenance, etc., worth between $400 million and $450 million a year. I understand that even optimistic estimates anticipate minimal savings. My questions to the Minister are:

1. Will the Minister confirm that the Government has decided to proceed with the outsourcing of State Services, including building, maintenance, cleaning and allied service requirements?

2. Will the Minister confirm that the outsourcing contracts are worth between $400 million and $450 million?

3. Will the Minister confirm that contracts will be awarded on a regional basis and that about five contracts will be awarded? Can the Minister indicate what savings are expected?

4. Can the Minister confirm that contracts are planned to be signed by March next year and be operational by September next year?

5. Why has the public not yet been made aware of the Government's plans to outsource these operations? I understand that 12 companies are already actively negotiating for the contracts.

6. Generally, when will South Australian companies be made aware of the outsourcing and given an opportunity to bid for those contracts?

7. Has a decision been made to withhold this decision from the public for as long as possible and, if so, why?

The Hon. K.T. GRIFFIN: I will refer the questions to my colleague and bring back a reply.

The Hon. R.R. ROBERTS: I rise on a point of order, Mr President. Earlier in Question Time I laid some papers on the table that were, as I observed, duly lodged with the Clerk. Subsequently, the Hon. Mr Stefani left the Chamber, returned thereto, removed the original documents and scurried off to who knows where. For clarification, is that procedure in line with Standing Orders, and specifically Standing Order 453?

The PRESIDENT: Order! The point of order is reasonable. In the past, members have been able to view documents as they are tabled and take them back to their benches to read them, but they have not left the Chamber. I understand that the letter has left the Chamber. It is now being searched for and will be returned immediately.

AUSTRALIAN NATIONAL LABOUR ADJUSTMENT PACKAGE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Howard Federal Government's decision to scrap the Australian National Labour Adjustment Package.

Leave granted.

The Hon. T.G. CAMERON: Yesterday, I asked questions about what the State Government will do to assist Port Augusta and its AN work force which will be retrenched as a result of the Brew report. The Minister answered by stating that the report has not yet been released and nor had the Federal Government made up its mind on how it would respond to the facts that have apparently been revealed by the report. In a later answer to a supplementary question, the Minister admitted receiving and reading a copy of the full Brew report, which displays the truth of her earlier comments.

On 26 September 1996 Premier Dean Brown said that it was up to the State Government and other appropriate groups to assist with proposals which maximise the benefits to South Australia. The former Federal Labor Government established the Australia National Labour Adjustment Package to assist retrenched AN workers. The assistance included wage subsidy relocation assistance and up to 52 weeks of vocational training assistance.

As a direct result of the Howard Federal Budget this program is to be axed, effective 31 December 1996, this decision being taken at the very time some 2 000 AN workers in South Australia face the sack by the Howard Government. My questions to the Minister are:

1. Is the Minister aware that the Howard Federal Government has scrapped the Australian National Labour Adjustment Package from 31 December 1996? If so, has she sought to have the Federal Government reverse this decision and, if not, why not?

2. In the absence of any Federal Government labour market adjustment program for retrenched AN workers, will the State Government institute one in its place and, if not, why not?

The Hon. DIANA LAIDLAW: That was an utterly hypothetical set of questions, because the Federal Government has not announced what its response to the Brew inquiry will be. Until such time it is presumptuous to suggest the doom and gloom that the honourable member wishes to peddle and promote in terms of fear in the community. It is entirely unreasonable for that to happen and I will not respond to such situations, because until the report is publicly released and the Federal Government's findings are made—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I did not say that: I said that until it is released and until the recommendations and the decisions by the Federal Government are made known, it is not appropriate for me to speculate. Because the honourable member often gets very confused in this place and elsewhere about these subjects I will read into *Hansard* the supplementary question asked of me yesterday. He said:

> As a supplementary question, has the Minister seen or read a copy of the Brew report, or have any of her staff seen or read a copy of the Brew report, or has she received a briefing on the full report?

I answered 'Yes.' Now, it is interesting to see that, with that ambit of questions and one answer, the honourable member could read anything into any of the situations, because it was

such an extraordinary question to frame in that way and then be satisfied with the answer. I am most surprised.

The Hon. T.G. Cameron: Has the Minister read the Brew report?

The Hon. DIANA LAIDLAW: I have a copy of the Brew report and I have read that report. I should indicate that I will be meeting in terms of—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes, but have I received a full briefing on the report?

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I was very amused that not only were you satisfied with the answers but that you would presume such. I am pleased that the honourable member has sought clarification and that I have been able to provide it. Secondly, I will meet with members of the Port Augusta council next week and representatives of the work force following the invitation from the Premier for representatives of the council and the work force to join with the State Government to look at various options that it may be possible to pursue without having at this time the Federal Government's official response to the Brew report.

I should indicate, too, because there seems to be some misunderstanding on the part of the Hon. Terry Cameron and the Hon. Ron Roberts, that, in terms of the rail transfer agreement, it does not apply to the Port Augusta workshops. The Port Augusta workshops were Commonwealth workshops prior to the 1975 Rail Transfer Agreement. Therefore, the so-called safeguards in terms of the property's returning to the State if it is no longer required by the Federal Government or Australian National, or the retrenchment provisions in the Rail Transfer Agreement, do not apply in terms of the workplace at Port Augusta unless those workers were members of the South Australian Railways earlier.

The honourable member has to be very clear about what he is suggesting as possible courses of action, because what he is proposing is not legally possible. However, that does not mean that the State Government is not closely and keenly pursuing the welfare of the work force, the families of workers at Port Augusta, and businesses in the town that rely on a strong local work force. These matters have been pursued with representatives of the council, and me and my office. They will be pursued further when I visit Port Augusta next week.

The PRESIDENT: Order! As to the point of order raised by the Hon. Ron Roberts, I think it would be wise to note that, in future, if members want to view tabled documents, they may do so. If they want to take them out of the Chamber, they may do so, but they must ask the attendants or the table staff to photocopy them before they take them out. I see nothing wrong with that, provided they leave the original copy in the Chamber.

COUNTRY HEALTH SERVICES

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question on country health services.

Leave granted.

The Hon. BERNICE PFITZNER: Recently I was made aware that many country GPs are at retirement age and there do not seem to be any young general practitioners to replace them. I note that the Minister for Health has allocated an extra $14 million to be spent on South Australian country health through the regional health boards. From the Minister's media release, I note that the South-East is to receive an increase of $1.4 million; Hills, Mallee and Southern area, an increase of $2.23 million; Wakefield Regional Board, an increase of $2.6 million; the Mid North, an increase of $1.87 million; the Riverland, an increase of $2.32 million; Eyre Peninsula, an increase of $1.43 million; and the Northern and Far Western Regional Health Board, an increase of $1.2 million. I must say that this is a most positive action for country areas, which need health services, as we in the metropolitan area do.

An article published in the *Medical Journal* this year, which is entitled 'Half a million for country GPs', states:

> Victorian country GPs are to receive $500 000 a year to help them keep abreast of new developments in medicine and surgery. . . the funding would be used to subsidise general practitioners who undertake formal continuing medical education courses. Doctors in small rural practices may have the cost of finding a locum replacement for the time they are away on courses, as well as the cost of travel and accommodation. . . the nature of rural general practice and the shortage of trained specialists in country areas meant GPs were given primary responsibility for delivering a greater range of services, particularly in obstetrics, anaesthetics, minor surgery, and accident and emergency. . . Studies have shown that one of the major limiting factors on doctors, nurses and other health professionals establishing themselves and staying in rural areas has been the lack of access to continuing education. . . Previous attempts to encourage health professionals into rural areas have been *ad hoc* and have not achieved lasting results.

My questions are:

1. Seeing that there is increased funding to the regional health boards, how much of this funding will go to the upgrading of doctors, nurses and other allied health professionals in country areas?

2. Is a long-term program in place for the continued upgrading of country health professionals?

3. Are any incentives in place to attract new doctors into country areas?

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

ISLINGTON LAND

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question concerning the Australian National railways site at Islington.

Leave granted.

The Hon. R.R. ROBERTS: For some time people living in the Islington area have been concerned about the contaminated land at the Islington railway site. I understand that keen interest has been shown by many people to have the site repaired. Submissions have been made by the member for Ross Smith (Mr Ralph Clarke) and I understand that the Federal Liberal member made submissions to the former Labor Government, which were supported by the South Australian Minister for Transport. I am informed that Mr Ralph Clarke made formal submissions to the Federal Government prior to the last Federal election.

I am further advised that the former Federal Labor Government committed itself to spending $5 million for remediation of the contaminated AN land at Islington. However, on the election of the Howard Government, that commitment was subject to a budget review. Although I do not have signed documentation, I am also advised that, during the election campaign, a commitment was made by the then

Federal Opposition that it would honour the pledge to clean up the Islington site. By letter dated 23 September 1996, the office of the Federal Minister for Transport advised the Port Adelaide Enfield council that the Federal Government has offered the State Government a once-off payment of only $2 million as soon as the title of the Islington site passes to the State Government.

I understand that the proposition is that the State should pick up the $5 million tab to reclaim the site, with the State Government being able to meet the balance of the $5 million, that is the estimated cost of that recovery, by retaining its $3 million from the proceeds of the sale of the land at the time that it is repaired and the State Government disposes of it. My questions are:

1. Has the State Government accepted the Howard Government's cost-sharing proposal for the remediation of the Australian National railways site at Islington?

2. If not, what is proposed to secure the remediation of the land at the Islington site?

The Hon. DIANA LAIDLAW: No, the Government has not accepted the proposal because I have not yet seen such an offer.

GAMING SUPERVISORY AUTHORITY

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Deputy Premier in another place on the subject of the gaming supervisory authority inquiry.

Leave granted.

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Premier on the South Australian Multicultural and Ethnic Affairs Commission.

Leave granted.

BUSHFIRES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question on bushfires.

Leave granted.

The Hon. ANNE LEVY: We are having a very wet spring and, doubtless as a result, there will be an enormous amount of undergrowth throughout the Adelaide Hills before and during the coming summer. About 200 000 people live in the Adelaide Hills and, in view of the seasonal conditions, we can well expect there to be an extremely high bushfire danger during the coming summer. A number of people have contacted me, alarmed that this bushfire potential does not seem to have been recognised and that little or nothing is being done. Various suggestions that have been made include consultation by the CFS and various Government authorities with New South Wales officers as to the best methods of preventing bushfires when there is severe undergrowth.

It is suggested that bushfire alert committees should be set up very soon in preparation for a dangerous season; that insurance companies should be asked to instigate regular CFS warnings and notices in the press, on television and on the Internet (and it would obviously be to their advantage to sponsor these initiatives); that primary industry should warn the specialist farmers, such as the Alpaca farmers in the Adelaide Hills, of the incredibly high bushfire danger that is likely to exist; and that even schools, churches and child-care centres be warned and fire drills initiated now so that if bushfires do eventuate in the coming summer people are prepared, and that action relating to possibly damaging bushfires is not left until summer has come.

Will the Minister for the Environment and Natural Resources undertake action, such as proposed to me by constituents, so that the likely potential of a very high bushfire risk in the Adelaide Hills in the coming summer can be prepared for and people made aware of the dangers and what measures they can take to prevent incredible damage, which could otherwise result, to the very large population in the Adelaide Hills?

The Hon. DIANA LAIDLAW: I am aware that the Minister for the Environment and Natural Resources has issued some statements; I have seen them in the media alerting residents to the need to clear property, and alerting South Australians generally about the need to be aware, with summer approaching and with such healthy undergrowth everywhere, including the Adelaide Hills, that they must be careful with fire sparks, cigarettes, and the like. Nevertheless, I agree with the honourable member that this summer, in particular, we will have to be very diligent. I suspect that the Minister is making preparations and that he would welcome the opportunity to advise the honourable member, in answer to her question, of those preparations. Therefore, I will refer the question to the Minister so he can provide the honourable member with all that he is now doing.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Police (Complaints and Disciplinary Proceedings) Act 1985. Read a first time.

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

That this Bill be now read a second time.

This Bill contains miscellaneous amendments to the Police (Complaints and Disciplinary Proceedings) Act 1985. The Act has now been in operation for 11 years and in that time there have been no substantive amendments. This suggests that the Act has stood the test of time but suggestions to improve the operation of the Act have been made by the Commissioner of Police, the Police Association and both the former and present Police Complaints Authority (to which I will refer as 'the authority'). Amendments are also required as a result of the administration of the Act being committed to the Attorney-General rather than the Minister with responsibility for the police.

It is important to put this Act into a proper context. It has to be recognised that the Police Complaints Authority was established in 1985 to provide an independent body to review complaints against the police. At the same time the responsibility of the Commissioner of Police under the Police Act 1952 for the discipline, the command, and the operation of

the Police Force in South Australia was retained. Where the Commissioner charges a member of the Police Force with a breach of discipline and the member does not make an admission of guilt to the Commissioner, the proceedings on the charge are determined by the Police Disciplinary Tribunal which is established under the Police (Complaints and Disciplinary Proceedings) Act.

The tribunal comprises a magistrate and there is a right of appeal to the Supreme Court—a significant protection against abuse. Section 39(3) of the Act requires the Police Disciplinary Tribunal to be satisfied beyond reasonable doubt that an officer committed the breach of discipline with which he or she has been charged. When this Bill was introduced last session the Government indicated it was inclined to the view that the burden of proof in disciplinary proceedings should be changed to proof on the balance of probabilities and would be consulting further on this matter. The Government has now decided that the burden of proof in disciplinary proceedings will not be changed—it will remain the position that the burden of proof will be proof beyond reasonable doubt.

The Minister for Police, who is engaged in discussions with the Police Association in relation to amendments to the Act, will be discussing other issues relating to discipline with them. Police officers are, by virtue of their office, vested with significant powers and discretions and are held out to the public as being fit and proper persons to exercise those powers. As such they take their place amongst other publicly regulated and accredited professions and occupations ranging from doctors and lawyers to security officers. The standard of proof in occupational licensing is the civil standard of proof.

Doctors who may, on balance, have indecently assaulted a patient, or security guards who may, on balance, have assaulted a member of the public are subject to disciplinary action ranging from caution to revocation of licence or registration. The standard of proof is based on the principle that disciplinary decisions should not be punitive but instead protect the community and the reputation of the regulated body. The strength of the evidence necessary to establish a fact or facts on the balance of probabilities may vary according to the nature of what it is sought to prove. The seriousness of the allegations and the gravity of the consequences flowing from a particular finding are considerations which affect the answer to the question whether an issue has been proved. Courts and tribunals in civil or disciplinary proceedings do not lightly make a finding that, on the balance of probabilities, a person has been engaged in criminal or other serious misconduct.

The amendments contained in this Bill cover a wide area. Some of the amendments are of a technical nature while others represent changes in policy.

Informal Complaint Resolution: The Commissioner of Police and the former Police Complaints Authority, Mr. Peter Boyce, agreed on a system for the informal resolution of minor complaints against the police. The system has been in operation since 1 January 1994 and is operating well but it is desirable that the Police (Complaints and Disciplinary Proceedings) Act 1985 be amended to reflect the current practice for resolving all complaints against the police and that they have a statutory basis and put beyond doubt that informal resolution is permissible.

There are real advantages in having a scheme for the resolution of minor complaints by informal means. Not all complaints against the police are serious and many do not warrant a full scale investigation which may lead to disciplinary proceedings. Rather, the offending behaviour can best be treated as a management issue and dealt with at that level. Under the scheme for the informal complaint resolution agreed to by the former Authority and the Commissioner a complaint is a minor complaint if it:

- relates to demeanour, discourtesy, rudeness, abruptness or any similar act of incivility;
- alleges a non-aggravated neglect of duty, including a failure to respond promptly, return property, make inquiries, lay charges, return telephone calls and other failures to provide adequate service;
- is based on a misunderstanding of facts or law and may be resolved by explanation;
- is based on a misunderstanding of police practices or procedures which may be resolved by explanation;
- is about police driving or parking behaviour which is not aggravated or is able to be reasonably explained;
- is made by a person who is obviously disturbed or obsessive and the allegations have either been made before or, by their nature, are consistent with the complainant's known state of mind;
- concerns incidents of unnecessary force, which may include mere jostling, pushing, shoving without any attendant features such as intimidation or attempts to obtain a confession.

The categories of minor complaints are not delineated in the Bill. 'Minor complaint' is defined in clause 3. The question whether a complaint is a minor complaint is to be determined according to an agreement between the Authority and the Commissioner or a determination of the Minister in the event of disagreement. Notice of the matters that may be dealt with informally must be laid before Parliament. This provision maintains public accountability while at the same time providing flexibility in the matters that may be dealt with informally. The last thing anyone wants to see is the administration of the Act bogged down on fine technical legal points about what is or is not a 'minor complaint' under the Act.

The mechanics of how a complaint is dealt with informally are contained in clause 10 which inserts a new section 21A in the Act. A complainant retains the right to have a complaint investigated under the other provisions of the Act. The Commissioner and the Authority also retain the right to have a complaint investigated under the other provisions of the Act. This is important because no information obtained in relation to the subject matter of the complaint may be used in proceedings in respect of a breach of discipline before the Police Disciplinary Tribunal.

Power to Delegate: The Act does not contain any power for the Authority to delegate. This means that the Authority has to do everything him or her self. This causes problems not only in the every day operation of the Authority but also when the Authority is absent on leave or ill and there is nobody who can perform the functions of the Authority.

New section 11A provides that the Authority has power to delegate similar to the Ombudsman's power of delegation under section 9 of the Ombudsman Act 1972.

Complaints to which the Act Applies: A member of the Police Force can, in the same way as any member of the public, make a complaint to the Authority about another member of the Police Force. Hitherto this has not been spelt out in the Act. This is now spelt out in clause 8, new section 16(4)(ca).

A further change is made to section 16 to allow investigation of complaints made to a member of the Police Force by or on behalf of another member of the Police Force provided

the complaints are made in writing in a form approved by the Commissioner. It is illogical that the Authority can investigate a complaint made by one police officer about another if the complaint is made to Authority but not if it is made to another police officer.

The vast majority of complaints by one police officer about the conduct of another would not be of interest to the Authority but it is desirable for the Authority to have the power to investigate them or to require further investigation in cases where the outcome appears unsatisfactory. The type of internal complaints which it would be appropriate for the Authority to investigate are those which:

- involve issues which are of public interest, importance or significance;
- relate to possible criminal action or serious breaches of discipline by members in the course of, or arising from, their duties as members of the Police Force;
- relate to matters of practice, procedure and policy on the part of the Police Force and which may impact upon the community at large.

The Authority and Commissioner of Police will need to develop a protocol to govern when the Authority becomes involved in internal complaints.

As in any other employment situation, members of the Police Force are prone to complain about their fellow employees. The amendment to section 16(5)(a) requiring a complaint made to a member of the Police Force about another member to be in writing in a form approved by the Commissioner should ensure that mere grumbles are not subject to investigation under the Act.

Necessity for a Complaint: The Authority is unable to conduct an investigation about police conduct if there has been no complaint. There is often considerable criticism of police action as a result of publicity. In the past, issues have been raised in Parliament concerning police conduct which could not be pursued in the absence of a complaint. Where all the relevant criteria of the Act are satisfied the Authority should be able to invoke the Act and investigate the complaint. New section 22A provides for this.

The power to investigate without complaint is a power which is unlikely to be used frequently. In addition to the instances already referred to it would enable the Authority to investigate patterns of conduct shown in individual complaints to obtain an overview.

Section 22A contains a mechanism for the Minister to resolve any disagreement between the Authority and the Commissioner of Police about a matter the Authority has decided to investigate on his or her own initiative or the methods employed in that investigation.

Section 22A refers to the Authority raising a 'matter' for investigation. Because there is no complaint it is not appropriate to refer to a complaint. The reference to a 'matter' in this section has required references to 'complaint' in many sections of the Act be changed to 'matter'.

Disclosure by witnesses: Section 48 of the Act as it exists at present, by implication, prevents police officer witnesses from disclosing anything about the investigation of a complaint. There is no provision requiring civilian witnesses who have been interviewed by the Internal Investigations Branch or the Authority to maintain confidentiality in relation to the investigation. It may be important for witnesses to maintain confidentiality in relation to an investigation so that the investigation is not jeopardised. There is, however, no reason for a blanket requirement that witnesses, either police or civilian, maintain confidentiality in relation to an investigation.

Sections 25 and 26 of the Act are amended to provide that the Authority may direct witnesses not to disclose that an investigation is being or has been carried out or that he or she has been requested or required to provide information if the circumstances warrant it.

The amendments specifically provide that a person is not prevented from consulting a legal practitioner in relation to the matter under investigation or some other person with the Authority's approval. A member of the Police Force whose conduct has been under investigation may also divulge the outcome of an investigation and comment on it.

Information about the Complaint: Section 25(7) requires a member of the Internal Investigation Branch, before giving a member of the Police Force a direction to furnish information, to inform the member of the general nature of the complaint. Section 28(8) which deals with investigations by the Authority requires the Authority to inform the member of the general nature of the complaint.

The person against whom a complaint has been made should be entitled to know more than the general nature of the complaint and the provisions have been amended to provide that the police officer is to be informed of the particulars of the matter under investigation.

Offences: Section 25 provides that a member of the Police Force who furnishes information or makes a statement to a member of the Internal Investigation Branch knowing that it is false or misleading in a material particular may be dealt with in accordance with the Police Act 1952 for breach of discipline.

There is no provision which penalises a civilian witness who gives information or makes statements to the Internal Investigation Branch knowing that they are false or misleading in a material particular. It is only an offence for a witness to give false information or make false statements to the Authority.

New section 25(8a) makes it an offence for a civilian witness to furnish information or make a statement to a member of the Internal Investigation Branch knowing that it is false or misleading in a material particular.

Directions to Investigating Officer: Under section 26 the Authority oversees the investigation of the complaint by the Internal Investigation Branch to a certain extent but there is no power for the Authority to direct an investigating officer. The Authority can notify the Commissioner of any directions he or she considers should be given by the Commissioner as to the matters to be investigated or the methods to be employed in relation to the investigation.

The present section is in accordance with the structure of the Act whereby the Internal Investigation Branch is not under the control of the Authority. In an extreme case the Authority can investigate the complaint him or herself under section 23(2). However, there may be situations where it would be appropriate for the Authority to be able to give directions to an investigating officer as to the matters he or she wishes to be investigated and when and how they should be investigated. This would enable the Authority to direct that certain avenues of inquiry be addressed and to require the investigating officer to provide reports to the Authority about the progress of the investigation.

Giving the Authority the ability to direct police officers has implications for police resources and the Commissioner may well object to the use the Authority is making of his officers. Accordingly, the amendments provide that the

Commissioner may object to what the Authority is proposing. If the Authority and the Commissioner are unable to agree about the directions the Authority wishes to give the Minister resolves the disagreement.

Administration of the Act: The administration of the Act was committed to the Attorney-General in December 1993. Prior to this the Act had always been committed to the Minister in charge of police. There is good sense in having the Act committed to the Attorney-General because it clearly keeps the responsibility for policing and administration of the police separate and independent from complaints oversight. Several provisions require amending as a result of the Act being committed to the Attorney-General.

Section 26(5): As already mentioned, section 26 deals with the power of the Authority to oversee the investigation of complaints by the Internal Investigation Branch. Section 26(1) provides that the Authority may give the Commissioner directions as to how matters should be investigated. If the Authority and the Commissioner are in disagreement the Authority can refer the matter to the Minister who may determine what directions (if any) should be given by the Commissioner (section 26(5)). Section 26(6) provides that a determination under subsection (5) that relates to complaints generally, or to a class of complaints, shall not be binding on the Commissioner unless embodied in a direction of the Governor under section 21 of the Police Act 1952.

Section 21 of the Police Act 1952 provides that the Minister (that is, the Minister responsible for the administration of the police) must cause a copy of any directions made by the Governor to be tabled in Parliament and published in the *Gazette*.

To enable the Minister for Police to comply with section 21 of the Police Act 1952 a new section 26(5a) is inserted which requires him or her to be notified of any determination made by the Minister under section 26(5).

Section 28(9): This section refers to the Attorney-General furnishing a certificate to the Authority to the effect that it would be contrary to the public interest for material to be disclosed, by reason of the fact that the material would involve the disclosure of deliberations or decisions of Cabinet. The reference to Attorney-General is changed to Minister as it is the Attorney-General who is the Minister administering the Act. A similar amendment is made to section 28(16).

Section 34 deals with recommendations of the Authority and the consequential action taken by the Commissioner. The section requires the Commissioner to give effect to a recommendation of the Authority or to refer the matter to the Minister. Section 34(5) provides that the Minister may not determine whether action should be taken to charge a member of the police force with an offence or breach of discipline except in consultation with the Attorney-General.

The section goes on to provide that when the Minister makes a determination the Commissioner shall take all such steps as are necessary to give effect to the determination and that a determination of the Minister that action should be taken to alter a practice, procedure or policy relating to the Police Force shall not be binding on the Commissioner unless embodied in a direction of the Governor given under section 21 of the Police Act 1952.

Section 34(5) does not recognise that it is the Director of Public Prosecutions who now determines whether criminal charges should be laid and it is amended to provide that the Minister should consult with the Director of Public Prosecutions and, in relation to disciplinary matters, the Minster responsible for the administration of the police.

Section 51 provides that nothing in the Act prevents the Authority or the Commissioner from reporting to the Minister upon any matter arising under or relating to the administration of the Act. This is expanded to make it clear that the Commissioner and Authority can report to the Minister responsible for the administration of the police about matters arising under the Act.

Duplication of Registration of Complaints: Section 29 requires the Authority to keep a register of complaints and section 27 requires the officer in charge of the Internal Investigation Branch to maintain a register containing the prescribed particulars with respect to each complaint referred to the branch for investigation or further investigation.

This is an unnecessary duplication of resources. The Authority should assume responsibility for maintaining a register in respect of all complaints made under the Act. Accordingly, section 27 is repealed. The repeal of section 27 does not prevent the Commissioner from maintaining a separate police complaints information database with a view to analysing trends if that is thought desirable.

Reasons for Decision: Section 45 provides that the Tribunal is required to give parties to proceedings before it reasons for its decisions. The Tribunal is not required to give the Authority the reasons for its decisions. It is important for the Authority to know the Tribunal's decisions. Accordingly, section 45 is recast to require the Tribunal to provide the Authority with the reasons for its decisions if requested by the Authority.

Secrecy: Several changes are made to section 48. Section 48 deals with the divulging or communicating of information obtained in the course of an investigation.

Section 48(2) prohibits the release of information except as required or authorised by the Act or a relevant person. The effect of section 48(2) in conjunction with section 48(5) is that the Authority can authorise the release of information obtained by Authority staff but not information obtained directly by the Authority. The Commissioner of Police is in a similar position in relation to information obtained by him and his staff. This is anomalous and the anomaly has been removed by excluding the Authority and Commissioner from the definition of 'prescribed officer'.

Section 48(4) provides that a 'prescribed officer' is not prevented from divulging or communicating information in proceedings before a court. A 'prescribed officer' is the Commissioner of Police, the Authority, a person acting under the direction or authority of the Authority and a member of the Internal Investigation Branch or any other member of the Police Force.

In recent times there have been attempts by defence counsel to subpoena Authority and police files relating to the investigation of complaints in the hope that there may be something in the files which may discredit police witnesses in criminal trials. These 'fishing expeditions' are disruptive not only to the Authority and the police but also to the trials of criminal matters when the subpoenas are sought as a matter is to go to trial. However, a blanket prohibition against the production of these files in criminal trials may lead to a miscarriage of justice where information obtained during the course of investigating a complaint is relevant in a criminal prosecution. Accordingly, provision is made for the information to be divulged to a court where the interests of justice require it to be divulged. The information may also be

divulged in proceedings under the Royal Commission Act 1917.

Information obtained by or on behalf of the Ombudsman in the course of an investigation cannot be disclosed except for the purpose of the investigation or to a Royal Commission. The same sort of protection is given to information obtained in the course of an investigation of a complaint about police conduct by new subsections (4) and (5).

Offences relating to complaints: Section 49(1) provides that it is an offence to make a false representation when the complaint would not, apart from the false representation, be liable to be investigated under the Act. The penalty for an offence under section 49(1), which is presently $2 000, is increased to $5 000 or imprisonment for one year, which better reflects the seriousness of the offence.

Similarly, the penalty for an offence under section 49(2) is increased to $5 000 or imprisonment for one year. The offence under section 49(2) is the offence of preventing or hindering a person making a complaint.

Variation of Assessment: There is no power for the Authority to vary an assessment made under section 32 which the Commissioner has agreed to. There have been instances where new information has come to light after an assessment had been agreed to by the Commissioner. When this happens it is desirable that the Authority's assessment can be varied if need be in the light of the additional information and section 50 is amended accordingly.

Statute Law Revision: The Parliamentary Counsel has done a statute law revision of the Act which includes expressing the Act in gender neutral language. It is important to recognise that an independent and effective review of complaints against police will assist in maintaining public confidence in our Police Force. These amendments contribute to that goal. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 inserts a definition of minor complaint into the principal Act. It provides that a complaint is a minor complaint that should be the subject of an informal inquiry if according to an agreement between the Authority and the Commissioner or a determination of the Minister—

1. it relates only to minor misconduct; or
2. the complaint is otherwise of a kind that warrants an informal inquiry only.

The Authority and the Commissioner may reach an agreement for this purpose and in the event of disagreement the Minister may determine the matter. The Minister must cause notice of an agreement or determination to be given to the Minister responsible for the administration of the police force and to be tabled before both Houses of Parliament within 15 sitting days of the date of the agreement or determination.

Clause 4: Substitution of ss. 9 and 10

Clause 4 is a drafting amendment to bring the principal Act into line with the *Public Sector Management Act 1995*.

Clause 5: Insertion of s. 11A

Clause 5 inserts a new section into the principal Act to provide that the Authority may delegate to a staff member of the Authority any of his or her powers or functions under the principal Act.

Clause 6: Amendment of s. 13—Constitution of internal investigation branch of police force

The proposed new section 22A provides that the Authority may raise matters for investigation on his or her own initiative. As a result, it is not accurate to refer in the principal Act only to complaints—matters may be investigated that have not arisen from a complaint. Clause 6 makes this consequential amendment to section 13 of the principal Act.

Clause 7: Amendment of heading to Part 4

Clause 7 is a consequential amendment—*see clause 6* explanation.

Clause 8: Amendment of s. 16—Complaints to which this Act applies

In its current form section 16 of the principal Act allows complaints made to be made by members of the police force only to the Authority. It excludes complaints made by a member of the police force to another member. The amendment will allow a complaint to be made by a member to another member if it is in writing in a form approved by the Commissioner.

Clause 9: Amendment of s. 19—Action on complaint being made to Authority

Clause 9 is a consequential amendment.

Clause 10: Insertion of s. 21A

Clause 10 inserts a new section into the principal Act to provide for the informal resolution of minor complaints.

The proposed section provides that where the Authority determines that a complaint is a minor complaint that should be the subject of an informal inquiry, the Authority must notify the Commissioner of the determination and refer the complaint to a member of the police force. The complainant must be notified that such a determination has been made and told that they may, during the informal inquiry or within 14 days of receipt of particulars of the outcome of the informal inquiry, request that the complaint be formally investigated. The Commissioner must ensure that a report of the results of the inquiry and any action taken is prepared and delivered to the Authority as soon as practicable. At any time before or within 14 days after receipt of a report the Authority may determine that the complaint be investigated under the other provisions of the principal Act. Information obtained in relation to the subject matter of a complaint during an informal inquiry cannot be used in proceedings in respect of a breach of discipline before the Tribunal unless the proceedings are against a member of the police force who has allegedly provided false information with the intention of obstructing the proper resolution of the complaint.

The proposed section also provides that the Authority may delegate any of his or her powers under the section to the Commissioner and that these may be the subject of further delegation by the Commissioner.

Clause 11: Insertion of s. 22A

Clause 11 inserts a new section into the principal Act to provide that the Authority may, on his or her own initiative, raise a matter for investigation if it is a matter of public interest, concerns conduct of a member of the police force that may result in that member being charged with an offence or breach of discipline or is about the practices, procedures or policies of the police force. If the Commissioner disagrees that a matter raised by the Authority should be the subject of an investigation, he or she may notify the Authority of that disagreement and if the matter cannot be resolved by agreement between the Authority and the Commissioner the Authority may refer it to the Minister for determination.

Clause 12: Amendment of s. 23—Determination that matter be investigated by Authority

Clause 12 makes consequential amendments to section 23 of the principal Act—*see clause 6* explanation.

Clause 13: Amendment of s. 24—Effect of certain determinations of Authority

Clause 13 makes consequential amendments to section 24 of the principal Act—*see clause 6* explanation.

Clause 14: Amendment of s. 25—Investigations by internal investigation branch

Clause 14 makes consequential amendments to section 25 of the principal Act—*see clause 6* explanation. It also inserts a provision that provides that where a member of the internal investigation branch seeks information from a person for the purposes of an investigation, that person must not, if so directed in writing by the Authority, divulge or communicate to any other person the fact that an investigation is being or has been carried out or that he or she has been requested or required to provide information. The maximum penalty for the offence is $2 500 or imprisonment for six months. This provision does not prevent a person from whom information has been sought from consulting a legal practitioner or some other person with the Authority's approval and it does not prevent a member of the police force whose conduct has been under investigation from divulging or communicating particulars of the outcome of the investigation. A legal practitioner who has been consulted, or a person who has been consulted with the Authority's approval, is prohibited from divulging or communicating any information

obtained as a result of that consultation. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Currently, where a member of the police force about whose conduct a complaint has been made is given directions by a member of the internal investigation branch they must be told of the general nature of the complaint. The proposed amendment provides that they must be told the particulars of the matter under investigation.

The clause also inserts a provision that a person other than a member of the police force who furnishes information or makes a statement to a member of the internal investigation branch knowing that it is false or misleading in a material particular is guilty of an offence. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Clause 15: Amendment of s. 26—Powers of Authority to oversee investigations by internal investigation branch

Clause 15 makes consequential amendments to section 26 of the principal Act—*see clause 6* explanation. It also makes provision for the Authority to give directions directly to the officer in charge of the internal investigation branch as to the matters to be investigated, or the methods to be employed, in relation to a particular investigation under the principal Act. The Commissioner may, by writing, advise the Authority of his or her disagreement with such a direction and, in that event, the direction will cease to be binding unless or until the matter is resolved by agreement between the Authority and the Commissioner or by determination of the Minister. The Minister responsible for the administration of the police force must be notified, in writing, of any determination made by the Minister.

Clause 16: Repeal of s. 27

Clause 16 repeals section 27 of the principal Act. It required the internal investigation branch to maintain a register of complaints. The Authority does this under section 29 of the principal Act.

Clause 17: Amendment of s. 28—Investigation of matters by Authority

Clause 17 makes consequential amendments to section 28 of the principal Act—*see clause 6* explanation. It also inserts a provision that provides that where the Authority seeks information from a person for the purposes of an investigation, that person must not, if so directed in writing by the Authority, divulge or communicate to any other person the fact that an investigation is being or has been carried out or that he or she has been requested or required to provide information. The maximum penalty for the offence is $2 500 or imprisonment for six months. This provision does not prevent a person from whom information has been sought from consulting a legal practitioner or some other person with the Authority's approval and it does not prevent a member of the police force whose conduct has been under investigation from divulging or communicating particulars of the outcome of the investigation. A legal practitioner who has been consulted, or a person who has been consulted with the Authority's approval, is prohibited from divulging or communicating any information obtained as a result of that consultation. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Currently, where a member of the police force about whose conduct a complaint has been made is required by the Authority to provide information or attend before him or her they must be told the general nature of the complaint. The proposed amendment provides that they must be told the particulars of the matter under investigation.

Clause 18: Substitution of s. 29

Section 29 of the principal Act provides that the Authority is to maintain a register containing particulars of each complaint made to him or her or of which he or she has been notified under section 18. The proposed amendment provides that the register is also to contain particulars of each matter raised by the Authority for investigation on his or her own initiative.

Clause 19: Amendment of s. 31—Reports of investigations by internal investigation branch to be furnished to Authority

Clause 19 makes a consequential amendment to section 31 of the principal Act—*see clause 6* explanation.

Clause 20: Amendment of s. 32—Authority to make assessment and recommendations in relation to investigations by internal investigation branch

Clause 20 makes consequential amendments to section 32 of the principal Act—*see clause 6* explanation.

Clause 21: Amendment of s. 33—Authority to report on and make assessment and recommendations in relation to investigation carried out by Authority

Clause 21 makes a consequential amendment to section 33 of the principal Act—*see clause 6* explanation.

Clause 22: Amendment of s. 34—Recommendations of Authority and consequential action by Commissioner

Clause 22 makes consequential amendments to section 34 of the principal Act—*see clause 6* explanation. In its current form, section 34 provides that the Minister can only make a determination to charge a member of the police force with an offence or breach of discipline after consultation with the Attorney-General. The proposed amendment provides that consultation is to occur with the Minister responsible for the administration of the police force and the Director of Public Prosecutions instead of the Attorney-General.

Clause 23: Amendment of s. 35—Commissioner to notify Authority of laying of charges or other action consequential on investigation

Clause 23 makes a consequential amendment to section 35 of the principal Act—*see clause 6* explanation.

Clause 24: Amendment of s. 36—Particulars in relation to matter under investigation to be entered in register and furnished to complainant and member of police force concerned

Clause 24 makes consequential amendments to section 36 of the principal Act—*see clause 6* explanation.

Clause 25: Amendment of s. 39—Charges in respect of breach of discipline

Clause 25 makes a consequential amendment to section 39 of the principal Act—*see clause 6* explanation.

Clause 26: Substitution of s. 45

In its current form, section 45 provides that where a party to proceedings before the Tribunal requests reasons in writing within seven days of the decision the Tribunal must give reasons in writing. The proposed amendment provides that the Tribunal must also give reasons in writing if the Authority makes a request within seven days of the Tribunal making a decision.

Clause 27: Amendment of s. 46—Appeal against decision of Tribunal or punishment for breach of discipline

Clause 27 makes a consequential amendment to section 46 of the principal Act—*see clause 6* explanation.

Clause 28: Amendment of s. 47—Application to Supreme Court as to powers and duties under Act

Clause 28 makes a consequential amendment to section 47 of the principal Act—*see clause 6* explanation.

Clause 29: Amendment of s. 48—Secrecy

In its current form section 48 prevents the Authority and the Commissioner from divulging information acquired under the principal Act without the permission of the Minister. This restriction is removed by the amendments proposed under the clause. Section 48 will continue to contain prohibition of unauthorised disclosure of information by past or present officers of the police force or persons acting under the direction or authority of the Authority. The current exception to this allowing disclosure in court proceedings or breach of police discipline proceedings is narrowed under the clause so that it applies only to proceedings in respect of an offence or breach of discipline relating to the subject matter of an investigation under the principal Act, or as required in proceedings under the *Royal Commissions Act 1917*, or as required by a court in the interests of justice. The clause adds further exceptions allowing consultation with a legal practitioner or some other person with the Minister's approval in relation to a matter under investigation and it allows disclosure by a member of the police force whose conduct has been under investigation of the outcome of the investigation. The clause also makes it clear that the Authority or the Commissioner cannot be required to disclose information acquired under the principal Act except where the requirement is made in proceedings in respect of an offence or a breach of discipline relating to the subject matter of an investigation, or in proceedings under the *Royal Commissions Act 1917*, or where the requirement is made by a court in the interests of justice. A legal practitioner who has been consulted, or some other person who has been consulted with the Minister's approval, is prohibited from divulging or communicating any information obtained as a result of that consultation. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Clause 30: Amendment of s. 49—Offences in relation to complaints

Clause 30 amends section 49 of the principal Act by increasing the maximum penalties under the section from $2 000 to $5 000 or imprisonment for one year.

Clause 31: Amendment of s. 50—Authority may revoke or vary determinations, assessments, etc.

Section 50 currently allows the Authority to revoke or vary a determination made by the Authority under this Act. The proposed amendment provides that the Authority may also revoke or vary an

assessment or recommendation made by the Authority under this Act.

Clause 32: Amendment of s. 51—Authority and Commissioner may report to Ministers

In its current form section 51 provides that the Authority or the Commissioner may report to the Minister on any matter arising under the principal Act. The proposed amendment allows them to also report to the Minister responsible for the administration of the police force.

Clause 33: Amendment of s. 52—Annual and special reports to Parliament by Authority

Clause 33 makes a consequential amendment to section 52 of the principal Act—*see clause 6* explanation.

SCHEDULE

Further Amendments of Principal Act

The schedule contains statute law revision amendments to the principal Act.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

POLITICAL FAVOURS

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.I. LUCAS: Earlier today in Question Time the Hon. Ron Roberts tabled a letter under the heading 'Central Arab Information Bureau', dated 28 September 1996 and subsequently determined to be unsigned. In his questions to me he indicated that the letter had come from someone from the Central Arab Information Bureau. The Hon. Ron Roberts indicated in a supplementary question that the Premier had confirmed in another place the authenticity of this letter under the heading 'Central Arab Information Bureau', 28 September 1996.

I want to place on the record as soon as I have been able to after Question Time that the Premier's office has advised me that the Premier has not in fact authenticated this letter under the heading 'Central Arab Information Bureau'.

This information has come from the Premier's office, although I have not had the opportunity to speak to the Premier directly, but the Premier's office has indicated that he did receive some correspondence from a Mr Nassar, but it was not correspondence from the Central Arab Information Bureau and on this particular date indicated. So, the claims made by the Hon. Ron Roberts and supported by the Hon. Carolyn Pickles, that the Premier had authenticated the letter that had been tabled by the Hon. Ron Roberts, I am advised by the Premier's office, are not correct.

Also, I understand that some claims have been made by the Opposition about the Premier's offering Mr Abdo Nassar a job. I am advised, again by the Premier's office, that when this claim was put to the Premier in another place today he indicated that his response to Mr Nassar was,'Put in your CV and take it down to the Commissioner for Public Employment and you will stand alongside all the others who apply for jobs. That is a standard practice that I have had.'

Members interjecting:

The Hon. R.I. LUCAS: I place on the public record the Premier's response. If the Hon. Terry Roberts or the Hon. Mr Elliott want to challenge the statement from the Premier, let them stand up in this place and do so. All I can do is indicate what I am advised the Premier has responded to these questions that were raised in another place.

FISHERIES (PROTECTION OF FISH FARMS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the Fisheries (Protection of Fish Farms) Amendment Bill 1996 be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

POULTRY MEAT INDUSTRY ACT REPEAL BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the Poultry Meat Industry Act Repeal Bill 1996 be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

RACIAL VILIFICATION BILL

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

That the Racial Vilification Bill 1995 be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: PROSTITUTION

Adjourned debate on motion of Hon. Bernice Pfitzner:

That the report of the Social Development Committee on an inquiry into prostitution be noted.

(Continued from 2 October. Page 68.)

The Hon. BERNICE PFITZNER: The stage at which I wish to continue is on the subject of young people. The committee was provided with evidence from a recent research project conducted in Adelaide. This study found that, out of a total of 106 young people aged 12 to 20 years, 36 admitted that they had engaged in sex for favours. In the context of this research, the term meant that they had engaged in sexual activities in exchange for accommodation, food, drugs, money, etc. The committee agreed that the issue here was one of sexual exploitation and that the young people involved should not be considered in the same way as adults involved in prostitution. The committee has recommended that the Government review funding to organisations working with young homeless people, with the aim of establishing a program specifically targeting those engaged in prostitution.

The committee was unanimous in its condemnation of child prostitution. Police and other witnesses spoke of paedophiles operating in Adelaide, and the committee agreed that severe penalties should be applied to those who coerce or induce young people to engage in sexual services for payment. The majority draft Prostitution Bill provides for severe penalties with a reverse onus of proof for owners, operators or clients who coerce or induce young people under the age of 12 years into prostitution. In this instance, the maximum penalty is life imprisonment. Between the ages of 12 and 18 years criminal penalties will apply with the maximum penalty being eight years imprisonment.

All previous Bills on prostitution placed before the South Australian Parliament have contained detailed regulations on advertising for the sex industry. Most of the evidence presented to the committee for this inquiry also favoured a

system of tightly regulated advertising for the industry. Most witnesses argued that they would oppose any form of advertising that would increase the visibility of prostitution, particularly if this was likely to lead to an increase in its market. Although the committee was not presented with any conclusive evidence that advertising does lead to an increase in prostitution services, it is clear that the escort agencies and, to a lesser extent, brothels, rely on advertising to maintain their service. In fact, escort agencies spend large amounts of money promoting their services.

Evidence provided to the committee illustrated that, under present conditions, advertising for the sex industry is difficult to control. Currently, most advertising appears in newspapers such as the Melbourne *Truth* and telephone directories such as the *Yellow Pages* and the *Big Colour Pages*. Such advertisements with hidden messages referring to sexual services are placed in classified sections of the *Advertiser*.

Although it is theoretically possible under the current legislation to charge advertisers with the offence of living off the earnings of prostitution, the police report has underlined the difficulties in obtaining a conviction. The prosecution must provide proof that advertisements have been accepted with the intention of furthering prostitution. As a result, there have been no prosecutions relating to the sex industry and advertising in this State in recent years.

The committee has recommended that a regulated system of advertising be adopted in South Australia, and the conditions are outlined in the majority draft prostitution Bill. Those conditions include the banning of all advertisements in the electronic media. Advertising for registered brothels and escort agencies will be permitted in print media only, that is, a newspaper magazine or other periodic publication. The registration number for each agency will have to be included in the advertisements. This should prohibit advertising by the unregistered sector of the industry—particularly so-called massage parlours which offer sexual services for payment. In addition, restrictions will be placed on the size of the printed advertisement. No pictorial content or reference to the prostitutes' ethnic background or their individual status in relation to medical testing for sexually transmitted disease will be allowed.

In relation to signage to appear on the exterior of registered brothels, the majority draft prostitution Bill allows for only the registered name to be displayed. Such signs will need to comply with regulations designed to ensure appropriate size and language. In the past, perceived health risks to the community, in particular, the spread of sexually transmitted disease, have often been raised as a reason for attempting to prohibit or eradicate the sex industry. Expert medical advice on this issue was taken by the committee. This advice was conclusive. Prostitutes in South Australia have a low rate of infection in relation to sexually transmitted disease. In fact, when compared with the general population, their rates of infection are only slightly lower. As one medical officer told the committee:

> I could say without a shadow of doubt that one is much safer having sex with a prostitute than picking up someone in the front bar of a hotel around town.

In relation to HIV-AIDS, the medical evidence was equally reassuring. In the last decade in Australia, surveys among prostitutes have found no evidence of HIV, and there is still no documented case of a female prostitute receiving or transmitting the infection during sexual intercourse with a client. This fortunate situation is due in part to the high levels of safer sex practice by many Australian prostitutes.

In South Australia, the AIDS Council offers a program of peer education among prostitutes known as the SA Sex Industry Network. This program has operated for several years and now has a mailing list of 250 agencies or individuals. A sex industry magazine is produced which contains safer sex and health information. Condoms are provided at competitive prices, and outreach educational services to brothels and escort agencies are a major part of its program.

The committee concluded that there is absolutely no evidence that prostitutes play a major role in the transmission of STDs in South Australia. Despite the existing laws which make their industry illegal, many prostitutes and some brothel owners have adopted responsible safer sex practices. The committee has recommended that, should the new legislation be adopted, owners and operators of registered brothels and escort agencies be required to continue their liaison with the various agencies providing health and education services for the prostitute. However, despite the low incidence of infection among prostitutes, the committee felt that some safeguards should be included in any future legislation.

Under the majority draft Bill a prostitute will be guilty of an offence if she or he provides a sexual service when knowingly infected with a notifiable sexually transmittable disease. The notifiable STDs are listed in the appendices to the South Australian Public and Environmental Health Act and include HIV-AIDS (because of the serious nature of this disease) as well as bacterial infections which can be cured with antibiotics, such as syphilis, gonorrhoea, chlamydia and the viral infection hepatitis B for which a vaccine is available.

The public health of the community is already protected in relation to HIV under section 33 of the Public and Environmental Health Act. This Act was amended in 1993 and contains quite stringent safeguards to prevent someone knowingly exposing themselves and others to HIV infection.

Under the majority draft prostitution Bill owners and operators of registered brothels and registered escort agencies will be required to provide sex workers with prophylactics, that is, condoms, for the prevention of STDs. They will be guilty of an offence if they discourage their use by either prostitutes or clients.

I now refer to the two minority reports. Report A, supplied by Mr M. Atkinson and Mr J. Scalzi, is quite confused. The Atkinson-Scalzi report states in the main points of its proposal that it is, on the one hand, abolishing the offences of keeping and managing a brothel and applying the catch-all offence of 'knowingly participating directly or indirectly in the provision of prostitution by another person'. Presumably, the proposal aims to get rid of the brothel concept. However, later this proposal goes on to say that it will exempt the one person brothel.

Further, the penalty for the catch-all offence, that is, knowingly participating directly or indirectly in the provision of prostitution by another person, is expiable with an expiation fee being imposed on the organiser and the client. Presumably, the prostitute will not be penalised. Talk about sending improper messages to the young! This seems to me to be the ultimate of saying that it is okay to be a prostitute but do not be an organiser or a client.

The Atkinson-Scalzi proposal also exempts the one person brothel. This could see a scenario of your residents being sandwiched between two one-person brothels, or a cottage industry, provided that they are not being a nuisance and therefore not attracting attention. Further, one could see a whole row of one-person brothels—virtually a red light

district, which Mr Atkinson so vigorously opposes—yet this situation could happen under the Atkinson-Scalzi proposal.

With regard to the accusations that the majority draft Bill is made up of bits and pieces put together, the Atkinson-Scalzi proposers could not have read the majority draft Bill, which is a totally new concept of exemption with expiation—two words which have never been used with regard to prostitution legislation. Indeed, the catch-all phrase, namely, 'knowingly participating directly or indirectly in the provision of prostitution by another person', used in the Atkinson-Scalzi proposal is a phrase borrowed from the Queensland legislation.

With regard to the accusation that the majority draft Bill is a weigh station on the road to Kings Cross-style prostitution, one could just as easily make the same accusation about the Atkinson-Scalzi proposal, which can also be seen to be a type of decriminalisation.

With regard to concerns that some commercial and industrial zones have residences therein, the majority draft Bill has added protection for these residences so that a brothel must be situated in those zones at least 100 metres from the residences within the commercial and industrial zones. The Atkinson and Scalzi minority report appears to me to be rather prudish. In one paragraph, it states:

> Adelaide is different from Sydney and Melbourne in that respect, and in our opinion the better for it. This opposition to prostitution would be stronger if the public were aware that what is practised in the legal trade interstate is rarely kissing and traditional missionary position sex but oral sex, anal sex, schoolgirl fantasies, male to male sex, and sex with transsexuals.

What is the traditional missionary position, I would ask? I turn now to the minority report B, supported by Mr S. Leggett. The legislative model recommended here is a suppression model. In my experience, suppression of any human behaviour never leads to a better outcome. In fact, suppression always seems to lead to the opposite of the desired effect. We are all aware of the prohibition of alcohol in the USA and what that led to. If suppression of prostitution would lead to eradication or even to a diminishing of prostitution, I for one would be for that model, but that strategy has never worked and will never work.

In closing, I should like to make three major points. First, all the committee members have received comprehensive evidence, and this evidence ranges in nature from the high moralistic ground to the libertine point of view. Secondly, because all committee members have been conditioned by their upbringing, we have come to three different points of view: three members for the majority report; two members for a minority report; and yet another member for another minority report. Three Bills are now envisaged: a Bill for the exemption and expiation model; a Bill which I would call a live and let live model; and a prohibition Bill.

Some may see that the Social Development Committee has not been successful in that it has not brought in a fully supported majority Bill. I would say that, because prostitution is such a complex subject, the committee's ability to formulate three distinct legislative models is a credit to the innovative ways in which the committee members have resolved the problem. It shows the diversity of emotion and the diversity of strategies to address the problem of the need for our prostitution laws to be changed and the difficulty in changing them so that the message is retained that prostitution is not a satisfactory occupation. Together with this, we need to have compassion and empathy for the prostitutes who, for the most part, are also people, people who need to be looked after.

Finally, I turn to the repeated accusation that the Gilfillan Bill, the Brindal Bill and the Victorian Bill are all similar to the majority Social Development Committee Bill. That is not so. One has only to look at the Bills to find that they are quite different. In general terms, the Gilfillan Bill sought to establish a huge bureaucratic board (known as the Brothel Licensing Board), with members, staff, registrar, allowances, annual reports, and so on required. This has been shown not to have worked in Victoria, which legislation is similar to the Gilfillan Bill. Therefore, in Victoria, it has been just too hard to put a registered brothel in place, so a higher percentage of brothels in Victoria are operating illegally.

The Brindal Bill has not spelt out the sensitive details, that is, the siting of the brothel and advertising. These are left to regulations which are unknown and can be changed easily. There is no surety in the Bill. As we all know, the Brindal Bill had a provision on precautions that must be taken against STD, and the issue of trying to catch a person for non-use of a condom has been much discussed. The committee's majority Bill bears no resemblance to that Bill.

Much thought and much debate has been put into this topic by the six members, and I thank them for their ideas and for their persistence in trying to find a solution. Although there is no foolproof solution, I believe that the majority draft Bill will go a long way to addressing this vexatious problem, and I urge members to read the report and consider the draft majority Bill.

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

CRIMINAL ASSETS CONFISCATION BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the confiscation of criminal assets; to repeal the Crimes (Confiscation of Profits) Act 1986; to make related amendments to the Criminal Law Consolidation Act 1935 and the Lottery and Gaming Act 1936; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The Crimes (Confiscation of Profits) Act was passed in 1986. It came into effect in March 1987. It was the product of international and national movement against organised crime and drug offenders in the mid 1980s. In particular, there was agreement on the need to enact confiscation legislation in the area of drug offences at a special Premiers' Conference in 1985. Model uniform legislation was agreed by the Standing Committee of Attorneys-General but, as it turned out, the South Australian Parliament enacted the policies in a statutory form different from the model agreed and enacted in most other jurisdictions.

The legislation has now acquired quite an accretion of case law, commentary and experience. In 1994, Mr David Wicks, QC was commissioned to examine the legislation and proposals that had been made to improve it, with a particular eye to putting the Act on a sound commercial basis. Mr Wicks's recommendations were examined and commented upon by the Director of Public Prosecutions and the police. In addition, the relationship between the Act and the payment of legal fees was being examined in the Attorney-General's Department.

The Bill is the result of the contributions made by these various sources. The recommendations which have been

made in the course of the review and which have been picked up and incorporated into the Bill are often detailed and complex at a level which is inappropriate for comment at this stage in the legislative process. The details can, and no doubt will, be explored in the debate in this House and in reactions to the Bill from the community, particularly the legal community.

In general terms, however, the changes wrought by this Bill can be summarised as follows:

1. A significant increase in the role and powers of the Administrator in relation to forfeited or restrained property;
2. Explicit application of the powers in the Act to financial institutions;
3. Statutory recognition of the essential difference for sentencing and forfeiture purposes between the profits of criminal activity, on the one hand, and property which is tainted because it was, for example, used in the course of the commission of the offence, on the other hand;
4. Making it clear that a court may make an order for the forfeiture of a pecuniary sum which represents a part of the value of a tainted asset;
5. Extension of the forfeiture provisions to the summary offences of being in possession of personal property reasonably suspected of having been stolen or obtained by other unlawful means and the offences of producing, selling, exhibiting, and dealing with indecent or offensive material, including child pornography;
6. Extension of the powers of South Australian courts to deal with tainted property, wherever it may be, to the limits of the power of the Parliament to legislate extra-territorially;
7. The enactment of a scheme designed to limit access to restrained funds and assets in order to pay legal fees to cases in which there are no other assets or funds available to provide for defence representation;
8. Enactment of a scheme of 'administrative forfeiture'.

I will address the last two of the issues in more detail. Since the scheme involving the use of restrained property involves access by a defendant to money or other assets which may well otherwise be the subject of a restraining order and/or eventual forfeiture, it may be thought by some to be controversial. The issue here is whether, to what extent and how people accused of crime should have access to restrained assets in order to pay their legal expenses. Currently, section 6 of the Crimes (Confiscation of Profits) Act deals with restraining orders. These, it should be emphasised, can be granted on the grounds of reasonable suspicion, *ex parte*, and prior to trial—or even charging.

The current legislation does not specifically mention legal fees at all. Section 6(3)(c) provides that the restraining order may provide for payment of specified expenditure or expenditure of a specified kind out of the property. This would be the source of any application to have restrained moneys released for the payment of legal expenses. In the case of *Vella* (1994) 61 SASR 379, the defendant was committed for trial on a charge of taking part with several others in the production of methyl amphetamine. The DPP obtained an order restraining the defendant from dealing with the proceeds of the sale of four properties owned by him.

The defendant applied for a variation of the order to give him access to the funds for the purpose of paying his legal expenses. The court held that the general power conferred upon a court to authorise payments out of restrained funds for 'specified expenditure' confers power on a court to make provision for the payment of legal expenses from restrained assets. Further, the court said that the fundamental principle relevant to the exercise of the discretion is that a person accused of crime is entitled to employ from his or her own resources the legal representation of his or her choice.

King CJ and Millhouse J held that, since there are no explicit legislative directions to the contrary, it is no part of the role of the court to limit a person's access to his or her own property for the cost of his or her own defence to what the court considers to be reasonable. The court does have a role in ensuring that the assets are not depleted wastefully or dishonestly. Further, the accused should have the entitlement to engage legal representation of his or her choice and to have the defence conducted in the manner which they desire. He or she should have access to his or her assets to the degree necessary to pay the fees ordinarily charged by the solicitor and counsel of choice for cases of this kind.

Olsson J took a somewhat stricter line. He held that the court has a responsibility to ensure that funds released for the purpose are of such an amount as is reasonably necessary for an adequate, but not extravagant, defence of the criminal proceedings. Legal representatives ought to be paid the going average market rate for the services that are needed to mount a proper defence. The proposals for change are based on the following arguments: the first variable is the kind of property at issue. Under legislative schemes currently in place and in this Bill, restraining orders can cover a number of different kinds of property.

(a) Property which is really not the property of the accused at all, but is the proceeds of fraud, theft or other such offences should not be available to meet the accused's legal expenses or any other expenses at all.

(b) Property which belongs to the accused and which has been used in the commission of an offence is property of the accused which should be made available for the payment of a pecuniary penalty should be made available for legal expenses. It has never been suggested that an accused person should not pay his or her legal expenses from funds that would be available to pay a fine if he or she were to be convicted.

(c) Property which is the proceeds of crime but which belongs to the accused—such as the proceeds of a drug sale—is much more difficult. There are conflicting policies at work.

These conflicting policies are about governmental policies. The question is whether the governmental interests in (i) assuring a fair trial for persons accused of crime and presumed to be innocent; (ii) compensating the victims of crime; (iii) making sure that an offender does not profit from the commission of crime; and (iv) not placing undue burdens on the legal aid dollar can be brought into harmony. That is a question to which there is no one right answer. But the overriding principle in this instance is that which has been brought into play by the decision of the High Court in *Dietrich* (1993) 177 CLR 292.

In that case, although the High Court held that an accused person had no right to counsel, he or she had a right to a fair trial. It followed, said the High Court, that where an accused charged with a serious offence was indigent and therefore could not afford legal counsel and could not get legal aid, and where the court of trial was convinced that he or she could not have a fair trial because of that lack of legal representa-

tion, the trial would be stayed until there was representation. Whether or not that is a good decision is not at issue here. What is at issue is that there may well be circumstances in which a court will be faced with a person charged with a serious crime who cannot be tried until a legal defence is funded.

I take the view that the purpose of the criminal justice system is to put the guilty on trial, convict and punish them. The confiscation of the proceeds of crime are secondary to this major principle. If, therefore, there is a choice between granting access to restrained or seized funds and the trial being stayed indefinitely, access to those funds should be granted. After all, all that the guilty profit from the asset in question is a legal defence and the asset in the hands of another. It is these considerations of policy which inform the balance struck in the Bill. In relation to profits, it is proposed to set the balance by stating that such assets may be used for legal expenses only and only if there is no other source of funds available and the funds are paid out on a reasonable basis approved by the court.

The Commonwealth DPP has argued that the applicant must be required to take all reasonable steps to bring all his or her property into the jurisdiction, or the applicant should be required to meet legal expenses first from any money or property held overseas. This suggestion forms part of these proposals. The last issue mentioned in the list above is the enactment of what is commonly called 'administrative forfeiture', although that is, perhaps, an unfortunate name for it. In essence, where property which has a connection with a serious drug offence is the subject of a restraining order, the presumption is that the property is forfeitable.

Of course, if the defendant is acquitted, the property is returned. If the defendant is convicted, however, the property is automatically forfeited after a period of six months unless the defendant or an innocent third party applies to the court showing good reason why the property should not be forfeited. In other words, the forfeiture has to be challenged or it will happen. If the forfeiture is challenged, of course, then there will be a hearing on the issue. There are, as I have said, more detailed changes to the current position contained in this Bill. But, in general outline, a great deal of the legislation is unchanged, or changed only in a minor way.

The changes that have been made have been designed to make sure that the Bill works effectively to its original purpose which is, I believe, accepted and endorsed by all sides of politics, to make the scheme commercially sound, and to put into practice the lessons that have been learned in the years in which the current scheme has been in operation. I commend the Bill to the House. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

This clause sets out definitions for the purposes of the Act.

The offences that may give rise to confiscation (forfeiture offences) are local forfeiture offences and offences that may give rise to confiscation under the law of the Commonwealth or a corresponding law of a State or Territory.

A local forfeiture offence is—

- an indictable offence under the law of the State; or
- a serious drug offence against the law of the State; or
- an offence against—
  - *Lottery and Gaming Act 1936*; or
  - *Corporations Law*; or
- an offence against particular sections of the following Acts:
  - *Fisheries Act 1982*; or
  - *National Parks and Wildlife Act 1972*; or
  - *Racing Act 1976*; or
  - *Summary Offences Act 1953*.

This provides for the Act to be similar in scope to the current *Crimes (Confiscation of Profits) Act 1986* except for the inclusion of all offences against the *Lottery and Gaming Act 1936* and offences against s.33(2) (indecent or offensive material) or 41 (unlawful possession of personal property) of the *Summary Offences Act 1953*.

Clause 4: Tainted property

See clause 8.

Clause 5: Property liable to forfeiture

See clause 15.

Clause 6: Corresponding laws

This is a machinery provision allowing the Governor to proclaim corresponding laws (similar to current s.3(5)).

Clause 7: Territorial application of Act

This provision is new to the scheme and provides that the Act has, as far as possible, extra-territorial application.

PART 2—FORFEITURE

Clause 8: Forfeiture of tainted property

Under this clause, the DPP may apply to a court for an order for forfeiture of tainted property.

Court is defined as the Supreme Court, District Court or, if the proceedings involve property with a value of $300 000 or less, the Magistrates Court.

Tainted property is defined in clause 4 as—

- property acquired for the purpose of committing a forfeiture offence;
- property used in, or in connection with, the commission of a forfeiture offence;
- property derived directly or indirectly from the commission of a forfeiture offence or property representing such proceeds.

Clause 4 provides that property cannot be forfeited if it has been sold for valuable consideration to another person who acquires it in good faith.

Clause 4 also provides that in the case of a serious drug offence all of the property of the offender is tainted unless the offender proves that property is not in fact tainted or was acquired more than 6 years before the date of the conviction.

Currently, forfeiture orders are dealt with in s.5 and details of the property liable to forfeiture in s. 4. (for tainted property see s.4(1)(a)). The scheme in the Bill in respect of tainted property is similar except that the provision limiting forfeiture of property in the case of a serious drug offence to property acquired in the last 6 years is new.

Clause 9: Forfeiture of criminal benefits

Under this clause, the DPP may apply to a court for an order for forfeiture of property to the value of a benefit gained by a person from the commission of a forfeiture offence. Specific property or a sum of money may be ordered to be forfeited.

The benefit obtained by a party to the commission of a forfeiture offence may be—

- for publication or prospective publication of material about the circumstances of the offence; or
- for the publication or prospective publication of the opinions, exploits or life history of the party or another party to the commission of the offence; or
- by commercial exploitation in any other way of notoriety achieved through commission of the offence.

Forfeiture of this kind of benefit is currently dealt with in s.4(1)(b) and (2).

As with tainted property, an order cannot be made against a person who is not a party to the offence who has acquired a benefit in good faith and for valuable consideration. (As in current s.4(4) a gift would be subject to forfeiture.)

Clause 10: Extent of court's discretion

This clause requires a court to make a forfeiture order as necessary to prevent the defendant from retaining the profits of criminal activity. Beyond that the matter is discretionary. This is a new provision.

The clause allows the court to consider the penalty for a forfeiture offence and any discretionary forfeiture order as a whole. This is a reversal of the situation under current s.3A.

Clause 11: Procedural provisions

This clause provides that forfeiture proceedings are civil but allows an application for an order to be made orally on conviction of the defendant. This is a new provision facilitating forfeiture proceedings.

The clause (like current s.5(5)) also ensures that any person who has an interest in property for which a forfeiture order is sought is given an opportunity to be heard.

Clause 12: Commission of forfeiture offence

Before a forfeiture order can be made, this clause requires a person to have been convicted of a forfeiture offence or the offender to be dead or otherwise not amenable to justice. This is similar to current s.5(1)*(b)*.

Clause 13: Evidence and standard of proof

This clause determines the balance of probabilities to be the appropriate burden of proof, except in relation to proving the commission of the forfeiture offence. (Similar to current s.5(3) and (4).)

The clause facilitates proof of facts alleged by the DPP and not disputed by the relevant party in accordance with the regulations. This is a new provision facilitating forfeiture proceedings.

Clause 14: Ancillary provisions about forfeiture

This clause facilitates forfeiture of property—

- in which another person has an interest (by enabling the court to order the person to be paid an amount equal to the value of his or her interest);
- that exceeds in value the amount that should be forfeited (by enabling the court to order the balance to be returned).

These provisions are similar to current s.5(2a) and (2b).

PART 3—RESTRAINING ORDERS

Clause 15: Restraining orders

This clause enables the court to make a restraining order over property that may be liable to forfeiture (similar to current s.6).

Property liable to forfeiture is defined in clause 5 as tainted property or property that may be required to satisfy a present or future forfeiture order. (This definition is also relevant to seizure of property under Part 5.)

A restraining order prohibits dealing with the property subject to any exceptions stated in the order.

If the court makes a restraining order on an *ex parte* application, the owner of the property must be given a reasonably opportunity to be heard on the question of whether the order should continue. (Similar to current s.6(2).)

Except in the case of a serious drug offence, a restraining order lapses if—

- an application for a forfeiture order is decided; or
- the defendant is acquitted of the forfeiture offence; or
- no proceedings for the forfeiture offence or a forfeiture order are taken within one month (or 2 months if a court extends the time on the application of the DPP).

Current s.6(6) has been simplified.

In the case of a serious drug offence, the restraining order is automatically converted into a forfeiture order 6 months after the offender is convicted or the restraining order is made (whichever is the later). However, property subject to such a restraining order may be applied towards certain legal costs and the court may revoke or vary the restraining order if satisfied that the property is not tainted property and was acquired lawfully or at least 6 years before the commission of the relevant forfeiture offence. This provision is new.

Clause 16: Contravention of restraining order

This clause makes it an offence to deal with property in contravention of a restraining order. As in current s.6(4), the dealing is void. However an exception is added: the dealing is not void against anyone who acquires an interest in the property in good faith and without notice of the terms of the order.

PART 4—ADMINISTRATION OF PROPERTY

DIVISION 1—FORFEITED PROPERTY

Clause 17: Effect of forfeiture order

This clause vests forfeited property in the Administrator (a person nominated by the Attorney-General). The court is given power to make incidental orders to facilitate dealings in forfeited property by the Administrator, such as ordering registration of the Administrator as owner or the issuing of certificates of title to the Administrator.

This provision is similar to current s.5(6) but the power to make incidental orders has been strengthened.

Clause 18: Sale, etc., of forfeited property

Under this clause, the court may order the Administrator to convert forfeited property into money (*eg* where another person's interest is to be paid out or an excess returned to the owner). This is similar to current s.5(7).

Clause 19: Criminal Injuries Compensation Fund

This provision is to the same effect as current s.10. In general terms it provides that forfeited property must be applied towards the costs of administering the Act and the balance paid into the Criminal Injuries Compensation Fund.

The clause continues to allow that part of the Fund derived from forfeitures related to serious drug offences to be applied towards programs directed at the treatment and rehabilitation of drug-dependant persons.

DIVISION 2—PROPERTY SUBJECT TO RESTRAINING ORDER

Clause 20: Powers conferred by restraining order

This clause gives the court power to make necessary or desirable incidental orders when making a restraining order, such as orders about the management or control of the property or allowing the owner of the property to use it as security.

The powers are similar to those contained in current s.6(3).

The clause recognises that property subject to a restraining order may be applied towards legal costs but places limits on the availability of the property for that purpose. This provision is new.

DIVISION 3—ANCILLARY PROVISIONS

Clause 21: Auxiliary orders

In the case of either a forfeiture or restraining order, the Administrator may apply under this clause to the court for other orders about delivering up possession of the property or documents related to the property.

Clause 22: Accounts at financial institutions

Under this clause a financial institution may be required to transfer to an account in the name of the Administrator the credit balance of an account subject to a forfeiture or restraining order or subject to a warrant for seizure (see Part 5 Division 2). This is a new provision facilitating the execution of forfeiture and restraining orders.

Clause 23: Power to apply for directions

This clause provides for applications by the Administrator to the court for directions about the administration of property subject to a forfeiture or restraining order. This is a new provision.

Clause 24: Return of property etc. when restraining order lapses or is revoked

This clause requires the Administrator to return property and documents if a restraining order lapses or is revoked and there is no forfeiture order made.

Clause 25: Application of property to pecuniary penalties or forfeitures

This clause authorises the Administrator to apply property subject to a restraining order to satisfy a pecuniary penalty or forfeiture.

Clause 26: Delegation by Administrator

This new provision allows for the delegation of functions or powers by the Administrator.

DIVISION 4—IMMUNITY FROM LIABILITY

Clause 27: Immunity from liability

Under this new provision, the Crown is only liable in relation to property in the possession or control of the Administrator if it is to be returned to its owner and then only in respect of any damage or loss of the property, not economic loss or damage.

PART 5—POWERS OF INVESTIGATION AND SEIZURE

DIVISION 1—POWER TO SEIZE PROPERTY THAT MAY BE LIABLE TO FORFEITURE

Clause 28: Seizure of property

This clause authorises seizure of property—

- pursuant to warrant; or
- if it is suspected on reasonable grounds of being liable to forfeiture—with consent or if the property is found in the course of a search conducted under another law (a new power).

See clause 15 for the meaning of property liable to forfeiture (as defined in clause 5).

Clause 29: Return of property

This clause requires the return of seized property if—

- there are no longer reasonable grounds to believe that the property is liable to forfeiture;
- a forfeiture or restraining order is not sought within 25 days (unless a court or the person entitled to possession of the property authorises its retention for a longer period); or
- a court orders its return.

Currently seized property may only be kept for 14 days under s.8(5).

DIVISION 2—WARRANTS FOR SEIZURE OF PROPERTY

Clause 30: Warrants authorising seizure of property

Under this clause a magistrate may issue a warrant to a police officer authorising—

- the seizure of property that may be liable to forfeiture;

- the seizure of a document or other material relevant to identifying, tracing, locating or quantifying property that may be liable to forfeiture;
- the search of a particular person or premises and the seizure of such property, documents and materials found in the course of the search.

Current s.7 authorises search warrants generally in similar terms. The power to seize is clarified.

Clause 31: Applications for warrants

This clause provides for the procedure for applying for a warrant, including for telephone applications in urgent circumstances. The procedure for executing a warrant following a telephone application is clarified.

Clause 32: Powers conferred by warrant

This clause sets out the activities of search and seizure authorised by a warrant and the procedures to be followed in executing a warrant. The powers are generally similar to those contained in current s.8.

Clause 33: Hindering execution of warrant

This clause makes it an offence to hinder execution of a warrant. This provision is similar to current s.9.

DIVISION 3—ORDERS FOR OBTAINING INFORMATION

Clause 34: Orders for obtaining information

The DPP, the Administrator or a police officer may apply under this clause to the Supreme Court for an order requiring a person to give oral or affidavit evidence or to produce documents relevant to identifying, tracing, locating or quantifying property liable to forfeiture.

As in current s.9A, the order may be for the purposes of the administration or enforcement of the Act or a corresponding law. The further purpose of investigating a money laundering offence is added in light of the transfer by Schedule 2 of that offence to the *Criminal Law Consolidation Act 1935*.

Clause 35: Monitoring orders

For similar purposes, the Supreme Court may require a financial institution to report promptly transactions affecting an account held with the institution. As in current s. 9, an order under this clause can remain in force for up to 3 months.

Clause 36: Exercise of jurisdiction

This clause allows a Judge or Master sitting in chambers to exercise the jurisdiction of the Supreme Court to make such orders. This reflects current s.9(4).

PART 6—MISCELLANEOUS

Clause 37: Registration of interstate orders

Like current s.10A, this clause provides for interstate orders to be registered (with or without adaptations and modifications) and for property in this State to be forfeited to this State (subject to an equitable sharing program) or restrained under similar terms.

Clause 38: Enforcement of judgments

The *Enforcement of Judgments Act 1991* is to apply to judgments and orders of a court under this Act. This provision is new to the scheme.

Clause 39: Regulations

This clause provides general regulation making power.

SCHEDULE 1 Repeal and Transitional Provisions

This Schedule repeals the *Crimes (Confiscation of Profits) Act 1986* and provides for continuation of orders made or registered under that Act.

SCHEDULE 2 Consequential and Related Amendments

This Schedule inserts the money laundering offence (current section 10B) into the *Criminal Law Consolidation Act 1935*. The offence becomes a major indictable offence rather than a summary offence.

The Schedule also repeals the forfeiture provisions currently in the *Lottery and Gaming Act 1936*.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 2 October. Page 65.)

The Hon. J.C. IRWIN: Technically I seconded the motion last night, but I am indeed honoured to second the motion for the Address in Reply to His Excellency the Governor's opening speech and very much support the traditional wording of the Address in Reply which states:

May it please Your Excellency—

1. We, the members of the Legislative Council, thank Your Excellency for the Speech with which you have been pleased to open Parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the Session.

As this is the first Address in Reply to His Excellency Sir Eric Neal as Governor of South Australia, I congratulate His Excellency and Lady Neal on his appointment as Governor of South Australia and pledge my loyalty to him as our Governor. I note from the Vice Regal activities published in the *Advertiser* that His Excellency and Lady Neal have not lost much time or let any grass grow under their feet in meeting the people of South Australia and I share some wonderment with others at the pace His Excellency and Lady Neal have set for themselves. It is indeed an interesting and historic time to be a State Governor in Australia. I have no doubt that, if our Premier tried to downgrade the office of Governor as Premier Carr tried to do in New South Wales, the move would be overwhelmingly rejected, thanks to the memorable work of former Governor Dame Roma Mitchell and many others before her, and the prospective contribution from Sir Eric and Lady Neal.

There is no doubt that the years leading up to the year 2000 will be significant for the debate that we will have as a community—and maybe as a Parliament—on the Australian Constitution. I have no doubt that South Australians strongly support the State within the Commonwealth Federation and the Commonwealth Constitution and, indeed, a Head of State as a State Governor, if we use the present name. Others have said—and I agree—that if Australia were to change its Head of State to break all ties with the monarchy, South Australia and any other State will have some difficulty in maintaining their ties with the monarchy. Inevitably, there will be a deal of debate on the Constitution of the State and the Commonwealth in the years ahead of us. Even if it is only to look at and revisit the Constitution to see whether it is adequate, having been in place for nearly 100 years now and amended infrequently and very little over that time, it is not a bad thing in my opinion.

I look forward to the South Australian Constitutional Council, set up with Professor Peter Howell as its Chair, reporting to the Premier some time in October or November this year. This council has been meeting for almost a year now and has taken evidence from South Australians in almost every community around the State on constitutional matters as part of its terms of reference, which would be known to members of this Council. It has looked at how constitutional matters affect South Australia and South Australians. I look forward to what it has to say.

In April 1997 there will be a significant conference in Adelaide celebrating the 1897 Adelaide Constitutional Convention. This will be the first of a series of centenary conferences. The first is to be held in Adelaide in 1997, followed later in the same year by one in Sydney and in 1998 by one in Melbourne. They are centenary conferences of the very important conferences that led to the Constitution's being ratified. It is accepted by most expert commentators that the Adelaide 1897 conference was the most significant in drafting the Australian Constitution.

I acknowledge His Excellency's reference to the death of our former colleague Lance Milne, and we have had opportunities here to pay our respects to his memory and his family, but it is traditional for the Governor to report on the

deaths of any former or serving members since the last opening of Parliament. We are coming to the stage in this Government's planning of having an opening of a parliamentary session once each year rather than twice each year, as I recall happening sometimes. I liked the former Government's planning of the opening of Parliament being on a Thursday as it gave those people who launched into the Address in Reply as movers and seconders a few more days to gather their thoughts before making a contribution. With His Excellency opening Parliament on Tuesday afternoon, my colleague the Hon. Mr Davis had to make his contribution at very short notice. However, with his vast experience and knowledge he was able to make a very telling contribution.

I apologise to His Excellency and to my colleagues in this place for being unable to attend the opening of Parliament on Tuesday because I was attending a funeral of a distinguished South Australian, Mr R.A. (Bob) Lee, the father of His Honour Judge Christopher Lee, Mrs Janet McLoughlin and Mrs Libby Fairfax from Sydney. Mr Bob Lee was a distinguished South Australian and in his earlier days was captain four times of the South Australian Amateur League football side—a record that has not yet been broken. He holds the record with the late Dr Chris Sangster. Bob Lee was South Australian squash champion in the late 1940s, which was a new sport for him and for many people in South Australia in those days. He was distinguished Chairman of the South Australian Jockey Club for four years. With his brothers, Sir Arthur Lee (who was National President of the RSL at one stage) and brother Jack he ran many hotels in South Australia. With his brothers he owned the wonderful horses Comic Court and Sometime and with those horses and others his notable wins included one Melbourne Cup, two Caulfield Cups, four Adelaide Cups and numerous other trophies and significant race wins. Mr Lee was 87, a person I have known much of my life as I have his now grown-up children. My duty was in that direction rather than here, so I apologise for not being here for the opening.

With direct reference to His Excellency's speech, I will run through a couple of comments. In the area of State finances, His Excellency said:

> My Government has created a foundation of economic and financial reform to public administration from which South Australians are now poised to reap the benefits.

He made a number of other comments about the Government's performance in this area. I have always said to my acquaintances and at meetings around South Australia that, although there might be some disappointment about South Australia's leaping out of its skin in development in all sorts of different areas, the most important thing to be done here and indeed in Canberra with the new coalition Government is to put down the building blocks and ensure that the foundations on which to build are firm.

As the new directions of the Government come into play and companies are encouraged to risk capital, build up their businesses and employ people, if the foundation and direction are right I have absolutely no doubt or any fear about the future, that it will hold some exciting things for South Australia. With the dramatic and huge need to change the culture within so many areas of the Public Service and the public sector, I am sure that those building blocks will be of significance in the future.

To indicate the way in which South Australia is performing I refer to a publication titled *Inter City Business Cost Comparisons*, which compares Adelaide's cost competitiveness with other capital cities. This study indicates that Adelaide has a cost advantage over Sydney, Melbourne and Brisbane in the following areas: industrial and CBD office rentals, industrial and commercial property values, port interface costs, professional services, labour costs, energy and water.

The chart contained in this publication shows that, of the four companies surveyed and with Adelaide having a benchmark of 100, Brisbane is sitting on 105, Melbourne on 120 and Sydney 124. That benchmark becomes clearer if we go through the company indexes with regard to competitiveness. For manufacturing, Adelaide is sitting on 100, Brisbane on 105, Melbourne on 115 and Sydney on 123. The higher one goes up the scale the more it costs for those businesses to do business in those capital cities.

If we look at the service industry, tourism and hospitality, Adelaide sits on 100 and Melbourne sits on 130. With regard to manufacturing, Adelaide is sitting on 100 and Melbourne on 121. For communications and information technology, Adelaide is sitting on 100, Melbourne on 119 and Sydney on 120. Manufacturing, automotive tooling—which is very important for this State—shows that Adelaide sits on 100, Melbourne on 127 and Sydney on 131. These figures indicate how much more expensive it is to do business in the manufacturing, automotive tooling area specifically, and shows the large cost competitiveness advantage that South Australia has.

In the manufacturing of plastics, injection moulding, Adelaide sits on 100 and Melbourne on 125; manufacturing, iron and steel, Adelaide sits on 100 and Melbourne on 113; manufacturing, electronics, Adelaide sits on 100 and Melbourne on 117; manufacturing, resource instrument development, Adelaide sits on 100 and Melbourne on 115; and manufacturing, machinery and equipment, Adelaide sits on 100 and Melbourne on 126. I think that that puts it to rest.

The Premier and Ministers have been very up front in outlining that advantage in South Australia and have been spending a lot of time going around Australia promoting that to businesses. That is one of the building blocks which is there and which is already making companies aware of the advantage of being in Adelaide not only for its lifestyle but its manufacturing cost.

With regard to the budget, our State finances are on track. The 1995-96 underlying deficit in the non-commercial sector is $101 million, which is $5 million less than forecast at budget time. The Government is ahead of its debt reduction target. Asset sales play a significant role in the strategy and the Asset Management Task Force, which was established in March 1994, is continuing its comprehensive program of divesting. It is productive for the Auditor-General to make comments about asset management and the sell-off of assets: that is part of the community debate, which I do not see as anything but healthy. However, I have to agree with what the Premier said yesterday, that you cannot take a snapshot of one year with regard to asset sales, that you have to go back into the history of why the asset sales were necessary and how you will rectify the $3 billion plus debt that was swinging around our necks. I am absolutely certain that the direction that the Premier and the Government have taken is correct and in the best interests of South Australians.

I am pleased to see some mention of primary industries in the Governor's speech, as follows:

> The strengthening of our primary industries by Government, industry and the community working in partnership to develop opportunities for sustainable growth continues to be central. . .

It is usual for me to report on how the season is going in South Australia at the moment, and everyone knows that it has been particularly wet. I am told that last week my property had three inches of rain, which is an amazing amount on top of the amount of winter rain we have had. I contrast that to the experience last year when, in early August, the rain cut out and, in my part of the South-East, there was no rain from then on and I had no crop, hay, clover or feed. It was not quite a drought but the season was disappointing after the amount of rain that we had to start it.

As we all know, the last South Australian wheat crop was extremely good and put between $1 billion to $2 billion back into the economy of this State. I see no reason why this year cannot be nearly as good. Although I think the yields will be high the projected prices are down quite considerably, which is not unusual in this sector. However, one hopes that the rain will eventually stop and that we will not have problems during the latter part of the growing year when farmers are harvesting.

On balance, I think that the prospects are reasonably good. However, commodity prices in other areas are not all that brilliant: wheat is down in return per ton; wool is down (I sold some wool last week and it was down 100¢ a kilogram on the year before); and cattle is down as well (and again I sold a field of cattle two or three months ago at $100 a head less than the year before). I often wonder how my marvellous neighbours—and I use the word 'neighbours' in a very broad terminology for all my fellow farmers—exist from year to year. Although their input costs are starting to decrease to what they were previously, they are still bound up in having high input costs and low world prices for their commodities. Hopefully, this cycle that we go through in agriculture will start to benefit not only farmers but the whole community. His Excellency mentions the following:

> My Government will consolidate its strategy to revitalise rural Eyre Peninsula. The jointly funded $11 million State and Commonwealth project will assist farming enterprises to adjust, to help introduce new skills into farming and to tackle land degradation issues.

I pay tribute to my colleague, the Hon. Caroline Schaefer—and I am not singling her out—in that last year she did head a task force which did an awful lot of work on the Eyre Peninsula (it might have been earlier this year) to identify needs of and issues within the community and put a very comprehensive submission to both the Commonwealth and State Governments to see whether they could help address some of the these issues.

I am certain that His Excellency is referring in point 18 to the fact that the work flowing on in Eyre Peninsula in this area comes directly from the work done by the Hon. Caroline Schaefer's task force. A couple of weeks ago I had the pleasure of being asked to chair a task force for the Murraylands, known as the Murray-Mallee strategic task force. That work has already started: we have had two meetings of the task force already, and this will build on the work done by the Eyre Peninsula task force. The community will develop regional strategies to improve the regional prosperity. By that I am clearly saying that we do not ever think that we can have any influence at all on the weather or the local or world markets, but the prosperity about which we are speaking there is in putting many of these things together and ensuring that the community is healthy and better able to cope with the conditions they are going through now.

We are charged with developing a regional strategy to improve the rural community, and would aim for support from the Federal Government and its successful Rural Partnership Program. We will develop this strategy for consideration by both State and Federal Governments. As has been made very clear to us in the briefings we have had, no Governments will listen to groups that dribble in one after the other and ask for handouts or particular help, but they will listen if there is a proper community consultation process backed up by a strategy laid out in a submission that can be taken to Government for consideration under the Federal Rural Partnership Program.

We are looking forward to drawing on the experience of the highly successful Eyre Peninsula Regional Strategy, which, I am very keen to acknowledge, as others have, has become a national model. PISA's Manager, Regional Development (Kevin Gent), is also involved with us and will be significantly involved in developing the proposal for the Rural Partnership Program. I look forward to that work. Various programs are available through the Commonwealth and State Governments that do not automatically become available, and the community has to identify and work for them. The task force will be going through a very intense public meeting process, which will be vital for everyone in the community who wants to approach us to identify needs, and then we will try to find some solutions to those. We have identified about seven needs at the moment, with many subheadings, and they will be greatly expanded by the seven public meetings that we will be holding.

His Excellency noted in paragraph 36 that the Government has also succeeded in obtaining $90 million funding assistance from the Commonwealth for Mount Barker Road and generally on infrastructure and community development, and I support that and look forward to that happening, as well as the work on the airport.

As part of the Government's commitment of $12.8 million over three years to save our jetties, the Department of Transport has commenced negotiations with councils to upgrade the State's 47 jetties. I commend the Hon. Diana Laidlaw and the Government for setting up the jetties working party in about September 1994, with the initial Chairman being Mr Steve Condous. I took over the chair in August 1995 and admit to a very steep learning curve, as I knew absolutely nothing about jetties.

One of the pleasures of being in this place is that sometimes, through select committees, other committee processes and these task force processes, we are hijacked somewhat into taking on jobs and chairing groups to have things resolved in various areas, and by doing that we learn, if we want to, quite a deal about the project. On around 10 August this year I was delighted to be made aware of the Premier's and the Minister's media release announcing the $12.8 million to save recreational jetties. The Premier said that that money would be spent by the State Government over four years on upgrading recreational jetties across South Australia. The media release stated:

> Mr Brown said this far exceeded expenditure by any Government in recent history and was only possible because of the significant savings generated by the Government over the past 2½ years through its debt reduction and financial management strategy. The State Government has boosted capital funding to $2 million each year for the next four years to undertake urgent capital works to bring jetties up to standard. In addition, $1.6 million a year will be available for maintenance until 1998-99, up from $1 million each year. There are 48 recreational jetties in SA, seven of which are in the metropolitan area, and 15 are listed on the State Heritage Register. Funding will be made available on a partnership basis, with the Government contribution in any one year in proportion to the amounts contributed by local councils and communities or by sponsorship.

'The Government knows that jetties are highly valued by local communities for recreational purposes and that they are important to tourism in this State. This decision will ensure that people can continue to enjoy those facilities. . . The Government has identified the problem and has now moved to save our recreational jetties before it's too late,' he said.

The terms of reference of the jetties working party, out of interest, are as follows:

(a) Establish the extent of current involvement of councils with each of the jetties and ascertain individual councils' positions in respect of having future responsibility.
(b) Classify jetties according to whether:
    (a) they are recommended for retention;
    (b) they are a major recreational/tourism asset which needs to be maintained and retained;
    (c) they should be removed or not maintained and closed to the public as and when they become unsafe.
(c) Identify the cost to bring each jetty up to a standard where it could, with the approach of the respective council, be handed over to the council.
(d) Establish funding required to provide for:
    (a) upgrading;
    (b) annual maintenance;
    (c) possible replacement;
(e) Establish financial, legal and timetable arrangements for transfer of the jetties to councils.
(f) Determine appropriate insurance and indemnity arrangements for each of the jetties.

The membership of the task force is of interest. It is as follows: four metropolitan council representatives; two country council representatives; the Local Government Association was represented first by Des Mundy and then by Nick Scarvelis; the Department of Housing and Urban Development had a representative; the Minister for Transport had a representative; John Leask was an adviser; and Lee Warneke was the executive officer. Although I have thanked all those people previously, I do so publicly here in the Address in Reply debate for the excellent work that they did and the cooperation I received from them all on that task force. I am sure that Steve Condous, who established the task force as Chairman in 1994, received the same cooperation. The first year was spent doing an awful lot of background work. When I took over we were able to go ahead and make a lot of the decisions and final recommendations.

With respect to the historic funding arrangements, recreational jetties are large infrastructure facilities which by their very nature and location require maintenance and attention. Over the years, the funds made available to maintain and upgrade all the State's recreational jetties have steadily declined with the result that the condition of many of our jetties has deteriorated, and they are viewed as being in a general state of poor repair. As a consequence of the limited funding arrangements of the past, the maintenance backlog has grown. Structural repairs and maintenance efforts have been undertaken on the basis of an essential priority maintenance program.

I will provide the unadjusted inflation figures with respect to the money provided for the State's 48 recreational jetties. In 1984-85 it was $236 000; 1985-86, $390 000; 1986-87, $561 000; 1987-88, $393 000; 1988-89, $650 000; 1989-90, $700 000, 1991, $800 000; 1991-92, $500 000; 1992-93, $337 000; 1993-94 (as we approached an election), $250 000; 1994-95 (in the new Government's time) $1.04 million (plus $560 000 for the Brighton jetty, which was blown away); and 1995-96, $485 000 (plus $625 000 for Brighton). It is important to understand that the funding for the backlog on an out-of-sight out-of-mind basis was very detrimental to the health of the jetties. So, their condition was deteriorating heavily.

With respect to existing facilities, a recreational jetty for this purpose has been defined as a jetty structure which is not used for commercial purposes in terms of servicing boats, ships or cargo but which is available for use by the public for recreation and/or tourism. As I said, 48 jetties in South Australia are implicated by the terms of reference, seven of which are located within the metropolitan area and 15 are of heritage value. Of these jetties, 31 are presently leased in a range of leasing agreements between the State and local government, and our research showed that the average lease will run out in the year 2001. The maintenance costs are currently shared on an 80-20 basis (Department of Transport, 80 per cent; local government, 20 per cent) and the costs for storm damage repair are the Department of Transport's responsibility.

With respect to changing service requirements, most of the jetties were built between 60 and 130 years ago to service the coastal shipping trade. The structures were originally designed to accommodate heavy loads associated with the berthing of vessels and train loading. Today, these jetties are primarily promenading facilities used by anglers and are considered to be an important part of the South Australian community's resources. We found that these jetties provide history, scenery, recreation and local community significance to over 1.5 million people in South Australia each year.

I refer to facilities, conditions and standards. The jetty structures are mostly made from timber, and over time have been worn by the constant assault of the sea, requiring ongoing maintenance and attention. In recognition of the changed service requirement, structural timber members and pile replacement is only considered when a cross-sectional area has deteriorated to 30 per cent of its original section. This 30 per cent figure is very important, because when I came onto the committee the task force had just agreed that that 30 per cent of original structural strength was quite adequate for recreational jetties. So, it took me a while to understand what they meant by that. Everything we have said is now predicated on that 30 per cent level.

With respect to State and local government reform, in 1994 the State Government placed renewed emphasis on administrative and financial arrangements for structural recreational jetties. A recreational jetty program was established as part of the reform agenda between the State and local government sectors. Funds for managing and upgrading recreational jetties were dedicated to the program. The principle of this reform was based on upgrading the jetty facility to an agreed structural standard and transferring responsibilities, where appropriate, to local councils and communities that benefit from the existence of the jetty. Local government would have care, control, management and responsibility of the facilities in their area.

I do not propose to go into more of the comprehensive report which the Minister and most of the community who are interested in jetties now have. I wish the Minister, the Government and local government well as they negotiate with each other in respect of the transfer, leasing arrangements and ownership of jetties.

In conclusion, I refer to areas within the correctional services portfolio that fall within my responsibility as parliamentary secretary to the Minister for Correctional Services. First, I refer to prisoner movement and in-court management. South Australia is the first State in Australia to outsource its total prisoner and youth offender transport

operation. The contract, which was signed recently, will cover the movement of prisoners currently undertaken by four agencies: Police, Department for Correctional Services, Courts Administration Authority and Family and Community Services.

There is a vast array of arrangements for delivering these services which has resulted in considerable overlap and duplication. It has been estimated that there are in excess of 70 000 prisoner movements and ICM tasks for over 60 agencies involving a number of sites. On 23 September, Cabinet approved the signing of a contract, and I believe that was completed last week.

Prisoner medical service work is well progressed to outsource the service which is currently provided by five Government agencies as well as a number of private sector service providers. In respect of the expansion of Mobilong Prison, which is a short-term solution, funding has been allocated for this year from the capital works budget to expand the prison by 32 beds, increasing its capacity to 192 beds. The initiative will provide additional flexibility to the department while longer-term initiatives are being developed.

With regard to prisoner industries, unlike the former Government this Government has focused on the need to provide prisoners with meaningful employment, a skill base and more gainful use of their time in prison, and reduce their chance of reoffending while at the same time operate cost efficient and cost productive prison industries. The prison industries recorded record sales in 1995-96 of $2.46 million. I am pleased to observe and support the increase in the use of prison industries.

With respect to enterprise bargaining, negotiations have been successfully completed and agreed with the PSA, with the final ratification of the agreement being undertaken by ballot. I understand that that ballot was concluded today where there was general approval therefor. So, once that has been through the court system, the agreement will give a wage increase to DCS staff of 10 per cent plus 2 per cent within a year from the date of the enterprise bargaining agreement's being signed.

As to prisoner telephone services, tighter supervision of prisoner telephone conversations is the cornerstone of the security controlled telephone system that is being installed in all the State's prisons. The system was designed to stop illegal activities being discussed over the phone and/or prisoners harassing people, including victims of their crime.

At the Minister's direction, the Department for Correctional Services has conducted a strategic assessment of the State's projected need for prisons to the year 2010. Prior to that, no strategic planning of this nature had been conducted. It is envisaged that the State's prisoner population will double by the year 2010. A range of options are currently under consideration, including a new 500 to 700 bed prison by 1999 involving the private sector; the expansion of the existing prisons by 180 beds; and the reconfiguration of Yatala Prison and the Adelaide Remand Centre to more efficiently accommodate high, medium and low security prisoners.

I turn now to mention Operation Challenge and Cadell Training Centre. Plans are currently being developed for targeted rehabilitation programs at Cadell for young people and first offenders. The facility will be established as a regime offering programs for the first time. I am glad to have the opportunity to reflect on a couple of those issues of interest to me, most of which were mentioned by His Excellency in his speech. I acknowledge many of the issues spelt out in the Governor's address, which will be dealt with by the Government over the next 12 months for the benefit of South Australia and South Australians. I support the motion for the adoption of the Address in Reply.

The Hon. T.G. CAMERON: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. J.F. STEFANI: It is with pleasure that I support the motion for the adoption of the Address in Reply and, in so doing, I should like to thank His Excellency the Governor of South Australia (Sir Eric Neal) for his speech in opening the fourth session of the forty-eighth Parliament. I take this opportunity to express my sincere congratulations to Sir Eric Neal on his appointment as Governor of South Australia and to wish him and Lady Neal a happy and rewarding experience as they fulfil their vice-regal duties.

I pay tribute to Dame Roma Mitchell for the way in which she discharged her public duties as the representative of Her Majesty The Queen. As Governor of South Australia, Dame Roma Mitchell gave very generously of her time to many community groups by attending numerous functions and participating in many multicultural celebrations in a spirit of great service to our diverse multicultural South Australian society. On behalf of the many community groups with which Dame Roma Mitchell made contact during her term of office, I express appreciation for her enthusiastic and dedicated service to all South Australians. Equally, I should like to join His Excellency in expressing my sincere condolences to the family and friends of the late Kenneth Lance Milne.

This year is the centenary year of the birth of South Australia's greatest Premier, Sir Thomas Playford. On behalf of the many migrants who came to settle in this State during and before the 1950s and 1960s and made South Australia their new home, I should like to place on the public record sincere appreciation for the enormous contribution that Sir Thomas Playford made during his long record of achievements. During his 26 years and 226 days as Premier, Sir Thomas Playford eclipsed all records for long political leadership in the history of the British Commonwealth.

He presided over a period of unprecedented economic growth and prosperity, which he masterminded and directed with great personal authority and vision, unparalleled in the previous or subsequent history of our State. In one year during the 1950s, 122 new industries were established in Adelaide or in principal country towns. As one of the many migrants who came to South Australia in the 1950s, I feel that I can speak for many South Australians from a non-English speaking background when I say that many migrants owe their success to the tenacity and drive of Sir Thomas Playford.

Many events have been planned and have taken place to recall the Playford days and his achievements in this centenary year. One such event is the $500 000 centenary scholarship appeal, with which I am honoured to be associated as its deputy chairman. This appeal is under the direction and control of the Playford Memorial Trust. The Playford Memorial Trust was established under a trust deed which required the trust to perpetuate the memory of the late Sir Thomas Playford by establishing a fund for the purpose of promoting, encouraging and financing research into the development of projects related to primary, secondary, tertiary and mining industries and which will be of practical use and benefit to South Australians. The trust is an independent, non-profit organisation with a history of supporting successful projects. The trust is playing a major role in

commemorating this State's longest serving Premier and the architect of modern South Australia.

The Playford Memorial Trust was established in 1983. Its creation had been agreed to in principle by the Tonkin Liberal Government in June 1981, shortly after the death of Sir Thomas. The first Chairman, Mr Don Laidlaw, AO, was appointed before the trust was officially founded in June 1982. At the first meeting of the trustees, it was resolved that there would be 10 trustees and that they would represent all spheres of industry in South Australia. Five of the original trustees are still on the board of the Playford Memorial Trust. The trustees were given autonomy in selection of the projects within the stated objects of the trust. Many proposals for funding were forthcoming from various industries and the best of these were selected.

The present Liberal Government under Premier Dean Brown has appointed several more trustees to take the number to 10. The trustees are: the Hon. Jennifer Cashmore, Chairperson; the Hon. J.D. Corcoran, AO, Deputy Chairperson; Mr Don Laidlaw, AO, immediate past Chairperson; Mr Richard England, Treasurer; Mr Doug Bishop, OAM; Mr David Elix, AM; Dr Barbara Hardy, AO; Mr Richard McKay; Mrs Mary Playford Snarskis; and Roy Woodall, AO.

Since its inception, the trust has been involved in a number of important projects to benefit the whole South Australian community. In 1984, the trust was approached and asked to sponsor the South Australian Enterprise Workshop innovation prize. Each year, South Australian Enterprise Workshop conducts a competition between teams of four to six people, with each team taking an invention and planning its commercial application.

The trust agreed to donate $10 000 to the winning team and, due to the ongoing success of the competition, continued to provide this prize for the next two years. Shortly after this, the trust investigated the feasibility of establishing a science and technology centre in Adelaide. At a cost of $14 000 a report was commissioned from the Deputy Director of the Museum of Victoria. Known as the Kendall Report, it recommended a hands-on, live science centre rather than a static museum. The concept was adopted, and in 1989 the Playford Trust contributed to the fund-raising appeal with a donation of $10 000. The appeal was a great success, and in 1991 the Investigator Science and Technology Centre was opened at Wayville.

It continues to flourish today with over 135 000 visitors in 1995. At the time of creating the trust, Sir Thomas's widow, Lady Playford, said that Sir Thomas had taken a great interest in the work of the Waite Institute. The trust consequently launched its first public appeal in late 1986 to endow the Thomas Playford postgraduate research scholarship in horticulture at the Waite Institute. The appeal was also a success and the funds generated were invested to provide a scholarship in perpetuity. Its value has been comparable to the highest paid Commonwealth postgraduate research stipend. To date, the income has supported two consecutive PhD scholars, both of whom pursued the development of banksias for improved commercial production and export opportunities throughout the cut flower industry.

The trust also pays an annual fee to the Waite Institute for laboratory and field equipment used by the students. The work of the two horticulture students has been supervised by Dr Margaret Sedgley, recently appointed as the first professor of horticulture at the Adelaide University. Professor Sedgley is also head of the newly formed School of Viticulture, Horticulture and Oenology. A third scholar is currently working on the development of eucalypts for the ornamental and horticulture industry. Professor Sedgley will continue to take a close interest in the work of the Playford horticulture students.

I turn now to the centenary aquaculture scholarship, with which I have a direct involvement. This project will have a range of benefits including: first, providing South Australia's aquaculture industry with the necessary research in order to begin the intensive farming of whiting; secondly, ensuring that stocks of whiting are restored to suitable levels, thus increasing the benefits brought to tourism and the hospitality industry by a large number of recreational fishers; thirdly, ensuring that there will be reliable stocks of whiting for all fishers to catch in those areas with high fishing appeal; fourthly, increasing employment and activity throughout the aquaculture fishing and tourism industries; fifthly, the development of export opportunities; sixthly, the cost effective production of whiting in such numbers that the price of fish will be contained (with whiting featuring as a delicacy on many South Australian restaurants' menus, consumers and the hospitality industry will benefit through consistency of supply, quality and size); and seventhly, developing research which will be relevant to other fin fish species, such as black brim, flounder, mulloway and schnapper, all of which are under pressure from overfishing.

As the aquaculture industry develops diversification will be needed, as in other forms of primary production. This project will develop many techniques suitable for adaption to the production of a range of fish species. The project also fits closely with the State Government's strategic plan for the aquaculture industry which identifies a number of goals to be achieved. Two of these goals are, first, to capture additional research and development funding from traditional and new sources; and, secondly, to ensure ready availability of brood stock to allow commercial research, development and production of relevant fin fish species. This project clearly meets the first goal and complements the second.

The ultimate objective of this research proposal is to develop a low cost method of producing juvenile King George whiting for stock enhancement. It is vital that we are able to sustain and ultimately enhance the fishery to a level of productivity which would accommodate a profitable commercial fishery and provide high quality recreational fishing. Whiting are currently being fished by commercial and recreational fishers substantially above the socially and economically optimum levels. Successful stock enhancement programs for coastal fin fish are now operating in both Japan and the United States. The methods and technology developed by these programs have provided solutions to many of the technical aspects associated with the production of large numbers of juvenile fish required for stock enhancement programs.

In order to capitalise on these advances, the methods developed overseas need to be trialled and adapted to suit Australian situations and species. A primary objective of this project is to commence this process for King George whiting. A research scholar will initially study the sources of food necessary for the production of juvenile whiting in a low cost extensive pond culture system. This will encompass developing methods of producing such food and trialing its success with juvenile whiting. To date, 18 such trials have been conducted in above ground tanks. From these trials suitable methods have been selected for investigation in larger scale pond production systems.

The trials will take place both in the South Australian Aquatic Science Centre of the South Australian Research and Development Institute and at Port Augusta Marine Research Station. The Port Augusta council has established the Marine Research Station and has built a lined, earth pond and various support facilities for this type of aquaculture research. The South Australian Aquatic Science Centre at West Beach was commissioned in late 1993 and provides South Australia with one of the most comprehensive research facilities of its type in Australia. The research scholar will be based at the institute and will travel and stay on site at the Port Augusta facility as required.

It is expected that most of the fingerlings will be released into the popular whiting grounds in the Gulf St Vincent, Spencer Gulf and off Eyre Peninsula and the Fleurieu Peninsula, Three key sites, for example, are Coffin Bay, Franklin Harbor and the Barker Inlet at Port Adelaide. Other areas such as Murat Bay, Smokey Bay, Streaky Bay, Baird Bay, Venus Bay, Port Paterson, Port Broughton, Coobowie Bay and the American River will then be targeted. The University of Adelaide has approved the endowment of the scholarship and it has been recommended that Dr Michael C. Geddes, an expert in this field, be engaged as a supervisor. Dr Geddes has been involved in aquaculture research over 10 years.

He has published 15 articles on the subject and has supervised two PhD theses and six honours theses in projects relating to aquaculture. The trust's initial target to establish this comprehensive research program is $500 000. This will allow a capital fund to be established, which will provide sufficient income to offer a stipend equal to the highest paid Commonwealth postgraduate scholarship. In addition, the scholarship will also cover costs incurred by the scholar, such as equipment and consumables.

The research project itself will, first, develop and assess methods suitable for the production of food sources for the mass culture of juvenile King George whiting for stock enhancement and aquaculture programs; secondly, conduct an economic assessment to estimate the cost associated with the mass production of King George whiting; and, thirdly, gather information for the development of other species for the aquaculture industry. In order for stock enhancement programs to run successfully, there are several other factors to be considered.

The biology and environment of the target species must be well understood and there must be suitable habitats or nursery areas where the initial stages of the stock enhancement program can be carried out. The biology and environment of King George whiting have been well studied in South Australia's waters and whiting has been cultured successfully from eggs obtained from captive broodstock.

In relation to the habitat, there are many suitable nursery areas along the coast of South Australia. Each nursery area has an intrinsic level of productivity which is capable of supporting a maximum number of new recruits of any one fish species annually. In the initial research stages batches of 5 000 tagged fingerlings would be released at several sites and the success of the stock enhancement program would be measured by their rate of capture.

If the research is successful a commercial hatchery/nursery might produce of the order of one million fingerlings per year, most of which would be expected to recruit to the recreational and commercial fisheries. If these fish grow to reproductive age they would enhance natural recruitment in subsequent years, and this also would provide a flow-on to fishers. Stock enhancement, if successful, could counterbalance the current increased pressure on King George whiting and lead to a review of existing management strategies.

As I have stated previously, the goal of the Playford Memorial Trust is to assist projects which directly benefit all South Australians. The Centenary Aquaculture Scholarship project adopts world's best practice in its bid to sustain and ultimately improve the stock of King George whiting. Considered not only a delicacy but also a South Australian icon, King George whiting plays an important role in the economy of South Australia. At present stocks are being seriously threatened and we must take steps now to protect one of South Australia's greatest assets.

The tourism and hospitality industries in South Australia are enhanced to a large degree by the number of recreational fishers who visit South Australia. Coupled with the fact that there are 300 000 recreational fishers in this State alone, the importance of King George whiting cannot be underestimated. The commercial fishing industry is clearly affected by the level of whiting stocks. The State's burgeoning aquaculture industry is set to play a large part in the development of jobs and opportunities for South Australians. Always on the lookout for new industries, Sir Thomas Playford would have been quick to see the potential of aquaculture.

As Deputy Chairman of the appeal, I am pleased that the Playford Centenary Scholarship has received solid acknowledgment as a special project from the State Government, the Department for Primary Industries, the South Australian Fishing Industry Council, the South Australian Recreational Fishing Industry Council and many regional development boards and regional tourism associations. The project is vital to the future of sustainable King George whiting fish stocks in South Australia. I am pleased to support the motion for the adoption of the Address in Reply.

The Hon. CAROLINE SCHAEFER: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. R.D. LAWSON: I thank His Excellency the Governor for the speech with which he opened this Parliament and join in welcoming His Excellency and Lady Neal to the Vice Regal position in South Australia. It seems that Sir Eric Neal has already been rather narrowly typecast as a businessman—an eminent man of commerce. But Sir Eric is no mere businessman. His Excellency is a distinguished citizen of Australia who happens to have spent his working life in business. But he has not been solely concerned with business. Recently I was at the opening of Mission SA's premises in Flinders Street and I learned, from comments made by persons associated with that mission, that Sir Eric and Lady Neal had been active in the affairs of a corresponding mission in Sydney for a number of years not merely as donors but as active participants.

It is clear that His Excellency has broad community interests. For a number of years Sir Eric was Chairman of the Duke of Edinburgh Award Scheme. He was Chief Commissioner of the City of Sydney for the years 1987-88, and this indicates the breadth of His Excellency's interests.

When Dame Roma Mitchell was appointed Governor, Her Excellency was referred to as a judge and a former lawyer. In the fullness of time that typecast was thrown off, as I am sure it will be in the case of Sir Eric Neal.

I use this opportunity to pay tribute to the dedication, enthusiasm and accomplishments of Dame Roma Mitchell in the discharge of her functions as the representative of Her

Majesty prior to the appointment of Sir Eric. Her Excellency's achievements were widely applauded by all sections of the community and I join others in wishing her a long, healthy and enjoyable retirement.

There has been a good deal of pessimism in the Australian community—in the South Australian community in particular—about our economic future. Unemployment has been at unacceptably high levels for a long period of time. The Federal Labor Government wrestled unsuccessfully with the problem for 13 years, and State Governments have less capacity than does the Federal Government to influence economic circumstances. However, in South Australia we have much of which to be proud.

To listen to the Opposition and some commentators, one would think that South Australia's prospects are very poor. The Opposition has sought to exploit the rather traditional pessimism of the South Australian community, but I am optimistic of our future and there are good grounds for that optimism.

I have been privileged to be appointed parliamentary secretary assisting the Premier, as Minister for Information Technology, in the field of information technology. The information technology industry is one area of the South Australian economy in respect of which there are very good grounds for optimism and in respect of which the Government deserves warm applause for its foresight and vision.

The basis of our information technology strategy is a report entitled *The IT 2000 Vision*, which was released in July 1994. That report was the result of a committee established by the Premier within the first few days of his election to office in December 1993. The vision declared that, by the year 2000, South Australia, first, would be recognised as an internationally recognised centre of excellence in at least five niche areas of the information industry; secondly, would be a key software and services centre for the Asia-Pacific region; thirdly, would be a leading example of public sector business re-engineering using a whole of Government approach to information technology; and, fourthly, would, it was envisaged, by the year 2000, be an example of an information enabled society.

The Hon. T.G. Roberts: What's that mean?

The Hon. R.D. LAWSON: The Hon. Terry Roberts asks what does an information empowered society mean.

The Hon. T.G. Roberts: No, you said 'information enabled' not 'information empowered'.

The Hon. R.D. LAWSON: The honourable member betrays his own ignorance in the area. The niche areas that have been identified relate to the development of software in South Australia; multimedia, which was poised to be the next boom area in the field of information technology; the field of spatial information; the field of electronic services; and also the field of IT education.

It also identified that South Australia could successfully attract operation support business, namely, the provision of back office services—and already we have, in this area of industry development, had significant successes. Bankers Trust has established a funds management centre in Adelaide for the whole of Australia—an investment of some $20 million by that company which will ultimately lead to 400 jobs. The Westpac National Loans Centre has already been established with the effect of increasing our gross State product by nearly $100 million per annum and the creation of 900 new jobs, and 700 people are already employed in that field.

There have been more than 2 000 new information technology and telecommunications jobs created in South Australia since the election of this Government. Some 6 000 new jobs in the field are predicted by the year 2005. There will be a 60 per cent increase in the number of graduates in IT. The Government has supported the establishment of the Ngapartji Multimedia Centre, aided by grants from the Commonwealth Government as well as sponsorship from a number of major companies including Microsoft, ISSC, Silicon Graphics and others.

The Playford Computer Science Centre will be established in Adelaide. An IT export network will be established to facilitate local industry exporting their products to the world. The Department for Information Industries has been established as has the IT Work Force Strategy Office.

Typical of the good news that one has in this area is the announcement made only last week by the Australian Information Technology Engineering Centre, based at Technology Park, that it had signed its third major export contract for training services—a joint venture with one of the Indonesian telecommunications companies—to provide training for telecommunications engineers over a number of years. This contract has the potential to be worth $10 million over time and illustrates the capacity of South Australian enterprises to attract business of this kind to the State.

Training in the field of information technology is an important jobs generator. The Learning Environment Technology Australia Conference, being held at the moment at the Convention Centre, is another example of this State leading the way in information technology. The LETA Conference was presented jointly by MFP Australia and the Department for Education and Children's Services and the Department for Employment, Training and Further Education. It is supported by other agencies of Government. It has been showcasing South Australia's achievements in information technology and supporting South Australia's drive to be a focus for information technology, multimedia and learning.

Those opposite might denigrate the achievements of this conference but it has attracted some 2 000 delegates, supporters and presenters from 16 countries in many different fields. Amongst those I have heard, Professor Jay Sanders, a world acknowledged telemedicine leader, provided insight into telemedicine developments elsewhere to ensure that we, in South Australia, advance our technology in that field, which is already advanced. South Australia's own Mr Bob Bishop, the Chairman of Silicon Graphics World Trade Corporation, gave a most enlightening paper on learning in the digital age which illustrated that we have made significant progress in this field over a very short time and indicated the way of the future. The Government has much to be proud of in relation to information technology.

In matters of education, South Australian students still enjoy the best student-teacher ratio and the lowest class sizes of any State in Australia, notwithstanding the complaints of the Opposition and the Teachers Union. This Government spends more per student on education than any other State in Australia. We have already begun a computer purchasing program to enable computer access for every student in South Australia.

At the moment unemployment is down from the 12.3 per cent—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: The honourable member will have plenty of opportunity when he presents his Address in Reply.

The Hon. R.D. LAWSON: When the Labor Party was thrown out of office in this State, unemployment was at 12.3 per cent, the highest unemployment rate in the 50 years since the Second World War. It now stands at 9.7 per cent. There are 26 000 more people with jobs than when the Liberal Government was elected. These are jobs that did not exist three years ago and, what is more, they are real jobs, not pretend jobs cooked up by a Government and paid for with tomorrow's taxes. So, the Government is advancing matters in social policy, and His Excellency's speech referred to some of these matters.

In health, more people in need of hospital treatment now are receiving it than were receiving it when the Labor Party was in office three years ago. The waiting list is shrinking and, what is more, this Government is putting more money into new and improved hospitals and new equipment to further improve the level of health care for the community. The Government's endeavours to attract industry to this State have been bearing fruit.

One strategy adopted by the Government was the establishment of the South Australian Development Council, and one of its projects was to commission the South Australian Centre for Economic Studies and Arthur Andersen Corporate Finance to assess the cost competitiveness of Adelaide as a business location.

The consultants undertook case studies of 10 firms operating in Adelaide that were selected to be representative of the manufacturing, services and communication sectors of the economy. The study involved comparing business costs of those 10 companies operating in Adelaide with costs that would be incurred if they operated in Sydney, Melbourne or Brisbane. The comparisons took account of the higher transport and communication costs faced by Adelaide firms selling to the eastern markets. The study, which was very extensive, concluded that Adelaide was the most cost competitive location for every company in the study.

In manufacturing and communications Adelaide provides a 20 per cent cost advantage over Sydney and Melbourne. In services Adelaide offers a 30 per cent cost advantage over Melbourne and a 49 per cent cost advantage over Sydney. Importantly, the study included the impact of transport and communication costs faced by Adelaide firms selling to the Eastern States. The study found Adelaide to be most cost competitive with the Eastern States in myriad important areas, such as construction, telecommunication, air and sea freight, interest rates, courier services and business travel.

When one adds to these cost advantages Adelaide's unique and enviable lifestyle, the ease of commuting, the most affordable housing, world class food and wine and some of the country's best arts and sporting facilities, it is clear on any objective basis that Adelaide and South Australia are an ideal location in which to locate businesses.

Of course, we in this State have a stable, dedicated and well educated work force. The Government is to be congratulated for commissioning this study and for its efforts to attract further industry into this State.

His Excellency the Governor's speech noted certain infrastructure proposals of the Government, and they are to be applauded. The work on the water filtration plants in parts of regional South Australia are long overdue and are to be welcomed. The redevelopment of the Mount Lofty summit, also well overdue, is to be applauded. The commencement of the Southern Expressway is a project that will advantage those to the south of this city. The new athletics stadium and other sports facilities to be built in the former Mile End goods yards will be a wonderful benefit to the whole of the city and will also provide an appropriate gateway to this city for those arriving by air or, indeed, by rail. At the moment the goods yards are an eyesore and have been such for many years. The Government and the Minister are to be congratulated for getting this project off the ground and moving.

The new Hindmarsh Soccer Stadium grandstand is another initiative of this Government which should help us to secure some of the soccer matches during the Sydney 2000 Olympics.

The cleanup of the River Torrens and the River Murray is well under way. It is clear that the Government has been active in promoting the development of infrastructure.

Private enterprise, too, has been committing substantial expense to developing business in South Australia. The sum of $525 million is being spent to expand the Mitsubishi Lonsdale plant, focusing on the development and export of the new model Magna. Already, $14 million has been invested at Mitsubishi's plant to increase the export of engine blocks to Japan.

Western Mining Corporation is spending $1.25 billion to double production of the Olympic Dam mine. General Motors-Holden's has announced that it will spend $1.4 billion over five years on the new Vecta model at Elizabeth.

An honourable member interjecting:

The Hon. R.D. LAWSON: I might note that Pacific Power and Access Economics have identified $10.8 billion worth of investment proposals in South Australia in manufacturing, transport, communications and mining.

Those opposite will denigrate the Government for its efforts to re-establish South Australia's infrastructure, but they are responsible for bankrupting the State. Those opposite will denigrate the efforts of private enterprise to invest in this State, and complain about it.

Private enterprise in the wine industry is developing 8 000 new hectares. That means that 50 per cent of all the new vineyard developments in Australia are being established in this State, an investment cost by private enterprise of some $400 million.

The Hon. T.G. Cameron: A brilliant achievement of the Government.

The Hon. R.D. LAWSON: The honourable member will be pleased to know that I am listing some of the investments of private enterprise. Overseas tourism has risen by some 20 per cent, and there are a number of major tourist developments in South Australia. Anyone who has recently visited Wirrina, for example, will be amazed by the size and extent of the development which is going on there and which is evidence of the faith that private enterprise has in the development of this State under this Government.

The Government has been seeking to encourage mining and is to be congratulated for the proposals to attract mining investment and exploration interest. The surveys which have been conducted and which have been now opened to public tender are evidence of the dedication and commitment of this Government.

There will be obstruction of our mining proposals, because those opposite cannot stand the sight and sound of private sector development. Notwithstanding their pessimism and constant attempts to talk down South Australia, to talk down our achievements and our prospects, we on the Government side have every reason to be optimistic for the future development of this State under the effective leadership of the current Government. I support the motion.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ADJOURNMENT

At 5.55 p.m. the Council adjourned until Tuesday 15 October at 2.15 p.m.