LEGISLATIVE COUNCIL

Wednesday 25 March 1998

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 10, 43, 48 and 94.

STATE BUDGET

10. **The Hon. T.G. CAMERON:**

1. (a) How many copies of the 1997-98 State Budget leaflet entitled 'Essential Information' were printed; and
   (b) How much did they cost?
2. (a) Were any consultants involved in the production of the leaflets?
   (b) If so, who were they?
   (c) How much were they paid?
3. (a) Who distributed the leaflets to South Australian households; and
   (b) How much did the distribution cost?
4. How much was spent by the Government in similar leaflets to promote the Budget for the years—
   (a) 1994-95;
   (b) 1995-96
   (c) 1996-97?
5. How much was spent by the Government on promoting the 1997-98 State Budget in all forms including:
   (a) television;
   (b) print;
   (c) radio media; and
   (d) any other?

The Hon. R.I. LUCAS:

1. (a) 600 000 State Budget leaflets were printed—that is, one for every household in South Australia.
   (b) The distribution and production costs of the State Government's Budget document to the families of South Australia totalled $96 153. The Government has prepared a similar document each year since 1994-95 Budget because it is important that the families of South Australia are aware of the way in which a Government handles the finances of the State.
2. (a) Two communications companies were invited to submit a tender and provide a brief on the format for the preparation of various written material containing essential information on the State Budget.
   (b) The two companies who had both successfully undertaken Government work were O'Reilly Consulting and DDB Needham. DDB Needham was the successful tenderer.
   (c) DDB Needham was paid $30 527.
3. (a) The Budget information was delivered by Australia Post and a mailbox distribution company.
   (b) $24 594.79—for distribution to families of South Australia.
4. The cost of printing leaflets in previous years was:
   (a) 1994-95 $ 7 675.00
   (b) 1995-96 $17 230.00
   (c) 1996-97 $18 095.00
5. (a) Television — Nil
   (b) Print — $12 114 (*Messenger* Newspaper advertisements)
   (c) Radio, media — Nil
   (d) Any other — $103 983 (Production and distribution costs for all pamphlets)

SPEEDING

43. **The Hon. T.G. CAMERON:**

1. Is the Minister aware of research currently being conducted by Monash University Research Centre to reduce speeding by motorists through the use of painted road stripes instead of road humps?
2. Are similar trials being considered for South Australia?

The Hon. DIANA LAIDLAW:

1. I am aware of the research being conducted by Monash University Accident Research Centre to determine the effects of transverse painted lines on the road in reducing excessive vehicle speeds. However, this treatment is not intended to be used instead of road humps. These lines are only part of the research into effective perceptual countermeasures. They are meant to influence the driver's perception of speed by manipulating the road scene to give the illusion they are travelling much faster than they actually are.

2. The Monash University research to date has been limited to preparatory studies to determine the method of developing and evaluating perceptual countermeasures. Once conclusive outcomes from the research are made available, Transport SA will assess which countermeasure would be suitable for possible use in South Australia—and other road authorities will do the same in their respective states and territories.

RAILWAY BICYCLE LOCKERS

48. **The Hon. T.G. CAMERON:**

1. Which metropolitan railway stations currently have bicycle lockers?
2. How many bicycle lockers are there in total?
3. How much do the lockers cost?
4. Are there plans for lockers to be introduced to other stations?
5. Have tests for the possible introduction of bicycle racks on buses been completed?
6. If so, when are they likely to be introduced?

The Hon. DIANA LAIDLAW:

1. Lockers are available at:

Blackwood, Brighton, Gawler, Gawler Central, Glanville; Mitcham; Oaklands, Salisbury, Smithfield, Woodville.

A secure area for bikes is also being developed at the Noarlunga Interchange and should be available in the near future. The implementation of this secure storage area is the subject of negotiations with Bike South.

2. There are more than 50 bike lockers at stations across the rail network.

3. The total cost is approximately $34 500. Each locker costs approximately $690 ($400 to manufacture and $290 for installation).

4. The further introduction of lockers will be determined according to the use of existing lockers and passenger requests for additional lockers.

5. No. To date, TransAdelaide Morphettville has trialled a bicycle rack on two different vehicles and found the Midi series bus to be most suitable.

In addition, extensive consultation with a wide range of agencies and worksites has been undertaken in relation to concerns raised about the possible introduction of bike racks on TransAdelaide's entire fleet. A component of the trial also involves TransAdelaide being able to demonstrate to the Department of Transport that the installation of bike racks and the risk of a bus so equipped striking an unprotected road user is acceptably low. Investigation continues to ensure these safety issues are addressed.

6. TransAdelaide is presently contacting various transportation companies in the United States and compiling information in regard to work practices and education programs involving bike racks on buses as some 10 000 racks are in use by 140 transportation companies. It is estimated these racks carry some 250 000 bikes per month.

The project's co-ordinator is working closely with the Department of Transport to prepare a final submission regarding the safety issues which have been identified. The outcome of any trial of bike racks on buses, and the possible introduction, will be determined on whether or not the project is approved by the Department of Transport in consultation with the Minister of Transport & Urban Planning.

SCHOOL ZONES

94. **The Hon. T.G. CAMERON:**

1. How many motorists were fined for speeding through the school speed zone signs first erected in January 1997 to January 1998 when they were subsequently made uniform?
2. How much revenue was collected as a result of these fines?
3. (a) Considering the Adelaide Magistrates Court's recent decision stating the 25 km/h speed limit in school zones was illegal, will the Government refund the fines?

(b) If not, why not?

The Hon. DIANA LAIDLAW: Transport SA has liaised with the Commissioner for Police to provided the following information (only available from January 1997 to October 1997 inclusive):

1. Between January 1997 and October 1997, 3 720 expiation notices have been issued and paid by motorists for infringements in 'School Zones;. A further 315 matters were referred for enforcement by the courts but information is not available on how much money that has been collected is directly attributable to infringements in 'School Zones'.

2. From the 3 279 expiated offences, $739 625 has been collected.

3. (a and b) This matter was addressed in detail in my Ministerial Statement made in this Chamber on 17 February 1998, and I refer the honourable member to this statement.

PAPER TABLED

The following paper was laid on the table:

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

Response to Recommendations of Environment, Resources and Development Committee—Waste Management Practices in South Australia.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I bring up the report, 1996-97, of the committee; and I bring up the eighth report, 1997-98, of the committee.

PLAYFORD POWER STATION

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Government Enterprises in another place about the status of the Playford B Power Station.

Leave granted.

GOVERNMENT ASSETS

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Government Enterprises in another place on the appointment of consultants for SA TAB, Lotteries Commission of South Australia and Ports Corporation scoping reviews.

Leave granted.

CRIME PREVENTION

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DIANA LAIDLAW: The Government has approved changes to the Glenelg and Brighton development plans that set down principles for designers, developers and planners to minimise vandalism and reduce criminal activity in our community. The new guidelines will improve community safety in one of the State's premier tourist precincts. I also add that it is one of the areas in South Australia with the highest proportion of older people. This new approach to planning puts a focus on protecting people and property. The two former councils that now make up the City of Holdfast Bay, those councils being Glenelg and Brighton, along with the then City of Henley Beach, lodged a joint statement of intent for a crime prevention plan amendment with the Government in 1995.

Following council amalgamations, new statements of intent were lodged for the Glenelg and Brighton areas. These plan amendments have now been approved by Cabinet and have been assented to by the Governor, and will be forwarded to the Environment, Resources and Development Committee of the Parliament for approval under the Development Act. The new principles of development control contained in the plans introduce design provisions aimed at maximising personal safety and security. The purpose of the plan amendment is to encourage those responsible for all aspects of urban development to adopt an approach to design that gives crime prevention the same degree of importance as function and appearance.

The strategy has been widely canvassed with the local community, including the crime prevention committees, residents groups, Neighbourhood Watch and Family and Community Services. Key points in the new Brighton and Glenelg plans will include:

- standards and placement of lighting
- encouraging land uses that do not create areas unused at particular times of the day or night
- improved signage
- visibility in vulnerable areas such as stairwells, parking garages and lobby entrances
- clear and well lit alternative night routes
- visibility aids such as convex mirrors.

This new approach to planning puts a focus on protecting people and property, as I have highlighted. The planning amendments lodged by the City of Holdfast Bay and originating with Henley and Grange and the Brighton and Glenelg crime prevention committees introduce design principles that will maximise personal safety and security. They advocate the mixing of land use activities to facilitate frequent use of public spaces, and encourage landscaping and fencing design which does not obscure windows and doors while reinforcing the desire to create safe, secure and healthy living environments.

Public consultation on the plan amendments are significant advances that the Government is pleased to accept. Safety is a key consideration in the design of virtually everything we buy, from the smallest household appliances through to the cars we drive. We take safety into consideration when planning homes and other buildings. It is only commonsense to now apply this to the built environment as a whole. Community safety and crime prevention is a very important issue to this Government. We want people to feel safe out of doors in public areas and after dark. As Minister for the Status of Women, I am very aware that this is a major issue for women and girls and their families.

Crime prevention is the responsibility of all sectors of the community. The State and local government, police, business and industry, community organisations and schools all have a role to play. Different types of crime prevention are responsive to approaches at different levels in the community. This is a prime example of how this can be carried out more creatively. The Attorney-General has previously stated that South Australia is committed to being the lead State for the development and implementation of the national anti-crime prevention strategy and best practice in crime prevention. Managing and reducing fear of crime is one of the key aspects of the national anti-crime strategy.

We intend to provide leadership and coordinate crime prevention initiatives across jurisdictions to maintain a strategic approach to crime prevention. Supporting the Glenelg and Brighton planning amendments and encouraging

other local governments to follow this lead shows how the Government can help to achieve this goal. Safety on public transport is also an important issue, especially for women who are the main users of public transport services. Initiatives which have been implemented include:

- the installation of help phones located at interchanges
- the introduction of the 'hail and ride' concept enabling bus passengers to board and alight a bus at a location convenient to them—not just the allocated bus stop
- the trial of video surveillance cameras and selected taxis to improve driver and passenger security
- the new Southern Expressway, yet another example, is also equipped with solar mobile phones and security cameras on both sides of the road at one kilometre spaces.

I highlight the public transport and road transport initiatives because again we recognise that transport is a key part of our community and is a safety issue in general. A built environment that incorporates safety considerations along with the elements traditionally covered by area plans is a significant initiative. These plan amendments will help to protect community safety in both the public and private areas.

I commend, as does my colleague the Attorney-General, the City of Holdfast Bay and the councils originally involved, as well as the local crime prevention committee for this significant example of lateral thinking and community care. The Government is pleased to support and encourage the development of these innovative plans and principles and we are keen to see that they apply across South Australia.

QUESTION TIME

TRANSADELAIDE EMPLOYEES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport a question about *Leddy v TransAdelaide*.

Leave granted.

The Hon. CAROLYN PICKLES: Earlier this month we learnt of industrial action undertaken by Mr Gary Leddy against TransAdelaide. As it transpired, TransAdelaide has been grossly exploiting Mr Leddy and other workers in the same situation by paying them as part-time workers when they are in fact working as full-time employees. The Industrial Relations Court found that when the employer, in this case TransAdelaide, directed the part-time employee to perform work as a full-time employee the employee was entitled to be remunerated as a full-time employee. My questions to the Minister are:

1. When was the Minister first aware of TransAdelaide's treatment and underpayment of part-time workers?

2. How many other workers in TransAdelaide are in the same situation as Mr Leddy, that is, part-time workers doing full-time hours?

3. What action has the Minister undertaken to ensure that underpaid workers are correctly paid in accordance with the Industrial Court, and what is the estimated cost?

The Hon. DIANA LAIDLAW: The honourable member would know that TransAdelaide had a right to appeal the judgment of the Industrial Court and it has decided to take such action. TransAdelaide and certainly I would take deep exception to the honourable member's statement that TransAdelaide is grossly exploiting Mr Leddy or any other worker with TransAdelaide. I also highlight that this practice was the one that was approved by the former Minister for Transport in the honourable member's own Government, the Labor Government. It was a practice that was started in terms of casual and part-time workers when the award was introduced and casual workers were taken on when the Hon. Barbara Wiese was Minister. So, I think the honourable member should work with some care because it is a situation which I have inherited and with which we are seeking to deal through the courts, and that is a proper process in this matter.

ELECTRICITY TARIFFS

The Hon. P. HOLLOWAY: Given the requirement under national competition policy for deregulated pricing in the electricity market—

Members interjecting:

The PRESIDENT: Order! Honourable members will come to order.

The Hon. P. HOLLOWAY: I will begin again, Mr President.

Members interjecting:

The PRESIDENT: Order! This is honourable members' Question Time and they are wasting it.

The Hon. P. HOLLOWAY: My question is to the Treasurer. Given the requirement under national competition policy for deregulated pricing in the electricity market after the year 2001 and the Premier's statement that the Government will lose control of prices, does this mean the end of Statewide common tariffs for electricity and will some South Australians be forced to pay more for their electricity than others?

The Hon. R.I. LUCAS: The important point to note is that the requirements of the national electricity market will appertain to electricity pricing in South Australia and the other States and Territories, irrespective of the decision that is taken on the privatisation or sale of ETSA and Optima. So, it ought to be clear that, should the Government of the day or the Parliament of the day decide to retain ETSA and Optima in public sector ownership, complying with national electricity market guidelines on pricing and a range of other issues, frankly, will still govern those matters in South Australia.

Obviously, the issue of pricing, in particular, is one through which the Government and its advisers will need to work within the context of a privatisation of ETSA and Optima. However, we would still need to work through the same issues if ETSA and Optima were to remain in public sector ownership. It is obviously the Government's hope and wish that ETSA and Optima will be privatised, as well as its expectation that the national electricity market will result in downward pressure on prices compared to where they might otherwise be at some time in the future. Certainly, the early indications in Victoria, in particular, are that the majority of contestable customers are paying lower prices for electricity than they were prior to the sale—

Members interjecting:

The Hon. R.I. LUCAS: Well, residential customers are not currently contestable, and the Premier in South Australia has given a commitment that, through to the year 2002, prices for households will not increase at a level greater than the consumer price index for the appropriate year. But eventually, as I said, irrespective of the decision—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, you weren't here last night. You missed that debate last night: that's all been sorted out. You'd better check the *Hansard* record.

The Hon. L.H. Davis: You'll be very happy: you'll be able to make the speech congratulating the Government by the time you have finished reading it.

The Hon. R.I. LUCAS: I don't know about congratulating the Government, but he'll be congratulating the majority of members of the Parliament, anyway. I am being diverted by the Hon. Mr Cameron, who has an interest in something personal and particular to himself and some of his constituents in relation to pensions.

In relation to the period up to 2002, a clear commitment has been given by the Government, and the sorts of questions that the honourable member has raised are important. They are questions that the Government will address within the context of privatisation, but they are also questions that a Government would have to address if we did not privatise both ETSA and Optima.

The Hon. P. HOLLOWAY: I have a supplementary question. Given the Minister's answer, will he confirm the finding of the Audit Commission back in 1994 that the cross-subsidy from city to rural customers was estimated to be about $60 million, which is equivalent to approximately $300 per rural consumer?

The Hon. R.I. LUCAS: No, I cannot confirm the Audit Commission's finding. I am happy to have the Audit Commission's finding in that area investigated and bring back a reply for the honourable member.

OFFENDERS AID AND REHABILITATION SERVICES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Correctional Services, a question about the Offenders Aid and Rehabilitation Services (OARS).

Leave granted.

The Hon. L.H. Davis: The Left is paddling its own boat at the moment.

The Hon. T.G. ROBERTS: At least we are in a boat, and paddling. That is not a very good analogy, that one. Some people have boats with lots of leaks in them. The Commonwealth has cut the funding to the OARS rehabilitation program through case management of unemployed, and those prisoners who are on parole and trying to enter the work force have been counselled historically by OARS and job placements attempted to be found for them. It is not an easy job, and I believe everyone in the Council would agree that OARS does a lot of good, hard work for offenders.

The Commonwealth decided to privatise the services for the CES and has outsourced the case management programs that had previously been handled by Government Services and, in so doing, has apparently contracted the offenders aid program out to a private operator. OARS has inside servicing knowledge of the offenders area which, I believe members would all agree, is a specialist area that would take a long time to come up to speed in relation to dealing with specific problems of prisoners. Will the State Government take steps to have the OARS funding reinstated, or have an alternative funding stream found so that OARS can continue its important work?

The Hon. K.T. GRIFFIN: I will refer the question to my ministerial colleague in another place and bring back a reply.

LOTTERIES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about lottery scams.

Leave granted.

The Hon. L.H. DAVIS: Someone known to me has recently received a letter from an organisation by the name of Australian Lottery Winners Service (ALWS) care of IPS Service Centre, Cologne, Germany. Material has been mailed to this person from overseas in an envelope which has a fake Australia Post postmark printed on it. However, on the form inside there is what is obviously a Queensland fax number, to reply with credit card details, for people who are foolish or gullible enough to respond to the inducement contained in the documentation. The letter is headed 'Urgent Communication from J. Michael Husk'—an unlikely name—and it states:

> Our exclusive Comp-U-Win computer system predicts it's time for these numbers to hit! And we have awarded them to you!

It then lists 10 numbers. The letter further states:

> Our computer expert, Martin Chowansky, has just informed me that certain numbers are due to hit in the $50 million Australian 6/45 Lotto.

The letter further states:

> Our Comp-U-Win computer system has assigned a combination of these numbers to you [then naming my friend]. You and a friend as a winner will be invited to visit Australia for free so I can give you your prize in person! My secretary is now in the process of making reservations.

This is a heady inducement. It is quite obvious that this letter was sent to someone expecting them to be in America, and it is clear that my friend's name has come to Australian Lottery Winners Service because he receives a catalogue from a US direct mail service at my home address—and this letter is in fact addressed to him at my home address.

The letter then claims that there is a $50 million jackpot for the winner but warns that if these 10 numbers, which are listed—and they are available for a small fee later on—are not claimed by 3 April 1998, they will have to award them and the potential winnings to someone else. A fast fax number 617-55382260 is given for a speedy reply. As I have indicated, it may be a Queensland fax number.

One draw offering 480 chances to win costs $US19.95, which is around $A30, two draws offering 960 chances to win costs $US39.95, and five draws offering 2 400 chances to win costs $US79.95. I understand that this is a scam where the money people send to this organisation—Australian Lottery Winners Service—by credit card, cheque, cash or postal order is taken and no lottery tickets are sent in return. Apparently, because the material comes from overseas, I have been advised that it is outside our legislative boundaries and that little can be done except to advise people to ignore it and to refer it to international authorities. My questions are: Does the Attorney-General have a view on this? Is it true that very little can be done? Is he aware of this scam? Will he make investigations—

The Hon. T.G. Roberts: He hasn't got any international friends like you.

The Hon. L.H. DAVIS: No, this is a local friend. Will he make investigations into this operation of Australian Lottery Winners Service with the help of the material that I have provided to him?

The Hon. K.T. GRIFFIN: I do not believe that this has been drawn to my attention by the Office of Consumer and Business Affairs so I have no knowledge of it, but it certainly

looks like a scam. I may be doing them an injustice, but it looks like it. A number of these propositions are received, whether they are from Nigeria, Germany or other places and whether they are directed to business or to private citizens, and generally the advice is to throw them in the rubbish bin. The difficulty is that everybody seems to be on a mailing list of one sort or another so, invariably, once someone has been charitable on one occasion, they get on the mailing list and receive this sort of material. Probably nothing can be done about it if there is no Australian operator. On the other hand, I will have the Office of Consumer and Business Affairs make some inquiries.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: Most of them do not have postmarks. Most of them are bulk mailed.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: If it is fictitious, it is a real challenge to investigators to find it. That is the real difficulty: how do you track them down? Members may have read recently in the press where some prominent Adelaide business people were saved from a Nigerian scam. They are happening all the time. All we can do is keep publicising the fact that these things come in the mail and that invariably they are not soundly based and people ought to resist the temptation. If they want to go for something that might have a pot of gold at the end of the rainbow, they should go for the lotteries or the horses in Australia, rather than embark on something which is superficially attractive.

The way in which this is presented is interesting because, with modern technology, the letters can be personally addressed. It is a bit like any direct mail: these people can manipulate the correspondence to personalise it extensively. It may be that there is also a potential offence under the prescribed interests provisions of the Corporations Law, but that will take some investigating, as will any other investigation by the Office of Consumer and Business Affairs. I will have the matter looked at. I do not hold out much joy for the honourable member in getting satisfactory information, but I will do my best.

ATTENTION DEFICIT HYPERACTIVITY DISORDER

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, a question regarding attention deficit hyperactivity disorder in relation to correctional services.

Leave granted.

The Hon. IAN GILFILLAN: The National Health and Medical Research Council (NHMRC) Journal of 1997 contains a report into the attention deficit hyperactivity disorder (ADHD) and describes it as 'a behavioural syndrome in which symptoms of hyperactivity and/or inattention cause impairment in social, academic or occupational functioning'. It further states:

> A wide variety of human service agencies, largely within the health, education, welfare and justice systems, provide assistance with management of the disorder and its effects. . . For individuals, defiance or aggression in early childhood later increases the risk of conduct disorder, substance abuse and criminality. . . Large studies in the United Kingdom. . . in New Zealand. . . and in Canada . . . document the influence of early disruptive behaviour, language learning disorders and family adversity on delinquency. The developmental trajectory of early disruptive behaviour, progressing through conduct disorder to anti-social personality disorder and chronic offending, predisposes to persistent offending, including perpetration of violent crime.
>
> A recent survey recorded ADHD in 25 per cent of male prisoners. . . Legal precedent in the Supreme Court of Western Australia (1995) has recently recognised the impact of ADHD, associated learning disability and social compromise in the risk of delinquency. Needs are often unmet during juvenile incarceration, an opportunity that could have offered a chance for identification and intervention. . .
>
> There are therefore major implications for management of ADHD and its co-morbidities in the justice and welfare systems.

I repeat the figure from the survey, that 25 per cent of adult prison inmates in one study had ADHD. The Minister and members may remember that I asked a question earlier this session about the incidence of alcoholism and drug addiction in relation to inmates in prisons. I repeat that many people associated with correctional services feel that the prevention aspect is being grossly ignored and that instead we are lamenting the effect of ignoring this condition which results in a steep increase in crime and offences against the public, with the associated cost of incarceration, imprisonment and punishment.

It is important to look at the assessments in relation to the current treatment for ADHD, bearing in mind that it has a very expensive social impact on us with regard to criminal incidence and cost of imprisonment. The NHMRC report with regard to current services states:

> Federally:
> · Child disability resources unavailable because criteria demands at-home care;
> · ADHD not recognised as Federal issue, delegated to States.
>
> State:
> · No reference to ADHD in South Australian Department for Correctional Services 1996-97 Annual Report;
> · No uniform procedures for assistance with ADHD within Health Commission;
> · No assistance for ADHD via DETE (Department of Employment, Training and Education).
>
> Consequently, support services are primarily the responsibility of parents, the implications of which are:
> · As Atkinson *et al* have shown, the multimodal approach recommended by the NHMRC to prevent such correctional services problems, is difficult to obtain particularly for those with less financial resources;
> · Due to a lack of inter-agency collaboration which is recommended by the NHMRC on resource provision parents have to deal with several different agencies, and need significant and administrative skills to negotiate this;
> · There are significant cracks in resource provision for this serious issue, which the majority of youth with ADHD fall through.

It is clear from the reputable research work and this journal from the NHMRC that there is a major problem and that it is not being dealt with adequately. My questions are:

1. Does the Minister agree that ADHD is a significant long-term correctional services issue?

2. While the Government has set in place an inter-agency working group to make recommendations on responses to ADHD, what is this group doing to follow the NHMRC recommendations to provide a combined response in resource provision to help families affected by ADHD?

3. Given the recommendations that a multi-modal approach is to be used and the socio-economic barriers to appropriate ranges of treatment, what is the Government doing to ensure that solely pharmaceutical methods are not being used and that all South Australians have equal access to the best treatment for ADHD?

4. What, if any, multi-modal treatments are offered to prisoners in South Australia? We had evidence that 25 per cent of male prisoners are affected. What, if any,

research is currently being undertaken into the effect of ADHD in South Australian prisons?

The Hon. K.T. GRIFFIN: It is recognised that there are a number of difficulties in the correctional services system in respect of prisoners. In this State there are a number of core programs available to address the most frequently identified need areas. They have been clearly identified as cognitive skills, substance abuse, literacy and numeracy, anger management, domestic violence and victim awareness. It is recognised that, if one can address a number of these disabilities, illnesses or problems, perhaps one can more effectively keep these persons away from a life of crime once they return to the world outside the correctional services institution. I do not have all the detail at my fingertips in relation to the matters raised by the honourable member. I will refer them to the Minister in another place directly responsible for the area of corrections and bring back a reply.

ALZHEIMER'S DISEASE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief statement before asking the Minister for Disability Services and the Ageing a question about Alzheimer's disease.

Leave granted.

The Hon. CAROLINE SCHAEFER: Yesterday's *Advertiser* had an article entitled 'Alzheimer relief—for the rich'. I admit that this subject does have some personal importance to me because there is a member of my family who suffers from Alzheimer's disease. The article claimed that there is a new drug, Aricept, which improves the lifestyle of patients suffering from Alzheimer's disease. It claims that 100 patients have been trialled in South Australia and 1 500 throughout the world. Patients using it found that their behaviour improved, that they had better comprehension and that they were more able to cope with daily tasks. I wondered whether as a side effect it could be used in here at times, Mr President. However, at this stage there is no Government funding, and the cost to the user is about $200 a month for a drug which, while it has improved the lifestyle of these people, does not stop the progression of the disease. Are there any moves to make this available to public patients? One hundred people seems to be a small target group to trial it on. Will trials be extended, and is there evidence that it does indeed help those suffering from this very debilitating disease?

The Hon. R.D. LAWSON: I am aware of reports of the fact that the drug Aricept, or as it is known, dinepezol, has been refused inclusion in the pharmaceutical benefits scheme by the Pharmaceutical Benefits Advisory Committee, notwithstanding the fact that the appropriate Federal committee of the therapeutic goods administration had recommended release of the drug for use in Australia. I have seen reports of Dr Jane Hecker, a South Australian geriatrician, who says that this drug has had a significant effect on improving symptoms of patients. I have made further inquiries and verified that to be the case. I am advised that Aricept improves the symptoms of Alzheimer's sufferers, their quality of life, their memory, their functioning, their performance and their general enjoyment of life. This is a drug which has many beneficial effects.

There are 250 000 people in Australia who suffer from Alzheimer's disease, and the incidence of that condition in the South Australian population over the age of 65 is 5 per cent; but for those over 85—and we have an increasing number of citizens over the age of 85 years—the incidence of Alzheimer's disease is estimated variously at 30 per cent and some other very high percentages. It is of concern that any drug which might relieve symptoms to this important and significant section of the population is being placed beyond the reach of the community by reason of cost. I see in the report to which the honourable member referred that the Chairman of the Pharmaceutical Benefits Advisory Committee, Professor Birkett, who is a Professor at Flinders University, said that the listing had been refused on the basis of cost in relation to benefit.

I have already outlined some of the benefits of this particular drug and the improvement it makes over others, but there are also community benefits in having drugs such as this available widely. If the community can continue to support in their homes Alzheimer's sufferers, there is an obvious saving to the community in terms of institutional costs. Of course, there is a human cost in that the burden of carers is lightened. There is also the question of the suffering that Alzheimer's inevitably brings and the frustrations of that condition to those who suffer it and their families. The cost to the community of not having beneficial drugs of this type available is very high.

I am concerned by these reports. I will be writing to the Pharmaceutical Benefits Advisory Committee to urge reconsideration of its decision and also to the Commonwealth Minister of Health who has control over the pharmaceutical benefits scheme to enlist his aid in having this beneficial drug made more widely available.

ELECTRICITY, PRIVATISATION

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to asking the Treasurer a question about the direction in respect of the ownership and supply of South Australia's future energy needs.

Leave granted.

The Hon. T. CROTHERS: Those of us who were involved in the last State election well remember the Liberal Party's policy document No. 18. This document was entitled 'Focus on energy'.

Members interjecting:

The Hon. T. CROTHERS: They still laugh at their own perfidiousness. Among other things, this document to which I refer stated on page 3:

> While other States are privatising their energy assets, the Liberal Government is committed to retaining South Australia's facilities in public ownership.

There it was: a policy document released just prior to the last election setting out in black and white the present Government's policy of not selling off this State's energy assets.

In addition to the foregoing, I have taken the liberty of looking back at public statements of Ministers of the Liberal Government of this and the previous Parliament and, would you believe, Mr President, without trying very hard, I found 23 dating from 9 January 1996 to as recent as 23 December 1997. Some of these statements, in the light of subsequent present and future intentions of this Government, are well worth quoting, and I now do so. I might add that 12 of these statements emanated from the Hon. John Olsen, five from the Hon. Graham Ingerson, three from the Hon. Dean Brown, two from the Hon. Michael Armitage and one from the former Treasurer, the then Hon. Stephen Baker. An article in the *Advertiser* dated 28 August 1997 states:

The Treasurer, Mr Baker, poured cold water on any rumour that ETSA would be sold saying 'it was too valuable to the Government'. He further said it would not make a lot of sense to do so.

A further article from the *Advertiser* dated 16 April 1997 states:

Claims that State Government will privatise ETSA if it wins control of both Houses of Parliament at the next election were dismissed by the Acting Premier, the Hon. Graham Ingerson, as 'hypothetical bullshit'.

Out of the mouths of babes and sucklings! Again, from the *Advertiser* dated 10 November 1997 from the Hon.—

The Hon. R.I. Lucas: That sounds unparliamentary.

The Hon. T. CROTHERS: It is, but I am quoting. It is a quote.

The Hon. R.I. Lucas: That doesn't excuse unparliamentary language, though.

The Hon. T. CROTHERS: I agree. Talk to the Hon. Graham Ingerson about it.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: I agree that it is unparliamentary.

The Hon. R.I. Lucas: You should have said, 'Dot, dot, dot.'

The Hon. T. CROTHERS: I should have, yes. A few i's need to be dotted, apparently. An article in the *Advertiser* dated 10 November 1997 states:

Dr Armitage said there were still no plans to sell either ETSA or Optima because of the dividend they returned to Government.

A further article from the *Advertiser* of 11 April 1996 states:

Mr Brown said the Government was yet to make a final decision on the form a restructured ETSA would take but it doesn't include privatisation.

An article dated 30 April 1996 states:

The Hon. John Olsen was quoted as ruling out any wholesale privatisation of the Electricity Trust of South Australia Corporation whilst it continued to contribute a sizeable annual dividend each year to the Treasury coffers.

At the time that dividend was *circa* $200 million. Given the foregoing, my questions to the Treasurer are:

1. What is the real reason why the Government has switched ETSA privatisation horses in midstream?

2. In the light of the Government's policy document issued prior to the last election, and the other and various press statements made by leading Liberal Ministers of the day, which, as clear as day, state the Government's position both now and in the last Parliament as being totally against the sale of ETSA, does this Government believe therefore that it has the electoral mandate necessary to sell off ETSA?

3. Given the 360° turnaround in the present Government's position on the sale of ETSA, will the Treasurer explain to this Council and the people of South Australia how successive Liberal State Governments have got their position on the future of ETSA so wrong?

4. Does the Treasurer agree that it was either Cabinet incompetence of a high order or simply, in the light of the Government's policy just prior to the last State election, that the people of this State were lied to by the present Government for the electoral advantage of the present Government?

5. Does the Treasurer agree, as stated in Liberal Party policy document number 18, that far from the present Government's having a mandate to sell ETSA, the opposite is the factual case, that is, that a mandate was given to this minority Government to defend against the privatisation of ETSA against all comers?

The Hon. R.I. LUCAS: I first refer to question 3 to assist my learned colleague, the Hon. Mr Crothers in a maths lesson. If one does a 360° degree about turn, I would have thought that one was heading in the same direction. That was the case the last time I looked. I suspect that the honourable member might have been talking about a 180° about-face.

The Hon. T. Crothers: You're facing in the opposite direction.

The Hon. R.I. LUCAS: No, this is the honourable member's question, not mine. I am just assisting him.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! The Hon. Mr Crothers' question took six minutes to ask. Interruptions do not help the Minister to answer it.

The Hon. R.I. LUCAS: If the honourable member wants to ask a supplementary question and subtract 180° degrees from question No. 3, it might be a different question. In relation to the second and fifth questions, which refer to mandates, and tangentially the first question—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! The honourable member has asked his question. He might ask a supplementary question.

The Hon. R.I. LUCAS: I think I have struck at the tender underbelly of the Hon. Mr. Crothers.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I was talking about the tender underbelly of the Hon. Mr Crothers' question in relation to the 360°. Returning to questions two and five and also, as I said, partially question one, neither the Government nor the Premier, speaking on behalf of the Government, claimed, as a reason for its admittedly changed position on the ETSA and Optima sale, an electoral mandate. That seems to be the import of the question from the Hon. Mr Crothers: that, in some way, the Government was claiming an electoral mandate for a new policy position. It is quite the contrary.

Premier Olsen has indicated that this is a changed policy position, and one which was very difficult for him personally given the commitments that he had made prior to the election. He certainly has not claimed an electoral mandate for the changed position of the Party and the Government. He indicated that it was a difficult decision for him to take. I am very happy to provide a copy of the Premier's ministerial statement of 17 February to indicate the reasons why the Premier felt he had to, on behalf of the taxpayers of South Australia and in the best interests of the South Australian community, take that difficult decision.

I am also prepared not only to provide a copy to the Hon. Mr Crothers but also to sit down and have a cup of coffee with him and discuss Tom Sheridan's report in relation to a number of key questions which I know will be of interest to the Hon. Mr Crothers.

The Hon. T.G. Cameron: Can he take a taster with him?

The Hon. R.I. LUCAS: Yes, he could take the honourable member, I suspect. I think he would offer you up as his taster. I am happy to pursue those issues and provide that information to the honourable member. I do not think it would serve the interests of Question Time for me to go back over the explanation, which is clearly outlined in the ministerial statement of 17 February, why the decision was taken. I am happy, certainly, to discuss further the issue with the honourable member should he choose to take up my very generous offer for him and his taster, the Hon. Mr Cameron, to discuss the issue.

The Hon. T. CROTHERS: I have a supplementary question. The Treasurer, who has just replied to my question, can—

The PRESIDENT: Order! Put the question only.

The Hon. T. CROTHERS: Yes, Sir—perhaps answer this question. Does the honourable Minister not understand that if you walk a 360° circle you start out facing north and on the three hundred and sixtieth degree completion you are then facing south? I should have thought that even he would understand that. I wonder if he would answer that.

The Hon. R.I. LUCAS: The Hon. Mr Crothers is almost equidistant between St Patrick's Day and April Fool's Day, and I think the question would have been more appropriately asked either on 17 March or 1 April. I am happy again to explore his supplementary question over that cup of coffee later on.

BEVERLEY URANIUM MINE

In reply to **Hon. SANDRA KANCK** (25 February).

The Hon. DIANA LAIDLAW: On Saturday 21 February 1998 a meeting was convened at Hawker by Heathgate Resources to provide Aboriginal communities with information concerning the proposed Beverley uranium mine.

I am informed that Heathgate Resources consciously included technical information in their presentation about the proposed mining procedures.

At the request of Heathgate, the Hon. Graham Gunn MP, Member for Stuart, chaired the question and answer session of the meeting.

During the meeting police spoke to one person whom was disruptive and a second person whom was intoxicated and disruptive. This person was removed. Apart from these two incidents there was no other trouble and persons were well behaved.

The Chairperson contacted the Officer in Charge of Far North Division and conveyed his appreciation of police presence and the diplomacy and impartiality displayed by the officers present.

I have not received any complaints concerning the meeting. This is largely a matter between the Aboriginal Community and Heathgate Resources. Heathgate's action would appear to be pro-active and I would have thought the honourable member would have welcomed Heathgate's willingness to consult with the Aboriginal community. Any further questions on this issue should be directed to Heathgate as it is their initiative.

WEST TERRACE CEMETERY

In reply to **Hon. J.F. STEFANI** (25 February).

The Hon. DIANA LAIDLAW: The Enfield General Cemetery Trust, which now manages West Terrace Cemetery, is continuing the maintenance arrangements instituted by the previous Minister, which involve full-time staff. In addition, improvements are being made to irrigation and a management agreement pertinent to heritage is being negotiated with the State Heritage Branch.

The long-term objectives of the trust are to significantly enhance the historical resource and the landmark values of the West Terrace Cemetery, including the restoration of historic grave sites.

At this time, the trust advises that there is a program supervised by the Department of Correctional Services, which involves people who have committed minor offences. This program involves up to thirty people working for up to 210 hours per week and accounts for all available work opportunities. The trust, however, will consider opportunities to employ young unemployed people in the future.

GAMBLING

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Treasurer a question about interactive home gambling, which includes Internet gambling.

Leave granted.

The Hon. NICK XENOPHON: I see that the Treasurer will enjoy this question. On 8 March this year the Treasurer issued a media release headed 'New regulations for interactive home gambling' in which he stated:

> Uniform regulations for interactive home gambling have moved a step closer with the South Australian Government giving its support to a national draft regulatory control model. . . .The Government will now draft the necessary legislation for the adoption of the regulatory model.

The release also states that the draft legislation will include a provision for South Australia to receive all tax revenue collected interstate from South Australians who are using these interactive home gambling alternatives and goes on to say:

> If the Government does not participate in the scheme, this revenue will be lost to South Australia.

The 'revenue being lost to South Australia' argument sounds eerily similar to the same argument that was used by the Hon. Frank Blevins in 1992 when he introduced the Gaming Machines Act.

I also refer the Council to the final paragraph of the media release, where the Treasurer says:

> The Government has consulted widely on this issue with key interested parties, including the TAB, Lotteries Commission and the Liquor and Gaming Machine Commissioner. The Government will continue to consult widely as the legislation is drafted.

Given that interactive home gambling makes up, according to gambling researchers, a minuscule percentage of gambling losses in this State (well under 1 per cent) and given that a veteran gambling studies expert and counsellor, Mr Vin Glenn, of the Adelaide Central Mission is concerned—and his concerns are shared by other experts—that interactive home gambling has a potential to lead to significant gambling losses in this State with an ensuing social and economic impact, particularly amongst under-age gamblers, my questions to the Treasurer are:

1. Has the Government consulted with groups other than those specifically referred to in the media release, including welfare groups, groups representing small businesses, and with the community generally?

2. Will the Government also consult with the community widely to explore the option of banning interactive home gambling from this State altogether, given that the technology to do so exists and can be implemented?

The Hon. R.I. LUCAS: This issue of interactive gambling is a most important one and will be a most important issue for Parliaments across the nation and across the world to address over coming years. I know the interest of the Hon. Mr Xenophon in all matters of gambling, but in particular gaming, and I also know of his interest in relation to this matter. It is an issue that we have already discussed, albeit briefly, in one of our earlier meetings. Certainly I would be prepared to continue to have further discussions with the honourable member and seek his guidance and advice before the Government finally determines the nature and shape of this legislation.

I indicate in relation to the second question that I am not sure how widely the consultation ensued in the first instance. I am happy to obtain an answer to that question. More importantly, there is a commitment from me as Minister on behalf of the Government that prior to the introduction of legislation there will be the widest possible consultation process, and we will endeavour to consult certainly a good number of those groups that have been nominated by the Hon. Mr Xenophon and others. It will depend on exactly the process that we intend to follow but, if there is to be draft legislation or perhaps a discussion paper (we have not finalised a decision on that yet), we would like to have the widest possible discussion about the various options. There

is certainly no intention on my part, as Minister on behalf of the Government in this difficult area, to ram through legislation before there is appropriate consultation.

In relation to the question the honourable member has raised about why we do not just ban it, with the technology already existing, I am very happy again to offer to have a cup of coffee with the Hon. Mr Xenophon and discuss that because the advice that has been provided to gambling Ministers throughout the nation is that there is no way to stop or ban, as is suggested by the honourable member, interactive home gambling.

Certainly, the argument has been put very strongly that companies establishing themselves in countries such as Vanuatu, or in any other country, can establish these gambling enterprises and can transmit that game into a household in Adelaide and a family member can participate in that game over the Internet and can down load, if they are using the current technology, their particular Bankcard or Visa number, or transfer money in some way, and there is no way in which a Government can prevent that, short of having Internet gaming police bursting into every home and checking to see what is going on at any point in time.

Certainly, the advice that has been provided to us is that it is impossible, at this stage, anyway, to prevent South Australian citizens or Australian citizens from gambling with overseas providers. If, as the honourable member has indicated, he has information available on technology which will prevent and stop that problem, I invite him to provide that information to me. I will certainly make it available to all other gambling Ministers throughout the nation to let them have a look at it as well. Obviously we would need to talk to our advisers to see whether or not they agree with the honourable member's view that it is possible to ban interactive home gambling through the use of technology and other devices.

I share the concerns of the honourable member. It is a huge social issue. Before the Government finally introduces its legislation there will be an opportunity for the honourable member, his colleagues and other associations to comment to the Government on its final detailed proposals.

EMPLOYMENT

The Hon. G. WEATHERILL: I ask the Treasurer, representing the Premier, where the Premier sees the growth areas in South Australia for employment now and in the immediate future.

The Hon. R.I. LUCAS: I am happy to refer the honourable member's question to the Premier and bring back a reply, but certainly one can gather from statements that the Government and the Premier have made in a number of areas that the Government sees huge potential growth in information technology and in the back office operation sector. Certainly, also, the Government sees a huge potential growth in the wine industry and associated employment in that area, as well as in the hospitality industry. The Government also sees potential growth for employment in areas such as aquaculture. More broadly across the nation—and South Australia will be no different—we see much growth occurring in the future in the service industries generally.

If one speaks to people such as Philip Ruthven and others who make long-term predictions into the future in terms of economic trends, one finds that they certainly share the view that there will be a continuing decline in some of the more traditional employment sectors and that the huge growth in the future in Australia will be in the broader service industry sector and, in many areas, delivering services which are not currently provided or which are currently provided by families within their own family network.

MATTERS OF INTEREST

GREEK NATIONAL DAY

The Hon. J.F. STEFANI: Today the South Australian Greek community is celebrating the national day of Greece and, as a close friend to the Greek community and a recipient of the Philip of Macedon Award, it is with great pleasure that I extend my warmest congratulations to the official representatives of the Greek Government in South Australia: the Consul-General of Greece (Mr Ilias Maltezos) and the Consul of Greece (Mrs Ekaterini Dimaki). I also extend special congratulations to all my many friends within the South Australian Greek community whom I have had the privilege to serve over the past 10 years as a member of this Chamber. Last weekend the South Australian Greek community also celebrated the twenty-first anniversary of the Glendi Festival, which I was honoured to attend as a guest of the Glendi board.

The Glendi Festival was first established in 1977 and, through the untiring efforts of its organisers, has become one of our most successful South Australian festivals. Every year the Glendi board has set new standards, and today the Glendi Festival is recognised as one of the most significant events in our multicultural festival calendar. Glendi has become a showcase for the celebrations of the ancient Hellenic culture and for the many important family traditions. The festival provides an opportunity for all South Australians to experience the rich cultural heritage, traditions, music and hospitality that is so generous and so typical of the Greek people. It is also time to participate in a wide range of cultural festivities through music, folk dancing, arts and crafts and a wonderful variety of food. Glendi is a celebration of our diversity and of the achievements of the South Australian Greek community.

The Greek community can be justly proud of its cultural heritage because it is directly linked to the ancient history of the Hellenic civilisation, which I was very privileged to experience and share on my three unforgettable visits to Greece. But a festival such as Glendi would not be possible without the magnificent efforts of so many dedicated people, together with the support of the sponsors, as well as the countless number of volunteers who work tirelessly behind the scenes to ensure the success of the festival. I therefore pay a special tribute to the contributions of the Chairman (Mr George Kavaleros) and of all members of the Glendi board and organising committee who, together with the staff and volunteers, continue to make the Glendi Festival such an outstanding success.

I also take this opportunity to pay tribute to the enormous contributions that the Greek community has made and continues to make to the development of our State. I look forward to my continued involvement with my many friends within the South Australian Greek community and wish them all every success for the future.

YOUTH COUNCIL

The Hon. J.S.L. DAWKINS: Recently, while driving to Clare, I heard an interview on ABC Radio 5CK/5LN between morning presenter Lou Hendrik and Ms Vicki James, the Community Development Officer with the City of Port Lincoln. The topic of the interview was the establishment of a Youth Council in Port Lincoln. This subject was of particular interest to me following an association I had with the Stirling Youth Council during my time as Electorate Officer to the Federal member for Mayo and now Foreign Affairs Minister, the Hon. Alexander Downer MP. The concept of the Youth Council at Port Lincoln arose out of a needs analysis conducted in 1996 as a basis for future planning needs. The analysis consisted of a survey instrument and structured interview methodology with over 200 young people aged between 13 and 24 years.

The questionnaire was extensive, covering all areas that touched their lives. The question that has led to the concept of a Youth Council asked young people for suggestions in overcoming problems identified. Gaining a youth voice was in the top five responses, with 105 young people identifying this as a need. The young people identified seven actions that would give young people more of a say. In September 1997 the issue of how best to give young people a say (and other issues) was further investigated in Port Lincoln during Local Government Youth Week. This consisted of holding a number of youth forums, involving 90 young people. The young people selected a spokesperson from each of the forums and, following some training, these selected young people presented the issues, concerns and ideas raised in their forum to the Port Lincoln council at a civic reception held in their honour.

At this presentation the young people identified the establishment of a Youth Council as being a high priority for them, and they sought council support for the concept. Council followed through with the young people's request at a later, full meeting of elected members and agreed to establish a Youth Council if sufficient support could be obtained. Council recognised that the establishment of such a committee would require a high training component and support for it to be successful. At that point council did not have available resources within its existing staff structure to conduct this additional program. Community support has been gained for the project, with local Skillshare offering to provide training for the young people, and Apex agreeing to provide mentors to the Youth Council.

During a Youth Expo organised in Port Lincoln on 26 February 1998, councillors manned a stall and encouraged young people to register their names if they were interested in being on the Youth Council, and to indicate what issues they would like addressed. Forty names were registered. All the supports for the establishment of a Youth Council are now in place, the final step being the selection of the representatives on the Youth Council from the names gathered. It is hoped to bring the Youth Council members together by April 1998. The 40 young people who registered an interest have now been forwarded an application form and asked to give a brief written explanation of the reasons why they would like to be a Youth Council member.

I congratulate the elected members and staff of the City of Port Lincoln for this initiative to address the needs of local young people. The local Skillshare group and Apex Club are also to be congratulated on their support for this concept. In relation to the Stirling Youth Council, I am pleased to learn that the new Adelaide Hills Council, which incorporates the old District Council of Stirling, has plans to extend this successful model to include youth from across the entire new council area.

SOCIETY, CHANGING DIRECTIONS

The Hon. M.J. ELLIOTT: I take the opportunity to be somewhat philosophical, I suppose, talking about directions in which society is moving at this stage and offering a part explanation as to why Governments of all types are struggling somewhat at this time. Bob Dylan, I guess 20 or so years ago, sang a song entitled *The Times They Are A-changing*. I suppose times are always changing, people are changing and society's attitudes are changing, but it seems to me that there is a major paradigm shift currently occurring in the community, and that paradigm shift has significant implications for the political process and for the way we go about doing things more generally. Such a shift does not happen overnight. In fact, it has been coming for some 20 years and may take another 20 years before it is completed. That change, I suppose in a sociological sense, could be described as our moving into a post-industrial or post-materialist society.

It does not imply that industry is no longer important, but it does recognise that far fewer people are being employed in industry. It does not mean that material goods are in less demand—in fact, material consumption is still rising—but I believe that material goods are now not as important to people as they were previously. I believe that people are placing increasing importance on social and environmental values and, importantly, in terms of decision-making, they are seeking to be more involved. People are seeking equity, ecological sustainability and participatory democracy. In my view, people are seeking both personal and community empowerment. They are informed, they have an opinion and they are not prepared to be ignored. If the Government wishes us to move ahead, it is important that the decision makers are far more inclusive than they have been in recent times—and perhaps ever have been.

If one looks at research that has been carried out in relation to business and how important the involvement of people is, a comprehensive study by the Institute of Personnel and Development in the United Kingdom has found that the management of people has a greater effect on business performance than strategy, quality, manufacturing technology and R&D put together. Human resource management practices explain 19 per cent of the variations in profitability and 18 per cent of differences in productivity between companies and within organisations. All this serves to confirm that treating people with dignity and respect through good management leads to increased productivity. If that is true in business, I believe that it should be even more true in relation to Government and the way you run society as a whole. Surely, the ability of society to deliver outcomes is dependent upon the way in which people are managed—which is an interesting notion, managing people, but I would argue that, in a Government sense, it is still relevant.

There is no doubt that world wide—at least in the First World countries, whether you go to North America or Europe—the level of trust that people have in politicians and the political process is diminishing, and diminishing rapidly.

An honourable member: It is here, too.

The Hon. M.J. ELLIOTT: It is happening everywhere. I believe that that is because the world is in this transitional

phase that I described previously, where Governments are still trying to work in an old paradigm: a paradigm where the boss knows best. They are making one fundamental mistake now, in that they have failed to work out that, in politics, the boss is the voters and not the politicians. But having been elected, they work as if they are the boss and they do not need to consult, they do not need to involve and they can treat people with contempt and a lack of respect.

My plea to Governments is that it is about time that they treat people differently, that they treat them with respect and that they listen. The reason why the Government is having problems at West Beach relates not just to the fact that people have concerns about what will happen at West Beach: it is because those people know the contempt with which they have been treated over a number of years in relation to that project and they know that, regardless of the merits of that project, it was already signed, sealed and delivered and they were always going to be ignored, and that is what upset them.

The PRESIDENT: Order! The honourable member's time has expired.

RURAL ROAD SAFETY STRATEGY

The Hon. T.G. ROBERTS: I rise to speak on a matter of importance to all South Australians, that is, rural road safety. The ERD Committee has taken up the challenge of the Minister's recommendation that it look at rural road safety as a brief. I asked a question in relation to rural road safety in this House on 17 March, and it certainly does not give me much confidence that our committee will get any different results or answers to questions than I had in relation to my own question in this place. I asked a question in relation to rural road safety campaigns and the particular problems of people in rural areas, not only the permanent residents and the people who ply their trade within those rural areas who go about their business on a daily basis but also those people who pass through unfamiliar territory in relation to road signs and finding their way through, in some cases, mazes of rural people going about their day-to-day business.

I took the Riverland, the Clare Valley, the Barossa Valley and the South-East as examples at particular periods of the year, usually associated with the wine industry—and that is the common denominator in those four areas, but certainly other agricultural-horticultural activities—and made the suggestion, through the question and through some discussions on radio, that perhaps the Government should look at running a campaign to make people—that is, those permanent residents going about their business with the mixed functions traffic and visitors—aware that there are certain hazards in particular geographical areas due to those activities.

Using the South-East as an example, we have the B-double log trucks taking pulp log from one mill to another. They are also carting large diameter logs at relatively high speeds on open roads to veneer factories and other processing factories. They have a right to deliver those logs in the way prescribed by legislation. There are agriculturalists going about their business moving heavy equipment—harvesters, etc.—from place to place very slowly. So, you have a whole lot of mixed function road users travelling at various speeds on various roads at various levels of safety. The answer that I received was that the Minister, or the Government, did not see it as a real problem.

My reason for asking the question was that there had been three incidents, in each of which four people had been killed, where people who perhaps were not aware of those traffic movements had moved out in front of heavily loaded trucks moving at relatively high speeds, within the speed zones and operating within the law, and had failed to take into account these traffic movements. In those cases, many lives were lost. The Government's reply to me was that the mixed functions and mixture of traffic on those roads was not a real problem but that speed, drink-driving, fatigue and inattention were the real problems. In some cases, inattention could mean that that mixed function that I talked about was a part of that.

But there was an outlying problem associated with the reply, in that the Government was not going to spend any time even to see whether the statistics now, which may not be indicating a real problem, will be a problem in the future. And I am saying, just as the honourable member who spoke previously said, that changed attitudes and improved information gives people the ability to predict what will happen in particular areas. I would certainly like the Government to take a more serious look at it and give some attention to that problem.

The PRESIDENT: Order! The honourable member's time has expired.

The Hon. T.G. CAMERON: Between 27 August and 18 September last year, I travelled more than 5 000 kilometres around country South Australia, visiting 17 councils, meeting council officers and seeing for myself the poor state of some of our country roads.

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: No, I was facing the same way when I got back. Over a period of six days, I had a total of 39 appointments and, considering the distances that had to be travelled between the various councils, it was quite a vigorous undertaking—and I did not get a speeding ticket—an undertaking, I hasten to add, that was both enjoyable and informative. The tour was in response to a letter that I had sent to every non-metropolitan council, asking them to identify local roads and highways that they believed to be a safety hazard. I was particularly interested in those sections that they considered to be black spots and which needed urgent attention. I visited 17 councils in total, including the South-East councils of Robe, Beachport, Millicent, Mount Gambier, Naracoorte, Bordertown (that's Angus Redford territory); the northern councils of Burra, Peterborough, Port Pirie, Clare and Gilbert Valley, Wakefield, Mallala and Gawler; and the Riverland councils of the Barossa Valley, Waikerie, Renmark and Berri-Barmera.

The vast majority told me in no uncertain terms that they considered our country roads to be deteriorating to a dangerous level. On my return, I took the opportunity to forward the councils' concerns to the Minister for Transport, who has kindly sent me copies of her recent responses to those councils. To list all the responses would take more time than I have today, so I will list just a few. The District Council of Tatiara has been advised by Transport SA that works are scheduled this year to improve the safety of the Dukes Highway between Keith and Bordertown, which is a well-known death trap, being responsible for four deaths just last year. Work will include shoulder sealing, improved delineation and the use of audio tactile line marking. In addition, proposals to fund overtaking lines east of Keith will be put to the Federal Government under the national highway program.

Also in the South-East, the District Council of Wattle Range has been informed that a road safety auditor will assess the Millicent roundabout to consider removal of the

stobie pole which is an accident waiting to happen. The Berri Barmera Council in the Riverland received funding from the black spot program for the corner of McKay Road and Distillery Road, Glossop, while the District Council of Mallala to the north of Adelaide received funding to improve the operation of the junction of Germantown Road and the Two Wells-Gawler Road.

While I am pleased to be able to report a little success in getting funding for some councils, I am concerned that many of the others were not so fortunate. Of the 52 complaints I received from the 17 councils, 20 have seen or will see some action taken over the next 12 months. Of the rest, some will be looked at in future budgets. Others are considered by the State Government to have low or no priority, whilst others are considered to be the responsibility of the local councils. Let us hope that there are no fatalities or serious accidents at the spots that the Government considers to be of low or no priority.

Considering that in excess of 60 per cent of all road fatalities occur on country roads, up from 54 per cent just five years ago, the Government should be listening carefully to the country councils because they know from harsh experience where the road black spots lie. Time will tell whether this Government takes road funding, in particular the state of our country roads, seriously. However, the ball is now in the Minister's court. She has been made aware of the spots that many of our country councils consider to be dangerous, run down and in need of urgent repair.

I conclude by thanking all those country councils and their staff who went out of their way to make time available to meet with me, to visit and explain their local road concerns. I should also like to pass on my thanks and the appreciation to the country media for their interest in this important issue. As a country member, Mr President, I am sure you would appreciate one comment that I heard time and time again on this tour: members of Parliament and the Government should get out into the country more regularly to see first-hand the problems and difficulties country communities face. I could not agree more.

DAVIS, Hon. L.H.

The Hon. T. CROTHERS: While at this time in South Australia there is much to grieve about, I wondered what I would speak about today, so I must tell the Council that I was inspired by a couple of contributions made recently by the Hon. Legh Davis. One was in respect of a rose farm, which had me harking back to my days at school, and I well recall a poem, the first verse of which very aptly allies itself with the loquacious comments of the Hon. Mr Davis. It stated:

> It was roses roses all the way
> with myrtle mixed in my path like mad
> the house rooves seemed to heave and sway
> the church spires flamed such flags they had
> a year ago on this very day.

Members may well wonder what the connection is with yesterday's contribution by the Hon. Mr Davis. There are a number of connections, but one that sprung readily to mind was that the nomenclature or the name appended to the poem by the poet was *The Donkey*. I do not want to make any connections with my much loved colleague the Hon. Mr Davis, but I just thought that there was some significance because that poem, *The Donkey*, sprang immediately to my mind as he was speaking—the most asinine of all of God's equine creations.

The other comment the honourable member made that inspired me concerned factionalism in the Labor Party.

The Hon. T.G. Cameron: Inspired you?

The Hon. T. CROTHERS: Yes, it absolutely inspired me, and I will tell the Council why I was inspired. When a Party is in Opposition it can have a 'Billy the Goose' faction and any other sort of faction, but one must lack political streetsmart and savvy if one does not understand that public faction fighting in government is extremely damaging in the eyes of the electorate. A failure by Government backbenchers or anyone else to understand that truth is a failure on their part to take remedial action.

What also inspired me was the article in today's *Advertiser* about Liberal Party factions. The article was attributed to the Hon. John Howard, the Prime Minister of this nation, and it concerned some bitter Liberal Party infighting in Queensland over a preselection issue in that State. Apparently it was not to the liking of the Prime Minister because at least one of his present incumbent Senators was defeated by elements outside the preselection machine in that State.

When Mr Howard admonished the Queensland branch, he held up as his role model to demonstrate what damage factional infighting can inflict on political Parties, particularly when they are in government, the two-faction fight between the Hon. Dean Brown's faction and the Hon. John Olsen's faction. The Hon. John Howard, the Liberal Prime Minister of this nation, was quoted as admonishing the Hon. John Olsen because he believed that there was no call for members of the Government Party in this Parliament to move against Dean Brown and defeat him. That comes from such a savant as the Hon. John Howard. I was very pleased with both contributions from the Hon. Mr Davis because it set me to pay attention to matters at hand.

The PRESIDENT: Order! The honourable member's time has expired.

EYRE PENINSULA GRAIN HARVEST

The Hon. CAROLINE SCHAEFER: I will not take my full five minutes but not because what I am going to speak about is not important. One honourable member today has mentioned the Glendi Festival, and a motion is to be moved in this place praising the organisers of that festival, and I extend my congratulations to those people and to that group. Also, as has become something of a tradition in this Council, a motion is before the Chamber which congratulates the organisers of the Festival of Arts and the Fringe, and I also extend my congratulations to them.

However, once again I want to mention the people who I think are the most important to the State, and that is the farmers. At this stage I have the figures only for the Eyre Peninsula cereal harvest, but I hope to be able to make another five minute speech when I have the figures for the rest of the State.

Eyre Peninsula, which I think contains some 10 per cent (possibly fewer) of the State's farming families, this year delivered 1 176 000 tonnes of wheat, which is 45 per cent of the State's production; 516 000 tonnes of barley, which is 27 per cent of the State's production; 31 000 tonnes of oats, which is 58 per cent; 19 000 tonnes of peas; 5 500 tonnes of faba beans; 27 000 tonnes of lupins, which is 72 per cent of the State's production of lupins; 15 000 tonnes of canola; 200 tonnes of chick peas; 100 tonnes of rye; and 13 000 tonnes of triticale. This totals 1 802 700 tonnes of grain, which is the

equivalent of 36 per cent of the State's crop production, and most of that, as you would know, Sir, is destined for overseas.

I commend the farmers of Eyre Peninsula for their work under very difficult conditions. The Eyre Peninsula has very unreliable rainfall. The time will come again when those people will suffer. They, better than anyone, know that rainfall will always determine their profitability. Nevertheless, the 1980s probably hit Eyre Peninsula farmers more heavily than anyone else, and the recovery that they have made has been remarkable. Certainly, some 30 per cent fewer farmers are on the peninsula now, but those who are there I believe are there for the long haul.

New methods of farming have been introduced. Numerous people are farming to rain profitability as opposed to other methods. Minimum tillage to preserve the soil and the topography of the soil has been introduced. One of the latest technological advances is the spreading of clay on impervious and water resistant sand. This process brings land into production that previously was not viable for growing grain. The returns and yields per hectare have risen by some 20 per cent over the past four or five years.

I would like to use this time to commend those people for their insight and understanding of the soil, and to remind members from where the income and stability for the State comes.

LOBSTER POTS

The Hon. R.R. ROBERTS: I move:

That the regulations under the Fisheries Act 1982 concerning lobster pots, made on 28 August 1997 and laid on the table of this Council on 2 December 1997, be disallowed.

I have come to the above position after lengthy experience with recreational pot fishing issues. Since 1985 and up until about 1996 no extra recreational pot licences had been issued in South Australia, although the demand had been growing. In 1993 on behalf of constituents I remember taking up this matter with the then Minister for Primary Industries (Hon. Dale Baker), when I suggested that it was time that we looked at recreational pot fishing. As most members would be aware, there has been a long and often heated debate about the professional rock lobster fishery in South Australia, which is a very successful industry but is very much a closed shop.

The southern rock lobster fishery in particular has been fully exploited for many years. There have been huge arguments about it, going back to the time of the Hon. Terry Groom and during the period the Hon. Dale Baker was Minister for Primary Industries. After a great deal of upheaval and angst finally a solution was reached within the rock lobster fishery for the professional rock lobster fishers. The Government decided in 1995, after submissions from recreational fishers, that a rock lobster recreational advisory committee be set up to advise the Government on the accessibility or otherwise of allocations for recreational pot fishers.

It is important that we delineate the professional licences from the recreational licences. After a great many submissions it was determined that there was a need for extra pot licences for recreational fishers, and these were much sought after by many recreational South Australian fishermen. They welcomed the introduction of a range of new licences, although the conditions had changed. The Hon. Terry Roberts would remember when he held a recreational pot licence that it was a family licence and anyone in the family could use those pots. However, the new regulations provide that they are individual pot licences, and the quotas have been changed substantially. However, it was an issue welcomed by recreational fishers in South Australia.

We are now seeing sharks entering the recreational lobster fishery. At the time the licences were to be made available to South Australians—and I understand that 12 000 pots were to be allocated—it was advertised (and I do not criticise the Government for that) but I am advised by recreational fishers and people with an interest in this matter that that information was not easily accessible. What did occur, I am reliably informed, and I am sure that it is right, was that at the time when the release was about to take place, the annual general meeting of the professional rock lobster fishers in South Australia was taking place in Adelaide and at that conference professional fishers were advised that they ought to get down as quickly as possible, because it was to be a first-in-first-served basis, and register pots. I am advised that professional fishermen and their families took that opportunity to go out and snaffle up as many of those pot allocations as possible. In fact, I know of one professional fisher in Streaky Bay whose wife, his three children and himself have all been given recreational pot licences. This has denied recreational fishers the opportunity to enter the fishery.

Unfortunately, the way the regulations are, I do not think there is anything illegal about the situation. This matter has been canvassed at the Legislative Review Committee and I think it is fair to say that most people on the Legislative Review Committee—and they are able to speak for themselves—recognise that there has been a rort and that it is within the existing rules. I took the opportunity when this matter was brought to my attention of writing to the Minister and asking him a series of questions. I do not intend going over the letters, but suffice to say that I did receive correspondence back which said, 'To crosscheck over 6 000 pot registrations to determine this information [that is, information about whether they were professional fishers or a family of professional fishers] would result in considerable costs and cannot be justified.'

I take exception to that situation. I believe this information is vital to recreational pot fishers in South Australia. If there is a rort, it ought to be exposed. There is a clear delineation between recreational fishers and licensed fishers. I believe that professional fishermen who are using this loophole in the regulations are being absolutely greedy. I am a bit like the Salvation Army: I am on the side of the needy and not the greedy. The Government does need to act to overcome this problem. It is a simple matter to introduce other regulations to ensure that this rort does not recur. It may be too late, and there may be legal ramifications for taking—

The Hon. M.J. Elliott: Is it an annual licence?

The Hon. R.R. ROBERTS: Yes. The Government should review this situation and go over the registrations. I will not accept that with the computer age it is a huge task to sort out who is holding the recreational licences and how many of those people are either family or professional pot fishers, anyhow. I have been advised in the last two days by the Minister—and I thank him for his cooperation—that the Director of Fisheries, Gary Morgan, wants to brief me on the department's position in this respect. It is on that basis, having formally moved and had this motion seconded, that I seek the Council's leave to conclude my remarks after I

have had an opportunity to be briefed by the Director of Fisheries, Gary Morgan.

Leave granted; debate adjourned.

TECHNICAL AND FURTHER EDUCATION ACT REGULATIONS

The Hon. M.J. ELLIOTT: I move:

That the principal regulations under the Technical and Further Education Act 1975, made on 28 August 1997 and laid on the table of this Council on 2 December 1997, be disallowed.

I speak to this disallowance motion realising that this will be the last opportunity to do so until Parliament resumes at the end of May. At this stage I want to put on the record a number of concerns that have been raised with me in relation to these regulations. This will flag to the Government that at least the Democrats has a concern about these and that we hope they will be addressed. At this stage we have no intention of moving further or to put pressure on to vote to disallow the regulations, because it has been put to me that many of the regulations are supported strongly. It is one of those cases where we have extensive regulations with most of which there are no problems but among them there are a few difficulties, and we do not want to throw out the baby with the bath water. So, I want to give the Government an opportunity to look at those issues and to address them before Parliament resumes at the end of May.

How these regulations may be used cannot be separated from the proposed amendment to the TAFE Act relating to the operation of the Industrial and Employee Relations Act. If the TAFE Act is changed in the way the Government wants, these regulations will override the existing provisions of the DETAFE Educational Staff Interim Award. A number of the regulations are inconsistent with the award provisions and will, first, diminish an existing right of entitlement that employees currently enjoy, or, secondly, allow the Minister unilaterally to change employment conditions without reference to the award or to Parliament.

If the TAFE Act is amended in the way originally proposed by Parliamentary Counsel to ensure that the Industrial Commission has jurisdiction to deal with industrial matters, some of the concerns about the regulations would be diminished. I shall address specific concerns, the first of which relates to regulation 8. The proposed regulation is at variance with schedule 2 of the DETAFE Educational Staff Interim Award.

The required qualifications criteria are set out in the award. The regulations make no mention of the classification committee which must be satisfied before a reclassification takes place, nor does the regulation acknowledge the award requirement that classification criteria must be agreed between the Minister and the union.

With respect to regulation 12, the recreation leave entitlement of 20 days for employees is contained in the award (see clause 20). The regulation allows the Minister to determine or change leave entitlements by administrative instruction. In terms of regulation 14, the award specifies specific particular non-attendance days for staff (clause 29 for lecturers and clause 10 for educational managers). These are an award entitlement. The regulation gives the Minister the power to determine and change by administrative instruction an employee entitlement.

Under regulation 66 the powers of search by a Director of a college or a person authorised by the Director have been expanded to include the power to search people other than the employees of the department or the college or students of the college institute. Visitors to an institute under this regulation may be subjected to search of their bags, vehicles, etc. A person failing to submit to a search under this regulation is guilty of an offence. This will cause a great deal of concern in terms of setting precedent more generally in the law. The power to search is being given to people and there does not seem to be any suggestion of reasonable suspicion. We query the necessity to search people without due cause being shown.

The Hon. A.J. Redford: This is consistent with the Legislative Review Committee's guidelines. We are very concerned about that.

The Hon. M.J. ELLIOTT: I am pleased to hear that. I hope you are concerned about the other regulations, too. Regulation 69—Administrative Instructions—is a new regulation and reads as follows:

(1) The Minister may from time to time issue administrative instructions as contemplated by these regulations or as necessary or expedient in the exercise of the powers and functions conferred on the Minister by the Act or prescribed by these regulations.

(2) An administrative instruction issued by the Minister under these regulations may be varied or revoked by further administrative instructions.

On its face, the current regulation 69 appears to expand the powers of the Minister under the Act [which of course is not what regulations are meant to do]. Most of the TAFE Act regulations in divisions 1 to 5 are concerned with employment matters such as recreation leave, sick leave, appointment and reclassification of lecturers. Under regulation 69 they may be changed by administrative instructions without reference to the award or to Parliament. This is particularly a concern in relation to the amendment Bill because, first, it allows administrative instructions to be in conflict with the DETAFE (Educational Staff) Interim Award; and, secondly, the proposed Amendment Bill would deny employees access to the Industrial Relations Commission to sort out the conflict in employment conditions created by such administrative instructions.

Arguments about conflict between the DETAFE legislation and what can be done under industrial relations legislation are matters that will be discussed further when we debate later today the Government's Technical and Further Education (Industrial Jurisdiction) Amendment Bill, and I can leave some of that debate until then. But these regulations do interact with that and there are some similar issues contained within it. There is no doubt that there was some tension between the Industrial Relations Act and the Technical and Further Education (Industrial Jurisdiction) Bill. As I understand it, that legal tension was not causing any major difficulties. The people working in DETAFE were for the most part happy—as much as one can be happy—in terms of the way in which the industrial relations legislation was working.

However, there is grave concern about what seems to be an increasing move to rely entirely upon the DETAFE legislation and its regulations and to give a great deal of power to the Minister to use administrative instructions as a way of determining industrial conditions. That obviously will cause a lot of concern in many quarters, and that also is a component of the concerns in relation to the regulations. One regulation about which I have raised concerns relates just to powers of search of people, the rest relating purely to industrial matters.

As I have said, the primary reason for this motion for disallowance, recognising that the Parliament is not sitting for a couple of months, is to ensure that the issues are on the record and that the Government had an opportunity to address them. If it does not address them, there is a real need for us to proceed formally with the disallowance.

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

GLENDI FESTIVAL

The Hon. CARMEL ZOLLO: I move:

That this Council congratulates the Glendi Festival Chairman (Mr George Kavaleros), the 1998 Festival Coordinator (Mr Peter Louca, JP) and the Organising Committee of the twenty-first annual Glendi Greek Festival, and expresses its appreciation of the wonderful contribution the festival makes to South Australia.

I move this motion to recognise the significant achievement of the Glendi Greek Festival on reaching the milestone of 21 years of festivities in South Australia. I congratulate the clubs and organisations which participated in the 1998 festival on the weekend of 21 and 22 March. Appropriately, as I move this motion, members have already had drawn to their attention that today marks the Independence Day of Greece.

A few weeks ago I commended the achievement of the Italian community and the Coordinating Italian Committee on Carnivale. It is appropriate that today I rise to recognise that festival which draws the pre-Easter season of festivals to a close, the Glendi Greek Festival.

The first Glendi was held in 1978 to celebrate the Independence Day event. The 1978 festival held at Thebarton Oval drew an impressive audience of about 30 000 people. An organiser involved at that time, Mr Steve Condous (now the member for Colton in another place), when asked by the *Advertiser* to describe the meaning of Glendi said, 'Glendi, a Greek word meaning merriment and celebration'. This holds as true today as it did then. Glendi captures the spirit of the Greek sense of communal celebration. The Olympian task of presenting the Glendi each year is a credit to the Greek community, and it deserves our special acknowledgment.

In particular, I congratulate the efforts of the Glendi Board Chairman, Mr George Kavaleros, and the festival coordinator, Mr Peter Louca. Both exemplify the vitality of the cultural heritage imparted to them by the Greek community. They are typical of the new, young and active generation involved in sections of the Greek community.

Mr Kavaleros has been participating in the organisation of Glendi for the past six years in various capacities, the last as Chairman of the Glendi Festival Board. Mr Louca has been active in the community for the past 10 years in many different areas as past State and National President of the National Union of Greek-Australian Students, and his involvement in the Cypriot community, amongst others, is also well known.

This is the second year he has successfully coordinated the Glendi festival. It is heartening to note that the 1998 Glendi committee, the vast majority of convenors and other volunteer workers are under the age of 35. This youthful group of people has vigorously expanded on the foundations laid by their previous members. Youth participation in the festival was demonstrated in the Glendi Square area, with an impressive display of exhibits from young people, students and university organisations, an Internet cafe and many displays from schools around South Australia. With the participation of young people in this festival at all levels, from organisation to participation, I have no doubt that this will assist the Glendi to continue to grow and prosper.

Glendi is part of the traditional great festivals about which we should be proud. Adelaide is privileged to host many festivals similar to Glendi, including the Schutzenfest and Carnivale. It is evidence of the richness that has been added to our society as a result of migration and multiculturalism. I am particularly pleased to see the parklands being used by such a diverse cross-section of our community for such a variety of festivities and activities.

Glendi is no doubt one of the most significant ethnic festivals in the nation, and has been described as the largest single ethnic festival of its type in the Southern Hemisphere. According to organisers, about 68 000 people attended Glendi this year. This is a tribute not only to the organisers but also to the Greek-Australian community of South Australia. Even though Adelaide, with around 50 000 Greek people, does not have the largest Greek population compared to Victoria, which has a Greek population of around five times that number, it certainly has the most successful festival.

I was fortunate to be able to attend the opening ceremony of the 1998 Glendi, together with many other members from both this and the other place. The patron of the festival, His Excellency Sir Eric Neal, officially opened the 1998 festival with an exciting fireworks display. The cultural marquee had several interesting exhibitions on display, including replica statues and busts in the 'Body and Souls' exhibit and a display of traditional Greek blues music in the Rembetiko exhibit. There was also a beautiful collection of hand-painted ceramic plates, which depicted scenes from the tale of the Odyssey.

The Glendi involved well over 30 different regional clubs and associations, as well as a dozen dance groups. Testament to the festival's ever-increasing significance was the live broadcast of the opening ceremony to radio stations both in Victoria and New South Wales. Two international acts of about 20 persons from Greece also performed, as well as many talented local artists. I am informed that the economic activity attributed to the Glendi, both directly and indirectly, is about $1 million. This demonstrates not only the social and cultural benefits of the festival but also the economic contribution.

We are made richer for the contributions made not only by the Greek community but also by all other groups who make up the tapestry of multicultural South Australia. It is the understanding of each other's culture, rather than tolerance, that will be the challenge for the future of our diverse society.

The many other contributions made by the Greek community are known to many members. Like all community events, Glendi is only made possible by the hard work and dedication of hundreds of people behind the scenes. This is an opportunity to recognise such involvement and hard work. Once again, I congratulate Glendi and, in particular, Mr Kavaleros and Mr Louca. I urge members to add their support to the motion.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

PROSTITUTION BILL

The Hon. T.G. CAMERON obtained leave and introduced a Bill for an Act to regulate prostitution; and to amend

the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953. Read a first time.

The Hon. T.G. CAMERON: I move:

That this Bill be now read a second time.

This is the most comprehensive prostitution Bill to ever come before this Parliament. At the outset I state that I do not lay claim to this Bill as my property and I do not lay claim to all the ideas or suggestions being put forward in the Bill as being mine. This Bill builds on the Millhouse Bill of 1980, the Carolyn Pickles Bill of 1986, the Gilfillan Bill of 1991 and the Brindal Bill of 1995, as well as over 20 years of parliamentary reports and inquiries. In addition to that, I spent some 12 months on the Social Development Committee taking evidence. That committee was chaired by the former Hon. Bernice Pfitzner and consisted of a number of MPs from all Parties.

The Bill that I have introduced will provide protection for those in the industry, the public, clients and, in particular, children. As a society we have yet to come to terms with prostitution. We have tried to eradicate it with draconian laws to punish the services without similar implications for users or those who exploit the workers. Prohibition has not worked. Criminal activity has fostered in the environment of the sex industry as it now stands. This Bill before the Council will seek to prohibit prostitution except where the services of the prostitute are provided in a registered brothel or through a registered escort agency; to protect children against exploitation and abuse related to prostitution; to discourage criminal activity in connection with prostitution; and, in particular, to discourage the distribution or use of illicit drugs in connection with prostitution. Also, it seeks to discourage improper or unfair inducements that may lead people into prostitution or make it difficult for them to give them up.

It will minimise the visible signs of prostitution and its social impact and it will encourage prostitutes and operators of brothels and escort agencies to engage in responsible practices in relation to prostitution, including practices safeguarding public health, privacy and the independence of prostitutes. I would like to take a little time to reflect on some of the more significant aspects of this Bill.

Under this Bill the Minister must establish a board to be called the Prostitution Advisory Board. The board will fulfil the objects of the Act to ensure that services offered by brothels and escort agencies are of high professional standards. The functions of the board will be to monitor and keep under constant review the operation and administration of the Act; to report to the Minister on any matter relating to the operation of the Act; to make recommendations to the Minister as the board thinks fit; to assist the Minister to develop in consultation with the sex industry the code of health, safety and hygiene to be prescribed under Part 3; and to generally liaise with all levels of Government in relation to issues concerning the sex industry.

The board will consist of six members appointed by the Minister: one, the presiding member, must be a legal practitioner; one must be nominated by the Minister for the Status of Women; two must be persons who are or have been prostitutes selected by the Minister from nominees of organisations that, in the opinion of the Minister, represent the interests of prostitutes; one must be a person who represents the interests of operators of registered brothels and escort agencies; one must be nominated by the United Trades and Labor Council; and at least four members of the board must be women.

That last point may raise some eyebrows but, by and large, despite the best efforts of some people to portray the situation as otherwise, 90 to 95 per cent of people working in South Australia as prostitutes are women. I would estimate on the evidence that I have taken that something like 99 per cent of all the services, that is, the clients of prostitutes, whether they be male or female, are 99 per cent male.

I firmly believe that the industry should be represented on the prostitution advisory board and a majority of the board members must be women. The board will be required on or before 30 September in each year to prepare a report on the board's activities during the preceding financial year. The Minister will provide a copy of the report to each House of Parliament within three sitting days after it has been delivered to him or her. Part 3 of the Bill provides for a register of brothels and escort agencies to be established and to be administered by a registrar nominated by the Minister. Brothels or escort agencies will be registered by entering in the register, amongst other things, the name and address of the brothel (or the name of the escort agency), the name and address of the operator and the income tax file number of the operator.

The register will be available at any office to be determined by the registrar for an inspection by members of the public during normal office hours. Brothels and escort agencies will be registered for a term of one year with registration being renewed each year for a further one year. Applications for registration or renewals will need to be made in writing to the registrar and state the names and addresses of all persons involved in the business, as well as any information or documents required by the regulations, and be accompanied by the prescribed fee.

A brothel or escort agency will be eligible for registration if all persons involved are fit and proper, the relevant premises is approved under the Act and the name has been approved. A person will not be considered to be a fit and proper person if they have been convicted of an offence involving child prostitution or child abuse, an offence related to illegal immigration, an offence involving the possession of drugs, an offence involving failure to take precaution against transmission of sexually transmissible diseases or an offence of dishonesty committed less than five years before. If the operator of a brothel or escort agency is charged by a member of the Police Force with an offence of which the alleged victim is under 12 years of age, then its registration will be suspended until a charge is determined or withdrawn. If convicted, the registration will be cancelled.

The registrar may also suspend the registration of a brothel or escort agency until requirements are complied with. Premises will not be allowed to be used as a brothel unless the use is approved by the council for the area in which the premises are situated, and the Development Assessment Commission. Applications for approval to use premises as a brothel or escort agency will be allowed if they are made in a manner prescribed by the regulations and accompanied by the appropriate documents and fee.

However, premises will not be approved if they are situated in a part of local government area zoned for residential use; within a 50 metre distance from a church, school or other place used for education, care or recreation of children; or a place used for residential purposes, excluding a caretaker's residence, in the city of Adelaide; and a distance of 100 metres for all other areas; or, if the brothel has more than six rooms available for use for prostitution.

By way of comment on that point, the desire is to encourage or foster smaller enterprises and to discourage completely the establishment of what I call large brothels such as the Daily Planet in Melbourne. Councils or the Development Assessment Commission may only refuse to approve the use of premises if approval is not consistent with the above criteria or as prescribed by the regulations, or if a brothel would, in conjunction with other brothels in the area, establish a red light district. Quite clearly, it will be impossible for people to establish a red light district or a red light area under this legislation.

Occupiers of premises adjoining or in the vicinity of a brothel or escort agency can apply to the Magistrates Court for an injunction against its operation if they believe it is causing a nuisance. The Magistrates Court may, if satisfied, grant an injunction restraining the operator of a brothel until such time as they have taken specific action to prevent or minimise the nuisance. This, however, will not prevent people from taking civil remedies. It is a fact that it is not the brothel or people who work in the brothel who create the public nuisance; it is often their drunken clients late at night who make too much noise and disturb the people around the area. All my observations are—

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. CAMERON: It certainly would not be as bad as a hotel, as the Hon. Carolyn Pickles has just interjected. What it will mean is that people have more power than they currently have to do something about brothels in residential areas causing a public nuisance. The advertisements will have to state the registration number of a registered brothel or escort agency, be no bigger than 4cm of a column in width, and contain no photographic or pictorial material. One only has to have a look at the ads in the *Yellow Pages* of the Telstra directory. I find those advertisements offensive and wonder why they put them in there; but I guess they put them in there because of the money. It is not able to contain a reference to race, colour or ethnic origin of any prostitute and it can contain no reference to the health or medical testing of prostitutes. Advertising will not be permitted on television or the radio.

A code of health, safety and hygiene will be prescribed under the regulations and include provisions to protect prostitutes against violent and dangerous clients. I ask members to consider that 70 per cent of the prostitution trade in this State, and it is probably in excess of that, goes through the escort industry. If there is an industry where people who work as prostitutes are in real danger it is in the escort industry. But of course because it is illegal here in Australia to be found on a premises being used for a brothel, and they receive regular visits by the police, people who are concerned about clients who might be concerned about being caught in a brothel then go ahead and use the escort industry. I am not quite sure why they would be concerned about being prosecuted, because I cannot find any client being prosecuted on the books, over the last 12 months.

The Bill would also ensure that prostitutes have medical examinations at regular intervals, at not less than three months and to require records of those examinations to be kept, to protect prostitutes and clients against the transmission of sexually transmitted diseases. My Bill would prohibit alcohol being provided or made available to prostitutes or clients at a brothel and would establish hygiene standards with facilities and equipment used in the provision of sexual services. The operator of a brothel or escort agency would have to ensure compliance with the prescribed code of health, safety and hygiene.

Prostitutes who know they are infected with a prescribed sexually transmissible disease will not be allowed to work. Operators of brothels or escort agencies must not permit a prostitute who is infected with a prescribed sexually transmissible disease to provide sexual services. Prostitutes and clients must, while providing or receiving sexual services for payment, take reasonable precautions to protect against the risk of transmission of STDs by using or insisting on the use of a prophylactic in any case of penetration of the labia majora or oral or anal penetration. The operator of a brothel or escort agency must not discourage the use of prophylactics by a prostitute or a client.

Under this Bill prostitutes will be entitled to at least 50 per cent of the consideration paid for sexual services that the prostitute personally provides. Whilst that is generally the case here in South Australia there were many cases that our committee was advised of, and that I have been advised of, where people in the industry who are being exploited are receiving as little as 20 per cent of what they earn, and you have all of the necessary problems, and some of the people who are in the industry try and pay prostitutes with drugs.

There will also be heavy fines for any operator of a brothel or an escort agency who engages or employs a person to act as a prostitute who is an unlawful non-citizen or if the person holds a temporary visa within the meaning of the Commonwealth Migration Act 1958.

Under this Act the prostitution is illicit unless the sexual services are provided in a registered brothel or arranged by a registered escort agency. To prohibit illicit prostitution the Act contains a number of severe penalties. If a person engages in illicit prostitution both the prostitute and the client are guilty of an offence. The maximum penalty will be a $2 500 fine for a first offence and a $5 000 fine for second or subsequent offences. However, before a prosecution is commenced, for a first offence the defendant must be given the opportunity to expiate the offence with a $210 fine. That is once only and, hopefully, that might encourage people to think about what they are getting themselves into, and get out of the illicit prostitution and into a registered brothel.

There will be severe fines of up to $20 000 with imprisonment of up to six months for any person who is convicted of carrying on a business in which others are employed in illicit prostitution.

Any person who offers to provide or ask another to provide sexual services as a prostitute in a public place will be committing an offence, with a maximum penalty of $2 500 for a first offence and $5 000 for a second or subsequent offence. However, they can be expiated for a first offence only. There are heavy penalties for any person who by deception, coercion or undue influence causes or persuades another to engage in prostitution or dissuades a prostitute from giving up prostitution. Penalties include imprisonment for life if the victim is a child under the age of 12 years or imprisonment for 12 years if the victim is a child above the age of 12 years and under the legal age, and imprisonment for up to six years in other cases.

Under this Bill there are very heavy penalties for any person who causes, persuades or permits a child to provide or receive sexual services. Penalties include imprisonment for life if the child is under the age of 12, imprisonment for ten years if the child has attained the age of 12 but the person used coercion or undue influence, and imprisonment for eight years in other cases.

It is not my intention to make a Flower Farm speech here today on this issue. I have avoided entering into some of the emotive areas of this subject. I have preferred to give members an outline of what my Bill proposes to do. Prostitution has existed for thousands of years throughout the world. Despite all efforts to suppress it, either completely or partially, this has resulted in the involvement of criminal elements and the corruption of some police, similar to that of the prohibition area in the USA. Fortunately, that appears not to be the case here in South Australia.

Systems based on prohibition have not been successful in eradicating the sex industry. They merely serve to send it underground, and once you send anything underground you open the door for criminals and exploitative behaviour. The current situation we have here in South Australia does allow prostitutes, principally women, to be exploited if they are working in the prostitution industry.

Therefore, alternatives to prohibition need to be implemented to provide some form of regulation in order to protect sex workers, service users and the public. Sex workers should not be seen as criminals, provided they are not involved in other criminal activity. There will be increased savings in the cost of law enforcement, which would free up the criminal justice system for more serious offences.

We have the quite ludicrous situation today where some magistrates, principally women, are refusing to record a criminal conviction and are imposing ludicrously low fines. I think we can interpret that kind of protest as a protest against the fact that it is only prostitutes who are being brought in for being found guilty of being on premises. Clients, if they are found, are usually sent home, and it is an inequitable situation.

South Australia's current prostitution laws are outdated. If we look at many other countries and other States in Australia we see that most have gone down the road of decriminalisation or regulation, as they have acknowledged that prohibition has not been successful in eradicating prostitution. This Bill will regulate prostitution and help rid the sex industry of the criminality often associated with it. It will also serve to remove the stigmatism of the way that society views prostitutes and it enables users to seek services without feeling shame. I will not go into the details, but anyone with a criminal record or who has been found guilty of a whole range of offences will not be able to open a registered brothel.

I believe that for too long in this country Governments have tried to push the sex industry under the carpet or to put it into the too hard basket. I believe that it is now time for the South Australian Parliament to provide a framework for regulation of the industry through progressive legislation which would provide protection for sex workers, children, users and the public. As I said earlier, people will probably talk about this Bill in the same context as other Bills to try to introduce legislation to cover this industry, and they will probably refer to it as the Cameron Bill. But the correct title for this Bill really would be the Millhouse, Pickles, Gilfillan, Brindal and Cameron Bill, as well as the Social Development Committee Bill, because I have looked at all of those Bills—

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. CAMERON: One can only hope that it has more success, as the Hon. Carolyn Pickles interjected. However, I believe it should be remembered that we have had men and women introduce legislation into the Parliament to try to reform this industry. A former Liberal Movement member of Parliament, currently a Supreme Court judge, Justice Millhouse; the Leader of the Opposition in this House; a Minister of the Liberal Government, Mark Brindal; and Ian Gilfillan, who has recently returned to the House, have all had a go at introducing reform. I would like to thank them for their contributions over the years and pay tribute to the attempts that they have made on behalf of the industry to modernise, update and upgrade our laws in relation to this industry.

I am introducing this Bill, as was the case, I am sure, with others who have introduced this Bill in the past, not because we want to send some kind of public signal that we condone prostitution in South Australia but I believe that all the people who have moved these Bills in the past have certainly borne out in the speeches they have made to both Houses of Parliament that they come from a genuine and sincere position of recognising that, if we leave the situation exactly where it is, all the problems will continue to flourish. I know that many members of this House and members of the other place, as well as members of the public, feel a sense of moral outrage at introducing a Bill to regulate prostitution and they see it as some way of condoning, or approving of it. But that is not necessarily a correct observation. What all the people who have attempted in the past to achieve reform in this area are on about is really trying to introduce some kind of regulations to tidy up an industry which has been left alone for far too long and which needs to be brought into the 1990s.

It is nearly 20 years since there was an attempt to get legislative reform in this area. I make a plea to all members of all political Parties when they have a look at this Bill to try to approach it not from a moral viewpoint but from a point of view of whether this legislation can be used as a framework or a starting point to try to get some reform in this area in South Australia. So, I ask all members to keep an open mind and have a look at the legislation. I ask all the lawyers in this place to have a very close look at it. I am not a lawyer, and I have never pretended to be. There may well be some legal or drafting problems with it. If you find any problems with it, rather than using those problems as a way in which to oppose this legislation being introduced, bring them to me and let me have a look at them. I am more than happy to sit down and see whether some kind of a compromise can be worked out. If people adopt that kind of attitude in relation to this kind of legislation then at long last we might see some reform in this area. I commend the Bill to the House and seek leave to have the detailed 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: Objects

This clause sets out the objects of the Bill.

Clause 4: Interpretation

The following definitions are central to the scope of the Bill.

Prostitution is defined as the provision of sexual services for payment.

Sexual services is defined broadly to mean an act involving physical contact (which includes indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons.

A brothel is defined as premises that the occupier uses, in the business of prostitution, on a systematic or regular basis, for providing sexual services. An escort agency is defined as the business of arranging for the provision of sexual services.

PART 2—PROSTITUTION ADVISORY BOARD

Clause 5: Prostitution Advisory Board

The Minister must establish the *Prostitution Advisory Board* with advisory functions.

Clause 6: Annual report

The board must each year prepare a report on its activities which must be tabled in Parliament by the Minister.

PART 3—BROTHELS AND ESCORT AGENCIES

DIVISION 1—REGISTER

Clause 7: Register of Brothels and Escort Agencies

This clause establishes a register. Under the Bill, prostitution is a criminal offence except where it takes place in registered brothels or through registered escort agencies.

Clause 8: Registrar

The Registrar is to be a person employed in the public sector nominated by the Minister.

Clause 9: Registration of brothels and escort agencies

This clause provides that a brothel or escort agency is registered if the required information relating to it appears on the register.

Clause 10: Inspection of register

The register is to be available for public inspection, except that certain personal information is to be kept confidential.

DIVISION 2—REGISTRATION

Clause 11: Term of registration

Registration is to be renewed annually.

Clause 12: Application for registration

This clause requires the application to be accompanied by a fee and information or documents required by the regulations. It specifically requires the application to include the names and addresses of all persons who are or will be involved in the business. This is defined to encompass the manager of the business, any person who is entitled to share in proceeds derived from the business, any person who is in a position to influence or control the business, the spouse, de facto spouse or homosexual partner of a person involved in the business and, if the operator is a body corporate, each of the directors and shareholders.

Clause 13: Eligibility for registration

A brothel or escort agency is disqualified from being registered if any of the persons referred to in clause 12 has committed an offence involving—

- child prostitution or child abuse;
- illegal immigration;
- sale or possession of drugs;
- failure to take precautions against transmission of sexually transmissible diseases;
- violence, intimidation or coercion;
- dishonesty (within the last 5 years).

The clause allows the Magistrates Court to, in effect, exempt a person from such a disqualification (conditionally or unconditionally).

The clause prohibits a person from being involved in any other business involving the provision of sexual services (although an escort agency may be operated out of a brothel by the same operator).

A brothel or escort agency cannot be registered if it has not been approved under Division 3 (Planning Issues) or its name has not been approved by the Registrar.

Clause 14: Registration

The Registrar is obliged to register a brothel or escort agency that is eligible for registration. Interim registration may be given while the application is determined.

The clause provides that an applicant may apply to the Magistrates Court for review of a decision not to register a brothel or escort agency.

Clause 15: Approval of name of brothel or escort agency

This clause requires a brothel or escort agency to be operated under its registered name. The name must be one that the Registrar considers suitable and approves.

Clause 16: Display of registration certificate and name

This clause requires—

- the registration certificate to be displayed near each entrance of a brothel or place of business of an escort agency; and
- the registered name and number of a brothel to be displayed outside the brothel in accordance with the regulations.

Clause 17: Automatic suspension or cancellation of registration

Registration of a brothel or escort agency is automatically suspended under this clause if the operator is charged by the police with an offence against the Act of which the alleged victim is a child under 12 years of age. On conviction the registration is cancelled.

Clause 18: Suspension or cancellation of registration by Registrar

The Registrar is given power to suspend or cancel registration of a brothel or escort agency if it ceases to be eligible for registration or if the operator commits an offence against the Bill.

The clause requires the Registrar to give the operator at least 1 month's notice of the suspension or cancellation unless the Commissioner of Police authorises a shorter period of notice.

The clause provides that the operator may apply to the Magistrates Court for review of a decision to suspend or cancel registration.

Clause 19: Reference of matters to Commissioner of Police

The Commissioner of Police is required to investigate and report on matters relevant to an application for registration or the potential suspension or cancellation of registration at the request of the Registrar.

Clause 20: Notification of changes

This clause contemplates the regulations setting out matters of which the Registrar must be informed.

DIVISION 3—PLANNING ISSUES

Clause 21: Use of premises as brothel or escort agency

This clause requires the use of premises as a brothel or escort agency to be approved by both the council of the area and the Development Assessment Commission.

Clause 22: Approval

The regulations are to set out the manner and form of the application and the fee to accompany the application.

The council or Development Assessment Commission may only refuse an application for approval if—

- the premises are situated in a residential zone;
- the premises are situated within 100 metres (or 50 metres in the city centre) of a church, school or other place used for the education, care or recreation of children or a residence;
- in the case of a brothel the premises would have more than 6 rooms available for use for prostitution or would tend to establish a red light area;
- the refusal is consistent with any other criteria prescribed by regulation.

Approval may be subject to conditions.

The clause requires the council decision to be made within 8 weeks and the Development Assessment Commission decision within a further 4 weeks.

Clause 23: Review

This clause provides that the applicant may apply to the Environment, Resources and Development Court for review of a decision of a council or the Development Assessment Commission to refuse the application or to impose conditions of approval.

Clause 24: Application of this Division

The approval is to act as a development authorisation under the *Development Act 1993*. Consequently, the provisions of that Act cannot be used to defeat the establishment of a brothel.

DIVISION 4—NUISANCE

Clause 25: Injunction against operator of brothel or escort agency for nuisance

This clause enables the occupiers in the neighbourhood of a brothel or escort agency to apply to the Magistrates Court for an injunction to prevent or minimise nuisance arising from the brothel or escort agency.

DIVISION 5—ADVERTISING

Clause 26: Advertising

Advertising of sexual services is prohibited except in the print media or by private conversation. The clause enables the regulations to establish other exceptions. The size of an advertisement in the print media is limited (4cm x 4cm) and the advertisement must contain—

- the registration number of the brothel or escort agency;
- no photographic or pictorial material;
- no reference to the race, colour or ethnic origin of any prostitute;
- no reference to the health or medical testing of prostitutes.

Advertisements can be further regulated by regulation.

DIVISION 6—HEALTH, SAFETY AND HYGIENE

Clause 27: Code of health, safety and hygiene to be prescribed

The regulations are to set out or incorporate a code of health, safety and hygiene covering at least—

- measures to protect prostitutes against violent and dangerous clients (particularly relevant in the case of an escort agency);
- mandatory 3 monthly medical examinations and the keeping of records;
- measures to protect prostitutes against sexually transmissible diseases;
- prohibition of the provision of alcohol in a brothel;

· hygiene standards for facilities and equipment used in the provision of sexual services.

Clause 28: Operator's obligation to ensure compliance with code of health, safety and hygiene

This clause makes it an offence for the operator of a brothel or escort agency to fail to comply with the code.

Clause 29: Prostitute not to engage in prostitution while infected with STD

This clause makes it an offence for the prostitute and the operator of the brothel or escort agency if the prostitute provides sexual services while infected with a prescribed sexually transmissible disease (as defined in clause 4). The operator is provided with a defence if the operator did not know that the prostitute was infected and had required the prostitute to undergo the 3 monthly medical examinations.

Clause 30: Use of prophylactics

This clause makes it an offence if a prostitute or client does not take reasonable precautions to protect against the risk of transmission of sexually transmissible diseases by using or insisting on the use of a prophylactic in any case of penetration of the labia majora or oral or anal penetration.

DIVISION 7—PROTECTION OF PROSTITUTES AGAINST COMMERCIAL EXPLOITATION

Clause 31: Prostitutes to be paid at least 50% of fee

This clause imposes a minimum split for prostitutes, although an exception is made where the prostitute is a substantial shareholder in a body corporate that operates the brothel or escort agency. It also enables a prostitute to recover any amount improperly withheld as a debt.

DIVISION 8—PROTECTION OF NON-CITIZENS

Clause 32: Protection of non-citizens

This clause makes it an offence for the operator of a brothel or escort agency to engage an illegal immigrant or a person in Australia under a temporary visa as a prostitute.

PART 4—OFFENCES

DIVISION 1—UNLAWFUL PRACTICES

Clause 33: Prohibition of illicit prostitution

This is the central provision providing that prostitution is a criminal offence if it does not take place in a registered brothel or through a registered escort agency. The offence is extended to the client as well as the prostitute. However, the prostitute and client must be given an opportunity to expiate a first offence.

Clause 34: Offences in a public place

Soliciting in a public place remains a criminal offence. The offence is extended to a client seeking sexual services from a prostitute. However, the prostitute and client must be given an opportunity to expiate a first offence.

DIVISION 2—PROTECTION FROM IMPROPER PRESSURE AND INFLUENCES

Clause 35: Deception, coercion and undue influence

This clause imposes heavy penalties for causing or persuading a person to engage, or dissuading a prostitute from giving up prostitution by deception, coercion or undue influence (including the supply of drugs). The level of the penalty depends on the age of the victim.

Clause 36: Improperly obtaining proceeds of prostitution from another

This clause makes it an offence to obtain the proceeds of prostitution by deception, coercion or undue influence.

DIVISION 3—SPECIAL PROTECTION FOR CHILDREN

Clause 37: Child prostitution

This clause imposes heavy penalties in relation to child prostitution. It creates the following offences:

· providing or receiving by a child sexual services in the course of a business;
· causing, persuading or permitting a child to provide or receive sexual services for payment;
· asking a child to act as a prostitute or inviting a child to be a client.

A person must not obtain payment in respect of sexual services provided by a child or obtain payment from a child knowing it to have been derived from sexual services provided by the child.

The level of the penalty depends on the age of the victim.

Clause 38: Evidence and defence

As with certain offences against the *Criminal Law Consolidation Act 1935*, the prosecution is not required to prove the defendant knew the victim was a child but the defendant has a defence if it is proved that the victim was at least 16 and the defendant took reasonable steps to ascertain the age of the child and believed on reasonable grounds that the child had attained 18. In the case of a client of a registered brothel or registered escort agency, it is a defence if the victim was at least 16 and the defendant did not know and had no reason to suspect that the victim was under 18.

PART 5—MISCELLANEOUS

Clause 39: False or misleading information

This clause makes it an offence to knowingly provide false or misleading information under the Act or to omit to provide information with intent to mislead.

Clause 40: Offences by body corporate

This is a standard clause extending criminal liability of a body corporate to each director and manager unless it is established that the director or manager could not have prevented the offence by the exercise of reasonable diligence.

Clause 41: Inspection of premises

This clause provides special powers to authorised persons (who may be persons appointed by the Minister, council officers or police officers) to administer and enforce the Bill. Premises may be entered by authorised persons with consent of the occupier, pursuant to warrant or without consent or a warrant if there are reasonable grounds to believe that it is urgently necessary to enter the premises to prevent the commission or continuance of a serious offence related to prostitution (*i.e.*, an offence punishable by more than 2 years imprisonment).

A warrant can be issued by a magistrate or a senior police officer.

The clause also requires the operator of a brothel to provide assistance to facilitate an inspection and makes it an offence for a person to obstruct an authorised person in the exercise of powers.

It should be noted that Schedule 2 repeals the general police power to enter and search premises suspected to be a brothel.

Clause 42: Inspection of records

This clause allows authorised persons to inspect and copy records kept under the Act or financial or other records relating to a business involving the provision of sexual services.

Clause 43: Confidentiality

This clause makes it an offence for a person to divulge confidential information obtained in the corse of the administration of the Act.

Clause 44: Service

This is a standard service provision setting out the means of giving notice under the Act.

Clause 45: Evidence

This provision is an evidentiary aid relating to the register.

Clause 46: Regulations

General regulation making power is provided. The code of health, safety and hygiene prescribed by regulation may be by incorporation or reference to another document as in force at a specified time or as in force from time to time.

SCHEDULE 1: Transitional Provisions

This schedule provides for interim registration of brothels and escort agencies existing at the commencement of the Act.

Generally, existing establishments must meet the standards imposed by the Act. However, a different regime is established in relation to the separation distance from residences, churches, schools, etc. for brothels and escort agencies that existed at the date of the introduction of this Bill into Parliament. In that case, notices must be given to the relevant occupiers who can object in writing to the council. The council and the Development Assessment Commission may approve the brothel or escort agency despite non-compliance with the separation distance requirement if satisfied that it is appropriate to do so. In considering the matter the council and Development Assessment Commission must consider the criteria set out in clause 2(5).

SCHEDULE 2: Abolition of Offences and Consequential Amendments

This schedule abolishes common law offences relating to prostitution and makes consequential amendments to existing statutory provisions relating to prostitution.

The *Criminal Law Consolidation Act 1935* is amended by repealing the offence of procuring persons to become prostitutes (section 63) and of keeping a common bawdy house or common ill-governed and disorderly house (section 270). The offence in section 64 of procuring sexual intercourse by fraudulent means is adjusted to afford that protection to prostitutes.

The *Summary Offences Act 1953* is amended by repealing the following offences:

· soliciting (section 25);
· living on the earnings of prostitution (section 26);
· keeping and managing brothels (section 28);
· permitting premises to be used as brothels (section 29);

· consorting with prostitutes (section 13);
· permitting premises to be frequented by prostitutes (section 21).
Supporting evidentiary and interpretative provisions are also repealed.

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

LEGISLATIVE REVIEW COMMITTEE: REPORT

The Hon. A.J. REDFORD: I move:

That the report of the Legislative Review Committee, 1996-97, be noted.

This is the fourth annual report of the committee and covers the year ended 30 June 1997, which is a period prior to my membership of the committee. The late tabling date for this report is as a result of the election and the establishment of a new committee.

The functions of the Legislative Review Committee are set out in the Parliamentary Committees Act 1991 and are as follows:

(a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:
  (i) any matter concerned with legal, constitutional or parliamentary reform or with the administration of justice but excluding any matter concerned with joint Standing Orders of Parliament or the Standing Orders or rules of practice of either House;
  (ii) any Act [and I underline 'Act'] or subordinate legislation, or part of any Act or subordinate legislation, in respect of which provision has been made for its expiry at some future time and whether it should be allowed to expire or continue in force with or without modification or be replaced by new provisions;
  (iii) any matter concerned with intergovernmental relations;
(b) to inquire into, consider and report on subordinate legislation referred to it by the Subordinate Legislation Act 1978;
(c) to perform such other functions as are imposed on the committee under this or any other Act or by resolution of both Houses.

The purpose of this report is to provide a record of the committee's activities, as well as information on the committee's functions and powers. It is considered that this information should be placed on the public record to enable a greater understanding of the important role of the committee and its relevance to the parliamentary process. During the 1996-97 financial year, a number of controversial regulations, including regulations made under the Firearms Act and the Reproductive Technology Act, were introduced. These regulations form the basis of two of the committee's substantial reports to the Parliament. A synopsis of those reports can be found in this report, as can information on the committee's handling of a number of other regulations and references during the year. Interestingly, for the first time, the Legislative Review Committee has included a number of appendices to this report, which include historical information on the activities of the committee and its predecessor. These appendices include a list of the past reports of the Legislative Review Committee from 1992, information on the number of regulations dealt with by year since 1965-66 and the total number of regulations dealt with by each committee since 1938. This material has been included to place it on the public record for the benefit of those who have an interest in these matters.

It is also important that I draw to the attention of members the resource position in so far as this committee is concerned. We currently have two employees working on the committee, one secretary and one research officer, and our responsibility not only includes the supervision of regulations but, to an extent, we have a statutory responsibility also to supervise Acts of Parliament and proposed legislation. I must say, with the degree of resources that we have, the committee appears to have focused in the past, and is likely to in the future, on subordinate legislation, leaving the consideration of principal legislation to members of Parliament and their advisers and of course relying, to a large extent, on the goodwill of the executive arm of Government when legislation is introduced.

Notwithstanding that, I note in the twenty-third report of the Joint Standing Committee on Delegated Legislation of the Parliament of Western Australia of August 1997 an appendix to that report which sets out a table of comparative staffing levels. I seek leave to have incorporated in *Hansard* this appendix, which is of a statistical nature.

Leave granted.

Appendix 1
Table of Comparative Staffing Levels[26]
July 1997

Committee	Approx. No. of instruments annually	Consultant	No. Full-time Staff	No. Part-time Staff	Total Staff
Australian Capital Territory: Standing Committee on scrutiny of Bills and Subordinate Legislation	320 (as well as 100 Bills)	R	0	2A	1 + C
Commonwealth: Senate Standing Committee for the Scrutiny of Bills	200-250	R	1L 1A	1A	2.5 + C
Commonwealth: Senate Standing Committee on Regulations and Ordinances	2 000-2 400	R	1L 3A	0	4 + C
New South Wales: Regulation Review Committee	250-350	AH[27]	1L	1L 1A 1 (casual)	2.5
Northern Territory: Subordinate Legislation and Tabled Papers Committee	150-200	0	0	2A	1
Queensland: Scrutiny of Legislation Committee	500	AH	2L 1A	1L (casual)	3.5

Appendix 1
Table of Comparative Staffing Levels[26]
July 1997

Committee	Approx. No. of instruments annually	Consultant	No. Full-time Staff	No. Part-time Staff	Total Staff
South Australia: Legislative Review Committee	500	0	1L 1A	1A	2.5
Tasmania: Standing Committee on Subordinate Legislation	450	AH	0	2A	1
Victoria: Scrutiny of Acts and Regulations Committee	300-350	AH	2L 1A	1L 1A	4
Western Australia: Joint Standing Committee on Delegated Legislation	500	AH		1L 1A	1

[26] Consultant: R=retained or referred to on a regular basis; AH=*ad hoc* references. Full-time Staff: L=legally trained staff; A=administrative/clerical staff, E=trained in economics. part-time Staff: L=legally trained staff; A=administrative/clerical staff. Part-time staff include staff employed on a part-time basis and staff who work for more than one committee or have other duties. For the purposes of determining the total staff complement of a committee, part-time staff have been assumed to be equivalent to 0.5 of a full-time staff member. Consequently there is some inaccuracy in these figures as a part-time staff member may in fact work four full days for a committee. Consultants have not been included in these figures.
[27] Provision is made for reference to a legal consultant, but to date this has not been required.

The Hon. A.J. REDFORD: In considering that appendix, it is important to note that it does not include the Victorian Law Reform Committee, which covers the non-delegated legislative component which this committee has jurisdiction to cover. I note from looking at its annual report that it has six staff. I also note in looking at the most recent annual report of the New South Wales Regulation Review Committee that it has doubled the extent of its staff from 2.5 full-time equivalents to 5 full-time equivalents. That is indicative of the increasing reliance placed upon the use of subordinate legislation by Governments, not only here in South Australia but in other parts of Australia.

At the moment we are endeavouring to determine a policy under which the committee can operate in considering subordinate regulation. It is important that parliamentary committees of this nature do not cross general policy decisions made by the Government, but it is also important that we establish our own policies to ensure that the overall function of legislative review committees is relevant and important to members of the public. It is interesting to note that in other legislation throughout Australia there are specific terms of reference for equivalent committees. For example, the terms of reference of the Joint Standing Committee on Delegated Legislation in Western Australia are quite specific, as follows:

> It is the function of the committee to consider and report on any regulation that:
> (a) appears not to be within power or not to be in accord with the objects of the Act pursuant to which it purports to be made;
> (b) unduly trespasses on established rights, freedoms or liberties;
> (c) contains matter which ought properly to be dealt with by an Act of Parliament;
> (d) unduly makes rights dependent upon administrative, and not judicial, decisions.
> If the committee is of the opinion that any other matter relating to any regulation should be brought to the notice of the House, it may report that opinion and matter to the House.

It is my desire over the next few weeks, in consultation with my fellow committee members, to develop a policy along those lines so that we have some parameters within which to work. It would then be up to members of Parliament as individuals or representing their respective political Parties to move motions for disallowance on grounds which fall outside the sort of policy that is set out for the Western Australian committee. I hope that will enable us to operate with a degree of certainty.

I point out that, as a result of the election held on 11 October 1997 for the House of Assembly and half of the Legislative Council, the membership of the committee has changed dramatically. I take this opportunity to acknowledge and congratulate the previous members of the committee and, in particular, the immediate past Presiding Member of the committee (Hon. Robert Lawson). The work conducted by the Hon. Robert Lawson and his committee in important areas such as national scheme legislation is to be commended and I assure this place that I will continue to build on the initiatives that they commenced.

I also congratulate the committee secretary (David Pegram) and our research officer (Peter Blencowe) for the work they did and the diligence with which they applied themselves for the purposes of the committee. It is with some disappointment that Mr Peter Blencowe will be leaving the committee and we are now in the process of seeking a new research officer, but I thank Peter for the work that he has done in the short period that I have been the Presiding Member of the committee. I commend the report to the Council and I urge all members to take the trouble to read it.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ROAD TRAFFIC (SCHOOL ZONES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 March. Page 601.)

The Hon. SANDRA KANCK: I arrived in South Australia as a permanent resident in December 1980. As part of the process of moving from New South Wales to South Australia, I had to get a South Australian driver's licence, which involved swotting up on the road rules of this State and sitting for a written test. I became well aware fairly quickly

of the laws that were unique to South Australia as regards the 25km/h speed zones. I knew almost from the moment we moved to South Australia that, if one travelled through a school zone regardless of the time of the day and if children were on the footpath, one was expected to slow down to 25km/h. I have observed that rule religiously since that time and I have had no problem with it.

I also observe it to a lesser extent, even though I am not required to, when I drive past the aged care cottages that are near my place. The signs advise that elderly pedestrians are likely to cross the road, so when I travel along that section of the road I look carefully to see whether old people are about to cross and I lower my speed accordingly. This issue of slowing down has never been a problem for me.

The recent reaction to the potential reintroduction of almost the same legislation that was in place before 1997 has surprised me, and I have discovered that quite a number of people believed that the rule applied only during school times when the flags were out. When we dealt with an earlier version of this legislation in December last year, I was interested to note that one of the members of the House of Assembly espoused that view, so that member of Parliament was not aware of the laws that were in place. It appears there is a lack of public knowledge on the issue.

There is a great deal of sense in having speed restrictions in place outside school hours. After school closes, children may remain at school practising sport, other children are involved in after school hours care, on the weekend children can be found playing team sports in schoolgrounds, and school holiday programs which usually last a week are held for children once the vacation begins.

It makes sense to have these restrictions in place to cover children. I have been surprised at the fuss that has been made over this piece of legislation. Perhaps the Minister will explain to us when she replies just how different the legislation before us today is from the legislation that we had prior to 1997, because it seems to me that the legislation that we had prior to 1997 did not cause any fuss.

The controversy during the past week or so has been on the issue of the reverse onus of proof. The only warning I had of that was from reading the *Advertiser*, from which I found out that the Law Society had problems. The Law Society has not approached me about it and this causes me to doubt the depth of its concern.

I have canvassed with a few people how one could improve the legislation. One suggestion that was made to me was that we ought to have a 25 km/h speed zone in place outside schools at all times. There is possibly some merit in that idea, but I am not sure that it would be appropriate to move an amendment along those lines at this stage. I think we need more public consultation before we could consider something of that nature.

As I have placed on the record previously, I think that ideally we should have lights at all these schools. However, the Minister told us during a briefing that it would cost $35 000 for just one set of flashing lights and even more for pedestrian activated lights. I wondered about that cost, and this morning queried how accurate the figures were. The Minister might like to explain to us where the cost lies in installing lights, because those sums are extraordinarily high figures for the amount of work that I think would be involved.

Another concern I have about the legislation is the question of the definition of a child. The definition in the Bill describes a child as being up to 18 years of age. I think that is much too wide a brief for the definition of a child. However, within the limited time frame that we have had, it has been very difficult for me to canvass all the opinions that I would have liked. For instance, I would have liked to receive some input from the Australian Education Union as to how it feels about this.

The Hon. T.G. Roberts: What if there's a short adult on the crossing?

The Hon. SANDRA KANCK: I guess if there is a short adult you would have to assume it was a child and slow down to 25 km/h if in doubt. I live half a block from the Athelstone Primary School, and I travel past the Charles Campbell Secondary School and the Campbelltown Preschool when I am driving to work each day. During the 18 years I have been doing that I have never encountered any teenage children dashing out onto the road.

Based on my experience in the suburb of Campbelltown, it would be difficult to argue that this provision needs to cover anyone over about 12 years of age. I understand that with young children there is the issue of peripheral vision, and that is certainly a problem. However, I also believe that is something which children grow out of by the time they reach the end of primary school.

Out of the three sites that I pass regularly, the area that poses the greatest danger is outside the preschool. Very often that is a case of parental stupidity. When I see parents hopping out of their car and opening the driver's side passenger door to let their children out on to the road, I cringe and wonder where the parents have put their brains. There needs to be some real education of some parents about how to care for their children.

I am very much aware that there is disquiet. I even find some limitations in the legislation myself. I would like more time to consult, but I am also very much aware of the need to get something in place after the court decision earlier this year. Therefore, I propose a review of how this legislation is working after it has been operating for 12 months. The Minister has said that there will be an advertising campaign once this legislation is passed and put into effect. With what happened last year, any advertising campaign that was launched seemed to have minimal effect. There was a great ignorance or lack of understanding of the laws that were put in place at that time, and I hope that any advertising campaign that is associated with these new laws will have much better presentation and much wider currency than occurred in 1997 so that people are fully conversant with their obligations. The Democrats are happy to support the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I wish to record my thanks and the those of the Government for the cooperative and understanding way in which the Opposition, the Australian Democrats and I am sure the Hon. Nick Xenophon have considered this legislation. I also appreciate that the Hon. Carolyn Pickles and the Hon. Sandra Kanck in particular have given up a considerable amount of time over some months to speak with me about various issues arising from earlier initiatives to provide a greater level of clarity to motorists about their responsibilities at school zones.

As we have highlighted in this place previously, and as I have said publicly on numerous occasions, despite wishing to assist motorists with further information on streets and despite public relations campaigns and a whole lot of effort to ensure that we were doing the right thing in terms of community care for kids at school, we did not get it right,

either in terms of the legislative powers to create part-time zones or in a public relations sense. It is for that reason that I have devoted many hours to this issue, because I recognise that there is a lot of goodwill that I personally and professionally must make up in terms of the electorate. However, I have also wanted to talk through the matter with many people, including the LGA, the police, the Independent Schools Board, the Education Department, Catholic schools, the RAA and many members of Parliament who make up the Government, as well as the Labor Party and the Australian Democrats.

I have read with interest the contributions made by members to a Bill for the creation of part-time school zones, and that was before this place last December. I was interested that the Hon. Carolyn Pickles in her contribution repeated statements that she had made at that time. I highlight again that she raised the matter of the inadequate size of the signs, the placement of the signs, the lack of warning to motorists of the impending zone and the inconsistency of the hours of enforcement. They were matters of which I took heed when she raised them in the debate. Similar matters were raised by the Hon. Sandra Kanck in questions in this place and in the debates last December, and they have been given considerable weight by me and the Government in bringing forward this legislative package, including a package of funding and public information commitments.

The Hon. T.G. Roberts: Have you spoken with the myopic drivers association?

The Hon. DIANA LAIDLAW: I am sure I have encountered them somewhere along this path of the school zones. A bit of light relief is a good idea in terms of this subject! The Hon. Carolyn Pickles noted yesterday in speaking to this measure that the Opposition would support any measure designed to protect and enhance children's safety. I want to highlight that that is where I have come from in this issue, and I am pleased that despite the ups and downs, legal uncertainties and public relations issues members opposite are prepared, again in good faith, to keep that objective in mind in dealing with this and have not played politics with an issue on which on some other occasion other individuals may well have done so. Again, I want to say how much I respected that at a personal level. The Hon. Carolyn Pickles raised quite—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: No, I was not specifically referring to the honourable member, as a former shadow Minister in this area, but I could have been.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, politics is not something that we in this place should always play. There are bigger issues than that, and I think the Hon. Carolyn Pickles has realised that, and that is perhaps why she has the portfolio today. A number of matters were raised by the Hon. Carolyn Pickles, and I would like to go through them now. There was reference to the issue of reverse onus of proof. That matter was raised by the Law Society and subsequently reported on in the *Sunday Mail*. I highlight, with due respect, that the Law Society made some misleading statements. It also did not in my view wish to acknowledge that, rather than this being a worrying trend, there are already 25 provisions in section 175 of the Road Traffic Act that deal with similar evidentiary provisions. So, this is not an unusual feature in the Act or in other important pieces of legislation both in the State sphere or federally. However, we can go through those issues further if the matters are to be explored.

It is misleading to argue that this is a reverse onus of proof provision, as there is no provision requiring a reverse onus of proof in this Bill. Instead, it is proposed to create a presumption that a vehicle was driven in a school zone and that a child was present at the time unless a motorist can prove to the contrary. The normal burden of proof in a criminal matter requires that the police must prove beyond all reasonable doubt.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, you may be a bush lawyer but you still do not understand the facts, and I will go through them. The police must prove beyond reasonable doubt all aspects of the case against a defendant. This can be very difficult for the police as it may require extensive resources to prove one fact in the case against a person. As in the situation of school limits, that applied before 1997 and it was very difficult for the police to prove that children were proceeding to and from school and, as a result, the police did little to effectively enforce the law.

It is considered that the lack of enforcement contributed to the casual attitude of many motorists to observing the 25 km/h speed limit that ultimately endangered the lives of children. I highlight in terms of that statement that whatever anybody may wish to say about the school zones saga the rate of death and injury among children as a result of car accidents in school zones has been particularly low in 1997, when we have seen increased enforcement, although in sometimes controversial circumstances, by the police. It has been safer for children, and that is one benefit of all the public relations, public interest and police enforcement.

The proposed presumption will relieve some of the difficulty for the police in proving that children were present in a school zone at a time that a speeding offence was committed. It removes the cumbersome formality in each prosecution of proving that the signs at the beginning and end of a school zone comply with the signs prescribed. It also avoids the necessity of proving beyond reasonable doubt that a young person in a school zone was under 18 years of age. This could be most difficult unless the police took a statement from the child.

The proposal is not a reverse onus of proof as it will not require that a person prove there were no children present in the school zone. The Supreme Court ruled in the matter of *Beale v. Higgins 1962 SASR 81* on the effect of section 175 and found—and I hope the bush lawyers opposite will listen—that the defendant is under no onus to disprove the accuracy of the allegations in the complaint. If there is evidence on the topic and if there is doubt about the accuracy of the allegations in the complaint, the defendant is to be acquitted.

The ultimate onus always rests in the prosecution, in the police. Therefore, it is not by legal precedent a reverse onus of proof situation. This means that a driver will only have to give sufficient explanation for a court to doubt the police story. As I previously stated, any driver may, if they wish, deny that a child or children were present. It is up to the court to decide what proof it will accept. This is a much simpler position for a driver than that faced by the police if the proposed amendment is rejected, as the police will be forced to prove the case against the motorist beyond reasonable doubt.

There are in excess of 1500 school zones in South Australia, and such a burden would lead to a lack of enforcement as existed prior to 1997 or at least potentially a lack of

enforcement as existed prior to 1997 and present a significant risk to the safety of children.

Further matters that were raised by the Hon. Carolyn Pickles addressed the definition of 'school', and the definition I have highlighted is the same as exists in the current legislation but is augmented by reference to an institution of a prescribed class. It is true that we have in mind in this instance child-care centres but there may, however, be a centre in terms of disability in children, and this new extended definition by regulation will provide for a number of circumstances where there is good reason for members of Parliament to nominate and to discuss matters with Transport SA, or for the Pedestrian Facilities Review Committee to canvass, or to promote as a site suitable for a school zone.

I certainly wish to have further discussion with the Department for Education and Children's Services because it has been very active in pushing for child-care centres generally deemed to be school zones, although I think there are some examples that are more obvious than others. I can also indicate that I am very keen to keep in touch with the Hon. Carolyn Pickles and the Hon. Sandra Kanck and any other members of Parliament if they so wish in terms of the implementation of these measures.

I have listened to all members. I have sought to accommodate their views and I would like to continue listening to such advice. I would include such advice in consideration to extend, by regulation, the range of primary, secondary, kindergartens or other such schools. I want to highlight that the issue of funding is receiving attention. The Pedestrian Facilities Review Group estimated that it will cost about $650 000 for the new signs. That cost has been re-assessed by Transport SA. We have also determined—and the President of the Local Government Association has been advised—that the Government, through Transport SA, will pay for the manufacture of all new signs.

We would, however, like to continue discussions with the LGA in terms of respective councils paying for the installation of those signs. There are a number of reasons for that and one is the location of the signs. Members would recognise that that distance varies. In many instances the signs have been erected in the same place for many years, yet we know that, from a road safety perspective, the greater the distance the signs are apart the less respect motorists have for the 25 km/h limit. There certainly seems to be more respect for the sign leading up to the crossing, that distance, rather than when the motorist has proceeded across the crossing and out of the zone.

It may be that, as the length of the zone is not defined in regulation, a great deal more discussion can take place between local councils and school communities about the distance they want to establish for the zone. They can then erect signs and help with the painting of the lines establishing the zones so that it is more clearly defined than it has ever been at any time since 1936 when these zones were first established by legislation.

Those decisions are made at the local level. We are talking about local roads in this instance, and local government has a duty of care in terms of those road conditions for general use. These discussions will be continuing. As I say, the Government will pay for the manufacture of the signs. By the time this legislation has been passed, the regulations take effect and the signs manufactured, we will still have time to discuss this installation cost issue with the LGA.

I note the Hon. Carolyn Pickles' concern relating to 16-year-old individuals. In practical terms, the proposal places the responsibility on a driver to check for the presence of children so that the driver can discharge the onus by stating that he or she did check and that there were no children present. Motorists should always approach a school zone with caution, pending confirmation as to whether or not children are present. In any case of doubt the motorist should slow down.

Naturally, it is possible to think of scenarios where the legislation might be difficult in application. As a result of all the attention that has been given to school zones signs over the past 18 months or so, particularly by lawyers, concerned members of the public are coming up with a range of perceived difficulties with the legislation, even though the legislation is essentially very similar to the best that we had from 1936 to 1997.

I cite, for instance, the definition of a 'child'. To date there has been no definition in the Bill in terms of school zones: it has just been assumed that everyone knew what a child was. We have, in terms of seeking to clarify this issue, inserted a definition that a child means 'a person under the age of 18 years and includes a student of any age in school uniform'. It is the same definition that applies across legislation in South Australia. We have extended it to include 'a student of any age in school uniform' because more older people are returning, for instance, to do year 12. They may be older than 18 and in uniform. Instead of being too pedantic about it, we have included 'a student of any age in school uniform'.

We have gone for the definition of a child of 18 rather than 12, as the Hon. Sandra Kanck suggests, only because when we speak about children there is this standard definition and, therefore, precedence, as well as a range of other matters which, I think, is good reason to go for 18. There is also, of course, the issue that people aged 16 or 18 may be more sensible on the roads. There is the issue of bicycles and a range of issues relating to a zone of care around a school. It is reasonable to suggest that we keep the standard definition.

The Hon. Carolyn Pickles asked also about Wandana Primary School, on behalf of the member for Torrens, and issues relating to how a main road is designated and how arterial roads are designated for the purpose of the installation of warning signs. I advise that the definition of an arterial road and a main road is not important when it comes to installing a koala crossing or flashing light crossing. What is important is that this type of crossing, specifically used to assist school children across the road in safety when going to and from the school, is used at the correct locations. To determine this the following criteria is used: first, 50 or more children, including with a bike, are actually crossing the road at the proposed crossing site and more than 200 vehicles are using the road when the children are crossing. This criteria must be met during two one-hour periods on the day of the survey.

Secondly, when surveying the number of children crossing the road a weighting factor of 1.5 is applied to children under 10 years of age who are unaccompanied by an adult or any child with a disability, and this essentially takes on the point the Hon. Sandra Kanck raised earlier about younger children being more vulnerable. If there are still other extenuating factors these can be assessed on their merits by Transport SA and approval may be given.

Regarding the statement that school zones on arterial roads will be replaced with suitable pedestrian crossings, I offer the following information: Transport SA is implementing a policy to replace all school zones with a suitable pedestrian crossing on roads under its care, control or management.

These roads are generally part of the arterial road network and can include, as I say, the flashing light, koala-type crossing or a pedestrian-activated crossing.

I advise that, in terms of school crossings in the metropolitan area, it is proposed that the following crossings be installed. The exact facility cannot be determined until each site is investigated to ensure that the appropriate facility is used. In the 1998-99 financial year $670 000 has been allocated to replace 10 school zones with either an emu flag crossing, a koala flashing light crossing or a pedestrian-activated crossing.

It is proposed that Marbury School, Mount Barker Road, have an emu crossing; Rostrevor College, Moules Road, either a pedestrian-activated or a koala crossing; Magill Primary School, Magill Road, a koala or a pedestrian-activated crossing; LeFevre High School, Hart Street, a koala or a pedestrian-activated crossing; Salisbury Primary School, Park Terrace, a koala crossing; St Michael's College, East Avenue, Woodville, a koala or a pedestrian-activated crossing; Henley High School, Henley Beach Road, a pedestrian-activated crossing; Bellevue Primary School, Shepherds Hill Road, a koala or a pedestrian-activated crossing; Scotch College, Blythewood Road, a koala or a pedestrian-activated crossing; Temple College, Henley Beach Road, a koala crossing; and West Beach Primary School, Burbridge Road, a koala crossing.

Of the 11 school zones referred to above, 10 will be replaced, as I mentioned, in the 1998-99 financial year. The budget was based on the estimated cost of $40 000 for a koala crossing and $80 000 for a pedestrian-activated crossing and installing six koala crossings and four pedestrian-activated crossings. These figures are being checked and I will provide further advice if there is anything different from what I have just placed on the record.

Briefly, in relation to the amendment of the Hon. Sandra Kanck, I indicate that the Government did not propose to have such a formal review but it is clearly happy to do so because of the public interest in this issue and out of respect for the support and understanding that the Hon. Sandra Kanck and the Hon. Carolyn Pickles have given to this matter. I certainly believe that we should be preparing a report to be laid before both Houses of Parliament.

In terms of the public interest and information campaign, $200 000 will be provided from Transport SA for this purpose. I believe that our efforts on the last occasion, mainly through the local Messenger press and the *Advertiser*, certainly were not sufficient in alerting the public to the change. We will have to do better next time. I have been taking advice from the Education Department and Catholic and independent schools on this matter. They are all keen to help us with posting to parents, signs inside schools, and generally, whether it be the trade union sector, farmers or any organisation that will help us in publicising the change. We would certainly welcome their cooperation. There will be public advertising through the traditional channels, and I think radio will be an important avenue to use for this change as well.

The Hon. Carolyn Pickles: What was the response to the question about the contribution of local government?

The Hon. DIANA LAIDLAW: We originally asked local government to pay for all the manufacture of the signs and the installation on their roads. I have subsequently reviewed that situation and have said that Transport SA will pay for the manufacture of all the signs. I will be speaking again with the Local Government Association and councils generally to gain their cooperation for the installation of those signs, mainly because I believe, in reviewing the length of the zones and the visibility of the signs, there may have to be a change in the siting of some of those signs. I believe that, because that will be on council roads and councils have a duty of care on those roads for the public using them, we should ask for their help in that area.

I acknowledge that the department paid for the installation cost and manufacture last time. That was notwithstanding the fact that these roads are council roads and they do have a duty of care. I am not asking local government to pay for the installation costs because of a Government mistake; I am asking them to pay because we and the public generally need their help to look at the size and length of the zones and visibility, and I do not believe that it is appropriate for the department—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: No, this is ongoing in terms of discussions with them. It is not a decision that has to be resolved today, but certainly since I first spoke to the LGA and to the Hon. Carolyn Pickles and the Hon. Sandra Kanck the Government has agreed to pay for all the manufacture costs, that it would not ask the LGA to meet those.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. SANDRA KANCK: I move:

Page 2, after line 17—Insert:

(c) by inserting after subsection (3) the following subsections:

(4) The Minister must cause a review of the operation of subsection (1)(c) to be undertaken as soon as possible after the period of 12 months from the commencement of that provision as inserted by the Road Traffic (School Zones) Amendment Act 1998.

(5) A report on the outcome of the review is to be tabled in each House of Parliament within six months after the period referred to in subsection (4).

I indicated in my second reading contribution that I would be moving this amendment and it is a response to some of the controversy that has broken out quite recently about this. I became aware of unrest with the *Advertiser* article of 21 March. As I mentioned, although that article refers to concerns about the Law Society, the Law Society at no stage has contacted me. However, the Minister sent me some briefing notes about it which allayed many of my concerns. However, that concern still existed out in the community. Initially I thought I was going to put in a sunset clause, but in talking about this with the Minister she pointed out to me that this could create some problems 12 months down the track as far as fines and assorted legal matters. On the basis of that information, I decided it would be better to have a review, and this is the intention of this amendment.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment moved by the Hon. Sandra Kanck; in fact, we would welcome such a review. We do not believe that it would allow fees in relation to section 6 of the Bill, but we do think that the public has been very confused over this issue. It is, after all, a very new type of sign and since there has been so much disquiet about it, as the honourable member has highlighted, we will support the amendment.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. CAROLYN PICKLES: The Opposition opposes this clause. It does seem that the presumption provision would bring further injustice to the whole proposal. It enables people to be prosecuted and deemed guilty with no chance of defending themselves even if there are no children in the zone and they can prove it. I am not convinced by the Minister's explanation to this. It certainly has been of some concern to the Law Society. I am not aware of whether or not the Law Society has contacted the Minister but they have certainly contacted my office—

An honourable member interjecting:

The Hon. CAROLYN PICKLES: Because I sent them a Bill, as I send them Bills on all legislation. I am interested in their views. They do not always respond in time, but they certainly responded very quickly on this one. The media release that was sent to me, which obviously had been put in by the Law Society, stated, in perhaps somewhat harsh language:

> A proposed change to the Road Traffic Act has been described by the Law Society as like something out of *Alice in Wonderland*. Under the amendment, motorists charged with a school-zone traffic offence will have to prove that there were no students in the vicinity. Law Society President John Harley said this would fundamentally change the present situation where the onus of proof rests with the police or those making an accusation. 'It reverses the common law position that someone is innocent until proven guilty, because a conviction would not require the police to prove an important element of the offence,' he said.
>
> Mr Harley said that shifting of the onus of proof to motorists would put them in the almost impossible position of proving that no student was there. 'How can you call evidence from a non-existing student, or from someone who may or may not have been a student, to prove your case?' he said. 'The rest of the Act relates to immovables such as lights, signs or poles or whether it was a school zone. If there were any schoolchildren in the vicinity they would be long gone by the time a motorist was notified of the allegation. It is nonsensical to expect a motorist to be able to prove anything in this situation,' he said.
>
> The Law Society President said that a further complication came from the fact that a charge could be laid based on evidence from a complainant other than the police. Mr Harley said that, while protection of schoolchildren was a commendable aim, 'this proposed legislation is seriously flawed and represents a worrying move that could be applied to other areas of the criminal law'. . . This is a *Through the Looking Glass* approach that is a serious threat to a basic civil liberty,' Mr Harley said.

That is just one legal view that we have received, and we have received others. Those members of my own Party who are lawyers and have worked as practical lawyers have said that this would be a very onerous provision. I note that the Hon. Sandra Kanck, in her amendment to the previous clause, has stated that she feels that a 12 month review might satisfy her. She has not really had time to look at this provision, but I would say that many motorists would be very angry to think that they would have to make that kind of proof to the court. I would like to stress that I think that at all times motorists, such as the Hon. Sandra Kanck, should slow as they come to a school. Hopefully, these signs will make it very clear that you are approaching a school. Whether or not there are any kids in the vicinity—

The Hon. Carmel Zollo: They're lucky to have signs. Some schools don't have them.

The Hon. CAROLYN PICKLES: No, they're going to have them.

The Hon. Carmel Zollo: St Ignatius doesn't have them.

The Hon. CAROLYN PICKLES: I understand that the Minister has agreed to put school zone signs outside all schools, and she has indicated that, presumably over time, on all main roads and all arterial roads there will be flashing signs. That is a commendable move, and I only hope that we can do it fairly quickly. However, because there has been so much confusion about this legislation, I believe that the Opposition is erring on the side of caution. Hopefully, the education campaign will ensure that motorists will be aware of this new legislation and will make every effort to be cautious. However, I do not want to see any more motorists wrongfully pinged for the kind of situation that has been occurring in the past few months. There is already enough angst out there and I do not wish to add to it. We will oppose this clause.

The Hon. A.J. REDFORD: I want to raise a couple of issues. First, I ask for an assurance from the Minister that in relation to this clause the fact that this Parliament might agree to it will not be used as a precedent for similar sorts of clauses in future. I well remember reading in old *Hansards* where the former Attorney-General used to stand up and say to the current Attorney-General, 'I don't know what you're worried about: we've got lots of these and there is good precedence for it, and you're jumping up and down complaining about it.' Obviously, we have had a change of heart in relation to some of these issues, but I would hate to see this used as a precedent in the future.

I must state in response to the Leader that I question some of the comments made by the President of the Law Society. In my practice I had cause to deal with these presumptions, and I must say that they are about as useful to a prosecution as tits on a bull. How on earth any prosecutor thinks that he can rely upon a presumption in the face of a sworn statement from a witness is beyond my comprehension. I had four or five occasions on which I had matters with lazy prosecutors who sought to rely upon these presumptions, and I must say to the Minister that I won every one of those cases. What a magistrate has to do in these cases—

The Hon. T.G. Roberts: No free advertising, come on.

The Hon. A.J. REDFORD: It's nothing to do with free advertising at all. If the honourable member will listen, I will explain why. What actually happens is that some prosecutor who does not have his case up properly comes bowling in and says, 'Your Honour, I rely upon the presumption.' You call your witness and he stands up and, in a case such as this, says that there was no child present, and the magistrate has to sit and weigh up some sworn evidence given by a particular individual in the face of some artificial presumption that some of us in Parliaments and such things dreamt up in the dead of night. The fact of the matter is that the evidence will win every time. I hope that the prosecutors, who might be dealing with these sorts of provisions, do not become overly confident, because my personal experience would indicate that they lose every time.

I received a briefing in relation to this, and I am a little concerned at some of the information contained in it. First, a statement that I received stated that the proposed evidentiary provision removed the need for police to prove that signs at the beginning and end of a school zone comply with the signs prescribed. For the life of me, I cannot see how that provision has anything to do with signs. What it says is that a vehicle was driven in a school zone and that a child was present in that school zone, and I am not sure how it refers to signs being properly prescribed or that properly prescribed signs were used. I am not sure that that avoids that difficulty.

Notwithstanding that, this is a very important piece of legislation and, as a parent of younger children, dropping my children off at school regularly, I am very concerned that we take every step possible to protect our children. At the end of

the day, the sorts of penalties imposed for these offences are not great. On the whole, we see most of these offences being dealt with by way of fine and, if there is repetition and an accumulation of demerit points, ultimately a loss of licence. The fact is that the stakes are high. Our children's lives are very valuable. Children are inexperienced in and about schools, and I would hate to see this legislation falter or be made more difficult to implement.

I would hate to see any undermining of community concern for the protection of our children. Some of the difficulties that the Minister has confronted are to be regretted, and I suggest that they are not of her making at all.

The Hon. K.T. Griffin interjecting:

The Hon. A.J. REDFORD: The Attorney interjects, but I have to say that I have a great deal of sympathy because at the end of the day I know that everyone in this Chamber would say that the primary responsibility in relation to vehicles travelling outside school zones is that they should travel slowly. We all know that children are inexperienced on the road: they misjudge distances, they misjudge speed and they lack concentration. They have a complete misunderstanding of the sorts of danger that they are confronted with, and the fact is that an adult who is driving a motor car along a road, particularly past a school, should have a very high onus, indeed. So, that is why I will not make too much of a song and dance about this evidentiary provision, other than to say that I do not believe it will be of any assistance to prosecuting authorities.

At the end of the day, if there is a dispute, the prosecuting authority, if he is in any way competent, will call the police officer and the police officer will say, 'That is where I set up the speed trap. That car went through that speed trap and, yes, I saw those children there.' What police officer would resist the temptation of explaining in detail to a magistrate that there were children and great danger? I have never had an experience in court where a police officer did not take the opportunity to point out some of the problems or risks that might have been caused as a consequence of the actions of a defendant, and the fact that children were present is something that I could not imagine any police officer resisting the temptation to give evidence about. So, I do not believe that this clause is really worth going to the wire over, quite frankly, but I just make that comment.

The Hon. CAROLYN PICKLES: I thank the Hon. Angus Redford for his comments. However, the Opposition still opposes this clause. We have to remember that we are now bringing in some legislation which could operate, in effect, 24 hours a day, as it previously did: whereas the police have told me that they will usually police this provision at times when schools are mostly used, which is when children are arriving at and leaving school. However, there is a possibility that people could be driving past a school at 10 o'clock at night and a police car may well be going past and there may well be a child present. I know that these are all fairly difficult sorts of things to envisage but they can happen. However, I have been assured by the police that they will be fairly sensible in the implementation of this legislation, that they will not be overzealous and that they will give people time to get used to it. The fact is that, once this Bill goes through the Parliament and becomes an Act, the police will be able to operate on it on a 24-hour basis if a child is present.

So, we would prefer to err on the side of caution. We absolutely stress that we wish to do everything possible to ensure the safety of children, as we have indicated previously. However, there has been an enormous amount of controversy about the signage and an enormous amount of misunderstanding. Many people have had fines issued to them and they are still not sure whether or not they have to pay them. We do not want to add to this difficult situation, and so we oppose this provision. We understand that the Democrats will support it but we still wish to divide.

The Hon. SANDRA KANCK: The Democrats do not support this amendment. As I mentioned earlier, I received a briefing paper from the Minister which, upon reading it, made me reasonably confident that the concerns raised by the Law Society and the Opposition really had little basis in fact. I want to read into the record some of what this paper says, as I do not want to be misinterpreted at any stage, because this is what I have based my decision upon. This paper was prepared by Transport SA and it states:

> Most areas of law require the prosecution to prove the case against the defendant. In contrast, a true 'reversal of onus' requires a defendant to prove their innocence. The proposed amendment to section 175 of the Road Traffic Act does not provide for a true 'reversal of onus' of proof. Instead, it provides that a presumption arises unless the defendant can prove otherwise. In the matter of *Benke v Higgins*, the Supreme Court (1962) SASR 81 interpreted the effect of section 175 that 'The defendant is under no onus to disprove the accuracy of the allegations in the complaint. If there is evidence on the topic and if there is doubt about the accuracy of the allegations in the complaint, then the defendant is to be acquitted. The ultimate onus always vests in the prosecution.'

That, to me, is very clear. What we have in this legislation is not reverse onus of proof. This document goes on to give a few other examples of presumption. I am not aware of these particular examples causing a fuss in the community, but I wish to place them on the record. The document states:

- Under the Social Security Act a person may be considered to be in a '*de facto* relationship' if living with a person of the opposite sex. In these circumstances it is up to the person to prove it is not a 'married like relationship'.
- Under the Retail Shop Leases Act 1995 a lease is automatically entered into for a five year period unless a solicitor's certificate is signed verifying that the specific legal position has been explained and understood.
- Under the Fences Act 1975 a person must pay half the cost of an 'adequate fence' unless they can show they will not receive equal benefit from the fence.

There are 2½ pages of examples in this briefing paper. If others have not seen it, they are quite welcome to have look at it. But having read it, it seemed to me that there really is not a position of reverse onus of proof in this legislation, and this is why the Democrats do not support the Opposition's move to strike out this clause.

The Hon. CAROLYN PICKLES: The Opposition also received this briefing paper from the Minister's office—or, to make it perfectly clear, it was sent over by the Minister's office and, therefore, it is the view of the department and is not necessarily the view of all legal people in the community. Let us face it, legislation has previously come into this place which has been the view of the departments and the view of some legal people and it has been wrong. I would prefer to err on the side of caution, and I oppose this. I recognise that the numbers are not here to strike out this clause but we will still proceed with striking it out.

The Hon. P. HOLLOWAY: I wish to ask a question of the Minister. What happens in relation to the use of speed cameras, which are, after all, the major means by which people who break the speed limit are detected? Speed camera operators are not police officers in the usual sense in which we would understand them, and if speed cameras are set up in these school zones and they detect people, given that there may be a number of photographs taken during a period when

a person is there, how on earth will the operator determine whether there are children around at any particular time? Does this mean that speed cameras will be used on these occasions—that is the question I am really asking—and, if so, how on earth will it work?

The Hon. DIANA LAIDLAW: I have spoken with the Police Commissioner and other officers to canvass many issues, in terms of operation of the police enforcement role generally, and the police, as the Hon. Carolyn Pickles noted in her second reading speech, have said that they will address this whole issue sensitively. If they were to use speed cameras they would use them at a time when one could anticipate the concentration of students there on a school day during certain peak hours of coming and going from school. That advice was provided to the Hon. Carolyn Pickles and is in *Hansard*. The police, like all of us, have learnt a lot through this exercise and they are not going to make their job more difficult than I have made it to date.

The police have sought these powers in terms of evidentiary provisions. They understand that there is some sensitivity to the use of these provisions and they will make sure that they deal with these important matters diligently and with sensitivity. They have a responsibility to Parliament as to the safety of kids, but they also know that Parliament and the community are concerned about enforcement practices generally in relation to school zones. This provision aims to make it easier for the police and they respect that.

The Hon. P. HOLLOWAY: I appreciate the Minister's assurance that the police will enforce these matters in a sensitive way, and I hope that they will, but the problem with speed cameras is how the evidence that children are around is to be recorded. If the speed camera happens to capture a child in the picture, there would be no doubt, but what if no children were in the picture? What will happen in those cases?

The Hon. DIANA LAIDLAW: I appreciate the point that the honourable member has raised, but the police will have no difficulty with it because, just as they do now when they place a speed camera, they will log the time, the date and the whole range of conditions. They must do that now and I do not foresee any difficulty in the way in which they will apply those practices in the future.

The Hon. R.R. ROBERTS: I take issue with the Hon. Sandra Kanck and, to some extent, the Hon. Angus Redford. The Hon. Sandra Kanck said that she did not want to be misinterpreted, but I put to the Committee that she is prepared to be misled. She is relying on the evidence of the briefing submission by the department. It must be remembered that the department has proposed this measure, so it is hardly likely to put up an opposing argument.

The Hon. Mr Redford's heart is bleeding over this because he knows that this is an outrage, but he has been rolled in the Cabinet. Every fibre of his being is screaming that this is wrong but he is locked in because, in his contribution, he talked about presumption, and this measure presumes that a person is guilty. The honourable member said that a good lawyer will challenge this, but not every accused will have the eminent presence of a lawyer of the Hon. Mr Redford's stature.

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: I will just take my tongue out of my cheek. The presumption is that a person is guilty. If the Hon. Diana Laidlaw is correct in saying that this is nothing to be worried about and if the Hon. Angus Redford in his loyal support of the Minister is correct, why not leave it out? If it is only a question of the evidence, surely that will be the same whether or not the presumption is in the legislation. This Minister has had more problems with speed control and traffic offences than any other Minister in the last 100 years of this Parliament. We all remember the debacle on the blood test kits, and this is another debacle that the Government has not been able to regulate properly, so it is going for overkill.

This is another case where this Government, because of its financial mismanagement of the State, is sacrificing justice for the sake of getting these matters through the courts quickly. I note that the Attorney-General is present. According to the press, he is contemplating legislation to take away the right to remain silent. This is another infringement on civil liberties, yet all the contributions today have suggested that this is not a presumption of guilt and that it will not have any deleterious effect. If it has no deleterious effect, we may as well take it out. If it does not do anything, we may as well take it out.

I am appalled that the Democrats are supporting this measure because they have claimed the moral high ground on all these issues in the past, but they are being conned in this instance. I say that with the greatest respect because I believe that the Hon. Sandra Kanck has a social conscience.

The Hon. Sandra Kanck interjecting:

The Hon. R.R. ROBERTS: No, the honourable member has been conned by the briefing note. I appeal to the Hon. Sandra Kanck and to the Hon. Nick Xenophon to support the Leader of the Opposition's worthwhile position on this clause, and I condemn those who support the existing proposition.

The Hon. DIANA LAIDLAW: I point out that I would always support the wisdom of a judge over the bush lawyer antics of the Hon. Ron Roberts and, as I highlighted when summing up the second reading debate and as the Hon. Sandra Kanck indicated in her contribution on this Bill, the reference that we have cited is that of a Supreme Court judge, and that is good enough for me, it is good enough for the Hon. Sandra Kanck and it is good enough for the majority of members of this Parliament.

The Committee divided on the clause:

AYES (12)

Davis, L. H.	Dawkins, J. S. L.
Elliott, M. J.	Gilfillan, I.
Griffin, K. T.	Kanck, S. M.
Laidlaw, D. V. (teller)	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Schaefer, C. V.	Stefani, J. F.

NOES (9)

Cameron, T. G.	Crothers, T.
Holloway, P.	Pickles, C. A. (teller)
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	Xenophon, N.
Zollo, C.	

Majority of 3 for the Ayes.

Clause thus passed.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 6.12 to 7.45 p.m.]

SELECT COMMITTEE ON OUTSOURCING OF STATE GOVERNMENT SERVICES

The Hon. R.I. Lucas, on behalf of the **Hon. R.D. LAWSON**: I move:

That the time for bringing up the report of the committee be extended to Wednesday 22 July 1998.

Motion carried.

ADELAIDE FESTIVAL

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council, on behalf of the public of South Australia, congratulates—

1. Artistic Director, Robyn Archer, and her team on an outstandingly successful 1998 Adelaide Festival which was not only an artistic success, but a financial and popular one; and
2. The organisers of Writers' Week, Artists' Week and the Fringe Festival on their success and their excellent contribution to the artistic and cultural life of this State,

which the Minister for Transport and Urban Planning had moved to amend by leaving out all words after 'South Australia' and inserting the following:

1. Congratulates the Artistic Director of the 1998 Telstra Adelaide Festival, Robyn Archer, the Chairman and Board, the General Manager and all the Festival management team, as well as the Writers' Week and Artists' Week Committees, on the outstanding artistic, financial and popular success of the Festival;
2. Congratulates the 1998 Adelaide Fringe Festival on its popular success and contribution to the cultural life of this State; and
3. Acknowledges the increase in State Government funds to both the Telstra Adelaide Festival and the Adelaide Fringe Festival in 1998 which enabled more South Australian artists, companies and writers to participate and helped attract increased levels of private sector sponsorship.

(Continued from 18 March. Page 532.)

The Hon. T.G. CAMERON: It was not my original intention to speak on this motion, but after leaning across to my colleague the Hon. Ron Roberts the other day and telling him that I was going to speak on this subject he said, 'What for? You're a cultural cretin.' I was stunned by this insult that I am a cultural cretin. I have decided to say a few words about both the motion and the amendment and I will leave others to judge whether I am a cultural cretin. The only solace I can take from those remarks is that the Hon. Ron Roberts admitted that he was one, too. However, I did get to a Festival function this year called *The Wedding* and I enjoyed it immensely. It was the only function I went to and I do not know that one has to attend functions to necessarily be described other than a cultural cretin. Anyway, I have been stung into action by my colleague's insult.

The Hon. A.J. Redford: Did you learn anything at *The Wedding*?

The Hon. T.G. CAMERON: No, I did not learn much but it was an enjoyable performance. My original intention, and my intention still, is to support the motion moved by the Hon. Carolyn Pickles. Many years ago, I think about 32 or 33, I witnessed Robyn Archer in action when she was performing cabaret at the Seacliff Hotel. I saw her on a couple of other occasions as well.

The Hon. M.J. Elliott: So, you've been following the arts for years!

The Hon. T.G. CAMERON: There is living proof that I am not a cultural cretin and have been actively following artistic events now for well over 30 years. I would like to join every other honourable member in congratulating Robyn for the wonderful job she has done, even though I did not get along to many of the shows. Everyone we speak to says it was a wonderful Festival and all those who attended functions appear to have enjoyed them thoroughly. I then looked at the amendment moved by the Hon. Diana Laidlaw. I can only assume that it was modesty on her part that she did not include her own name in the extensive list of people she wishes to thank for what was an outstanding Festival. I am sure that all honourable members, certainly those who have been here longer than I have, would appreciate, respect and even admire the Hon. Diana Laidlaw's passionate interest in the arts.

I have been here only a few years and it has become obvious to me that the Minister has a passionate interest in the arts. I take the opportunity, Minister, to congratulate you. Not only was it a well-managed, well-organised and well-attended Festival, but I understand that a profit was also made and that the Government was reimbursed $310 000, and that is a welcome achievement in our current recession in South Australia. It would be inappropriate, I suppose, to move an amendment to include the Hon. Diana Laidlaw's name, but I invite any other member of the Council to do so. I know that the Minister probably thinks I am being a little smart, but I am not. I do sincerely—

The Hon. Diana Laidlaw: I am wondering when the slap is coming.

The Hon. T.G. CAMERON: That is coming shortly. I congratulate you, Minister. Your contribution to the success of this latest Festival should be noted, and I doubt that any member of this Council would stand up and contradict what I am now saying. After all the congratulations—

Members interjecting:

The PRESIDENT: Order! There are too many conversations in the Chamber.

The Hon. T.G. CAMERON: It is all right, Mr President, I am not listening to them.

The PRESIDENT: No, but we are trying to listen to you.

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: That is obvious. Now that the congratulations are over and the Minister has received her praise for the Festival, I gently remind her that she has another portfolio to look after. Now that the Festival is over, I guess that we will have her full concentration on all of her portfolios. Excuse me, I am feeling a bit sick in the stomach but I will finish shortly. A few issues—

An honourable member interjecting:

The Hon. T.G. CAMERON: Probably the speech I have just made has given me a stomach complaint. I would like the Minister to look at the Adelaide metropolitan boundaries. I would also like her to look at the empty buses that are clogging up King William Street. There really is a traffic problem. The number of empty buses parading around our city streets is something that needs to be looked at. I recall, Minister, a number of comments in this Council. I think I even congratulated you on some of the great advances and achievements that have been made at our port at Port Adelaide. I know that you recognise the achievements that have been made down there and some credit for that should go to you.

Some credit should also go to the South Australian branch of the Maritime Union, which has cooperated and worked diligently, I believe, with you, as Minister—and that is certainly what it tells me—to try to improve productivity at the port. As South Australians I think that we can all be proud of the fact that we have, almost certainly, the best operating port in the country.

I also draw to the Minister's attention the issues of heavy vehicles, the clearway on the Grand Junction Road, the strategic transport plan, which has been coming for a while,

I know, but after five years I think we could get something on that and, before next summer, could we look at jet skis?

An honourable member interjecting:

The Hon. T.G. CAMERON: Not a great deal. I am about to conclude. I do not want those remarks to in any way whatsoever sour my congratulations. I am sure that I join all other members in congratulating everyone who has been listed in the resolution and the amendment, but I would also include the Minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: I attended three Festival and three Fringe productions, for which I paid, by the way. I did not go to any events with free tickets.

The Hon. R.R. Roberts interjecting:

The Hon. SANDRA KANCK: No, I did not. I saw the last 15 minutes of *Flamma Flamma* and I actually placed some of the hands for the Sea of Hands exhibition. I also managed to catch the 1812 Overture on the night of the ASO performance following *Carmen*, which was a bit of a bonus. There certainly is quite a cost if you want to go to many productions. For people on reduced incomes, that does create a problem. However, because of the way the Festival is designed with quite a number of free events, people who might not otherwise be able to attend cultural events are able to do so. That is one of the great positives of the Festival.

There is also a question of time. As I said, I went to three Festival and three Fringe events, and I simply could not have fitted in any more than that. It is interesting, though, that this was, I think, the twentieth Festival of Arts. I remember those XXs that caused such a fuss. I know people who have never attended any events in the Festival of Arts in that time. I find it surprising that, when you have so much on your doorstep, you can manage to turn a blind eye to all of it. This Festival, with its emphasis on the accordion, attracted people I know who had never been to another Festival, simply because it had that presence of the accordion in it, and that added to the Festival's success.

I wondered, too, about the question of cost. One of the Fringe events I attended cost only $8, and most of them have concession prices. The first time I attended a Festival of Arts performance was in 1970, when I was a student, and I still managed to attend two performances.

The Hon. R.R. Roberts: What role did you play?

The Hon. SANDRA KANCK: I attended the performances. I have not yet got around to talking to my son who is a student, but he said that he would be going to see a couple of things. He could not have the Festival on in town and not go. The Festival was a resounding success. Robyn Archer did us proud. The way she used the Festival Theatre and all its surrounds as a performance base was incredibly imaginative. She opened up areas on the plaza itself and on the lower level that most people simply scurry across and made them places where people linger, and not many people have succeeded in doing that in the past. Robyn Archer deserves congratulations to have made that place come alive like that.

Writers' Week, as I observe it, is another part of the Festival that for some people is almost an addiction. I did not attend, but I know people who say that, when Writers' Week is on, they simply cannot make other appointments in their calendar, that they have to be at Writers' Week. It is interesting to have seen the debate emerge as to whether the venue at the Women's Pioneer Memorial Gardens is appropriate. Although I did not attend myself, the feedback I have from people who do attend is, 'Don't shift it.' I am told that it is probably the most successful event of its kind in the world and, if it is working and has an adoring crowd of thousands, it would seem pointless to move it. One person said, 'Yes, it gets hot in the tent, but so what? You can lie down outside on the verges, and you can hear what is happening. The only thing is you don't get to see the authors speaking, but you can lie in the shade and hear it equally well.'

This is one of those cases of, 'If it isn't broken, don't fix it.' It is a very accessible location for people in the city. They are able to hop out in their lunch hours, and those who are there on more extended time are able to take breaks as they feel the need and go into the city for food and any other necessities. It seems a perfect location, and any talk of shifting the venue for Writers' Week ought to be squashed here and now.

The Fringe is another argument again. I know we are congratulating the organisers of the Fringe, but not all the feedback about the Fringe has been positive. From those in Rundle Street I heard that it really was not the living heart of the Fringe. There were claims that it was elitist, and certainly in that area, where you have what is a very up-market restaurant and cafe set, it really no longer seems to be the place where you would put an alternative arts Festival. The two things do not fit.

The Hon. M.J. Elliott interjecting:

The Hon. SANDRA KANCK: Yes, the Lion Arts Centre had a certain atmosphere to it that fitted an alternative arts Festival. Rundle Street does not have it. I am told that the Fringe Club in the car park did not work, that Big Red was only a very pale imitation of Barry Kosky's Red Square, and basically everything about the location in that area did not work.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Yes, that is exactly right. It just did not have that sense of community and centrality that some other Fringes have had. I certainly suggested that we need to consider moving that, and last year my suggestion was that we centre it on Gouger Street. I know we had some events in Gouger Street in this most recent Fringe Festival, but my suggestion is that we base most of it around that area. There are some very interesting venues quite close to Gouger Street that could be incorporated as part of a Fringe Festival. While I am willing to congratulate the organisers, I think that they need to look very seriously at where they locate the next Fringe.

When the Minister was speaking to the motion she said that she did want to go over the issue of what had happened with the Festival poster but I certainly want to take the opportunity to address that, because at the time it was all blowing up Parliament was not sitting and we certainly did not get an opportunity to tackle the issue. I was lucky enough to be given the Festival poster as a gift and I have had it framed. On the back of it I have pasted up a montage of all the newspaper clippings from the time—and I ran out of space because there were so many clippings.

I think it will be very interesting some time down the track, when I die in about 30 or 40 years time, for someone to take that poster off the wall, find all these clippings on the back and see how small-minded some people in this community were. It will show to posterity that we had a small group of religious zealots and very small-minded people in this community who were trying to force their morality onto the rest of us. I suspect when people read about it in 30 or 40 years time that they will be either incredulous or mirthful, or

both of those. I must say as someone who was raised on Christian principles that I was quite disgusted at the way in which Robyn Archer was targeted and demonised in that process. When the Festival program came out and I saw its content with its theme of the sacred and the profane I was so excited by that, because you could see exactly what it was that that poster was attempting to say. If it was not blindingly obvious at that point, anyone who went to see *Flamma Flamma* would have had it absolutely burned on their brain that that is what this Festival was about. I put my fist in the air and I said, 'Robyn Archer, you have been vindicated.'

The Hon. L.H. Davis: I hope you wrote to Mike Rann and told him.

The Hon. SANDRA KANCK: Well, I did not write to Mike Rann. I think Mike Rann's behaviour at the time was appalling.

The Hon. Diana Laidlaw: He never defended it.

The Hon. SANDRA KANCK: No, he seemed to be trying to curry the Greek vote and did not mind whom else he offended in the process. As I say, I believe that Robyn Archer was vindicated. I think it was a fabulous Festival. In the aftermath a rather interesting little letter appeared in the *Advertiser* (which some members would have seen) by someone called O. Morphett of Dulwich. The letter says:

> Dear Robyn, now that you have successfully presented a Fringe masquerading as a Festival, could we please celebrate the end of the millennium with an Arts Festival as the event was conceived by its founder John Bishop?

I do not know what John Bishop had in his mind when the Festival was conceived but that seems to me to be a very elitist letter with a very elitist attitude. It does raise the question of what is art and what is its purpose. Certainly I see art as a very participative and inclusive sort of event. If this person is suggesting that the arts Festival needs to be operas and symphony orchestras, I do not think he understands what art is. The Fringe is a very accessible event, although it has not quite made it this time, at least in part because of the venue.

The 1996 and now the 1998 Festivals have not been elitist, but I certainly would not regard what was produced as being populist, either. The Festival this year produced a great range of performances. There was something to suit all tastes and all sorts of hip pocket nerves. In the end, it admirably represented Adelaide as the city of churches and the city of pubs at the same time, and I am looking forward very much to the 2000 Festival.

The Hon. J.F. STEFANI: I was not going to get involved in this debate. However, I felt compelled to say a few words to counter the comments made by the Hon. Sandra Kanck. I have to say that the views expressed by the honourable member in regard to the religious beliefs of a good number of people in the community are a little misguided. I have to say also that, having had the experience of visiting Greece and the Byzantine Museum, where some of the religious icons are held, it is true to say that I respect very deeply the faith that both the Greek and Italian communities hold for the Madonna. In saying these words, I defend their concerns as to how the Madonna was being used.

I facilitated some of the discussions with the Government to ensure that those views were respected. I think we owe in this community the democratic rights of those people who hold dear to them their religious beliefs—and I am one of them.

The Hon. Sandra Kanck interjecting:

The Hon. J.F. STEFANI: It is not a question of thrusting it down anyone's throat. It is a question of respecting others in the community, and I strongly defend the right to do that. Having said that, and in respecting other people's views, I acknowledge that the Festival board considered the position and correctly identified a course of action that was appropriate. I want to add my congratulations to the tremendous effort of the board, Robyn Archer and all those involved. I enjoyed a number of the performances that I attended.

The Hon. NICK XENOPHON: I rise to make a very brief contribution to the motion before the Council. Clearly the Adelaide Festival is an outstanding world class event. Clearly it is something of which we can all be very proud. I certainly am, and the occasions I have been to Festivals over the years have generally been quite memorable. The Hon. Diana Laidlaw's commitment to the arts is clearly something to be commended.

However, it would be remiss of me not to mention a caveat to all this, and that is the disappointment and distress that the original Adelaide Festival poster caused to significant segments of the South Australian community. I do not propose to revisit the debate in any length other than to say there was a perception amongst a number of cultural and religious groups and communities, particularly the Orthodox community, that they were a soft target. This is something the Hon. Carmel Zollo alluded to in a 'Matter of Interest' debate late last year. To say, as the Hon. Sandra Kanck did—and I appreciate her great passion for the arts, and that is marvellous—that it was a case of religious zealotry or that religious zealots were opposed to the poster is somewhat unfair.

I see the concerns as being about very deeply held beliefs. I wonder if the accusations of zealotry would have been made if it concerned, for instance, a poster involving Aboriginal art and that poster was substantially altered where the Aboriginal community would have seen themselves as being made fun of in relation to that poster.

In any event, I hope that with the next Festival no similar controversy will occur, that some commonsense and sensitivity will prevail, rather than any accusations of zealotry. Having put that on the record, I note that the Festival and the Fringe were clearly outstanding successes and I join with other members in this Chamber in congratulating all those involved in their success. I look forward to an even bigger and better Festival and Fringe in the year 2000.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I thank members for their contributions and indicate at this stage that I am very happy to support the amendment moved by the Hon. Diana Laidlaw. She has outlined her reasons for the amendment in her speech to the motion, saying that she wanted to make quite clear the structure of the Festival and Fringe and that she also moved this amendment to acknowledge the increase in State Government funds. The State Government has indeed increased its funds, and I support that very strongly, as I am sure she would do if it were a Labor Government doing so. It is very important that Governments of any political persuasion should strongly support an event that is not only culturally successful but financially so.

The Festival team was given a very big 'ask': not only did it have to make up a shortfall in the previous Festival but it also had to balance the books. It is unfortunate that what is after all a congratulatory motion that I thought we could all support has turned into some political point scoring, but I

have come to expect that from the Australian Democrats. I respect the religious views of people although I do not share them. I personally had two Festival posters in my office. At the time I did not particularly consider that it was offending people, but it has been pointed out to me that it did so.

The Hon. T. Crothers: 'I don't agree with what you say, but I'll defend to the death your right to say it.'

The Hon. CAROLYN PICKLES: Very well put, Mr Crothers. That is very true, and that is my view. Every Festival has something controversial in it, and we have come to expect that. There have been Festivals where performances, particularly, have actually had religious groups protesting outside because they did not like the content, and people have different views about it. Having said that, I hope we in the Council can support the motion unanimously. The debate on the merits or otherwise of the Festival poster took place prior to the election, and I guess that debate may still rage about that. I do not believe that the Artistic Director had any intention to offend people and I am quite sure that she would regret it if she has done so. With those few words I thank members for their support. Even with the amendment, the motion will be unanimously supported by this Council.

Amendment carried; motion as amended carried.

AUDITOR-GENERAL

Adjourned debate on motion of Hon. M. J. Elliott:

1. That on Wednesday 1 April 1998 at 2.15 p.m. the Council meet for the purpose only of resolving itself into a Committee of the whole to consider the Auditor-General's Report 1996-97;

2. That pursuant to Standing Order 429, the President summon the Auditor-General to attend in the Legislative Council at the aforementioned time; and

3. That Standing Orders be so far suspended to enable the Auditor-General to be accommodated on the floor of the Chamber to answer questions.

(Continued from 18 March. Page 535.)

The Hon. P. HOLLOWAY: The Opposition will not support this motion, although we do nonetheless have some sympathy for the sentiment behind it, and I will explain the reasons for that. The Opposition is a great supporter of the role of Auditor-General, and it is most important that the role he plays is kept above and beyond politics. There is a tried and true practice in the Parliament that the Auditor-General has regularly presented himself before committees of the Parliament. I was fortunate enough to be a member of the Economic and Finance Committee as a member of the House of Assembly and I know that the Auditor-General regularly appeared before that committee, after he gave his report to Parliament.

The Auditor-General has also appeared before all select committees of the Legislative Council that I have been on and made himself available to answer all questions in relation to the particular matters that were before us. One of the difficulties is that if we were to accept the motion of the Hon. Mike Elliott and to bring the Auditor-General here before the entire Parliament, without any clear agenda of what we were doing, it could easily turn into a shambles. A far more acceptable way of discussing matters with the Auditor-General is to have small committees where we can go through particular issues with him.

Indeed, if any member of this Council were to have concerns about a particular matter or issue that the Auditor-General had addressed, there are a number of ways that that could be dealt with: for example, in respect of outsourcing, the Auditor-General has made himself available to a select committee to look at such matters. I understand that one of the committees of the Parliament is looking at the sale of ETSA where the Auditor-General has had something to say, and no doubt in due course that committee will invite the Auditor-General to appear before it to speak on those issues. We have means by which the Auditor-General can make his views known. It is far more practical that he should do so before a small committee.

After all, the Estimates Committees of the House of Assembly involve the Chair plus three members from the Government and three from the Opposition. Practice has taught us that that is the best number of members to have for that type of committee. We know what Question Time has been like in this Parliament with some of the backbenchers on this side lucky to ask one question every three or four days. If we had the Auditor-General before the full Parliament, we would have some problems as to how we might structure that hearing. It needs more thought. I would not rule out at some stage in the future discussing with the Government and the Democrats some more meaningful way that we could involve the Auditor-General in coming before the Parliament and discussing particular issues. We would be open to those sorts of suggestions.

The other point we need to make is that this year the Auditor-General's Report for 1996-97 is nearly nine months out of date. It is unfortunate that, with the election being called in October—just before the report was due to come out—there has been such a long delay in looking at the report. I imagine that at this time of the year the Auditor-General is working on finalising his report, which would be well under way for 1997-98. To some extent, as far as the timing is concerned, we are already nine months behind in looking at the report. Perhaps in the future we can look at other ways of dealing with this problem.

The other matter that I wish to discuss is that this was a package of measures that the Hon. Mike Elliott put forward, by way of a press release, as a way which he saw for improving the accountability of Parliament. I would like to make some brief comments about those measures. I do not blame him for putting those matters forward; it is right that we should have debate. However, not all of those measures were, in my view, desirable—although some of them do have merit and the Opposition will be happy to support some of them.

First, the Hon. Mike Elliott suggested that the Democrats would block all Bills going to the third reading for the rest of this autumn sitting of Parliament. One of the obvious problems with that is that we have a Supply Bill before us now. I do not believe that the Opposition should partake in blocking Supply for the Government. I do not really believe that the behaviour of the Government is so serious that we could warrant blocking Supply. However, that is the logical conclusion of the first suggestion of the Democrats.

The Hon. Mike Elliott also said that in August 1996 the ALP signed a deal with the Liberals to stop the release of the full contracts of the outsourcing deals for information technology, water, Mount Gambier Prison and the Modbury Hospital. We did not sign a deal to stop the release. What we did was agree that summaries would be issued. We reserved our position to a later time as to whether we would request the full contracts. We recognised that, in dealing with these contracts, some issues of commercial sensitivity were involved and we agreed that we would go through the

procedure of seeing what we got with the summaries of these contracts and then evaluate the exercise.

The other point that needs to be made is that the Hon. Mike Elliott was part of the process. He was also invited to partake in that and, indeed, the Attorney-General, who handled this matter, spoke to the Hon. Mike Elliott about it. He further stated:

> The ALP failed to seek the summaries. Two months after the deal the Democrats found out about it and demanded the summaries.

Again, that is not the case. I have a copy of the letter I wrote to the Attorney-General on 16 January 1997, seeking some clarification of this matter. There was indeed some doubt as to whether, when the select committees originally requested contracts—

The Hon. M.J. Elliott: It's not relevant.

The Hon. P. HOLLOWAY: I am sorry, but it is relevant to the integrity of the Australian Democrats in putting this measure through, because it is wrong for them to say that the ALP failed to seek the summaries. In fact, we moved for that to occur on at least one of the select committees of which I was a member.

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: The Hon. Mike Elliott, in moving this motion before us, did refer to his whole package. He sold this as one part of the package, and what I am saying is that there are things in the package that he tried to sell to us that are just blatantly incorrect.

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: We will deal with that later. The Hon. Mike Elliott has a Bill that we have just adjourned in relation to parliamentary standing committees. We will deal with that matter later—although I point out that we do already have a select committee on the subject. The Hon. Mike Elliott said, in relation to the Auditor-General—and we are dealing with the sort of subject matter here—that the Auditor-General should scrutinise contracts. This was a matter that the Labor Party gave some considerable thought to at the time we were considering contract summaries. Our dilemma about doing that is that, if you ask the Auditor-General to advise on and sign off on contracts, it compromises his position when, later on, as Auditor-General, he has to scrutinise the performance of those contracts.

If the Hon. Mike Elliott were to speak to the Auditor-General, I am not sure that the Auditor-General would be all that keen about taking such a role, because it would involve him in some conflict. If he had signed off on contracts and was then put in the position where he had to report to this Parliament on the outcome, it would cause some difficulties. By all means, let us scrutinise contracts by some independent means before they are signed off on, but I do not believe that the Auditor-General is necessarily the appropriate person to do that.

The other matter, apart from the motion before us, that is contained in the Hon. Mike Elliott's package concerns the Bill, which he put before the last Parliament and of which he has given notice in this Parliament, to appoint the Auditor-General by a special committee of the Parliament. The Leader of the Opposition indicated her support for such a measure in February last year, and again the Opposition will support that measure when it comes before the Parliament.

Indeed, when the Electoral Act was considered, on behalf of the Opposition I moved an amendment, which was later amended by the Attorney-General, to appoint the Electoral Commissioner by a special committee. At that time, the question of the Auditor-General was raised, and the Attorney-General indicated that he expected that at some stage in the future the new committee set up to appoint the Ombudsman and the Electoral Commissioner would also have the role of appointing the Auditor-General. I come now to the motion to call the Auditor-General before the Upper House—

The Hon. M.J. Elliott: It was the Government's policy in 1993.

The Hon. P. HOLLOWAY: Well, it was the Government's policy in 1993, and we should do this. As I said, the Opposition would be quite happy to support that measure as it did some years ago.

The other point I make is that the Opposition does not rule out the need for reform of the practices of this Council and the inclusion of a role for the Auditor-General. As I said earlier, we are willing to discuss these matters with the Government, the Democrats and the Independent member, Mr Xenophon, at some stage in the future. I believe that we can make changes to this Parliament to make it work better. My personal view is that the committee system of this Parliament could be strengthened considerably, and I have my own ideas about how that might be done.

I also note that my colleague the Leader of the Opposition has written to the Government and you, Mr President, seeking a meeting of the Standing Orders Committee to discuss some measures which might improve the operation of this Parliament and, in turn, its accountability. I also mention that last July the Leader of the Opposition in another place, the Hon. Mike Rann, moved a financial responsibility Bill which, it was proposed, would improve the accountability of the Executive Government to the Parliament. I am sure that we will revisit that matter.

I will not take up any further time of the Parliament. I hope I have demonstrated that, whilst the Opposition opposes this motion at this time, it is prepared to consider an alternative means of improving the accountability of Executive Government, and it will initiate some reforms along those lines. The Opposition is also ready to listen to reforms put forward by the Democrats or anyone else in this Parliament in the future. However, at this time it believes that it would be better not to rush into having a full meeting of this Parliament with the Auditor-General. The Opposition believes that that may not be the best way of having the Auditor-General report to Parliament and that more thought should be given to the matter, which it will consider again in due course.

The Hon. CARMEL ZOLLO: As indicated by my colleague the Hon. Paul Holloway, whilst the Opposition agrees with part of the Democrats' package for greater accountability, which was put together by them last week—an unprecedented move as their news release announced—it is difficult to support this motion. My colleague the Leader of the Opposition, the Hon. Mike Rann, described the Democrat proposal not to pass legislation through the Upper House unless the Government agreed to allow major outsourcing contracts to go in their entirety before the parliamentary committees examining these issues for what they are as an irresponsible stunt and a smokescreen for an ETSA sell-out.

The motion before us seeks that the Council meet specially on Wednesday 1 April, to resolve itself into a Committee of the whole to consider the Auditor-General's Report and to question him upon it. When I looked closely at the date, it occurred to me that, as part of this unprecedent-

ed package of measures, it was a special type of stunt—an April Fools' Day stunt.

When moving this motion, the Hon. Mr Elliott indicated that his office had established that the Auditor-General would be in town on 1 April. That is very considerate of him but, if the motion were to be carried, what guidelines would be followed? All that we have been told is that the Auditor-General would not be called before the bar but would sit on the floor of the House. Presumably he would need to be available from 2.15 p.m. until midnight. What if the questioning were not concluded by then? Could the Auditor-General have other members of his office to assist in answering questions? Would the process become like Estimates Committee hearings, which have been made less relevant by the Liberal Government?

The Hon. Mr Elliott concedes that the Economic and Finance Committee has allowed some members of the House of Assembly to question the Auditor-General about some aspects of his report. In his speech, the honourable member stressed the words 'some members' but what he should have stressed is 'House of Assembly' because in my view that is what is at the heart of the Democrats' problem: they do not have representation in the Lower House. The Democrats seem to have a need to make themselves appear relevant, and one wonders why. Dare I say it is because, as their former Federal Leader pointed out, it is incredibly frustrating to constantly scrutinise Government policy without being able to implement one's own policies. As we all know, true relevance in politics means the capacity to be held accountable for your policies and promises.

The Hon. M.J. Elliott: Who wrote this?

The Hon. CARMEL ZOLLO: Perhaps I am learning.

The Hon. M.J. Elliott: Who wrote this? Someone on Rann's staff wrote this one.

The Hon. CARMEL ZOLLO: I can assure the honourable member that that is not the case: I simply must be learning. The basic tenet of the democratic process is to make the elected Government of the day, not an officer of the Parliament, more accountable. The Auditor-General has always performed his role in a exemplary manner and in accordance with relevant legislation. Governments are not always pleased with some aspects of Government policy raised by the Auditor-General. When that is the case, the Opposition and other Parties play their part by pursuing the Government and individual Ministers to make them accountable to the electorate for their actions.

There is no need to politicise the position of Auditor-General, and that is what the motion would tend to do, or give the appearance of doing so. In any case, why stop at the Auditor-General? Why not call other officers, such as the Ombudsman, before Parliament? Whilst the Democrats have had their bit of media on the so-called unprecedented accountability packages, including their proposal to block all legislation, they keep forgetting, as do the media, that they cannot block or pass anything or do anything of substance in this place unless they have the support of the ALP, and vice versa.

I do not support this motion because, even if there were shortcomings in being able to raise questions with or obtain information from the Auditor-General, I do not think that this is the way to address the issue. If anyone is to be scrutinised on issues raised by the Auditor-General, it should be the Premier and relevant Ministers, not the person who has drawn those problems to our attention. I believe that there are existing avenues—

Members interjecting:

The Hon. CARMEL ZOLLO: He will speak to you on the phone: he did the other day. There are existing avenues that can be followed to obtain additional information from the Auditor-General. Whilst the Opposition does not support this motion, the Leader of the Opposition, the Hon. Mike Rann, has indicated that he agrees that the Auditor-General, who reports to Parliament, should also be appointed by Parliament. Legislation required to amend the method of appointment would be an opportune time to review reporting arrangements and the questioning of the Auditor-General by members of Parliament.

Labor would also like to see better parliamentary scrutiny of contracts by the parliamentary committees and major reforms of the Estimates Committee hearings, which have been hobbled by the Liberal Government. Along with the Labor Opposition, the Democrats will soon have the opportunity to vote against the ETSA outsourcing contract. However, the smart money is that a backroom deal has been done by the Liberals and Democrats to let the legislation through.

The Hon. Sandra Kanck: The Treasurer is shaking his head.

The Hon. R.I. Lucas: I wish there had.

The Hon. CARMEL ZOLLO: It will soon all be revealed. I oppose the motion but, as I said earlier, there is merit in reviewing the operations of the parliamentary committees and the Estimates Committees to allow for a greater level of scrutiny and in reviewing the method of appointment of the Auditor-General, at which time we could include making the Auditor-General more accessible to the Parliament.

As my colleague the Hon. Carolyn Pickles has previously indicated in this place, the Opposition strongly supports any measures that will ensure accountability of Executive Government and the independence and effectiveness of the Auditor-General. Should the Democrats genuinely attempt to apply such accountability measures rather than jump through the hoops of the media circus, as they are with this motion, I am certain that this side of the House will consider them.

The Hon. R.I. LUCAS (Treasurer): It will not surprise members that the Government does not intend to support the motion of the Hon. Mr Elliott in relation to this issue. I agree with some of the points made by two previous speakers, the Hon. Carmel Zollo and Hon. Paul Holloway. If we as a Parliament are to involve the Auditor-General in some new and innovative way in the proceedings of Parliament, I think the appropriate way to go about that would be through reasonable discussion between all Parties' representatives—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: No, it is not: it is seeking agreement at this stage. There was no discussion with me, as the Leader of the Government in the Chamber, prior to this motion being moved as to how this might operate or, indeed, as to the reasons and the rationale for it and the problems that have been experienced by members in seeking information from the Auditor-General and his staff. The Government certainly supports the general proposition that the Labor Party has put in relation to this matter. We are not prepared to support this motion.

There are a number of ways in which members can properly seek further information from the Auditor-General if they want it. The simplest way is to telephone him, make an appointment and go to talk to him. Indeed, the Hon.

Sandra Kanck, the Deputy Leader of the Democrats, has indicated that she has already either done that—

The Hon. Sandra Kanck: I spent an hour and a half with him.

The Hon. R.I. LUCAS: The honourable member has acknowledged that she spent 1½ hours with him. I am sure that she had the opportunity on a one-to-one basis to speak with the Auditor-General while he was not exposed to public scrutiny where the media and other interested persons were throwing questions at him. He was obviously in a position to have, I presume, a fruitful one-to-one discussion with the Hon. Sandra Kanck about her issues of concern from the report and to pursue them.

I have great respect for the position of Auditor-General, as indeed I have for the current incumbent, the present Auditor-General, for the manner in which he approaches his difficult task. As I have said before, I do not always agree with the views of the Auditor-General—and I am sure he does not always agree with the views and approaches of the Government. That is his role. I have great respect for the position and the office, and I have great respect for the person who fills the current position of Auditor-General.

I have never known the Auditor-General to refuse to discuss any concerns that he has raised properly in his report. I am sure he is not prepared to discuss what he might be doing for next year's report prior to its being produced in the Parliament, and that is his responsibility under the legislation by which he operates. I have never known him not to respond, as he obviously did to the Deputy Leader of the Australian Democrats, that is, willingly giving up 1½ hours of his time to discuss with an honourable member issues or concerns that he or she might have about aspects of the Auditor-General's Report. I know that a number of other members who have had concerns on other issues—and I will not indicate those issues—have had lengthy discussions with the Auditor-General.

I am also aware of members who have had concerns about aspects of Government administration, under both Labor and Liberal Governments, and who have gone to the Auditor-General and, I suppose, in the parliamentary sense, been whistleblowers, raising issues of concern and asking the Auditor-General whether or not he and his staff were prepared to investigate those issues. Again, in my experience of the Parliament, which now runs 15 years or 16 years, I cannot recall an occasion where a member who wanted to discuss a particular issue with the Auditor-General was refused the opportunity to do so.

So, that is one of the options which is clearly available. As I have indicated on a number of occasions, in the past two years the Government has extended Question Time specifically to allow questioning of Ministers and the Government on the Auditor-General's Report. We have also moved a motion which we have left on the Notice Paper for the duration of the entire session. Unlike the House of Assembly, where there is a compact, half-day debate on the Auditor-General's Report and that is it, the Government in this Chamber has left a motion on the Notice Paper for the duration of the session to allow ongoing and public debate about the Auditor-General's Report.

On those occasions or opportunities, either in the debate on the motion or in the extended Question Time, should an honourable member want to put a question to the Auditor-General, it would have been completely appropriate for the honourable member to direct questions to me in this Chamber for referral on to the Auditor-General to determine whether he is prepared to provide further detailed information, in much the same way as Ministers take questions on notice. I would be very surprised if the Auditor-General was not prepared to cooperate with members in this Chamber should they be interested in pursuing an issue or concern in that manner. Certainly we could explore options in relation to that opportunity to seek further information from the Auditor-General.

In relation to particular areas of operation, again I would be surprised (and this would be something worth exploring) if each of the individual standing committees of the Legislative Council—not just the Economic and Finance Committee—could not invite the Auditor-General by letter to visit with the committee to explore issues within the audit report which might appropriately be explored within the terms of reference of that standing committee. Clearly that would not allow the Social Development Committee, for example, the opportunity to engage in a wide-ranging debate on the broad budget. However, if issues in the Auditor-General's Report related to social development or fell within the scope of the terms of reference, I would be surprised if the committee could not explore them. I have not done so in detail, but it would be worth looking at the terms of reference and operational procedures of the standing committees to determine whether members of the Legislative Council have an opportunity to participate and, if my contention is correct, to explore further with the Auditor-General issues of concern that relate to the operations of those standing committees.

I think there are already a number of areas where we can explore issues with the Auditor-General. There may well be others that we are prepared to consider through sensible and reasonable debate amongst members of this Council and then perhaps at some stage by way of further resolution of the Council.

The Australian Labor Party has already indicated that it is prepared to hold discussions with the Australian Democrats about further opportunities. Should the Labor Party and the Democrats arrive at a proposition that they wish to discuss with the Liberal Party, clearly we would be prepared to have those discussions. I cannot give a commitment in relation to what the Government's position might be, but nothing ventured, nothing gained, and we would certainly be prepared to listen to whatever proposition was put. However, we ought to do it within the context of sitting down and chatting about it first, rather than being confronted with the motion and, as the Hon. Carmel Zollo has indicated, not being entirely clear about exactly how we would operate with the Auditor-General in this Chamber.

The Auditor-General is not a politician or a Minister, and he needs to be treated with the respect that is due to his position. Once he is let loose in the bear pit of the Parliament I am not sure what protections exist for a person such as the Auditor-General should an honourable member or members decided to proceed with him in a particular fashion.

The Hon. T. Crothers: Isn't it a fact that only both Houses of Parliament really have anything to do with respect to the Auditor-General's role, and that is *in extremis*? To summon him here before a single House of Parliament is really impinging—

The Hon. R.I. LUCAS: I am happy to explore the Hon. Mr Crothers' question with him at a later stage. Certainly, no opportunity exists where both Houses can collectively get together to have a chat to the Auditor-General. Again, I am not even sure whether that would be appropriate. It might be

daunting enough for the Auditor-General to be confronted in the bearpit with 22 members of the Legislative Council.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Crothers is supporting the view that we should not proceed down this path. With that, I do not want to delay this issue. As I said, I am happy to explore further opportunities with members who might have an interest in this matter at some later stage.

The Hon. L.H. DAVIS: I think it is appropriate to put on record during this debate that, during the very protracted argument which took place in October 1991 in establishing the parliamentary committees system, the so-called Evans initiative, the Australian Democrats were given opportunities by the then Liberal Opposition to give the Legislative Council much more power in the committee system, but that failed.

The Hon. M.J. Elliott: Are you still moving for that?

The Hon. L.H. DAVIS: Well, that failed because of lack of support of the Australian Democrats. I think that is important to put on the record, because the Hon. Robert Lucas, as Leader of the Opposition and leading for the Liberal Party in that debate, made offers—and I have just refreshed my memory by reading *Hansard*—and said that he had never been so disappointed as he was with the contribution from the Hon. Mike Elliott.

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: That's right; history repeats itself. My second point is that nowhere else in Australia is the Auditor-General brought down onto the floor of the Parliament. There is no precedent for this, and there is a very good reason for that. I am pleased to say that that has been articulated in the contributions from the Hon. Paul Holloway, the Hon. Carmel Zollo and the Leader of the Government, the Hon. Robert Lucas. As the Leader said, there are plenty of vehicles by which the Auditor-General can be approached, namely, through the standing committee system or through the select committee system. We have seen examples of that in the last 12 months, and there have been other opportunities as well. As the Hon. Robert Lucas said, this Auditor-General is respected by all Parties. He is very accessible. He is also available for advice to anyone at any time. He is, after all, a servant of the Parliament. To bring him down on the floor and cross-examine him is quite another matter.

The Hon. T. CROTHERS: I was not going to make any contribution, but I will be brief. The point I was making to the Leader of the Government was that for this one single House of what is a bicameral parliamentary system in this State to invite the Auditor-General onto the floor of the House is, if you like, something entirely opposite to that which the Auditor-General and other like officers of the State stand for. I talk now of the separation of powers. There is no doubt that the Auditor-General belongs in that small coterie of officers who hold large offices of the State, such as the judiciary, the Ombudsman, the Auditor-General and the Solicitor-General. Those people can be removed only if they are deemed guilty of some wrongdoing by both Houses of this Parliament sitting together in order to deal with the matter, and whether that would lead to censure or removal is of no small matter.

The facts are that they are put above and beyond the reach of Parliament for a very good reason. The Auditor-General in this State and everywhere else in the Westminster system is the officer who is the watchdog over the expenditure of the public moneys of the State or the nation by the Government of the day. It may well be that, because the Auditor-General has necessary access to a number of very confidential matters in order for him to fulfil his functions which are laid down and imposed upon him by the Parliament, he has access to some matters of delicate commercial confidentiality that the Government for obvious commercial reasons does not want to reveal relative to the damage that a public revelation may well do in respect to the commercial interests of the people of this State.

To bring him or her down, but Auditor-General MacPherson in this case, on to the floor of this Council in a unicameral fashion is both inappropriate in respect to the fact that, if he is guilty of wrongdoing, he can only be dealt with by the bicameral system of this Parliament meeting jointly and dealing with same. Secondly, to bring him down on to this floor before the bar is to put a pressure on him, because the Council then sits as a Supreme Court. Once the summons is given to go before the bar, my understanding is that this Council sits as would the Supreme Court of this State. It just seems to me that he may well be in possession of information that is of such a delicate nature that he cannot answer direct questions in respect to a particular matter. But, above all else, I believe, as a respecter of the parliamentary Westminster system, that it is wrong and mean in spirit and it runs counter to the unwritten but traditional custom and practices of the system we operate under. As Churchill said:

> I know of no worse parliamentary system than the Westminster system. Neither do I know of a better one.

That is what confronts us. I do not know and I will be kind to the Hon. Mike Elliott, because I do not think that that was his intention. Whether it was his intention or not, that is the effective impact of this resolution if this Council votes in support of it. I believe it is in the interests of the system which has served us well and it is in the interests of the integrity of the Auditor-General for us to overwhelmingly defeat this proposition which, giving the Hon. Mike Elliott, the Democrat's Leader, all the kindness my heart can muster, I would have to say at the very least that it was done, for whatever intent, without thinking the matter through.

The Hon. M.J. ELLIOTT: I guess that, when you look at a doughnut, it is a question of whether you look at the doughnut or the hole. I am heartened, particularly from the Labor side but even perhaps from the Liberal side, that there was some suggestion that there is room to take the issue further, and whether or not it is in the precise form that I have suggested might be another question. I am not wound up about this matter and I have to concede that it has been on fairly short notice. I thought it appropriate to try to get the question up now because I would like to consider the issue again before the Auditor-General's next report. I will treat each of the speakers in order.

The Hon. Paul Holloway has really indicated that the Labor Party is still prepared to look at the issue more generally. I am paraphrasing him, but I think he was saying that he saw an increased role for committees in the Upper House. I agree with that and I think the Leader of the Government in the past has made those sorts of suggestions as well. The ability to question the Auditor-General before the Legislative Council is still very limited. It is limited in both Houses and it is limited in a range of ways.

It could be argued that the Lower House, via the Economic and Finance Committee, has a more direct access to the Auditor-General; but at this stage the Legislative Council has

no formal process which mirrors that committee. We have some members of some standing committees who may be able to question the Auditor-General about some matters and, if there happens to be a select committee at the time which is looking at some issues, they might also be able to question him there as well. To say the least, that is very disjointed. If one reads through the Auditor-General's Report, some issues will come up that will be major issues of significant substance and they may directly correlate with a committee which is currently in existence and which we have membership of, or they may not.

There could also be a range of one-off matters about which one might simply want clarification and which could not be covered by any of the committees. I was looking for a one-off occasion where as members of the Legislative Council we can seek clarification of the Auditor-General's Report. The only response I make to what the Hon. Carmel Zollo had to say is that we cannot make a comparison between the Estimates Committees and what I was proposing. Estimates Committees include the Minister and senior public servants who, of course, are servants of the Government in the first instance, and they are very cautious because they have a clear political master.

The Auditor-General is a servant of the Parliament itself, and I hope even more so after the legislation I intend to move later this evening—which seems to have some real opportunity of being passed through this Parliament—comes into force. The Auditor-General is not setting a political position in the same way as a Minister before an Estimates Committee. The Auditor-General, as a servant of the Parliament—and perhaps I might pick up the one issue I want to address in relation to the Hon. Trevor Crothers—was never intended to be brought before the bar.

In fact, my motion makes it plain. The Standing Order that would have covered bringing the Auditor-General before the bar was overruled when it stated that he would be admitted into the Chamber. It was clearly never intended to bring the Auditor-General before the bar of the House. The Treasurer referred to the fact that it is possible to talk to the Auditor-General, and I suppose I have two concerns about that. I think that it is useful for individual members to be able to do so, but my first concern is that it would not be terribly efficient if the 22 members of the Legislative Council individually spent 1½ hours meeting with the Auditor-General to clarify matters and if the 47 members of the Lower House also each trooped down for a 1½ hour meeting with the Auditor-General to clarify matters of interest.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Indeed they might. If we really set about encouraging members, when they wanted clarification, to meet individually with the Auditor-General, there would be the very real possibility of a continual procession of members going down to the Auditor-General's office. I argue that there is some very clear efficiency in enabling the Auditor-General to have all the issues put before him at once in relation to the Auditor-General's Report. It is also important that some of what is said is actually put on the public record. But it should not be possible, as it is at the moment, for the Auditor-General to produce a written report on which politicians seek to put their political spin, and the Government has done that in relation to the sale of ETSA and Optima.

The Government has said, 'The Auditor-General says this and that therefore justifies X, Y and Z.' I do not think it is unreasonable that questions be asked of the Auditor-General to clarify precisely what he meant by some of the comments he made in relation to ETSA and Optima, so that—

The Hon. J.F. Stefani: Write to him.

The Hon. M.J. ELLIOTT: No, it should be on the public record, not to politicise but, in fact, clarify what he had to say. I believe that that should be on the public record.

Members interjecting:

The Hon. M.J. ELLIOTT: And we supported its being formed, too. Has the honourable member forgotten?

The Hon. L.H. Davis: In 1991 you were against it.

The Hon. M.J. ELLIOTT: When it was formed. I will get to that in a moment, anyway. The Treasurer also stated that he had made it possible for us all to question the Ministers on the Auditor-General's Report. That is a generous thing, and it is useful to be able to ask Ministers what they are doing in response to the Auditor-General's Report, but I cannot see how asking questions of the Minister clarifies what the Auditor-General had to say in the report.

Members interjecting:

The Hon. M.J. ELLIOTT: Why should a Minister of the Government be referring questions to a servant of the Parliament?

Members interjecting:

The Hon. M.J. ELLIOTT: That is exactly what I was proposing. Finally, whether or not we end up with a process the same as I proposed in this motion or whether or not it gets done through some other standing committee of the Upper House, one other matter will need to be taken into account. I referred to that matter in moving the motion, and that is that there must be a recognition that the composition of the committee will need to pick up a cross-section of the House, and the cross-section has now become more complex than it was before the last election. There are two problems when you go to a smaller committee. First, you need to represent all the parties, and we now have four Parties in this Council. Secondly, I have a concern from a Democrat perspective that, if one of the Democrats gets on, there will be issues that are of key interest to that person, whilst the other two members are denied at least a direct opportunity to ask questions of the Auditor-General in the same sort of forum.

The Hon. Legh Davis strayed somewhat from the core of the subject when talking about Upper House committees. If he did not do that, it would be the first time he had not. He never asks a question that is in order and he rarely makes a speech that is in order, either. No-one expresses any surprise, and perhaps I should not respond to what he said, but I will, anyway. Mr Davis also could be accused of having at best a selective memory in terms of what was really happening at that stage. It is worth noting that, prior to the Labor Party legislation, there was not a standing committee system in the Parliament covering a lot of the committees that were then coming in. In the first instance, the legislation originated not from the Labor Party but from Martyn Evans. Anyone who was around at the time would know that the legislation that came into this Parliament really was not even Government legislation—officially it may have been, but in reality it was legislation that emerged with Evans, who at that stage—

The Hon. R.I. Lucas: After discussion with the Opposition, too.

The Hon. M.J. ELLIOTT: Yes, but the Government itself was not particularly enamoured of or committed to that legislation, I think it would be fair to say.

The Hon. R.I. Lucas: The Labor Government.

The Hon. M.J. ELLIOTT: Yes, the Labor Government was. Although it was Labor legislation, it was done really as

part of a deal with Evans, because that Government needed to keep sweet with him.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Yes.

The Hon. L.H. Davis: And they weren't sure about you.

The Hon. M.J. ELLIOTT: No, but the problem that existed—at least as I read things—was that, with the Government being very soft on the legislation, we wanted to make sure that legislation did get up, because we wanted to see a standing committee system operating, even if it was not perfect. Nobody ever said—and we certainly did not say it at the time—that we thought the system brought in by the Labor Party at the time was perfect. In fact, I am sure the record will show that I questioned whether we really wanted to have joint standing committees. At that stage, we were more keen to see a more broadly representative range of standing committees covering issues that were not previously covered, such as the Social Development Committee and the Environment, Resources and Development Committee.

An honourable member: They were an improvement.

The Hon. M.J. ELLIOTT: They were an improvement. What we were looking for in the legislation was an improvement on what there was before. Anybody who does not say that that legislation was not a significant improvement on the previous committee system would be kidding themselves.

The Hon. L.H. Davis: You had your opportunity to have input into the Statutory Authorities Review Committee but then you walked away from it.

The Hon. M.J. ELLIOTT: Our judgment was that, at the end of the day, that package would not survive and we would lose the whole lot. That is a judgment and the honourable member knows that in Parliament we have to make judgments about what will or will not survive. Since the Hon. Mr Davis seems to be suggesting that there should be more power in the Upper House committees, I am looking forward most anxiously to what the Liberal Party will do to further extend the standing committee system and to find out whether or not the Liberal Government even at this stage might start looking at the joint House committees and start turning the Upper House more into a House of committees, for example. I have strayed somewhat from the subject but then I was responding to what the Hon. Mr Davis had to say.

As I said, I am pleased to see that, while the motion will fail, the issues contained within it are alive. The core issue is the capacity of the Legislative Council to more closely scrutinise the Auditor-General, in particular not so much the Auditor-General as the Auditor-General's Report. Both Parties—the Labor Party more so—intimated a preparedness and an interest in going further. Over the following months the Democrats will take up those offers. I am disappointed that the motion did not get up this time, but I will not lose any sleep now on the basis of the promising noises that were made by both Labor and Liberal members.

Motion negatived.

AUDITOR-GENERAL'S REPORT

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

That the report of the Auditor-General, 1996-97, be noted.

(Continued from 18 March. Page 542.)

The Hon. R.R. ROBERTS: I desisted from making a contribution to the Auditor-General's Report in the last debate because this other motion was coming up and I did not feel that two serves in the one night was good for the Government. I listened with a great deal of interest to the proposition put by the Hon. Michael Elliott and I certainly do not rule out the technique or the process. It is a legitimate process and I would not rule it out in future, but at this stage I do not think that there is any roaring controversy about the Auditor-General's Report. A lot of controversy has been generated by the Auditor-General's Report, but I do not think there was any contention with his report whatsoever, or at least in deliberations that I have heard on these matters when the opportunity arose in this Chamber to question that report. Therefore, I do not feel it is necessary to take that action at this stage.

I certainly applaud the technique and I think it is a technique that could be used on more occasions to allow the Legislative Council to elicit information which can be vital in the decision-making process. It is a legitimate process, it is something we are able to do, but it is something we ought to do with a great deal of caution. However, I note that a number of members have already spoken on the Auditor-General's Report and I do not want to go over the whole lot, especially not the whole eight volumes with which we have been presented. However, there are some things worth noting and some historical things that raise questions with me.

The Auditor-General has been credited by the Liberal Government for breaking its election mandates. This is the Government that only a few short months before it went to the election brought down a budget. We all need to ask ourselves a couple of fundamental questions when dealing with the report of the Auditor-General. We need to ask why the Auditor-General after the event was able to point out all these black holes within the budget when we have at least eight heads of departments who, I understand, meet regularly with Treasury and who brief their Ministers. I pose this question at this time to the Treasurer and hope that he will respond during his summing up. A couple of questions exercise my mind. First, how often is the Treasurer briefed in his portfolio by senior Treasury officials? I would have thought that the Treasurer trusted with the running of this State would keep himself well abreast of the budget and the balance sheet.

The Hon. R.I. Lucas: Depends whom you are talking about—me or Baker?

The Hon. R.R. ROBERTS: You at this stage. Secondly, how often is the Treasurer briefed by his own Chief of Staff on economic and Treasury issues? Thirdly, is it a common practice for potential problems in the economy to be subject to briefings by Treasury? I would assume there would be regular briefings from at least Treasury officials to the Treasurer and his departmental officers. I should have thought that if and when problems of a budgetary sense arose, there would be extraordinary briefings given by Treasury. With all the Treasury advice that the Hon. Stephen Baker was being given, and all the access that Cabinet had to be briefed, I would be shocked if between the time the budget was brought down on 29 May and the election in October the Government, in its deliberations for its platform and policy, was not doing a number of checks to find out whether indeed the promises it was about to make would be able to be achieved.

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: Fact and fiction are very hard to determine within the Liberal Party, but that is certainly not the case in the general running of the bureaucracy of government. I would have thought that any Party in Government making the lavish promises it made would have been cross

checking with the Treasury all the time. Let us look at some of the things in the Treasurer's speech on 29 May, just a few short months before the election. I will not go through it in its entirety. He said, 'From today the State pays its way.' The clear connotation is that everything was rosy. 'We are continuing to push debt downwards,' he said. He went on to say:

> Improvements in the performance of Government owned businesses, particularly ETSA Corporation, have also exceeded expectation. While these returns could have built a stronger surplus for the future and taken another slice off the debt, the Government decided to return some of the dividends back to the community through a priority package of measures to stimulate job growth, particularly for our young people, and further invest in the key areas of health, education and police.

Just some of the budget highlights that the Hon. Stephen Baker mentioned include:

> Once again there are no new taxes or increases in rates of taxation. Debt continues to fall—with this budget down to below 20 per cent of Gross State Product compared with 28 per cent in 1992.
>
> There is a strong surplus on the current account of $463 million—sufficient to meet the cost of all social capital in 1997-98.

He went on:

> It is a budget that delivers on promises. This budget remains steadfastly on the course set by the Government in the May 1994 Financial Statement.

Very clearly he was saying, 'Everything is rosy; it is all on track; you ought to trust us'. I will leave out some of the other quotes. The former Treasurer also stated:

> . . . the lift in confidence in South Australia as a place to invest is the direct result of getting the fundamentals right in three key areas: stabilising State finances—the real basis for future certainty and sustainability; competitive tax rates—as measured by the Grants Commission, taxation is less severe than the average of the States.

So, everything again was rosy for the future and all South Australians ought to be confident. He continued:

> Low infrastructure costs—a recent study of mainland States' business infrastructure costs—covering electricity, gas, rail freight and waterfront—showed businesses in South Australia enjoy a major cost advantage over all other States—

including, I note with some interest, the waterfront. He spoke about revenue and said:

> In its first three budgets the Government rejected taxation measures as a means to sensible and sustainable budgetary adjustment. With this budget, we continue that policy. . . As part of the move to greater competition in electricity and gas markets the Government has decided to abolish the 5 per cent levy in respect of electricity sales from 1 July 1997 and to progressively phase out the gas levy over a five year time frame commencing in 1997-98.

Everything was going so well at that time, according to the Treasurer, that he could afford to give up Government revenue. What we are asked to believe is that within those few short months between 29 May and the October election everything went wrong and that no-one from Treasury or from the Treasurer's Department, no departmental heads or the Cabinet being briefed by Ministers, could see that there was a problem. In fact, when leaks were coming to the Leader of the Opposition's office saying such things as, 'They're going to sell ETSA', there were categoric denials: it would not happen; could not happen; no intention of its happening; everything was on track.

The other thing was that there would be no new taxes. I am not an economist in any way, shape or form but, given the Auditor-General's Report—which, unfortunately, is probably pretty accurate—I believe it is not the Auditor-General who ought to be put before the people of South Australia through its elected representatives; clearly, it is the Treasurer. I am an optimist on most occasions. I am a very trusting person, but I find that I am very sceptical about the role played by the Hon. Stephen Baker during this exercise. I find it incomprehensible that the Treasurer of this State, with all his access to the budgetary records of this State and with the regular briefings that he had, did not know that there was something wrong in the budget.

I wonder why it was that that shock announcement was made that the Hon. Stephen Baker was going to give up politics. He was a relatively young man in the prime of his life. He had just got the budget in order, the State was rocketing along and everything was downhill from now on. He should have been in the twilight of his years, maximising his superannuation and presiding over this great triumph. And what happened? He decided that he would leave. To put it in a few short words, my assertion is this: Stephen Baker knew, and Stephen Baker flew. All this nonsense that the Treasurer and the Premier are going on about that they did not know until they got the Auditor-General's Report is an absolute indictment on the last Government and on this Government.

It is unbelievable that they could not have known that there was a problem in the budget until the Auditor-General came forward. The burning question for people in South Australia is: when was the Treasurer first made aware that there was a problem? I cannot believe that he was not aware that there were problems developing in the budgetary situation of this State—if they are real. We only have the Government's word that it did not know. We have the Auditor-General's word that he believed that there was a problem. He was able to review it, after the event, and decide that there was a problem. This Government is trying to convince us that, with all the expertise, all those highly paid Treasury officials and all those chiefs of staff, nobody in the Government was aware that there was a problem.

I just do not believe it, and I do not believe that the people of South Australia will believe it either. What has clearly happened here is that the Government knew. Stephen Baker could not have not known that there was a problem in our budgetary arrangement. He produced this document and the speech for the budget and deliberately, in my view, misled the people on the true state of the budget. In fact, he was confident so he said we had a $1 million surplus. During the couple of months that the Parliament was not sitting all this crashed down around us, as the Liberal Party cobbled together its policies. One would have thought that it would have costed them and, if they were costed, that they would have measured them against something. Of course, that measurement could have been done only against the budget predictions and with the advice of Treasury.

The Auditor-General's Report is clearly an indictment of the mishandling of the budgetary situation in South Australia and raises questions in respect of the integrity and honesty of the Hon. Stephen Baker as Treasurer of this State. I do not say that lightly because I am happy to tell people to their face. It is just a coincidence that he is not here at the moment.

The Hon. J.F. Stefani: Say it outside.

The Hon. R.R. ROBERTS: Well, here we go—the old bully boy tactics of the Hon. Julian Stefani—'say it outside.' What the Hon. Julian Stefani and these people opposite do not realise about parliamentary privilege is that it is not given to us as members—it is given to the people of South Australia so that bully boys like the Hon. Julian Stefani, with his thuggery—

The Hon. J.F. Stefani interjecting:

The Hon. R.R. ROBERTS: The Hon. Mr Stefani is not threatening the Indo-Chinese ladies now. He cannot intimidate me.

The Hon. J.F. Stefani interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order! I ask both honourable members to stop reflecting on each other. I ask the Hon. Mr Stefani not to interject and the Hon. Mr Roberts not to respond to interjections and to carry on with his contribution.

The Hon. R.R. ROBERTS: I am sorry, Sir—I am being diverted. Some think that an ugly face and a few tattoos will scare me, but I will not be diverted because this matter is of gross importance to the people of South Australia. These questions have to be asked. If there is no truth in all of these things, they will get up and tell the Parliament that there is no truth in it. What they have to explain to me and to anybody else who has ever had to look after their own money is why, given all the expertise available to Treasury officials and the fact that they had their hands on the levers right the way through, they did not know. I assert that that is an absolute lie. They are now trying to say that they did not know anything about it until the Auditor-General told them.

The consequence of that logic is that they have to sack all the Treasury officials and all the Chiefs of Staff of all the departments. They will not do that because the first time they move against one of those officials Mike Rann's phone will ring hot. We are starting to get another lot of leaks. Mike Rann has to put another call waiting line on his telephone, because they are at it again. Members opposite are desperate because they know that they have misled the people of South Australia over the past 12 months.

Members opposite are trying to justify their own inadequacies by saying that the Auditor-General has said that they have to break all their election promises. I do not think the people of South Australia will fall for that. I am pleased to hear from the Democrats that they have made no deals. I am worried about the revolving-door Democrats, because they have let down the people of South Australia in the past. I hope on this occasion they make this Government, for the first time in four years, stick to the mandate given to it by the people of South Australia and stop this willy-nilly sell-off of the State's assets.

The Hon. J.F. STEFANI secured the adjournment of the debate.

SELECT COMMITTEE ON THE VOLUNTARY EUTHANASIA BILL

Adjourned debate on motion of Hon. Carolyn Pickles:

I. That a select committee of the Legislative Council be established on the Voluntary Euthanasia Bill 1997;

II. That Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only;

III. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council;

IV. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and

V. That the Minutes of Proceedings and Evidence to the Legislative Council Select Committee on the Voluntary Euthanasia Bill 1997 be referred to the select committee,

which the Hon. Caroline Schaefer has moved to amend as follows:

Leave out paragraphs I to IV and insert—

'I. That the Voluntary Euthanasia Bill 1997 be referred to the Social Development Committee for inquiry and report.'

Leave out paragraph V and insert—

'II. That the Minutes of Evidence to the Legislative Council Select Committee on the Voluntary Euthanasia Bill 1997 be referred to the Social Development Committee.'

(Continued from 18 March. Page 548.)

The Hon. P. HOLLOWAY: I support the establishment of a select committee. My views on euthanasia were given to this Parliament on 9 July last year (*Hansard*, page 1779). I indicated then that I would not support the Voluntary Euthanasia Bill that was put forward at the time by Anne Levy. However, I concluded my remarks on that occasion by saying, 'If this Bill passes, I will not oppose the establishment of a select committee, although I am not convinced that such a committee will produce any productive results that we have not covered already', and that remains my view on it. Although I believe it is most unlikely that this select committee will come up with anything that would change my view on the subject, nevertheless, given that we went through the exercise of establishing a select committee last year, and as I believe some 3 000 people have made submissions to it, it is only fair that we should continue with the consideration of this matter by a committee.

There are really two options now before us: one is that we have a select committee; and the other is that the matter be referred to the Social Development Committee. I support the select committee option for the following reasons: first, the previous commitment that I gave, about which I have already spoken; and, secondly, the question of continuity, given that a number of people have made submissions on the basis that there would be a select committee on the matter. I believe that, to keep faith with those people, we should continue the process.

The third reason is that I think it is only fair that, when a member of this Council moves to establish a select committee, that member should be given the opportunity to serve on that committee, and, if the matter were referred to the Social Development Committee, the Hon. Carolyn Pickles would not be given that opportunity. My fourth reason is the workload. I believe that this matter would more likely be completed more speedily by a select committee than by the Social Development Committee which, as a standing committee, must consider a number of other issues. So, although I have placed on the record on a previous occasion my opposition to voluntary euthanasia, I support the establishment of a select committee to allow debate on the subject to continue.

The Hon. J.S.L. DAWKINS: I do not have a firm view on the issue of voluntary euthanasia. However, I have had an opportunity to take account of many letters, telephone calls and verbal conversations about the issue whilst working for several Federal members of Parliament in recent years. That was particularly the case during the period which the Federal Parliament devoted to the Andrews Bill.

The matter particularly facing this Chamber tonight is whether to establish a select committee to inquire into the Voluntary Euthanasia Bill 1997 or to refer the Bill to the Social Development Committee of the Parliament, as the amendment of the Hon. Caroline Schaefer proposes. I am aware of the existence of a large number of submissions and evidence presented to the select committee which was

established prior to the 1997 election. It is important that this material be considered in detail over an appropriate period of time. I have considered the contributions to this Council on this issue, both this year and during the previous Parliament.

Many sincere sentiments have been expressed in this Chamber and in the other place on the issue of voluntary euthanasia. I have noted many of them, as have other members of the community who do not hold a strong view either way. It is important that the views of these people be heard together with the views of those who do have a passionate view. I am conscious of the absolute need for any voluntary euthanasia legislation to contain strict safeguards and to avoid any possible loopholes. I also indicate my concern about apparent instances of doctors and family members making a judgment about giving a lethal overdose to a terminally ill person.

These and many other aspects relating to voluntary euthanasia would be addressed by either a specific select committee or the Social Development Committee. I have considered this question at some length. It is my belief that the evidence and submissions put to the previous select committee should be referred to another select committee that is established solely to deal with these matters. I have considered the possibility of time constraints on the deliberation of this matter in relation to both possible means of inquiring into the issue. However, I have come down on the side of a select committee dedicated to dealing with this Bill.

I trust that the members who are appointed to serve on such a select committee—if that is the eventual decision of the Council—will do all they can to commit themselves to the time and effort necessary to appropriately deal with the issue. With the greatest respect to my colleague the Hon. Caroline Schaefer, I indicate that I am unable to support her amendment.

The Hon. A.J. REDFORD: I will be brief, as my views on euthanasia have been put before the Council on a previous occasion. When the matter was raised in the last Parliament I opposed referring the Levy Bill to a select committee, and my reasons for that opposition are on the record. For those members who were not present, my reasons were that a plethora of committees had been established throughout Australia to look at this issue and that, despite my personal objections to euthanasia, I would support the third reading of the Bill provided it went to a referendum of the South Australian people. The reasons why I put it forward in that fashion are also on the record, but in brief terms it is my view that my conscience as a member of Parliament is no better than the collective conscience of the people of South Australia.

I appreciate that the establishment of a select committee in the last Parliament created a community expectation that a parliamentary committee would review the Levy Bill. I understand that the previous select committee received a substantial number of written submissions on the issue, and it would be unfair if a parliamentary committee did not continue that work. However, I point out that at times the workings of the Legislative Council became quite intolerable because of the number of select committees that were established to review various issues in the previous Parliament. In fact, towards the end of the last Parliament, it became almost impossible to gather quorums for select committees because members of Parliament had commitments to attend so many select committee and standing committee meetings.

When standing committees were established under the Parliamentary Committees Act, all the political Parties agreed that those committees would reduce the need for select committees, as in the normal course standing committees, in preference to select committees, should deal with inquiries. Accordingly, it is my view that, unless there are exceptional circumstances, standing committees should be used whenever possible.

In particular, I draw the attention of members to section 15 of the Parliamentary Committees Act 1991, which provides:

> The functions of the Social Development Committee are—
> (a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:
> (i) any matter concerned with the health, welfare or education of the people of the State. . .
> (v) any matter concerned with the quality of life of communities, families or individuals in the State or how that quality of life might be improved;
> (b) to perform such other functions as are imposed on the committee under this or any other Act or by resolution of both Houses.

In that regard the Social Development Committee's terms of reference make it the most appropriate standing committee to consider this issue. The committee is also more appropriate because members from both Houses are represented, and that is important because any legislative change would have to pass both Houses of Parliament.

This is a fundamental flaw of the motion that has been moved by the Leader of the Opposition, and I say with all due respect that it encompasses only members from this side of the Parliament. I believe also that the Social Development Committee, because of its resources, because it is set to meet at a particular time and because of the nature of its support staff, is more likely to present a report to Parliament in a more timely fashion.

Indeed, when one looks at the make-up of the previous select committee, comprising the Hons Terry Cameron, Carolyn Pickles, Bernice Pfitzner, Sandra Kanck and Caroline Schaefer, one sees that it is important to note that three of those members are currently serving on the Social Development Committee and one of them is no longer a member of Parliament. So, if one is to adopt a sense of consistency in relation to this matter, the Social Development Committee is the appropriate committee to deal with it.

I urge all members to support the amendment move by the Hon. Caroline Schaefer. I would hate to see this Parliament, in this session, get itself into the same position with respect to select committees as it was in during the last Parliament. I remind members that the select committee into the outsourcing of the Mount Gambier prison to Group Four did not meet for 21 months, and I would hate to see that sort of scenario recur in this Parliament. It is situations like that which bring the whole Parliament into disrepute. I am reminded that at the end of the last session of Parliament we had no fewer than eight select committees. If one dovetails that into our responsibilities to serve on Standing Committees (and they are very important and onerous responsibilities), together with our normal day-to-day Parliamentary duties, it seems to me that to set up a select committee which will do exactly the same as the Social Development Committee is able to do is absolute stupidity.

The Hon. IAN GILFILLAN: I indicate that this is the proper forum in which to consider the Bill and that I am persuaded, on balance, that a select committee is the preferred vehicle in this case. However, I agree with the Hon. Angus

Redford that the place can get overwhelmed with the profusion of select committees and, prior to his coming into the place, I do not know whether we exceeded the number but we certainly had a lot, many of which were not going very far very fast.

However, that does not necessarily mean that there are not any occasions when a select committee is not the preferred vehicle. The advice I have been given is that, because the Social Development Committee has a substantial workload which, in priority, is shunted ahead of dealing with this matter, the select committee would stand a considerably better chance of dealing with the matter much more expeditiously.

Members interjecting:

The Hon. IAN GILFILLAN: The interjections are probably reasonable as to whether the business can be given priority. I have sought advice on it. I have taken an open mind because my original preference was for the Social Development Committee to deal with it. I do not have any reason to discount the value of the committee. In fact, I think the Hon. Angus Redford made another point in its favour: that it is bicameral and representative of both Houses.

I believe it is important that the matter be proceeded with reasonably quickly and, at a time when we do not have a heavy incidence of select committees drawing on the time of members, a select committee gives it a better chance to proceed. I indicate that I will support the motion.

I take the opportunity to make plain that I personally do not support voluntary euthanasia. One should recognise the purity of the intentions of a wide range of points of view, and for those who do support it I give unqualified recognition that their intentions and motives are the best for those who are suffering terminal illness, the families and the situations in which they find themselves.

I ask those people to accept the view of those of us who do not believe it is the correct procedure for a humane and caring society, in very difficult circumstances, to make general rules which apply right across the board, because there is such an enormous variety of ways in which people face the end of their lives. Those people should offer to us the respect that the motives are the same—that they the best that we can work out for the community at large.

I hope that the select committee will do its job diligently and provide a useful and constructive report to this Parliament, so that we can be better informed to enable us actually to debate the Bill which will be the subject of a select committee's investigation. Having taken that opportunity to indicate my own personal point of view on a matter which will be a conscience vote, I indicate my support for the motion.

The Hon. SANDRA KANCK: It is important that we are clear about what this motion is about and for the most part when members have spoken on this they have distinguished between the two points. It is not about whether you or I support or oppose voluntary euthanasia: it is a question of whether or not we support the setting up of a select committee to progress the very early work that was done by an earlier committee last year which was assigned the task to examine the Voluntary Euthanasia Bill which had been introduced by the Hon. Anne Levy. The question we must now resolve is whether to refer the matter to the Social Development Committee or to a select committee as proposed in the original motion.

The Hon. K.T. Griffin: Or any committee; there are three choices.

The Hon. SANDRA KANCK: Or any committee at all, certainly. I want to put on record some statements to correct some misinformation that was given last week by the Hon. Caroline Schaefer. She talked about the many months—about five months—that the committee had been in existence. In fact, the committee was set up by a motion of this Council on 9 July last year and the State election was called nine weeks later. The select committee met twice; the first time was to select the Chair and decide on our advertising and in which papers we would put it, and on the second occasion we met to choose a suitable researcher. Unfortunately, there had to be a significant time lapse between those two meetings. We had to delay getting a researcher, because at least one of the members was concerned that our researcher did not have a pro voluntary euthanasia position. As members know, select committees usually rely on the appropriate Minister to find someone from his or her office or department to fill the role of researcher. This meant that the Minister for Health at the time had to spend a considerable amount of time finding someone who did not have a position either for or against voluntary euthanasia. Eventually such a person—

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: We know nothing about the position of the person who has the research position for the Social Development Committee, but that was a concern back then and it resulted in a delay in being able to appoint a researcher. Quite frankly, although I am pro voluntary euthanasia, it would not matter to me whether the person who held the position of researcher was anti voluntary euthanasia, because I consider that the people who hold these positions do a professional job. They are there to do the bidding of the committee and, if the committee told the researcher to write a pro voluntary euthanasia paper and their position was anti—or *vice versa*—the professional researcher would do that, otherwise the committee would ditch them and find someone else. It was an issue at the time which slowed us down and which meant that in the nine weeks of the committee's existence we were able to meet on only two occasions.

When the Hon. Caroline Schaefer suggested that the Select Committee on Voluntary Euthanasia had been in existence for so long she was possibly getting us mixed up with another select committee that was in existence at the same time. That committee was chaired by the Hon. Mr Lucas and, for some unknown reason, whenever members of that committee were available Mr Lucas as the Chair was not available and that committee had great difficulty in moving anywhere at all.

Members interjecting:

The Hon. SANDRA KANCK: I do not know what the committee was, but in that instance I think it was a Party political matter. In this instance, where the Labor and Liberal Parties are allowing a conscience vote on the issue, a select committee would not be treating this as Party political. I will not support the Hon. Caroline Schaefer's amendment. It is important for members to recognise that we still have a reference on gambling that we are handling and we are yet to start a reference on country obstetrics that this Council referred to the Social Development Committee 15 or 18 months ago.

The Hon. A.J. Redford: That was a different Council.

The Hon. SANDRA KANCK: The Legislative Council referred the matter of country obstetrics to the Social Development Committee 18 months ago.

The Hon. A.J. Redford: This would take a higher priority than that.

The Hon. SANDRA KANCK: As far as I am concerned it is there waiting and it has been waiting for 18 months, and I am looking forward to dealing with that particular reference.

The Hon. Diana Laidlaw: It is a very important issue.

The Hon. SANDRA KANCK: It is a very important issue and, as I said at the time, if we do not get it sorted out it will blow up again. I would not take kindly to having the country obstetrics reference moved again to second place. Having served on the Social Development Committee now for the past four years, I am only too well aware of the difficulties that that committee has had on occasions in getting a quorum and, once we have managed to get the meeting going, in remaining quorate.

The Hon. Caroline Schaefer interjecting:

The Hon. SANDRA KANCK: We have met on four occasions and we have lost the quorum once already, so it is showing a reasonably consistent pattern. It is for those reasons—the fact that we have a backlog of references and that the committee has those difficulties in getting and maintaining its numbers—that I do not think it is appropriate to refer the matter to the Social Development Committee. I cannot see that the voluntary euthanasia reference could be dealt with by the Social Development Committee until mid September at the earliest. On the other hand, if we were to make a decision tonight to refer this to a select committee, within 24 hours we would be able to have the first meeting of such a select committee and begin considering the 3 000 submissions that have been received already by the previous committee.

If this Chamber decides tonight that it wants to refer it to the Social Development Committee, it needs to recognise that it will be another five months before it will be considered. I want to remind members that in deciding, as the Hon. Trevor Griffin has suggested, that there is a third option, that is no committee at all, the issue of voluntary euthanasia will not go away; it will come up again and again. I am confident that at some time voluntary euthanasia legislation will be passed, and when it does it is very important that it be the best possible legislation that we can have with the best possible safeguards.

Because medical technology has extended the boundaries of what we called 'life', it means that the question of what life is has to be grappled with. As we are the law makers in this State, it becomes our job to grapple with this question about when life should end. I know that some MPs do not want to have to deal with that issue, but there are some of us who are willing to do so. We are willing to make the recommendations back to the Parliament about any deficiencies in the Levy Bill so that we can ensure that we have, as I say, the best possible legislation. I will be supporting the motion in its original state.

The Hon. R.R. ROBERTS: I very briefly indicate that I will support the Hon. Caroline Schaefer's amendment. The proposition simply gives the people nominated by this Parliament to consider social issues the opportunity to do their job. The point the Hon. Angus Redford made by way of interjection is that it has to be considered by both Houses. There is great play on the committee system within this Parliament. We heard tonight—with a display of great passion—how standing committees were established within this Parliament. The Social Development Committee is considering other social issues such as gambling and prostitution, but the one issue it cannot look at is that of life itself.

It just makes sense, and I refute the argument about committee members not having enough time to direct their attention to it. As I understand it, three of the members proposed for the select committee are already members of the Social Development Committee, so that argument does not make too much sense. The contribution of the Hon. Sandra Kanck is quite amazing: saying that we will have a pro-euthanasia or anti-euthanasia secretary indicates to me that there has been a great deal of concoction about trying to get a particular flavour. The point at issue is that we have elected all Social Development Committee members on their merits or on the nomination of their Party. Whatever the reason, those members have been elected by both Houses to look at these issues and proffer advice.

At the end of the day, it does not matter whether it is the Social Development Committee or a select committee: it will only make a recommendation to this Parliament and we will make up our own minds in respect of those matters. We have a structure, duly elected and operational, and to deny members of the Social Development Committee the opportunity to do their job is an insult to those members. They have been elected to do this, but there are now members of the Parliament saying that their colleagues are not competent to do it and that other members should do it for them. I support the amendment.

The Hon. NICK XENOPHON: This is a rare and special moment for me, because I find myself in total agreement with virtually everything the Hon. Angus Redford and also the Hon. Ron Roberts have said. Rather than reiterating their views, I indicate my support for the Hon. Caroline Schaefer's amendment. I do not see the amendment in any way stifling debate on the issue. It is an important issue but, for the reasons set out by both members, I support the amendment.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I thank honourable members for their contributions to this important debate.

Members interjecting:

The Hon. CAROLYN PICKLES: Really, the debate is whether we send this particular issue to the Social Development Committee or to a select committee. I must say that I find it somewhat strange that, as the mover, I will be denied the right to be on a committee on an issue about which I feel most strongly. It is all very well to say that I can come along and give evidence; I will make up my own mind as to whether or not I want to do so. It seems to me that some people confuse the role of a select committee. I think that select committees actually hone in on the one issue, and that is all they are there to do. The Social Development Committee often does that, and other committees often run various issues in tandem. If they do not, perhaps they should be doing that because certainly, when I chaired the Social Development Committee, this is what we tried to do.

Indeed, the Social Development Committee did take an extraordinarily long time to deal with issues, and some select committees have taken a considerable length of time. However, I would hope that, if I were a member of a select committee, it would deal with this issue if not expeditiously certainly in good time so that people could debate any Bill or anything that emanated from the committee's endeavours. I must say that I am very disappointed. Members have changed their positions on this matter several times, as is their right,

and, not knowing which way they will vote, we are not sure how the issue will come out. I can indicate that, if my motion does not succeed, I will certainly be supporting the matter going to the Social Development Committee, even though that would be a very poor way to treat an issue such as this. I must say that I am very disappointed that, although I understand it is a conscience issue, honourable members would not give me, as the mover, the right to serve on a select committee.

The Council divided on the amendment:

AYES (11)

Cameron, T. G.	Davis, L. H.
Griffin, K. T.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Roberts, R. R.	Schaefer, C. V. (teller)
Stefani, J. F.	Xenophon, N.
Zollo, C.	

NOES (10)

Crothers, T.	Dawkins J. S. L.
Elliott, M. J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Laidlaw, D. V.	Pickles, C. A. (teller)
Roberts, T. G.	Weatherill, G.

Majority of 1 for the Ayes.

Amendment thus carried; motion as amended carried.

RETAIL AND COMMERCIAL LEASES (TERM OF LEASE AND RENEWAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 December. Page 181.)

The Hon. IAN GILFILLAN: In my original contribution, I was granted leave to conclude my remarks on this Bill. Today I have put on file a series of amendments, the significance of which are principally in eight distinct amendment intentions. I will speak briefly to those amendments so that members will have an opportunity to digest the significance of them through the break and it will give an opportunity for interested parties—the small business association, retail traders, other political Parties in this place and Independents—to have a chance to look at it because I do hope that these measures will receive multi-partisan support as well as support from the retail and commercial world.

The first amendment relates to the disclosure statement, which is an obligation of a lessor to provide to the lessee in the case of entering into a lease arrangement. I believe that it is important. In the Act the lessor is supposedly entitled to make a profit on actual expenses incurred and I do not see the justification for that. I know that there have been allegations of abuse and excessive charging in this category, and so my amendment will require the disclosure statement to indicate, if there is to be an excess charged over and above the actual expenses incurred, the basis on which that excess is to be calculated is to be spelt out in the disclosure statement.

The second amendment, which is significant, is to give a cooling off period for the lessee, as is the case quite often in other significant purchases where we have recognised that a hasty and intemperate decision can often be entered into in haste and then regretted at leisure. The amendment that I have put on file is that there be a cooling off period of five clear business days, and that would be available to allow the lessee to rescind the lease. However, this option can be waived if the lessee has received independent legal advice and the legal practitioner involved has signed a form verifying that the lessee is fully aware of the option that he or she is waiving.

A third amendment I have put before the Chamber is that there be a six month 'hold-over time' at the end of a five year lease period. Although we now have legislation which means that there is the right of renewal, it has been put to me that a lessor could make the circumstance of renewal so difficult that a lessee is not prepared to take those terms and would therefore decline the option of taking the next five years renewal of the lease, only to find that his or her place is taken by another lessee on far more favourable terms than those offered to the original lessee. If that is the case, it is not a desirable procedure. In my view, it is not a fair way to deal with lessees.

One way in which I believe this can be mitigated is that there be a six months hold-over time where you have an impasse between the lessor and the lessee. In that six months period, there can be recourse to the Magistrates Court—and members will note that I have extended to a certain extent the jurisdiction of the Magistrates Court; and there are other matters which the Act allows litigants to take to the Magistrates Court in this arena of litigation. Because it would be a hold-over time on the same terms as the previous lease had enjoyed, it would be a period of six months in which the lessee would not be significantly disadvantaged, and hopefully it would enable matters of conflict to be resolved. Also, it would give the lessor a chance to come forward with a genuine lease with another lessee on the terms that were offered to the original lessee to show that in fact it was a *bona fide* arrangement. Under those circumstances, the hold-over time would cease.

The next amendment on file, which I urge the Council to support, relates to the protection of the lessee, particularly in big shopping centres, where it has been put to me that there is often pressure on a lessee when entering the original lease to contract out of the right of renewal. The right of renewal at the end of five years was one of the major reforms introduced in the 1997 legislation, and it was a major protection for small businesses that were involved in shopping centres. Apparently, however, there have been incidents where the landlords, the lessors, have pressurised intending lessees to sign a form—and this option is provided in the legislation—to contract out of the right of renewal. They get an exclusionary clause covering that fact.

Under those circumstances, of course, it really negates the intention of this Parliament in providing security of tenure for the genuine lessee to continue on past the five years without being intimidated or bullied into a lease arrangement which they really are not happy to accept, or to in fact be kicked out because the lease was not renewed.

The next amendment that I will urge the Chamber to support is a limit to the variation in floor size, where the lessor is insisting on a relocation of premises for a lessee, although the legislation has dealt with this matter to a certain extent. It is obviously a serious disadvantage if a lessee is ordered to relocate to other premises that are extraordinarily inappropriate to the business that he is attempting to carry out, except where there is agreement. The lessee may be quite content with the premises offered, which may be significantly smaller or larger than he has currently but, where there is not an agreement and the lessor is insisting on a relocation, that will be able to be insisted on legally only if the floor size variation from the existing premises is no more than 10 per cent larger or smaller.

Similarly, it is my intention that the costs involved with relocation through the amendments to the Act will be fully reimbursed and will embrace compensation for estimates of loss of trade and/or profits arising from this relocation. In many cases they are insignificant and will not be a factor, but in some cases, where there has been either a major delay in the continuity of the business or the location has altered the throughput of potential customers and business for a period of time, they can amount to many thousands of dollars. This amendment would also allow for an estimate of any loss of goodwill of the business through the relocation. Because this is not a voluntary move by the lessee and is imposed by the lessor, it is my belief that it is fair that the lessee be entitled to have reimbursement not only of the costs involved but also of any estimated loss of trade or profits.

The amendment that I indicated a little earlier to the magistrate's jurisdiction is also in the amendments that I have introduced today. One area in which I am convinced that it is important that the magistrate have the power of determination is where there is a dispute over the amount of outgoings charged against a retail shop lease. It is an area of ongoing dispute between lessees and lessors, where estimates or purportedly actual costs are disputed on the ground that the lessor gets discounted charges for the various services involved and inflates them for the charge being made to the retail shop involved. This amendment will allow such a dispute, unless it can be resolved otherwise, to be taken to the Magistrates Court, and a magistrate will be empowered to reduce or set aside a charge for outgoings made under the retail shop lease on the ground of unreasonableness. It will need to be shown that it is an unreasonable estimate of outgoings.

The final amendment that I have included in those I put on file today is the application for this division of the Act to be extended to all retail shops, not just those that are in major shopping centres or shopping centres, so that small businesses that are involved in a lessor-lessee arrangement, wherever that occurs, will have the same protection as shops that are involved in shopping centres. This seems to me to be a basic exercise of fairness and justice.

Why should an arrangement—lessor-lessee or retail-commercial lease—entered into outside a shopping centre be vulnerable to abuses or misapplication because the actual location of the shop is not theoretically designated as being within a major shopping centre? So, the amendment, if successful, will mean that the protection and avenues for recompense and getting determinations in various areas of dispute and for the right of renewal at the end of the five-year lease will be available to all retail shops involved in a leasing arrangement between the lessees and the lessor.

I invite members to look closely at the amendments to my original Bill that are now on file and to seek opinion from their constituents, particularly small shop lease holders, to determine whether they feel that these measures will help their lot. We welcome comment and constructive criticism from the lessors—the shopping centre proprietors and shopping centres—so that this can be widely supported throughout this area of commercial activity in South Australia. I urge support for the Bill.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT (APPOINTMENT OF AUDITOR-GENERAL AND REPORTS) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to amend the Public Finance and Audit Act 1978. Read a first time.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a second time.

It will not be necessary to give a long speech as there is a fair chance that something akin to this legislation is likely to succeed: at least from what other parties have said that should be the case. In 1993 in the policy document entitled 'Parliament policy', the Liberal Party stated that it would introduce legislation to allow Parliament to appoint the Ombudsman, the Auditor-General and the Electoral Commissioner. In the previous four years it introduced legislation to appoint the Ombudsman and the Electoral Commissioner but did not at that stage cover the Auditor-General. The Liberal Party in its 1997 policy document, entitled 'Focus on a Parliament for the People', within the executive summary, stated:

> We are committed to—
>
> 4. Ensure the Auditor-General will be appointed by the Governor on the recommendation of the Parliament through a statutory officers committee of the Parliament, recognising the independence of the office.

It appears that the Liberal Party is on the record in relation to the appointment of the Auditor-General in 1993—although it did nothing about it during the ensuing term—and again during the 1997 election. I gather from comments made by members of the Labor Party, both in conversation outside this place and in debate on other related matters in this place, that the Labor Party believes that such a process should occur. So, it looks as though I do not have to spend time convincing people of the need for that to occur—and that is one of two things that I am seeking to achieve with this Bill. In fact, that is the effect of clause 2, which amends section 24 of the Public Finance and Audit Act in relation to appointment of the Auditor-General.

There is one other matter that I do not believe the Government has addressed to this stage, and that is the question of reports of the Auditor-General. It became an issue last year, when the Auditor-General had produced a report but, because Parliament was not sitting, it was not made available. I am quite aware that the Labor Party should have a position on this matter, because it said publicly that it should be released. In fact, I believe that it could have been released, and I did not accept the legal argument that the Government was putting forward. Members know that it is possible for Parliament not to sit for an extended period of time—and it certainly happened last year—and we will have a procedure under this legislation which makes it plain that, if no sitting day is programmed to occur within the next seven clear days after receipt of a report and other documents under section 38, the President and the Speaker must furnish copies of them to the members of their respective Houses as soon as is practicable.

To overcome the legal problems claimed by the Government about whether or not privilege is attracted, new subsection (3) of section 38 provides:

> All immunities and privileges that apply to and in relation to a document that has been laid before a House of Parliament apply to and in relation to a copy of a report or other document furnished to a member under subsection (2).

If the document is prepared for Parliament and attracts privilege, why should it have to be tabled before the Parliament, if the Parliament is not sitting, to obtain privilege? That is what new subsection (3) seeks to attack.

That was the excuse and reason given by the Government for non-release of the report of the Auditor-General last year. This measure puts beyond any doubt that the immunities and privileges attracted by its being tabled in this House would attach to documents that would eventually be tabled anyway. I expect that at least the Labor Party will support this move, because this is what it was asking, effectively, to happen last year, and I hope that the Government recognises that this overcomes the difficulty that it claims existed and will also support it.

I do not believe that there is any need to put further argument about this Bill. It just ensures that the Auditor-General not only is, if you like, a servant of the Parliament but is appointed by a process that emerges from the Parliament and not just from the Government itself. It also ensures that the Parliament, not just when it is sitting, but if it is not sitting for an extended period of time, is capable of receiving reports from the Auditor-General. I hope we never have the sitting patterns that Queensland suffered at one stage, where Parliament did not sit anywhere near as frequently as we do in this State—and we cannot always assume that the frequency of sittings that now occurs in South Australia will continue. It is, in part, a matter of the goodwill of the Government that we sit as often as we do, and that we should do, but we cannot see into the future and, if we have a servant of the Parliament who is producing material that is of vital importance, just because Parliament is not sitting is no reason for that material to be withheld. I urge all members to support the Bill.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

STATUTES AMENDMENT (YOUNG OFFENDERS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law (Sentencing) Act 1988, the Summary Procedures Act 1921, and the Young Offenders Act 1993. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill is proposed to address situations that can arise where persons are simultaneously subject to the juvenile and adult justice systems.

Under the *Young Offenders Act 1993* a custodial sentence generally involves detention in a training centre. The Act applies to 'youths'—persons aged 10 to 17 years (inclusive) at the time of the commission of an alleged offence. A person may be liable for detention under the Act after he or she has turned 18 years of age for offences committed as a youth.

The first proposal in the Bill relates to a person who is liable to detention in a training centre and is charged with an offence alleged to have been committed after the person has turned 18 years of age. In these circumstances, the Bill will allow the Court the discretion to remand the person to a training centre rather than the adult remand centre. For example, the Court may consider this option to be appropriate having regard to the likelihood of a custodial sentence (if any) for the adult offence not exceeding the remand period.

Where a person is liable to youth detention but is on remand in the adult system, the Bill provides for the Court to be able to review the case and change the place of remand to a training centre. The Youth Court would also be able to review the case of a person remanded to a training centre and transfer the person to the adult system in appropriate cases.

Another proposal relates to persons in custody on adult remand who are also liable to detention for youth offences. The Bill provides for the period in custody in the adult system to be counted against the period of detention for the youth offence. Where a person who is liable to detention or imprisonment in a training centre is in prison on adult remand and is released from that remand, the Bill provides for the person to be transferred to a training centre.

If a youth who is to be remanded for a youth offence is already in custody in the adult system for an adult offence, the Bill allows the youth to be remanded to a prison.

Where a youth is already in prison at the time of being sentenced to detention, the Bill provides for the whole or, if the Court so directs, part of that sentence of detention to be served in prison. The Bill also provides for the Youth Court to be able to order that a period of detention be served in the adult system where the person has previously served a sentence of imprisonment or detention in prison.

If a person in custody in a training centre is subsequently sentenced to a concurrent term of imprisonment in the adult system, the Bill provides for the transfer of the youth to a prison to serve the remainder of the youth sentence (unless the sentencing court directs otherwise).

The final proposal relates to the implications for parole of persons serving detention for youth offences in prison.

Currently, under section 63(8) of the *Young Offenders Act*, the Parole Board must review the circumstances of any person transferred to prison under the Act and may, for any proper reason, order the release of any such person. The Bill removes the discretion of the Parole Board in such cases.

Instead, where a person is to serve any part of a period of detention in the adult system, the Bill provides that a non-parole period may be fixed or varied in respect of that detention by the sentencing court on application of the person or the presiding member of the Parole Board. Once a non-parole period is set, the Parole Board will be able to conditionally release the prisoner where currently it can only unconditionally release prisoners transferred from the juvenile system. Because under the Bill it will be possible, in certain circumstances, for a youth to spend part of a sentence in a prison and part in a training centre, the Bill also provides for the application of the parole provisions in the *Correctional Services Act* to a youth granted parole from a training centre.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause is standard for a Statutes Amendment Act.

PART 2
AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 4: Amendment of s. 31A—Application of Division to youths

This clause amends section 31A to provide that the Division of the Act dealing with non-parole periods will apply to youths serving detention in a prison. The provision also inserts a new subsection (2) which is effectively an interpretative aid to overcome any difficulties caused by the differences in terminology between 'detention' and 'imprisonment'.

Clause 5: Amendment of s. 32—Duty of court to fix or extend non-parole periods

This clause makes a consequential amendment to section 32 so that it refers to the Youth Court.

Clause 6: Amendment of s. 61AA—Community service in default of payment by a youth

This clause inserts a new subsection (6a) providing that if the court under section 61AA(6) sentences a youth to detention—

- if the youth is already in prison the youth will serve the detention in a prison; or
- if the youth has previously been in prison, the court may direct that the youth serve the detention in a prison.

Clause 7: Insertion of s. 71B

This clause provides, in similar terms to the provision sought to be inserted by clause 6, for the detention of a youth in a prison where the court under Division 4 of Part 9, issues an order for detention of the youth or sentences a youth to detention.

Clause 8: Transitional

This clause provides that the amendments to sections 31A and 32 of the principal Act will apply to youths placed in prison before or after commencement of the measure. This means that such youths will be able to apply for a non-parole period to be fixed, and will be subject to the other matters applicable under section 32 of the principal Act.

PART 3

AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 9: Insertion of ss. 183 and 184

This clause inserts two new provisions in the *Summary Procedure Act* allowing for the remand of a person charged with an adult offence to a training centre in certain circumstances.

Proposed section 183 provides that if a person being remanded in custody by the Court is already in custody in a training centre or is liable to be put in custody in a training centre and the Court is satisfied that good reason exists for remanding the person to a training centre, the Court may direct that the person be remanded to a training centre.

Proposed section 184 provides for the transfer to a training centre of a person remanded to a prison if the person would otherwise be in custody in a training centre or is liable to be in custody in a training centre and the Court is satisfied that good reason exists for remanding the person to a training centre. An application for such a transfer may be made by the person or the Chief Executive of the Department of Human Services. If the Court has previously considered whether a person should be remanded to a prison or to a training centre, an application may only be made under the proposed provision if there has subsequently been a material change in the circumstances of the person or the applicant has become aware of relevant new facts or circumstances.

PART 4

AMENDMENT OF YOUNG OFFENDERS ACT 1993

Clause 10: Amendment of s. 15—How youth is to be dealt with if not granted bail

Section 15(1) of the *Young Offenders Act* provides that, generally, a youth who is not granted bail will not be remanded to a prison. Currently a limited exception exists under subsection (2) where the youth is arrested outside an area specified in the regulations and it is not reasonably practicable to comply with subsection (1). The proposed amendment would make the limitation in subsection (1) inapplicable to a youth who is already in prison.

Clause 11: Amendment of s. 23—Limitation on power to impose custodial sentence

This clause inserts a new subsection (6) providing that if the Court sentences a youth to detention—

- if the youth is already in prison the youth will serve the detention (or part of it) in a prison; or
- if the youth has previously been in prison, the court may direct that the youth serve the detention in a prison.

The clause also inserts new subsection (7) dealing with the application of the *Correctional Services Act* to youths sentenced to serve the whole or part of a sentence in prison.

Clause 12: Amendment of s. 36—Detention of youth sentenced as an adult

This clause amends section 36 by deleting subsection (2a). This provision is now to be covered by new Division 1A, since it does not only apply to youths sentenced as an adult.

Clause 13: Insertion of Division 1A

This clause provides that if a youth who is serving a sentence for a youth offence in a training centre is sentenced to imprisonment for an adult offence and that sentence is to be served concurrently with the youth sentence, the youth must, unless the sentencing court directs otherwise, be transferred to, and will serve those sentences in, a prison.

Clause 14: Amendment of s. 63—Transfer of youths in detention to other training centre or prison

This clause amends section 63(2) to allow transfer of a youth (aged of or above 18 years) on remand in a training centre to a prison and makes various minor amendments to other parts of the provision to reflect that. In addition, a small correction is made to the wording of subsection (7) and subsection (8) is deleted because such parole issues are now to be dealt with under the *Criminal Law (Sentencing) Act*.

Clause 15: Insertion of ss. 63A and 63B

This clause proposes to insert new sections 63A and 63B. Proposed section 63A clarifies the position in relation to a youth who is serving a youth sentence in a training centre and is also remanded to a prison in relation to an adult offence.

Where the adult remand order is made after the youth is already in custody in a training centre, the youth must be transferred to a prison (and will be taken to be serving the youth sentence during the period of the remand).

The proposed provision also provides that, whether the youth sentence arose before or after the adult remand, if at the end of the period of remand in prison the youth sentence is still running and no immediately servable sentence of imprisonment was imposed for the adult offence, the youth must be transferred to a training centre.

Proposed section 63B provides for the application of the parole provisions in the *Correctional Services Act 1982* to youths who have been transferred to a training centre from a prison and have a non-parole period fixed in respect of their sentence.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

SEA-CARRIAGE DOCUMENTS BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to reform the law relating to bills of lading, sea waybills and ships' delivery orders; and to amend the Mercantile Law Act 1936. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill modernises South Australian law concerning commercial shipping to bring it into line with modern legal and commercial practices and to recognise technological advances in the shipping industry. The Bill is based on a proposal agreed to by the Commonwealth and all States and Territories to adopt uniform legislation dealing with bills of lading and other maritime transport documents.

A bill of lading is a document issued by the master of a ship—who is the carrier of the goods—to the shipper of the goods. The bill of lading specifies the name of the master, the port and destination of the ship, the goods, the consignee and the rate of freight. The bill of lading fulfils the following functions:

(1) it is a receipt for the goods shipped, issued by the carrier to the shipper;
(2) it contains the terms of, or is evidence of, the contract of carriage between the carrier and the shipper; and
(3) it is a document of title to the goods shipped and, as such, is a negotiable instrument.

At common law, the buyer of goods—being either the consignee or endorsee of the bill of lading—is not a party to the contract of carriage between the carrier and the shipper. Therefore, at common law, the buyer cannot sue the carrier for breach of contract if the goods are damaged or destroyed in the course of shipment. Inequitable and anomalous situations result.

Last Century, legislation was enacted in all States and Territories to overcome the commercial difficulties created by the common law. This legislation is based on an 1855 British Act, and provides that every consignee or endorsee of a bill of lading to whom property in the goods passes upon, or by reason of, consignment or endorsement of the bill of lading, has the same rights and is subject to the same liabilities in respect of those goods as if the contract contained in the bill of lading had been made with that person. In South Australia, this provision is currently contained in Section 14 of the *Mercantile Law Act 1936.*

However, since the introduction of this provision, legal, commercial and technological conditions have substantially altered and practices in the shipping industry have changed. As a result, there now exist a number of circumstances where there is no link between the transfer of property in the goods and consignment or endorsement of the bill of lading to the buyer. As a result, many buyers now do not acquire the rights and protection envisaged by Section 14 of

the *Mercantile Law Act* and the bills of lading legislation of the other States and Territories.

By way of example, bulk cargoes, which were largely unknown last century, have become increasingly commonplace in the carriage of goods by sea, particularly in nations like Australia where bulk commodity exports play a significant role in export trade. Where a consignee or endorsee of a bill of lading has only purchased a portion of the bulk cargo, title does not pass to the buyer until the cargo has been distributed. Therefore, where the cargo is lost or damaged in transit, the buyer cannot sue for breach of contract under the current legislation.

The speed of modern vessels often results in delivery of goods to the buyer prior to the buyer's receipt of the bill of lading. Property in the goods therefore passes to the buyer prior to, and independently of, the transfer of the bill of lading. Again, if the goods are damaged or destroyed in transit, the buyer cannot sue the carrier for breach of contract under current bills of lading legislation.

In addition, commercial practices have changed. Non-transferable shipping documents, in particular sea waybills and ship's delivery orders, have become increasingly popular in commercial shipping, instead of bills of lading. A sea waybill fulfils the functions of a bill of lading, but is not a document of title. A ship's delivery order directs the shipowner to deliver goods to the person named in the order and is not a document of title. These documents are not recognised by the current legislation.

Finally, modern technology such as electronic data interchange has made electronic shipping documents possible. Current legislation recognises only paper documents.

As a result, in 1992, the Maritime Law Association of Australia and New Zealand asked the Commonwealth Attorney-General and the Minister for Transport and Communications, to review Australian bills of lading legislation and expressed concern as to the suitability of current legislation to modern conditions, particularly with respect to anomalies in limitations on title to sue.

The Commonwealth Attorney-General's Department sought comments from all relevant State and Territory Ministers and interested industry and professional organisations, resulting in the preparation of a model Sea Carriage Documents Bill which was approved by the Standing Committee of Attorneys-General.

The *Sea Carriage Documents Bill 1998* is based on the model legislation and modernises current bills of lading legislation by:

(1) allowing the transfer of contractual rights and liabilities from the shipper to the lawful holder of the bill of lading, irrespective of whether property in the goods has passed by reason of transfer of the bill of lading, so as to accommodate changes in the legal and commercial environment;

(2) extending the application of the legislation beyond bills of lading to include sea waybills and ship's delivery orders, which are becoming increasingly common in commercial shipping;

(3) extending the benefit of the legislation to include documents in electronic form to recognise technological advances being made by industry in this area;

(4) improving the evidentiary status of bills of lading.

The effect of the proposed legislation is that the buyer of goods under either a bill of lading, sea waybill or a ship's delivery order will be able to sue—and be sued—directly on the contract of carriage. This applies to documents in both paper and electronic form.

The proposed legislation has a number of advantages. It removes the inequitable and arbitrary distinctions created by the current law, which arose with the development of modern practices and technology. It brings South Australian legislation into line with reforms taken in other Australian and overseas jurisdictions, including major trading nations such as the United Kingdom, France, Germany, Holland, Sweden, Greece and America and a number of Australia's trading partners, including New Zealand, Japan, the People's Republic of China, Indonesia, Thailand and Taiwan. It improves the legal environment for Australia's international traders, ensuring that persons carrying on business in South Australia involving goods shipped by sea are no longer disadvantaged by outmoded legislation.

Clearly, in the area of commercial shipping, it is common sense to have a degree of uniformity between jurisdictions. The proposed legislation is based upon agreements reached at the national level between all the relevant jurisdictions in Australia. To date, the legislation as been passed by the Parliaments of Queensland, Western Australia, Tasmania and the Northern Territory.

I commend the Bill to the House.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Application

This clause provides that the legislation applies to sea-carriage documents issued on or after the date on which the legislation comes into operation, indicating that the legislation does not apply retrospectively.

Clause 4: Interpretation

This clause contains interpretative provisions.

Clause 5: Electronic and computerised sea-carriage documents

This clause provides for the bill's application to electronic and computerised sea-carriage documents if that is contemplated by the relevant contract of carriage.

Clause 6: Application where goods have ceased to exist, or cannot be identified

This clause provides for the bill's application to sea-carriage documents where the goods have ceased to exist (for example where the vessel sinks) or cannot be identified (for example unascertained goods that form part of a bulk cargo).

PART 2
RIGHTS UNDER CONTRACTS OF CARRIAGE

Clause 7: Transfer of rights

This clause represents the fundamental provision in the Act. Subclauses (1) and (2) provide that a person who was not a party to the original contract of carriage is vested with all rights under the contract by virtue of having a lawful entitlement to receive the goods under the sea-carriage document. These subclauses represent a qualification to the common law doctrine of privity of contract (which provides that only original parties to a contract have rights of suit under it). It replaces a similar qualification in the *Mercantile Law Act 1936* but expands the application of the qualification, to sea waybills and ships delivery orders.

Subclause (3) provides that, in relation to a ship's delivery order (being a document issued in association with a contract of carriage) the rights to be transferred are subject to the terms of the particular order, and are only in relation to the goods to which the particular order relates (and not in relation to other goods under the contract).

Subclause (4) provides that the lawful holder of a bill of lading which has ceased to be a transferable document may sue the carrier providing he or she became the holder of the bill under arrangements made before the bill ceased to be a document of title. This subclause protects the position of third parties who, for example, take the bill of lading as security.

Subclause (5) provides that a person who has rights of suit, but has not suffered any or all of the loss may exercise the rights of suit for the benefit of the person who has suffered loss. Thus, for example, a person whose rights have been extinguished by virtue of the legislation, may yet recover any loss suffered.

Subclause (6) provides that the relevant contract of carriage under which a transfer occurs under subclause (1) includes any variation of which the transferee has notice at the time of the transfer.

Clause 8: Extinguishment of previous rights

This clause provides that where rights are transferred under clause 7, any rights vested in a previous transferee are extinguished, and in the case of a bill of lading, any rights vested in an original party to the contract of carriage are also extinguished.

PART 3
LIABILITIES UNDER CONTRACTS OF CARRIAGE

Clause 9: Transfer of liabilities

This clause provides for the point in time at which liabilities are transferred. It provides that where rights in the contract of carriage are transferred and the transferee takes or demands delivery of the goods or otherwise seeks to enforce the contract, the transferee becomes subject to any contractual liabilities as if he or she had been a party to the contract.

Clause 10: Liability of original parties

This clause provides that the transfer of liabilities under clause 9 is without to prejudice any original party's liability under the contract of carriage.

PART 4
EVIDENCE

Clause 11: Shipment under bills of lading

This clause sets out the evidentiary status of the bill of lading. Subclause (2) provides that a bill of lading to which the section applies is *prima facie* evidence in favour of the shipper against the

carrier, of the shipment of the goods or of the receipt of the goods for shipment.

Subclause (3) provides that a bill of lading to which the section applies is conclusive evidence in favour of the lawful holder of the bill against the carrier, of representations made in the bill of lading that the goods have been shipped or received for shipment.

SCHEDULE

Consequential Amendment

The Schedule provides for the repeal of sections 14 and 15 of the *Mercantile Law Act 1936*.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

LIQUOR LICENSING (LICENCE FEES) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Liquor Licensing Act 1997. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

On 5 August 1997 the High Court handed down a decision which invalidated some parts of the *Business Franchise (Tobacco) Act 1987* of New South Wales.

The Solicitor-General and Crown Solicitor have both advised that the decision will impact adversely on the *Tobacco Products Regulation Act 1997*, the *Petroleum Products Regulation Act 1995* and the *Liquor Licensing Act 1997* to the extent that they provide for the assessment of an *ad valorem* licence fee. As a result, all States and Territories have ceased to collect business franchise fees, including liquor licence fees.

The Federal Government has, at the request of all States and Territories, introduced measures to ensure that States and Territories are reimbursed for the loss of revenue as a result of the High Court decision through a 15 per cent increase in the wholesale sales tax on liquor.

The *Liquor Licensing Act 1997* was proclaimed with effect from 1 October 1997 except for those provisions relating to licence fees. It is now proposed to repeal those provisions which relate to the imposition of *ad valorem* licence fees.

This Bill will give effect to the Government's proposal.

I commend the Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of this measure on a day to be fixed by proclamation.

Clause 3: Amendment of s. 4—Interpretation

This clause removes definitions that are made obsolete by other clauses of this measure.

Clause 4: Amendment of s. 22—Application for review of Commissioner's decision

This clause removes the provision that puts the onus of proving the incorrectness of an assessment or reassessment of a licence fee on the person applying for a review of the assessment or reassessment. This change is consequential on the removal of *ad valorem* licence fees.

Clause 5: Amendment of s. 38—Wholesale liquor merchant's licence

This clause alters the provision that imposes a condition on wholesale liquor merchant's licences requiring at least 90 per cent of gross turnover from liquor sales to be derived from sales to liquor merchants so that the sale period relates to a financial year rather than an assessment period. This change is consequential on the removal of *ad valorem* licence fees.

Clause 6: Amendment of s. 43—Power of licensing authority to impose conditions

This clause removes the power of the licensing authority to impose licence conditions to prevent improper arrangements or practices calculated to reduce licence fees. This change is consequential on the removal of *ad valorem* licence fees.

Clause 7: Amendment of s. 48—Plurality of licences

This clause removes the prohibition on holding two or more licences unless the licensing authority is satisfied that the conditions of the respective licences are such as to prevent arrangements or practices calculated to reduce licence fees. This change is consequential on the removal of *ad valorem* licence fees.

Clause 8: Amendment of s. 65—Transferee to succeed to transferor's liabilities and rights

This clause removes the provision that does not require a person to whom a licence is transferred from paying the amount by which the licence fee in respect of a licence period before the date of the transfer was underassessed, or any pecuniary penalty imposed in respect of the underassessment. This change is consequential on the removal of *ad valorem* licence fees.

Clause 9: Amendment of s. 73—Devolution of licensees rights

This clause removes the provision requiring the payment of a fee fixed by the Commissioner for a temporary licence under section 73 or the conversion of a temporary licence into an ordinary licence under that section. This change is consequential on the removal of *ad valorem* licence fees.

Clause 10: Repeal of Part 5

This clause repeals Part 5 of the principal Act which provides for the imposition, assessment and recovery of *ad valorem* licence fees.

Clause 11: Insertion of ss. 109A and 109B

109A. Records of liquor transactions

The proposed section requires a licensee to keep and retain for 6 years records of all transactions involving the sale or purchase of liquor and makes it an offence for a person to fail to comply with the section.

109B. Returns

The proposed section requires holders of wholesale liquor merchant's licences, producer's licences and special circumstances licences authorising the sale of liquor by wholesale to lodge with the Commissioner annual and other periodic returns. The maximum penalty fixed for failure to comply with the section or for the inclusion of false or misleading information in returns is $5 000. The expiation fee is $315.

Clause 12: Amendment of s. 122—Powers of authorised officers

This clause removes the provision dealing with the admissibility of an answer to a question of an authorised officer relevant to the assessment of a licence fee. This change is consequential on the removal of *ad valorem* licence fees.

Clause 13: Amendment of Schedule

This clause removes assessments of licence fees from the list of examples of administrative acts under the repealed Liquor Licensing Act that are saved by the current Act. This change is consequential on the removal of *ad valorem* licence fees.

Clause 14: Exclusion of liability to liquor licence fees on and from 5 August 1997

This clause ensures that no liability to licence fees has accrued under the repealed Act in respect of sales or purchases of liquor made on or after 5 August 1997, the day on which the High Court decision was delivered.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

STATUTES AMENDMENT (CONSUMER AFFAIRS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Statutes Amendment (Consumer Affairs) Act 1998. Read a first time.

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

That this Bill be now read a second time.

This Bill corrects a technical difficulty with the Statutes Amendment (Consumer Affairs) Bill 1997. In addition to the substantive provisions of the Statutes Amendment (Consumer Affairs) Bill 1997, the Bill contained a schedule of minor amendments. When an amendment substituting the schedule of that Bill was passed, the last 2½ clauses of the schedule were inadvertently omitted. This measure rectifies the problem by substituting the full schedule.

Clause 1: Short title.

Clause 2: Amendment of section 2—Commencement. This amendment ensures that the proclamation for commencement of the Statutes Amendment (Consumer Affairs) Act 1998 will apply to that Act as amended by this measure.

Clause 3: Substitution of schedule. This clause substitutes the schedule of the Statutes Amendment (Consumer Affairs) Act 1998 containing minor amendments in its entirety.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

TECHNICAL AND FURTHER EDUCATION (INDUSTRIAL JURISDICTION) AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2.

The Hon. CAROLYN PICKLES: I move:

Page 1, line 21—Leave out 'subject to this Act'.

The shadow Minister in another place raised this issue with the Minister as to why this clause had been left out of a new Bill which she was handed. She felt that if we amend this Bill it would then be identical to the Minister's original version. She indicated in her speech to the House of Assembly that the Minister had promised to explain the Government's opposition but then did not do so. So, perhaps the Minister in this place can. Therefore, we feel at this stage we should move this amendment.

The Hon. R.I. LUCAS: We oppose the amendment. The Minister has taken advice on this issue and, on his behalf and on behalf of the Government, I now indicate the Government's reasons for opposing this amendment. I am advised as follows: the TAFE Act does place authority for employment matters with the Minister. However, for a number of years awards and agreements under the scope of the Industrial and Employee Relations Act 1994 have operated in conjunction with the TAFE Act and regulations.

The Industrial Relations Court view suggests that the Industrial and Employee Relations Act has no authority in relation to persons appointed under the TAFE Act. This is not the Government's view, and the Government's Bill allows harmonious co-existence between the two Acts, but reserves the ability for the interrelationship between the Acts to be determined as required, as has previously been the case.

The Opposition amendment changes this balance and undermines the operation of the TAFE Act and regulations, thereby affecting the *status quo*. The rights of employees to industrial dispute resolution processes under the Industrial and Employee Relations Act, plus award and agreement processes, is preserved without the Opposition amendment.

I emphasise the latter point because I understand there has been a question about whether or not in some way the rights of employees might be disadvantaged without the Opposition amendment that has been moved in this Chamber. As I said, the advice provided to the Minister and to me is that the rights of employees to industrial dispute resolution processes under the Industrial and Employees Relations Act, plus employees' award and agreement processes, is preserved without this amendment.

We have been battling along pretty well in this and the other Chamber in this relatively short session. I have been saying to people that we were hopeful and that it did not look as though any issues might remain matters of dispute between the Houses in terms of potentially forcing a conference of managers. I have not had an opportunity this evening to speak with the Minister in the other Chamber because the other Chamber is not sitting at the moment. Obviously I would have to take advice but, knowing the Minister's and department's view on this, I would think that this is likely to be an issue of some significance to the Government.

Should a majority of members in this Chamber insist on this amendment I suspect that we would need a conference of managers between the Houses to seek some resolution of the difference of opinion between the Houses. Again I caution that I have not specifically had an instruction from the Minister to that effect this evening. It is my expectation that it would probably be the Government's and the Minister's position. These are important issues and are not decided on whether or not we must have a conference of managers: the important point is the substance of the arguments for and against the amendment. I would urge members in this Chamber, in particular the Australian Democrats and the Independent member, not to support this provision.

The Hon. M.J. ELLIOTT: This is an important issue. I intended to address much of it during the second reading stage but I went home ill last night and the Bill progressed out of the second reading stage in my absence, which I did not believe would happen.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Well, I'm about to do that now. The real issue is whether the Industrial Commission has a role to play in setting employment conditions for TAFE Act staff. In legal terms the issue is whether the specific provisions relating to employment matters in the TAFE Act and regulations give the Minister exclusive power to determine employment conditions for staff and as a result prohibit the Industrial Commission exercising its general jurisdiction to regulate industrial matters by making awards. It is worth looking at the history of the exclusive power versus enabling power.

During the late 1970s and early 1980s a number of decisions by the full Industrial Court and the Supreme Court addressed the questions of whether specific Acts—for example, for the fire brigades, education, health, etc.—which included powers to employ people and make regulations about employment, disclosed an intention on the part of Parliament to vest exclusive power to determine employment conditions in the hands of the relevant Minister. The court found that the Parliament intended to confer enabling and not exclusive powers because of the need to vest in statutory employing authorities the appropriate authority, in an enabling sense, adequately to deal with all aspects of contracts of employment necessarily entered into with its employees.

Until last year it was widely believed that the Parliament intended the general industrial Act to apply to all industrial matters arising in the employment of TAFE officers (Industrial Court decision L2/1997). Last year in a split decision the court found that amendments to the TAFE Act in 1991 had removed a specific reference to the Industrial Relations Commission from the Act. Ironically, that amendment was intended to abolish the old Teachers Salaries Board and make its award an award of the Industrial Commission. That relates to the Industrial Conciliation and Arbitration (Commonwealth Provisions) Amendment Act 1991. It was done for that purpose. The upshot was a majority finding that, unless the TAFE Act specifically conferred jurisdiction on the commission:

> . . . the terms of the TAFE Act in respect of conferral of power upon the Minister are so specific that they evince an intention on the part of Parliament for employment matters to be within the Minister's domain and not that of the Commission. That provision contemplates the Minister having unfettered power to determine all of those matters that ordinarily would fall within the purview of the Commission, including the power to regulate the terms and conditions of employment, the extent of leave entitlements and the benefits payable upon retirement.

This decision went further than the Government intended. The Government had asked the court to find that the commission had a limited jurisdiction to deal only with those matters not covered by the TAFE Act or regulations. The Government had also asked the court to find that any specific regulations made pursuant to the TAFE Act must be accorded supremacy over the general jurisdiction conferred on the commission under the Industrial and Employee Relations Act. They went on to argue that, once the Governor made a regulation in relation to an industrial matter, the commission was excluded from making awards or orders in relation to that matter. These are the Government's submissions made on 29 August 1996 (page 3).

The Government wanted a finding that the commission could deal with salaries but not much else—and certainly not anything subject to the regulation. The court did not accept this approach, although for unrelated reasons mentioned earlier it ended up going further and excluded the commission from any role in making awards. It is no secret that for some time the Government had been trying to boost the real role of the Minister *vis-a-vis* the Industrial Relations Commission, and now it is grabbing the chance. The effect of the Government amendment would result in the commission's having a notional jurisdiction to make awards, but in reality most matters covered by the current award would be overridden by regulations and administrative instructions. The commission would not be able to make any new awards unless it mirrored a regulation or the Act—a rather pointless exercise.

I have a list of matters contained in the current award. I will give some examples of what is currently covered by the award: leave and travelling expenses to access medical or dental services, recreation leave, authorised non-attendance days, public holidays, long service leave, sick leave, maternity leave, leave for child-rearing purposes, adoption leave, special leave, bereavement leave, study leave, industrial leave, trade union training leave, jury service, transfers, discipline of officers, formal assessment and appraisal, grievance resolution, dispute resolution procedures, board of reference, reserve matters, transitional provisions and enterprise flexibility provision; schedules 1, 2, 3 and 4 on salaries classification criteria; transition provisions and locality allowances. Those are matters currently covered by the award.

It is to be expected that under the Bill as the Government has it the Minister would want to claw back most of those matters so that the Industrial Commission would have no jurisdiction. The Minister would only have to assert a desire to handle those matters and the Industrial Commission would be left with no choice whatsoever, which is what the Government always intended. When the matter came before the court, it made a ruling which the Government did not anticipate and which it now seeks to redress. The Government is now trying to achieve what it set out to achieve when it first went to the commission, but it is worth noting that the commission's ruling, which produced this, was based on an amendment relating to the Teachers' Salaries Board. Incidentally, a consequence of that led to the court decision that has put us in the position we are in now. I am not persuaded by the Government's position in terms of the amount of discretion in relation to industrial matters that it wants to give solely to the Minister—and that is what it wants to do. As such, the Democrats will support the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PETROLEUM PRODUCTS REGULATION (LICENCE FEES AND SUBSIDIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 577.)

The Hon. P. HOLLOWAY: The Opposition will support the Bill, which is one of three Bills dealing with the outcome of the High Court decision in the *Ha and Lim* case last year. We have already dealt with the tobacco legislation, and just earlier this evening the Attorney-General introduced amendments to the Liquor Licensing Act changing the liquor fees. These three Bills have come about as a consequence of the High Court decision which removed the State's powers to impose franchise fees on tobacco, petroleum and alcohol. This Bill deals with petroleum. One of the requirements of the Commonwealth's taking over and raising that money on behalf of the States was, of course, that the States relinquish their powers. That is essentially what this Bill does. However, it becomes somewhat more complicated than that, because the way the petroleum franchise fees were imposed meant that there were differential rates across the State.

The State was divided into three zones and the amount of franchise fee payable on each litre of petrol differed over the three zones. Of course, the condition of the Commonwealth's taking over this power was that no-one should be worse off. That means that the States now have to reimburse those country regions that had the lower rate of franchise fee. It is rather unfortunate that we have this system because, in my view, it makes the whole system rather messy, and perhaps one might well argue that it is actually more difficult to pay rebates to the different zones than it was to raise the taxes in the first place. Later in the debate I will ask the Treasurer exactly what impact these changes will have upon the administration and the cost of administering the new scheme. As I said the other night on the tobacco Bill, we really do not have any choice in this.

The High Court has made its decision and we have no option but to live with it. It is unfortunate that we no longer have the flexibility as a State to raise and adjust fees from these three sources, which collectively were an important part of the State revenue. They raised about $450 million, as the Treasurer told us the other day. We really have little option but to accept the inevitable, support the Bill and deal with the problems that will come. I will be moving an amendment and I will say more about it at the time. As a consequence of the need to pay subsidies to various regions, we have to set up a structure so that these rebates can be paid. As I said earlier, this will inevitably create some administrative difficulties. Basically, we are having to develop a completely new system. Paying a rebate to country areas is quite different from raising tax on petroleum products in country areas.

The amendment I will move during Committee requires that, after the new system has been operating for 12 months, the Minister should undertake some sort of review and report

back to the Parliament within 12 days. This requirement will ensure that, if necessary, we can deal with any administrative difficulties. There is no doubt that many small businesses which will have to operate with this Act are naturally concerned about the impost of these new arrangements. As an Opposition we accept that it is not the Government's fault that this has come about: it is a consequence of the High Court's ruling.

We really have little option but to go ahead and devise some scheme whereby we can comply with the Commonwealth's requirements for taking over the levying of these fees. It appears that each State is doing it a little differently. My amendment seeks to review the process after 12 months to see whether it is operating as well as it might, and perhaps we can see whether some changes should be made to the system. At this stage I conclude my remarks, but I will ask some questions during Committee about various aspects of this measure.

Bill read a second time.

In Committee.

Clause 1.

The Hon. P. HOLLOWAY: The Treasurer recently provided me with an answer, when we were dealing with the tobacco Bill, about the total value of subsidies which were to be paid. The Treasurer gave the total figures under the tobacco, petrol and liquor licensing arrangements. Is it possible for the Treasurer, in this case, to break down the value for each of the three zones and the subsidies that will have to be paid? I appreciate that the Treasurer might have to take the question on notice, and I would be happy for him to do so, but it would be useful for the Committee to know exactly what sorts of sums we are dealing with in relation to each of these three zones.

The Hon. R.I. LUCAS: I am happy to take that question on notice and undertake to provide a reply to the honourable member.

The Hon. P. HOLLOWAY: Following the Premiers' Conference last week, is the Treasurer in any better position to say how long these interim arrangements—and, I guess, we can refer not just to petroleum products but also to the other two measures—are likely to remain in force?

The Hon. R.I. LUCAS: It is still unclear, to be frank. Given the public description of events at the Premiers' Conference last Friday, I think it is apparent to the honourable member that a number of other issues that were to be discussed were not able to be discussed at that conference. The States and Territories are continuing to have discussions with the Commonwealth about the one-off transitional cost to the State budget of some $50 million in South Australia and how that might be rectified, particularly as the guarantee was given to the States and Territories that this change would be revenue neutral to States and Territories. That remains an issue of discussion between the States and Territories and the Commonwealth.

The transitional arrangements are still a subject of discussion. A range of options is being considered. Suppose the States and Territories were to get guaranteed access to an income tax base, for example, which a number of States are supporting. In the context of the national tax reform debate one of the options being canvassed is that the money being collected by the Commonwealth Government under this arrangement might, in part, be offset by a guaranteed share of income tax arrangements. For all intents and purposes it would still be the Commonwealth Government collecting revenue on behalf of the States and the States being guaranteed access to revenue. However, in this case it would be through a guaranteed share of the income tax base.

I do not know whether the Commonwealth would be prepared to look at that, given the national tax reform debate. I would imagine that we would not see anything occurring there for at least a couple of years, as there is a Federal election to be held and, should the Coalition be elected, there would still need to be the passage of legislation and the implementation of changes. The earliest I would imagine would be 12 months or so, but it might be up to two years before we saw some offset arrangement.

The other alternative is that the current arrangements continue, and that is clearly one alternative until someone can come up with some better scheme or idea as to how the States can be guaranteed access to the revenues previously collected by the franchise fees. The honest answer to the honourable member's question is that I am not able to say when this issue might be resolved in discussions with the Commonwealth and the States. It will continue to be a matter of negotiation at officer level until we get another meeting of COAG or the Premiers' Conference.

The Hon. P. HOLLOWAY: Will the subsidy payment scheme which will be set up under this Bill be more expensive to administer than the original franchise fee collection system? How much will this new system cost? Will it be equivalent to the cost of running the original tax scheme?

The Hon. R.I. LUCAS: To give an accurate answer, I will have to take some advice from the Commissioner for Taxation. My recollection is that this is likely to be a little more expensive than the previous arrangements, given the larger number of distributors we are talking about. Of course, certain issues of compliance will need to be considered by the State Taxation Office. I am prepared to have a discussion with the Commissioner and see whether I can provide to the honourable member any more definitive information.

The Hon. P. HOLLOWAY: How does the Government propose to monitor the subsidies that are to be paid under this scheme to ensure that they are passed on by the distributor to the retailer? I should point out that, under the scheme as I understand it, the payments will be made to about 60 or so distributors, although there is some dispute as to exactly how many there will end up being. The Minister in the House of Assembly debate said that about 60 distributors will receive the subsidy payments, and they will then pass these on. Obviously, I am sure all of us would want to see that country petrol consumers get the benefit from this rebate scheme, and we would all like to see that the rebates paid are passed on to the motorists at the petrol pumps. I imagine that it will not be all that easy given the large number of people involved, but will the Treasurer indicate how he intends to monitor this scheme to ensure that there is compliance with it?

The Hon. R.I. LUCAS: Again on this issue I will need to take some advice from the Commissioner for Taxation, and I undertake to correspond with the honourable member in respect of that. The matter of compliance is not only a difficult issue in this area but in a number of other areas as well. It is a well established part of the ongoing work and operation of the State Taxation Office, but I am afraid that I cannot usefully add too much more intimate detail about exactly how it is conducted by officers of the STO. I give an undertaking to obtain that information and provide it to the honourable member.

The Hon. P. HOLLOWAY: I have one more generic question, if I can call it that. Some years ago a local government reform fund was set up using a tax of about half a cent

a litre. I think it was set up under the Bannon Government. Some disputes have occurred between State and local government throughout the years concerning how that fund should be applied. Now that the State is no longer able to raise the revenue on its own—we are dependent on the Commonwealth's doing that for us—what will be the future of this local government reform fund and will the Government continue to contribute to that fund?

The Hon. R.I. LUCAS: The response to this question is very similar to the one I had to provide in respect of Living Health, which has exactly the same problem. We have a number of funds that were funded by the franchise fees, but with the High Court decision we no longer have moneys going into Living Health, the local government reform fund and so on. My recollection is that a small working group has been established by Premier and Cabinet—and obviously with the Minister for Local Government, Treasury and Finance and perhaps one or two other agencies—to look at what the Government's response to this area might be.

At this stage certainly there is no Government decision yet. The time frame for a decision would be within the context of the current State budget deliberations. Certainly the issue has been raised in the bilateral discussions Treasury has had with the various agencies and it, too, together with Living Health, is an issue that will need to be resolved before the announcement of the State budget at the end of May.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. P. HOLLOWAY: This question is not unlike the previous question. It concerns paragraph (i), which strikes out the definitions of the environment protection fund and the highways fund. Obviously in the past revenue from petroleum products, the petroleum franchise fees, was paid into the environment protection fund and also into the highways fund. Will the Treasurer indicate what the implications of these new funding arrangements from the Commonwealth will be for these funds? Does he believe that we still need to keep these funds? Will the Treasurer give an assurance that, if we are to keep these funds, they will receive the same amount of revenue under the new arrangements as they would have received under the old arrangements?

The Hon. R.I. LUCAS: I might be doing the former Treasurer Frank Blevins a disservice—I suspect not—because I think it was he who used to say that the notion of hypothecated funds was a lot of nonsense.

The Hon. P. Holloway: Yes, that was his saying.

The Hon. R.I. LUCAS: When I was in Opposition, I remember his saying that Oppositions used to move hypothecated funds. He said, 'You know what happens with hypothecated funds. It just means something else gets reduced elsewhere and you still get the same amount of money' or words to that effect. I hope I have not done him an injustice, but the Hon. Mr Holloway obviously recognises similar discussions he has had with the former Treasurer.

The issue of whether or not there is a highways fund is not the determinant of how much money will be spent on roads and highways in South Australia. As the budget is being developed for 1998-99, the issue will really be, as we talk to the Minister responsible: what is the total lump of money that will be made available to that particular Minister for the function. Whether it comes partially from the highways fund or from a Government appropriation directly is neither here nor there. In terms of the aggregate sums involved, we are really talking about what the overall level of the budget is and not how much they might be guaranteed from a particular fund financed from State sources.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I am not suggesting that.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Exactly. The Hon. Terry Roberts said, 'The Hon. Frank Blevins got rolled on occasions.' I think Treasurers have traditionally had a view about hypothecated funds. Governments are comprised of members of Parliament, politicians and political Parties. There are occasions when there is a more saleable argument for particular groups in the community that something is clearly designated as a hypothecated fund.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Some of the sellers do believe it, I suspect. I am only talking about Treasurers here—not all members of Parliament and all members of the Government. Some people see a degree of comfort in having a name on a fund. If it is specifically designated, they have the view that it is protected for ever and a day.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Yes, although we are now onto the highways fund in relation to this particular issue. In relation to the highways fund, there have been discussions between the agency concerned and Treasury as to what in essence the Government will do. Do we continue with a highways fund in one form or another? I suspect it is difficult, but we have not made a final decision in relation to that or the environment protection fund.

With all these funds that no longer have their source of funding coming from State-based franchise fees, we are involved in discussions, and the time frame will be within the context of this current budget round. We will obviously announce our decisions as part of the State budget.

Clause passed.

Clauses 5 to 20 passed.

Clause 21.

The Hon. P. HOLLOWAY: I move:

Page 14, line 21—Leave out 'following subsection' and insert 'following subsections'.

The member for Gordon (Rory McEwen) raised a number of questions about the problems that might be faced in relation to the administration of this scheme and the cost that would impose upon the people concerned. During the debate he expressed some concerns about the implications of these measures. Subsequently, I spoke to him along with my colleague in another place, Kevin Foley, and after some discussion I came up with this amendment. It seeks to review the whole record keeping procedure after a period of 12 months and then to require the Minister to bring that report before the Parliament when it is completed. This is just a means of ensuring some review of the new system at a suitable time.

From the debate that took place in another place, I understand that it is a new ball game, because as a result of this we are now faced with replacing what was previously a tax with a rebate system. It is not of the State Government's making, and I do not want to be too critical of it for that. It is a result of a High Court decision, and we need to get something in place fairly quickly. Nevertheless, all of us would appreciate that we want a system of paying rebates which is as simple as possible, which is fair to all, which ensures that the rebates are passed on, particularly to country consumers, and which imposes the minimum cost on the

small businesses involved. We also want a system that is fairly easy in terms of compliance, so that we can make sure that there are no problems in relation to the operation of the scheme.

I hope that the amendment will achieve that objective of having this review and, if there are any problems identified, if there is undue burden on small business as a result of this scheme, perhaps we can look at what is done elsewhere or perhaps we can take in ideas and come up with a better way of doing it, if that is necessary. I seek the support of the Committee for this review, to act as a check on this new and untried system that we are now entering into as a result of the High Court decision.

The Hon. R.I. LUCAS: The Government would prefer not to see this amendment carried. I understand the position from which the member for Gordon comes. I understand that a particular concern of a constituent was raised with the honourable member, highlighting the distinction between the collection mechanism in South Australia and what that constituent thought applied in a good number of other States, particularly in Victoria. The member for Gordon has taken up this issue and, as the Hon. Mr Holloway has indicated, had some discussions. Clearly, the intention of the constituent is a preference to support the scheme that applies in Victoria, whereby not as much compliance is required of the distributor as will be required under the South Australian scheme.

The State Government would like to see as simple a system as possible. If we had to deal with only 10 outlets as opposed to 60 or 70, then clearly from the viewpoint of the State Taxation Office that would be a simpler and better system, and if our legal advice were such that that was the way to go, let me assure the Hon. Mr Holloway and the member for Gordon that we are not much interested in creating work for ourselves and also for distributors unless we believe on the basis of legal advice that there is sound reason for doing so.

I am advised that our legal advice has indicated that there are some constitutional vulnerabilities associated with any scheme that pays subsidies direct to manufacturers and importers, which is the system that operates in Victoria. It is exacerbated in States where higher levels of subsidy are paid to country consumers. That is the case that applies in Queensland, New South Wales and South Australia. So, the important issue is that, whilst there is a different system in Victoria, the system South Australia is undertaking is broadly the same as that to apply in Queensland and New South Wales. Those three States have opted for subsidy schemes that pay a subsidy at the distributor level.

The reason for that is the basis of legal advice but also we are told that the approach provides for improved enforcement mechanisms and is more likely to ensure that subsidy is paid only in relation to fuel sold for retail or by retail in this State. The opportunities for exploitation of the subsidy centre predominantly about the purchase of fuel at a high subsidy rate in one State for consumption in a State where a lower subsidy would otherwise apply. The starkest example of this is obviously in Queensland: the major concern was that big tankers might be scooting across the border into Queensland, purchasing, and going back into New South Wales and selling. From recollection, the extent of the differential there was about 8¢ a litre.

The subsidy in South Australia is the next highest at about 3¢ in the farthest zone from the metropolitan area, and there is some concern that there is an incentive for the same sort of border hopping that I have highlighted in the New South Wales example, where big tankers might move into Queensland, purchase and go back to New South Wales, selling in that jurisdiction.

The Government understands that the member for Gordon's constituent is concerned about our model as opposed to the Victorian model and has centred on an examination of the compliance costs and, if they are too significant, perhaps we ought to look at the Victorian model. Ultimately, the Government does not have a concern about undertaking a review of compliance costs, but if it is to look at moving to the Victorian situation I have to indicate that our legal advice and State Taxation Office advice is that we could not move to the Victorian situation. If someone can come up with a new model which is different from the Victorian model and which does not leave us open to the sorts of problems we understand that might leave us open to, it might be a useful exercise. I do not think, however, that the collection of information on compliance costs necessarily helps with that. The only thing that would help with that would be someone trying to develop a new system or suggesting how the compliance costs for South Australia might be reduced, whilst still ensuring that distributors were the mechanism used within South Australia.

The Government would prefer not to see this provision in the legislation. It would, nevertheless, be happy, if this amendment was not passed, to indicate that the State Taxation Office, the State Commissioner for Taxation or his officers would be prepared to have discussions during this period of 12 months with representatives of distributors (and perhaps at the end of the 12-month period) to see whether any administrative mechanisms might be improved which, while still sticking with the distributor process, might in some way reduce the workload for distributors but nevertheless give us the information and compliance that is required. I am happy to give that undertaking now, should this amendment not be successful in this House. I do not believe I can add much more than that. It is the Government's preferred position that this amendment not be successful.

The Hon. M.J. ELLIOTT: I am somewhat equivocal about the amendment. This Bill has passed through the Parliament fairly quickly—the amendment only emerged today—and I have not had any discussions with anyone in relation to it. When I say that I am equivocal about it, at the moment I lean towards supporting it, only in so far as saying that there will be an inquiry and a report. It does not suggest the form in which the inquiry might take place, and it could be an instruction for an officer to correspond with the 19 particular agents, or whatever number the Minister said there would be—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Well, 60 or whatever—and collate information. It may not be a particularly onerous task, and there may be some merit in it. So, on the basis of recognising that there is some potential merit there and that the requirement does not appear to be necessarily onerous, I will support the amendment.

I note that the requirement is for the maintenance of records for five years. I am not sure how onerous that is in that, for taxation purposes, we maintain records for those sorts of periods. It appears to me that it is really just a matter of getting a record and sticking it in a filing Cabinet—and I am not sure how great the compliance costs in effect really will be. Having indicated that I will support the amendment, I wonder whether the drafting of new subsection (3) in the Bill as it stands is capable of an interpretation that is not

intended. It talks about the fact that you have to keep invoices, receipts, records, books and documents as required by the Minister for a period of five years after the last entry is made in any of the records, receipts, books or documents. If one reads that carefully, one sees that the intention is that any record, receipt or book that contains an entry must be maintained for up to five years.

However, because of the way in which this clause is constructed, if any of those four—any book, record, receipt or document—has an entry in it, it must be maintained for five years but then everything else has to be as well. I am sure that is not what was intended, but I believe that that is the effect of it because of the way in which it has been structured. I believe that the drafting could have been slightly different. I am not suggesting that the Government might, at some later stage, seek to interpret it in that way, but I believe that interpretation would be an accurate one, even though it is not the intention.

The Hon. P. HOLLOWAY: I thank the Hon. Mike Elliott for his indication of support. I want to pursue one matter a little further—and again this arises from the debate in the House of Assembly. In answer to a question from the member for Gordon, the Minister in the other place indicated that there were 60 distributors and that these are the people who will really be responsible for making the whole scheme work. However, it is my understanding that, because of the way in which this scheme works, a large number of bulk end users will be created and that, in effect, these people will basically be involved in the administration of the scheme. Indeed, a number considerably in excess of 60 people could have to make this scheme work, and that adds to the complication somewhat. Will the Minister say whether he believes that these bulk end users will in fact increase the number of people who will be involved in the administration of the scheme and, if so, whether he has any idea about how many in fact will be involved?

The Hon. R.I. LUCAS: I do not have that information with me this evening. I am happy to take up that issue with the commission, and I undertake to correspond with the honourable member.

Amendment carried; clause as amended passed.

Remaining clauses (22 to 28) and title passed.

Bill read a third time and passed.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 618.)

The Hon. T.G. ROBERTS: I rise to raise some issues regarding the passage of the Supply Bill in this Council. I confine my remarks to the question of morality that faces legislators over time, and that is maintaining faith and keeping intact our values as members of Parliament. The respect base that we try to build in the community relies on the Government's ability to use its budget strategies and its Supply equitably to create wealth and services and to distribute them in a way with which its constituents feel connected and of which they feel a part.

The first gap in that leap of faith comes when Governments are formed at election time and promises are made. Obviously, budget restrictions will never allow some promises to be kept. During the lead-up to the last election, there was a lot of debate and many words spoken about the current Government's ability to meet its commitments and whether the previous Government knew about the difficulties that would be passed on to the current Government. Whether the Treasurer or the Premier knew what the actual state of the budget was is a matter that is open to discussion and debate.

I do not think that too many members on this side of the House and in the community believe that the Treasurer, the Premier and the Deputy Premier did not know what the state of play was in relation to the collection of receipts and the spending programs of the previous Government in the lead-up to the last election. So, when it comes to framing the first budget of its new term, the Government is off on the wrong foot.

Members of Parliament have a responsibility not to feed the cynicism that is felt in the local community but to educate people so that each citizen believes that the cake that is shared out at budget time is distributed fairly. In some cases it is the role of the Opposition to shape a dark picture of the Government in power so that it can create a springboard for itself to take over the Treasury benches but, in difficult times such as these, there is no political value in feeding the flames that are starting to develop in the local community about the uncertainty they face when budgets are being developed and when the Supply Bill is before Parliament.

I do not think that too many members on this side of the House would have many arguments with the Government's strategy in relation to the planning and development of Adelaide and the apportionment of budgets for that. In fact, the rhetorical inclusions within the planning strategy have been among the objectives of Governments over time. Conservative Governments tend not to spell it out too much, but we have always had it in our policy and we have been upfront so that the community can examine the policies. Our policies are debated openly in conference forums so people can examine the policies that they can expect when we are elected.

I know that we have broken some promises after winning elections, but Governments in this half decade are victims of shrinking budgets and economic rationalist positioning by the Federal Government. However, that is no excuse for not telling constituents about the financial standing of budget development. If there is a bad story to tell in the lead-up to an election, it should be told. Citizens have a right to know. If there is an international downturn, such as that being experienced by our near neighbours, and it will have an impact on our budget receipts, the citizens have the right to know what the progressive position is.

It is incumbent on the Federal and State Governments to spell out what the supply position is to be within the current 12 months of a Government and there is a responsibility to put together some budget strategies that indicate to the people what stage the State will have reached in, say, six months time in relation to the national and international position. No-one could disagree with the values that are included in the planning strategy for metropolitan Adelaide, and I will quote from the document on page 11:

> Values, the often unstated beliefs that underpin decisions and action, vary across the community. The purpose of the strategy is to reconcile different values and to propose specific goals, strategies and actions.
>
> Respect for individual worth, tolerance of differences between people and collective responsibility for common goals are basic values.

I think they are all shared by both major Parties. To some extent, before this document was put forward, philosophers generally espoused the philosophical position of: each

according to their abilities, each according to their needs. Basically, the values in this document are spelled out accordingly.

The document goes on to state:

> A respect for enterprise, reward for effort and reasonable profit for reasonable risk taking are the foundations of a healthy economic activity.
>
> People need and want to work, mostly through paid employment. Beyond the basic needs, individual and social goals are met through wealth derived from the use of labour, capital and resources to produce a wide variety of goods and services to satisfy people's wants.

As I said, they are values to which we could agree on this side of the House. If the Government was going to frame that budget and put forward a program for a future four years, then certainly it should be spelled out in the lead up to an election and it should be spelled out in the lead up to the framing of a budget, so that citizens can look at where they will stand in the next 12 months to 18 months. Those cycles, I think, are not too out front for people to work out exactly where they will be.

I raise those issues to send a signal, the same as other members have sent, that is, there is a lot of concern in the community as to what their futures will be. That is in both the public and private sectors. There is a lot of concern about regional growth and jobs that will be available in regional areas. Certainly, there are a lot of nervous public servants, and certainly people in the power industry who work for ETSA. They are all concerned about their futures. We do not get any information that is reliable enough for those people to say, one way or another, where they will be in this whole program in the next 12 months to 18 months. They cannot plan, they resist borrowing money to buy houses and they start to put off large investment decisions. They revert back to only making small decisions and they start to salt money away.

There is probably a good example of where the values of Government are put into documents and then are not followed through, or whoever puts the values in the planning strategies certainly does not consult with those who are on the ground carrying out these economic rationalist policies. If we were able to get those strategists who put forward the values by which Governments should govern, and then look at putting together the policies that impact on people on the ground, then we may be able to get somewhere. But, somewhere along the line the economists and the strategists are either in different buildings or never pick up the telephone to talk to each other. We do not get a mix of values where (as I spelt out earlier) the investment strategies of governments are based on needs or abilities. This issue is illustrated by a timely reminder in a 12-page supplement to the *Border Watch* of Thursday 19 March.

The Hon. T. Crothers: I hope you're not going to read it all.

The Hon. T.G. ROBERTS: I certainly will not read it all.

The PRESIDENT: I hope it is relative to the Supply Bill, which relates to the Public Service.

The Hon. T.G. ROBERTS: It certainly is, Mr President; the supplement makes direct reference to the public sector cutbacks that have beset the people in the South-East region and particularly in Mount Gambier. The supplement includes comments from the Mayor; the local member, Mr McEwen; the South-East Local Government Association President, David Hood; George Vent; the member for MacKillop, Mitch Williams; and there is a large editorial. It is a cut and paste job that the Trades and Labor Council would be very proud of if it were putting out a document to educate its readers in relation to what was occurring in the employment field.

I will not read the whole document but, in debating Supply, Standing Orders oblige me to illustrate the fears that people in regional areas have. The South-East is probably one of the more affluent areas of this State, and I certainly have a lot of sympathy for those economic development boards which are operating in the far less fertile areas of the State such as the northern regions and the Murraylands and which do a fine job with the limited funds they are given by trying to promote employment opportunities in regional areas, hold their populations together and provide services. Through the public sector acting as a pump primer for the private sector, they try to provide services and some security to the people in those areas.

This cut and paste article goes back to 1996. The comments on the first page are certainly cries for help, with headlines such as 'Fire merger protests warning', 'Rail spur to close', 'ETSA jobs uncertain in the S.E.', 'Emergency Services SOS', 'Vetlab future clouded', 'Naracoorte launches fight to save research centre', 'Rail link shut?', 'Country citizens "second class"'—which is a general statement—'Councils angry', 'Brown summoned to address SELGA', 'Hundreds wait for housing', 'South-East schools snub', 'Jobs crisis', 'Anger brews over Farm Link loss', 'Details sought on South-East PS cuts', 'We lose our magistrate', 'Where have all the Govt Depts gone?' and 'Job losses hit hard'. I must read that one, because it is relevant. It states:

> More than 100 public sector jobs have been slashed in the South-East by the Brown Government in the past two years, representing a loss to the local economy of millions of dollars each year. This statement was made by economist and State Labor member of Parliament, Mr Paul Holloway, in Mount Gambier on Friday. Mr Holloway had conducted a comprehensive jobs survey in the region and warned that more job losses were on the way.

Further headlines state: 'No future for rail', 'Scrimber rescue unlikely' and 'Health services under threat'. I could go on about obstetrics, the removal of hospital services, the threat to the collection of blood and the crisis in jobs. The whole article goes on in that vein. One could say that this is a beat-up by a local businessman in the area who has strong connections with the *Border Watch*, but the views are general in that area. If you went out to all other regional areas you would find that the same views would prevail.

Again, I draw a picture of the perceptions that people in regional areas and in the metropolitan area have of how Governments collect and spend tax revenue. The article gives the perception that the metropolitan area draws in all of the tax revenue from the regional areas, putting those regional areas in a position of poverty, while somehow or other people in the metropolitan area are living off the fat of the land. The Government has an educative role to play in perhaps letting people across the State know that everyone is bearing the pain of a continuing recession—I will not say a 'current recession' as indicated by a previous speaker today—that has existed in this State for a number of years.

The other difficulty that people have in trying to work out the relationship between regional areas and the city is that, as other contributions have indicated, not enough members of Parliament visit regional areas to see at first hand some of the problems they have. One could throw that accusation at the Labor Party, because over the years it has not had a lot of members elected in regional areas: most members are elected from conservative Parties. One could be forgiven for saying

that regional members, therefore, ought to be letting the Government know exactly how country people feel but, unfortunately, that is not the case. Regional members of Parliament are not giving their electors the full picture in terms of what is going on and, consequently, the frustrations are starting to show in some of the articles appearing and in some of the contributions—

The Hon. M.J. Elliott: That might be why they lost three seats there.

The Hon. T.G. ROBERTS: That is right. That is why the Government lost three seats and that is why there are two Independents and one National Party member in Parliament at the moment. If the Government continues to go down the track of privatisation of public services, cutbacks in regional areas and the drying up of metropolitan jobs through centralisation of investment strategies into the Eastern States, I am afraid that South Australia will need to adopt a strategy that matches the planning strategy document and its values as a way of pump priming the economy. If the Government did live by the strategies and the values it announces, matching its goals and investment strategies with those values, I am sure the State would be a lot better off than it is at the moment in terms of the Government's intentions for the sale and downgrading of our public sector assets to a point where employment-related projects and financial returns to the State will be minimised over the current budget period.

The Hon. A.J. REDFORD: My contribution will be brief. I am mindful of the comments you made late yesterday, Mr President, but I could not but help hear the Hon. Terry Roberts's contribution and it would be unfair to let some of those comments pass without a response. I refer particularly to the matters he raised in relation to the material that appeared in the *Border Watch* last Thursday and the 12-page liftout 'Money before people'. In that 12-page lift out is a series of articles written by the *Border Watch* journalists and attributed to the two Independent members and some local government leaders. On the back of it I see a map which indicates the change of the Victorian border in a westerly direction, taking in Mount Gambier. I also see a list of RIPs on the back page. It is interesting to note in the same issue of the *Border Watch* is another article 'Buses mooted as housing labour shortage looms'.

If one read the 12-page liftout by itself, one would think that the South-East was in total and utter economic crisis. If one read it by itself one would have been forgiven for ringing the Salvation Army and other institutions and arranging for a food parcel liftout to be sent to the people of the South-East. If one looks at the *Border Watch* article I have referred to, we see that there is such a shortage of accommodation in Naracoorte that buses are being explored as an option in moving people from Millicent to places such as Coonawarra, Penola, Naracoorte and Kalangadoo because of the extreme accommodation shortage. If things were going that badly in the South-East, one would imagine that there would be vacancies in houses in various places in the South-East. The reality is quite the opposite. There is a shortage of accommodation in every place in the South-East, with the exception of Millicent.

Indeed, I have been approached on a number of occasions by people associated with the Grant council saying that there is such a shortage of accommodation that they would like the supplementary development plan changed so that more rural land can be subdivided so that old farmhouses can be sold and used to accommodate people. It is important to get some of the comments in context. The other matter raised in that article was in the editorial. I will quote that passage and then respond to it, because it states:

> But those city-oriented politicians welcome with open Treasury arms the more than $580 million a year the South-East provides for the Government from primary industry alone—agriculture $440 million, timber $90 million, fishing $55 million. And this is farm gate value, the producers' price and does not include other stock, produce, land or capital—or value adding processes. If even one-third of that money was reinvested in this region every year, Mount Gambier and its surrounding satellite centres would be booming.

With all due respect to the author of that editorial, Federal, State and local governments do not adopt a 100 per cent taxation regime. I believe the figures quoted in the *Border Watch* are the gross area product. Certainly, one can then not draw a long bow and say that all of that money disappears out of the South-East. In fact, knowing how thrifty people are in the South-East—and I see that the Hon. Terry Roberts is nodding his head—one could not but be surprised that there would be a third of that amount reinvested in the South-East. Indeed, the South-East, with the exception of two principal industries, is doing very well at the moment. The two exceptions, and I am sure that no-one in this place would disagree, are the wool and beef industries. One could not help but notice that that is common throughout the rest of Australia and not peculiar to the South-East of South Australia, even to those members of the South-East who read the *Border Watch* and nothing else and who travel no farther than Penola.

Let us look at some of the other headlines that have appeared in the *Border Watch*, and that other well read paper that often features the Hon. Terry Roberts, the *South Eastern Times*. As a small example, in the area of primary industries headlines from September 1996 read, '$190 000 grant for training'; 'SA to become nation's leader in aquaculture'; 'Boost to forestry'; 'Horticulture industry gets $100 million boost'; 'State provides $10 000 to improve trucking safety'; and the editorial of Tuesday 5 December 1996 is headed, 'Timber plan good news for the South-East'.

With respect to education we see headlines such as, 'Grant boost for rooms at Grant'; '$1.4 million redevelopment of Reidy Park underway'; '$2.5 million redevelopment for two city schools'; 'South-East to share in $60 000 funding for SA adult learners'; and '$35 000 in grants shared'. If we talk about caring for people and health, we see headlines such as, 'Next stage for Millicent Hospital'; 'Regional health plan beneficial to country'; '$450 000 boost for drug help'; 'Funding for hospital equipment'; '$25 million to be spent on hospital technology'; and '$2 million for combined fire and ambulance stations'.

Other headlines in the *Border Watch* and other local papers in relation to power and water read, '$17 million in capital works for the region'; 'Deposit 5000 scheme success'; '$13 million TAFE work is on schedule'; 'Snuggery turbine installation on target'; and 'ETSA's major upgrade to reinforce vital supply'. With respect to the police and community safety, we see headlines such as, '$7.2 million new police complex'; 'SES funds rise'; '$450 000 boost for drug help'; 'Crime prevention funds get a $70 000 increase'; and 'Work on police complex'.

The Hon. G. Weatherill interjecting:

The Hon. A.J. REDFORD: I say to the honourable member that the fact is that the predominant support at the last State election came to the Liberal Party. In both the seats the Liberal Party out-polled the successful candidate and the

ALP came a dismal third. In fact, in the seat of Gordon, for the benefit of the Hon. George Weatherill, it was a real struggle to see whether the Democrats might have jumped ahead of the ALP. So, the ALP has no credibility in the South-East. With respect to tourism and roads, much criticism was made in the article entitled 'Money before people'. We see headlines such as 'Plans underway to boost two States tourist campaign'; an article reads 'The South-East Economic Development Board has received $140 000 from the State Government [to develop projects in tourism]'; 'Tourism plan ahead of schedule', 'Casterton-Mount Gambier "goat track" to be fixed'; '$2 million road upgrade'; and 'Festival back on track—planning gathers momentum.' With respect to art and sport we see the headlines, 'Leg up in the racing industry'; '$900 000 sporting bonanza'; 'Budding Mount High artists displayed works'; 'Helpline now open 24 hours a day'; 'Mainstreet Theatre welcomes $121 600'; and 'Mayfair group in $2 000 youth arts grant'.

Then we get on to the Economic Development Board. We see headlines such as 'Scheme nets 62 jobs', 'Positive signs for State's economy', 'Help for small businesses is now available' and 'First small business advocate appointed'. Here is one headline that will interest the Hon. Terry Cameron—and he has listened to my contribution in complete silence!

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I will remind the honourable member of the article. The *Border Watch* (Friday 19 September 1997) contained an article by Damian Cocks. The small print reads, 'Mount Gambier jobless rate falls', while in big letters it states, 'More people in work'. I have to say that, when I picked up the *Border Watch* and I read this 'Money before people' insert, it caused me some degree of concern because, in the context of the sort of information I have just provided to members opposite, I was somewhat surprised. Far be it from me to draw a long bow and say that this insert appearing in the *Border Watch* is coincidental with decisions made in relation to additional outlets for service stations or with a dispute that some people are having with WorkCover or with a decision of the Liquor Licensing Commission to allow a competitive environment in respect of the sale of packaged liquor.

I am somewhat perplexed at the 12 page feature, but I congratulate the *Border Watch* for enabling the Government to insert this 12 page response. The Hon. Terry Cameron gave a grieve earlier today about how bad country roads are, coincidentally about 1½ hours after I sent off my press release explaining to the *Border Watch* that we had spent nearly $16 million on roads in the South-East in the past three years. I am surprised that the *Border Watch* gave us the opportunity to put in 12 solid pages, but I congratulate it for allowing us to do that.

I am sure that the Hon. Terry Cameron would be able to tell me exactly how much that would cost if I had to buy that sort of propaganda. It is 12 pages in which the Government gives its response. I am sure that members opposite will rush out and buy this Friday's *Border Watch* and be absolutely surprised at the work and effort that has gone into looking after the constituents of the South-East.

In closing, I have to say that people throughout South Australia have felt severely the pain inflicted by the previous Bannon Government which the Hons George Weatherill, Trevor Crothers, Ron Roberts, Terry Roberts, Paul Holloway and Carolyn Pickles all supported in Caucus over time. I know that the Labor Party does not leak, and one story that definitely never leaked out of the Caucus was any one of those members standing up and saying, 'Hey, Mr Bannon, you're ruining this State.' They did not do that on any occasion. They can sit over there and guffaw and laugh and make snide interjections, but the fact is that this Government was given a difficult job to undertake in repairing the State. This Government has got on with endeavouring to repair the State, and it is trite for members opposite to sit there and say that we have caused pain to the electorate. We were present when the pain was inflicted upon the electorate following the demise of the Bannon Government and the outrageous decisions it made over time.

I hope that the majority of people in the South-East understand that some of the decisions that have been made over the past four years have been difficult. They are not decisions that we have wanted to make, but the fact is that we owe a responsibility to future generations, whether they live in the South-East or elsewhere, to bring some financial responsibility to this State and to put us in a position where we can confront the twenty-first century with a degree of confidence and optimism.

The Hon. R.I. LUCAS (Treasurer): I thank the Hon. Mr Redford for his excellent defence of the Government's record. Nevertheless, at 12.30 a.m. I do not intend to add to the discomfort of members opposite by trying to assist my learned colleague the Hon. Mr Redford. I thank members for their indication of support for the Supply Bill which is what we are discussing and, on behalf of the public servants of South Australia, who will now have a guaranteed salary between July and whenever the Appropriation Bill goes through, I thank honourable members for their support.

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

ROAD TRAFFIC (VEHICLE IDENTIFIERS) AMENDMENT BILL

The House of Assembly agreed to the Bill with the amendment indicated by the annexed schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

Clause 3, page 4, line 1—After the words 'A person must not' insert the words ', except in prescribed circumstances,'.

STATUTES AMENDMENT (NATIVE TITLE) BILL

The House of Assembly agreed to the Bill without any amendment.

CHILDREN'S SERVICES (CHILD CARE) AMENDMENT BILL

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

TOBACCO PRODUCTS REGULATION (LICENCE FEES) AMENDMENT BILL

The House of Assembly agreed to the Bill without any amendment.

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the Bill without any amendment.

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the Bill without any amendment.

STATUTES AMENDMENT (ADJUSTMENT OF SUPERANNUATION PENSIONS) BILL

The House of Assembly agreed to the Bill without any amendment.

ADJOURNMENT

At 12.32 a.m. the Council adjourned until Thursday 26 March at 11 a.m.