LEGISLATIVE COUNCIL

Thursday 11 February 1999

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

CRAMOND REPORT

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement made by the Premier today in another place on the subject of processes of government.

Leave granted.

ARTS FUNDING AND REPORTING SYSTEMS

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

Leave granted.

The Hon. DIANA LAIDLAW: I highlight a change proposed within the arts portfolio to introduce a more efficient administrative process for arts organisations in making application to Arts SA funding programs and then accounting for their expenditure. The proposed change involves the progressive transfer of arts organisations, which are currently funded on a calendar year basis, to be funded and reported on on a financial year basis. This will mean that from June 2000 all arts organisations in South Australia will be funded on a financial year basis.

The change will affect five of the State's 20 lead agencies and 32 smaller organisations currently funded on an annual basis by Arts SA. I seek leave to insert in *Hansard* a table which lists these organisations.

Leave granted.

Five Lead Agencies

- Jam Factory
- Australian Dance Theatre
- Adelaide Symphony Orchestra
- South Australian Youth Arts Board
- Fringe

Annually Funded Organisations

Adelaide Philharmonia Chorus
Art Monthly Australia
Art Zone (Zone Gallery)
Artlink
Arts in Action
Arts Law Centre of Australia
Ausdance
Australian Copyright Council
Australian String Quartet
Barossa Music Festival
Brink Productions
Co*Opera
Community Arts Network
Contemporary Art Centre of SA
Craftsouth
Doppio Teatro
Experimental Art Foundation
Folk Federation
Friendly Street Poets
Jazz Co-ordination SA
Junction Theatre
Leigh Warren and Dancers
Mainstreet Theatre
Musica Viva in Schools
Nexus
Port Adelaide Arts Centre
SA Community Broadcasters' Association
SA Council for Country Music
SA Music Industry Association
SA Writers Centre
Vitalstatistix
Wakefield Press

The Hon. DIANA LAIDLAW: This change recognises that arts organisations will now be applying to Arts SA for both recurrent arts funding and health promotion sponsorships formerly available through Living Health. Until this time, health promotion sponsorships have all been funded and accounted for on a financial year basis whilst core recurrent funding of the listed organisations, which I have just tabled, has been dealt with on a calendar year basis.

In effect, the funding arrangements have required most arts organisations to operate two different accounting systems—but no longer. This change is also being prompted by the Government's policy to apply triennial year funding agreements more widely than in the past, thus providing organisations with a more certain environment in which to plan their programs and engage artists.

As the number of organisations on triennial funding is increased, it is logical to bring all funding periods into line with Arts SA's own funding period and at the same time eliminate duplication in funding applications and accounting. The new streamlined system will commence in the 2000-01 financial year. For that year and thereafter, there will be a single application process as follows:

1. For lead agencies, the funding application is effectively their annual report of outcomes against those specified in their performance agreements. This report will now include a pro forma document which will incorporate a health promotion application.

2. Annually funded organisations will also complete a similar pro forma document for health promotion sponsorship appended to their normal annual applications for Arts SA funding.

3. All other organisations and community groups will apply for health promotion sponsorship at the time of Arts SA's first project round of the calendar year for funding for the following financial year.

In addition, I advise that all health promotion applications will be considered by a ministerially appointed Arts SA Health Promotion committee during April and early May each year. Organisations will then be advised of their Arts SA and health promotion funding simultaneously as part of the budget process. This will have obvious advantages for the organisations (in terms of planning) and for Arts SA (in terms of administrative efficiency). In order to move to this system for 2000-01, it is necessary to make the following transitional provisions:

1. For the first year the application process for annually funded organisations will be deferred for six months from June 1999 until December 1999.

2. Thereafter, applications will be made annually in December.

3. To cover the once only gap of six months, the 37 organisations that I have listed in this place will, subject to their existing performance agreements, have their 1999 funding extended for six months in an amount equal to 50 per cent of the 1999 allocation.

Arts SA will be working with the arts organisations concerned to ensure a smooth transition. They will also be working closely with the Australia Council to ensure that, wherever possible, alignment can be achieved with the Australia Council processes. Details are being advised to each organisation by letter, and I advise also that a public advertisement calling for applications for the next round of funding will appear in this Saturday's *Advertiser*.

The PRESIDENT: Order! During the reading of that statement there were far too many audible conversations. I remind members that, when a member has the call and is on his or her feet, only one person has the floor. If an honourable member wishes to have a conversation, I ask them to please sit down beside the member he or she wishes to speak with or to go outside.

QUESTION TIME

BUS TENDERS

The Hon. CAROLYN PICKLES: I seek leave to ask the Minister for Transport questions about the new round of bus tendering.

Leave granted.

The Hon. CAROLYN PICKLES: My questions to the Minister are:

1. Will the Minister give a guarantee of no job losses or a decline in employees' terms and conditions of employment as a result of the latest round of contracting?

2. Will the Minister outline for the public's benefit the specific areas where the supposed $15 million savings have been made in 1997-98 as a result of the outsourcing?

3. Given the community's obvious dissatisfaction with public transport in this State and the resultant decline in patronage, will the Minister give a commitment to ensuring the latest round of tendering includes a provision to increase patronage?

4. What are the projected metro ticket sales and patronage levels for 1998-99?

The Hon. DIANA LAIDLAW: The projected figures for patronage for this financial year are in fact in the budget estimates papers that were provided in this place to the honourable member and all members I think in May last year. The honourable member or her research assistants may wish to look at that public document. In terms of the patronage and competitive contracting issues, the honourable member will be aware that the passage through Parliament of amendments to the Passenger Transport Act last session freed up the contract areas and a whole range of other measures that the PTB can now set or establish as conditions within the expressions of interest and contract papers that will be sought.

Anyone who runs a bus company can certainly put in an expression of interest to run a bus service according to the contract areas, which have been reduced, as the honourable member knows, from 14 to seven. I understand from advice from the PTB that patronage measures will be one of the matters that will be taken seriously into consideration by the PTB in assessing, first, the expressions of interest and, secondly, from that short list, the more detailed work that the PTB will have to assess before awarding a contract.

In terms of the $15 million savings for the 1997-98 year, I think it was, I can certainly provide that. I think I probably provided it during the Estimates Committee last year either in my opening statement or in answer to a question, but I will bring that back for the honourable member.

Lastly, in terms of guarantees of job losses and employment conditions, I cannot answer the honourable member in terms of what companies will even put in an expression of interest, let alone what companies will be short-listed to then put in more detailed work to the PTB. Certainly, we in this place, having made amendments to the TransAdelaide Act last year, have given TransAdelaide every opportunity to excel in the tendering process. I am sure all members, as I do, would wish the public owned company, TransAdelaide, and its work force well in the bidding process, but it is over to it in terms of what it wishes to put into the bidding process. I know that the Public Transport Union, the work force management and the new board are working through those issues now.

TORRENS ISLAND POWER STATION

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about electricity supply.

Leave granted.

The Hon. P. HOLLOWAY: Thousands of homes, businesses and hospitals in the north and north-eastern suburbs were hit by a power blackout last Thursday. It was reported in the *Advertiser* that ETSA was forced to cut power to 36 000 premises in 13 suburbs just before 3 p.m. after two generators at Torrens Island Power Station failed. My questions are:

1. Will the Treasurer say why the two generators at Torrens Island Power Station failed?

2. Will he explain how suburbs or areas are selected for load shedding by ETSA in the event of a generator failure?

The Hon. R.I. LUCAS: The advice with which I have been provided in relation to Torrens Island is that the problem was that there was not sufficient pressure in the gas coming through to Torrens Island. We are still seeking precise advice as to why there was not sufficient pressure in the gas that was coming through, but that was the reason. I am advised that it was not a failure of the generating plant at Torrens Island: it was just that gas is meant to come through at a certain pressure (and I can get the detail on what that pressure is and advise the honourable member), but it was not able to come through at that pressure, so there was a problem for a short period at Torrens Island. My advice was that the load shedding occurred for a period of about 20 to 25 minutes.

In terms of how ElectraNet makes a decision to select, I will obtain the precise details. However, from what it has explained to me in the past, I understand that it tries to select areas which, obviously, will not impact too significantly in terms of industry, employment and jobs. So, I think that is one of the—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, I guess there are hospitals everywhere and, if that is an issue, I would be happy to take that up with ElectraNet. However, as I understand it, that is one of the factors that it takes into account. I presume that, obviously, it does not target areas such as Elizabeth or Lonsdale which have a significant number of employers and grind those businesses to a halt. As I understand it, it tries to steer clear from that, which obviously makes some sense, and it then does it over a period. In this case it did not have to worry because it was only 20 to 25 minutes.

In the term of office of the last Labor Government there was an extended load shedding example which went for some four hours, I think it was; I can get the detail for the honourable member if he wishes. I think that is the most recent example where they spread the load (if I can describe it that way, in layperson's terms). They black out or load shed in a particular group of suburbs for half an hour or an hour, and then they move to another group of suburbs. They hope that by doing that no particular suburb is impacted for an excessive period.

As I said, I think the best example is back under the Labor Government period when there was load shedding for some four hours. I will be happy to try to get some detail for the honourable member as to how the load shedding was organised during that period and whether or not ElectraNet has changed decision making. I assure the honourable member that, contrary to some of the media or political speculation, that I, as the Minister responsible, do not select the particular suburbs where load shedding occurs. That is a decision which the businesses take based on the well established criteria that they have. If the honourable member has a particular issue—by way of interjection he mentioned hospitals—or anything else like that, I would be happy to take up that issue with ElectraNet in relation to any future cases where load shedding may occur.

The Hon. SANDRA KANCK: I desire to ask a supplementary question. As the Torrens Island Power Station boilers can be switched to burn oil, why were they not switched on this occasion?

The Hon. R.I. LUCAS: I understand they were but I will take advice and provide an answer. However, there is a time issue in terms of switching. There is also the issue that you can burn oil only for a certain period, as I understand it, in terms of efficiency.

The Hon. K.T. Griffin: And then you have to clean it out.

The Hon. R.I. LUCAS: And then you have to clean it out, as the Attorney has said.

Members interjecting:

The Hon. R.I. LUCAS: It was my learned colleague the Attorney-General who was providing me with advice there. He is correct: you can use oil for a period and then you have to clean out the boilers using gas. I will be happy to get the precise details from the electricity businesses and provide the honourable member with a response.

GOODS AND SERVICE TAX

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about selected food price rises.

Leave granted.

The Hon. T.G. ROBERTS: It has been reported to me that, pre-GST, supermarkets are selectively increasing the prices on some consumer items in the anticipation that, if a GST is placed on food, those products will be in equilibrium, when and if the GST is brought in. Some canny shoppers with gut feelings have been reporting that to me rather than any statistics and/or any report being made official. What has been made official is a report put together by research companies Taylor Research Services and Roy Morgan that the centralisation or formation of concentrations of food within the supermarket systems does make this an easy process to complete. The article in the *Business Review Weekly* of 18 January 1999, under the heading 'How pseudo competition eats up diversity', has the subheading 'A survey of supermarkets uncovers opportunistic pricing practices: the potential for GST manipulation by the Government and a cash flow windfall for the giants'. Standing Orders prevent my reading in large chunks of the article, but it is self-explanatory in relation to the centralisation of power within the retail sector, particularly of the food area, that pseudo competition can eat up diversity and increase the risk of price manipulation.

My question is: if the pre GST manipulation—and that does not necessarily mean that it is dependent on a GST's being brought in on food; it could be only the anticipation of it—of prices does occur in South Australia, are measures available to the Minister for Consumer Affairs to prevent these possible rorts?

The Hon. K.T. GRIFFIN: I will take the question on notice and bring back a reply.

FESTIVAL CENTRE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Adelaide Festival Centre.

Leave granted.

The Hon. J.F. STEFANI: On radio this morning, I heard the Hon. Ron Roberts imply that there were similarities between the asbestos problem that was identified some years ago in the South Australian Tourism building situated at 18 King William Street, Adelaide, and the asbestos problem in the Adelaide Festival Centre—which was built by a Labor Government. Will the Minister advise whether there are similarities between the asbestos problem in the two buildings?

The Hon. DIANA LAIDLAW: I can assure the honourable member that there are no similarities between the two circumstances with the asbestos. The Hon. Ron Roberts would be aware of this, if he was an authority on this subject or was genuinely interested in promoting an intellectual and reasoned debate on this subject.

There is a great difference between stable asbestos in an airconditioning system and airborne asbestos. By suggesting that there was any similarity the honourable member fails to take into account that the tourism building had airborne asbestos—and I recall that the Hon. Julian Stefani took intense interest in the safety of tourism staff at the time. Because the airconditioning system repeatedly failed, mechanics had to get into the system; when they got into the system they dislodged asbestos which was agitated and which got into the air flow. It was a danger to staff. The Government, belatedly, but fortunately, did remove the staff and closed that building. After many years, the building is being upgraded.

There is no similarity between that situation and the situation at the Adelaide Festival Centre Trust where the airconditioning system works well. There has been no need for any mechanic to enter the system and thereby dislodge or agitate the asbestos and, therefore, it is safe. As the General Manager said—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: It is only you with your hot air that might dislodge the asbestos—and I see all the honourable member's colleagues sitting there uncomfortably every time he opens his mouth on this. A media release which was issued today from PPK Environment and Infra-

structure Pty Ltd and which is entitled 'Adelaide Festival Centre' states:

> PPK is one of Australia's leading independent consultants in the assessment of asbestos health risks in buildings and the management of asbestos remediation. PPK has been engaged by the AFC to independently audit and review its asbestos management plan. PPK has been engaged to assist the AFC in preparing tenders for the pending removal of the residual asbestos and to provide independent management consultancy services during the remediation process. PPK believes its recommendations with respect to the legal requirements and the priorities of the AFC's asbestos management plan are being appropriately managed in accordance with the statutory requirements of the Occupational, Health, Welfare and Safety Act (1986). The rigorous implementation of the asbestos management plan by the AFC ensures that the AFC is safe for staff and the public, and the daily environmental air monitoring program undertaken by PPK confirms this.

The media release is signed by Dr David Cruickshanks-Boyd, National Manager, Environmental Services, PPK Environment and Infrastructure Pty Ltd.

The Hon. J.F. Stefani interjecting:

The Hon. DIANA LAIDLAW: I know that it is not appropriate to respond to an interjection, but I heard the Hon. Julian Stefani ask whether the Hon. Ron Roberts would attend the memorial service for Don Dunstan tomorrow. Does he believe it is so unsafe? Will he attend? He is silent now. Will he attend and, if so, will he wear a gas mask, or will he just stand outside with a placard warning people not to go to the memorial service? I can tell members that I will be at Don Dunstan's memorial service, and I will not be wearing a gas mask, because I will not need one. Will the Hon Mr Roberts be there? Is he so genuinely concerned that it is an unsafe place that he has told the shadow Minister for the Arts, the Hon. Carolyn Pickles, not to go? Has he telephoned Mr Beazley and told him not to come? Has he told the Dunstan family to cancel the function because it is so unsafe? Is that how genuinely concerned he is about the environment at the Adelaide Festival Centre Trust? The honourable member is silent. Will he be there?

The Hon. T.G. Cameron: I am going.

The Hon. DIANA LAIDLAW: Yes, you are going, but will you wear a gas mask?

The Hon. T.G. Cameron: No.

The Hon. DIANA LAIDLAW: No, because you won't need one. Mr Stephen Spence has a genuine interest—not like the superficial interest of the Hon. Ron Roberts—in, for instance, the musicians of the Adelaide Symphony Orchestra and the entertainment world generally. He has also issued a memorandum to staff confirming that it is a safe environment for them in which to work or perform. I am pleased that he has been able to provide that assurance on top of what PPK and the management of the Adelaide Festival Centre Trust have done in the first instance. Finally, I would just say, a day or so—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: A liability in terms of any commercial performance? Will Mr Roberts accept liability if he scares away patrons from an environment that is safe? Will he accept liability for lost income? I will bet he does not. I would just like to say how saddened I am. We have become used to the grubby politics of the Hon. Ron Roberts in this place. If there is a breath of mention about lead in Port Pirie, he goes off his head. However, when it comes to the Adelaide Festival Centre Trust, on the week of Don Dunstan's death and his memorial service, when many people genuinely want to attend to honour the man who did so much in South Australia on so many fronts, he does not mind raising—falsely—a scare campaign involving staff, the public, politicians and Don Dunstan's friends. What is even worse is that he then muddies the water further by bringing in issues that have no relationship to the old tourism centre. I suspect that Don Dunstan would be disgusted at the honourable member's behaviour and, as Don Dunstan would, I detest his grubby grab for a headline.

MENTAL HEALTH

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Human Services a question about mental health.

Leave granted.

The Hon. SANDRA KANCK: The closure of causality units at Glenside and Hillcrest hospitals in 1996 paved the way for the setting up of the Assessment and Crisis Intervention Service (ACIS). There are four ACIS teams, one in each region. They are made up of registered psychiatric nurses and social workers, and they have access to psychiatric doctors. All teams are severely overworked and understaffed. Until 10.30 p.m. each day a doctor is available to the ACIS team, and that doctor can assess patients to determine whether they need to be hospitalised. After 10.30 p.m. the ACIS team is on its own, so it would be advisable to anyone who is at risk of a breakdown to have their crisis during office hours.

In November the Minister for Human Services said that there had been a 65 per cent increase in crisis call-outs but, unfortunately, this increase has not been matched with either resources or staff. In fact, the opposite has been happening, with cuts being made to already stretched budgets.

A GP has been in contact with my office and has painted a very bleak picture of the ACIS team. The doctor said that there has been a marked increase in mental health patients needing help from their local doctor. The ACIS team is regarded as the last resort by this GP. She expressed concerns about the possibility of errors being made in assessment and treatment and delays in response time. On one occasion this GP had a very depressed suicidal woman in her rooms. The woman was staying with a friend for support in the western region but usually lived in the northern region. The ACIS team was called but was unable to attend immediately and told the doctor to refer her to the Casualty Department of the QEH. The western ACIS team said that they were not able to assist the patient because she lived in the northern region. The northern ACIS team was informed about the patient and told where she was staying.

The following day (and, remember, this was a suicidal patient), the doctor received a telephone call from the northern ACIS team saying that the patient was not at her northern address. The doctor told them again that she was staying in the western region. The team called the patient at her friend's home and asked her to return to her house in the north so that she could receive a visit. In essence, a vulnerable person was asked to leave a home where she was receiving support to travel to her own home and receive a support visit there. The GP said that this was not a rare occurrence.

Vulnerable people in the community who have just left hospital have to wait between four and six weeks to receive community support visits. Between 50 per cent and 60 per cent of these people are assigned a key worker who will maintain support for that person. In the interim, the ACIS teams try to maintain support for the other people who have

no access to community care, and this takes valuable time away from crisis call-outs.

The Government's vision of community care is a positive step forward, but health professionals say that, unfortunately, it has been one step forward and two steps backwards. They tell me that despite original thoughts of cost efficiency it is becoming increasingly clear that community-based care is far more expensive than institutionalised care. My questions are:

1. What is being done to redress the imbalance between resources and the Minister's stated claim of a 65 per cent increase in crisis call-outs?

2. Can the Minister provide figures of crisis call-outs from the inception of ACIS in 1996 to the present day for each region?

3. What is being done to reduce the waiting time for people requiring community care once they are released from hospital?

4. What is the current policy for assessing and treating patients across the four regions of health care services in the event that they are not in their home region at the time of their crisis?

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

OUTBACK ACCIDENTS

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

Leave granted.

The Hon. CAROLINE SCHAEFER: On 15 December last year an Austrian tourist died in the South Australian outback. The number of these tragedies, while very much publicised, is in fact quite few. However, when they do happen they are a source of great anxiety for those who live in the inland and great grieving for the families of those overseas tourists.

This tragic incident has highlighted the issue of outback travel safety, particularly with regard to tourists from overseas who are unfamiliar with outback conditions. Can the Minister inform me as to any strategies that may be developed to improve the safety of outback travellers and to ease the anxiety of those who live in the area and need to try to rescue these people when something goes wrong?

The Hon. DIANA LAIDLAW: I thank the honourable member for her question. She raised this matter with me almost immediately after learning of the death of the tourist, and she also raised the concern of people who live in the outback and of the police in terms of the time and care involved and their genuine concern for tourists who are unfamiliar with very harsh conditions in summer—conditions that are foreign to many Europeans in particular and Asian people generally.

One of the earlier suggestions made by the honourable member was to bring all parties together to look at this issue. I am pleased to advise the Council that Transport SA has taken up that suggestion, and later this month there will be an outback safety summit to be attended by National Parks and Wildlife, Transport SA, outback tourism operators, pastoralists, the police and the RAA. The newly formed Australian Outback Tourism Association will be invited to attend, as will people from interstate, because this is not by any means just a South Australian issue.

One proposal that has been put forward is that everyone should alert the police of their movements. However, I understand that the police are somewhat cautious about such a scheme, as they have been called out on phantom rescues because people have not reported that they have arrived at their destination. Scarce police resources and other people in the area have been called out to search for an individual when that person has been perfectly safe. So, we need to think beyond that sort of a system, which would naturally be everyone's first suggestion.

In the meantime, Transport SA is putting up many more signs in country areas with information about road closures, etc. and telephone numbers to call regarding road conditions. We may be able to provide more information to tourists before they enter, for example, the Strzelecki Track, the Birdsville Track or other areas to ask whether they have checked on a whole range of safety issues, whether they have informed a family member or someone else of their destination and plans, and to ask them to report in when they have reached their destination.

The website is something that Transport SA is using far more effectively in terms of information about road closures and weather conditions for travellers. We may be able to use that more effectively in future to provide information. Companies hiring four-wheel drive motor vehicles, motor cycles and other vehicles could also play a role in informing people when they hire a vehicle, if they know their destination, about some of the precautions and dangers, as well as the joys, of travelling in the outback. Many positive suggestions will come from this summit later this month, and I thank the honourable member—

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: Adventure travel is fine, as long as it does not lead to loss of life, and that is what we are all seeking to avoid in this instance.

FESTIVAL CENTRE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for the Arts a question about the Adelaide Festival of Arts.

Leave granted.

The Hon. R.R. ROBERTS: Yesterday, I asked a series of questions which obviously have not been read or understood. On two occasions, there were long and extensive arguments, discussions and personal attacks, which do not really worry me at all, but I ask you, Mr President, to indulge me for 10 seconds to disclaim what has been misinterpreted by the Hon. Legh Davis, for one. In her reply yesterday, the Minister said:

> . . . the member himself said, in terms of the PPK report, 'The theatres are safe.'

Readers of *Hansard* will note that the quote to which the Minister refers was from an answer that she gave me. I quoted from the answer that she gave me where she claimed that the theatres were safe. The Minister went on to claim that she had read the report and that she had been working with the Festival Centre, as had Arts SA and her office. Today, she quoted extensively from a PPK report. Yesterday, I quoted from the executive summary—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —and was attacked by the Minister.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: The accusation that I have been irresponsible is clearly and demonstrably not true, because this matter started on 9 July last year—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. G. WEATHERILL: On a point of order, Mr President, yesterday the Hon. Ron Roberts was threatened with being named for behaving half as badly as the honourable member opposite is today.

The PRESIDENT: There is no point of order, but I ask members to let the honourable member who has the call ask a question. Actually—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order, Minister! I ask the Hon. Ron Roberts to stick to his explanation.

The Hon. R.R. ROBERTS: Thank you, Mr President. I will need to quote from this document in a moment. I have been accused today by the Minister and the Hon. Legh Davis of saying that I said it was unsafe. On every occasion I have quoted the PPK report. Yesterday, I quoted the PPK report to avoid hysteria—

The Hon. L.H. DAVIS: On a point of order, Mr President, you gave leave in this Chamber for a question to be asked on the Adelaide Festival of Arts. The honourable member is not addressing the subject for which he received leave.

The PRESIDENT: The first point is that the members gave leave after I asked whether leave was granted. Leave was granted for a question relating to the Festival of Arts.

The Hon. R.R. ROBERTS: They don't like it when they are being exposed. Yesterday, I deliberately referred only to the executive summary, but the Minister said that she had read the full report. I have in my hand two pages of the PPK report on the Festival Centre. I refer to paragraph 9.3 headed 'Airconditioning ductwork—Adelaide Festival Theatre', and paragraph 9.4 headed 'Airconditioning ductwork—drama theatre'. I have been accused of scaremongering. Let me read from this document; it will not take long.

The Hon. A.J. REDFORD: On a point of order, Mr President, the questioner is commenting, debating and arguing. Yesterday, he asked a question, to which he received an answer. The grievance procedure immediately followed, when he had an opportunity to speak.

The PRESIDENT: What is the honourable member's point of order?

The Hon. A.J. REDFORD: My point of order is that the honourable member is debating the issue, and that is not permitted during Question Time.

Members interjecting:

The PRESIDENT: Order! A point of order has been made. This point of order has been raised countless times before. Members keep commenting or debating when they are supposed to be giving an explanation. Most members of this place could be accused of doing exactly the same thing. The point of order is valid. Standing Orders require that members not do this sort of thing. All the Chair can do is ask the honourable member not to comment on or debate the issue but to give an explanation before asking the question for which leave has been granted.

The Hon. R.R. ROBERTS: I will put the question at the end of this quotation from the asbestos audit report, which states:

> Loose and friable asbestos material was identified within the ductwork of plant No. 2 of the Adelaide Festival Theatre. This material was removed and cleaned by McMahon Services in July . . . The additional inspection of the remaining ductwork showed that varying amounts of residual asbestos contamination is present within the ductwork on both the supply and return systems.

This is from the PPK report on which the Minister relies. It states further:

> This material was noted to be in poor condition and very friable. Air monitoring tests were undertaken to measure the background levels of airborne asbestos fibres following the discovery of this material. All of the results of the testing showed that the levels of airborne fibres were below the detection limit of 0.01 fibres per millilitre of air.

The Hon. L.H. Davis: There you are!

The Hon. R.R. ROBERTS: In they come. The report goes on:

> These airborne monitoring results provide some evidence that the environment within the theatres is safe with respect to airborne asbestos.

This is what the Minister reckons she has read:

> It must be recognised, however, that the testing method used, whilst it is the method recommended by the National Occupational Health and Safety Commission (WorkSafe Australia) does not provide definitive evidence of the absence of airborne asbestos. Given that asbestos found in the airconditioning system—

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: You read this: you ought to know—

> (crocidolite) is a confirmed human carcinogen, every reasonably practical effort should be made to reduce the risk of airborne fibres to as low as possible.
>
> Moreover, the health risk from exposure to airborne asbestos fibres may increase if this material is disturbed by maintenance work being carried out.
>
> Therefore, it is our professional opinion that a remediation program to clean and decontaminate the air conditioning system be developed and implemented as soon as possible.

They got that on 16 October. Having now availed herself of what is actually in the document, does the Minister still stand by the fact that there is not a significant problem to be addressed in the decontamination of that building? I could go on for hours, but I will leave it at that. I seek leave to table the document.

Leave granted.

The Hon. DIANA LAIDLAW: I would like to ask the honourable member whether he is attending the service tomorrow for Mr Dunstan. Are you attending tomorrow?

The Hon. R.R. Roberts: Am I allowed to answer that in my own way, Mr President?

The PRESIDENT: Order! It is out of order for the Minister to ask that question.

The Hon. DIANA LAIDLAW: I am sorry; I just thought it was a relevant question to ask. I thought the silence opposite was even more significant. I can assure the honourable member and the public of South Australia, and I can assure Mr Gough Whitlam, Mr Beazley, Mr Rann, the Hon. Carolyn Pickles, all of the Hon. Mr Roberts' parliamentary colleagues, the Dunstan family who wish to attend tomorrow, me, others, Mr Olsen, that it is safe. There is not only not a significant problem there—it is safe. I have read today from the latest media advice from PPK, and the report of Dr David Cruickshank, National Manager, Environmental Services PPK Environment and Infrastructure Pty. Ltd., and I repeat:

> The rigorous implementation of the asbestos management plan by the Adelaide Festival Centre ensures that the Adelaide Festival Centre is safe for staff and the public, and the daily environmental air monitoring program undertaken by PPK confirms this.

Earlier PPK asked that work be developed as soon as possible. It did not say immediately—'as soon as possible'—and we have done so. As I indicated yesterday, there are arrangements for the work to commence next week. It is safe whether it commences next week or, as is now the case, after getting Public Works Committee approval.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: We do not need the funds.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: We do not need the funds in the sense that we already have a Cabinet submission to be considered—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —for $1.6 million. This work costs $1.6 million. We are seeking Cabinet approval to take that to the Public Works Committee to see that there is a deflection of capital funds already approved for the—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: —$1.6 million that it will cost—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —for the Adelaide Festival Centre Trust, the theatres, the foyers, the Space and the Playhouse. We will be doing the whole works, not just selected works.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: The Hon. Mr Roberts does not understand that the earlier figure of $500 000 refers to selected works in the Festival Theatre, not the Festival Centre, because he does not understand in terms of the question he asked about the Adelaide Festival of Arts—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —the complex of theatres—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts.

The Hon. DIANA LAIDLAW: —that comprise this location. I think he will have a hernia and probably will not be at the Festival Centre tomorrow anyway.

The Hon. J.F. STEFANI: As a supplementary question, I understand that the Occupational Health and Safety Act was enacted in 1986 making provision for the Government of the day to initiate an asbestos register of all buildings. Can the Minister advise whether the Labor Government from 1986 to 1993 did in fact initiate any such register, including the Festival Centre, which came under the control and maintenance of the Labor Government?

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It is an extraordinarily good question. I only wish I had been given prior warning of it because I would have been able to provide an answer. I do not have the answer immediately. I will seek the information and provide that advice if I can before the close of business today.

FIREFIGHTERS DISPUTE

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, a question about United Fire Fighters.

Leave granted.

The Hon. A.J. REDFORD: Yesterday I addressed this place on the current industrial dispute between the Government and United Fire Fighters. In so doing, I declared an interest, unlike the member for Elder in another place, when he raised the issue. I understand he is a member of the United Fire Fighters Union. I remind members that I said yesterday that the firefighters union, if successful, would make them the highest paid firefighters in the land by $100 per week. In other words, they would receive more than $1 000 per week.

I also drew attention to the code of conduct in the Act which states that firefighters must not, without proper excuse, use property belonging to the corporation for an unauthorised purpose. I also referred to the campaign involving Liberal MPs' offices. I raised the issue of second jobs. I understand that a report, which I have not seen, was commissioned for the purpose of occupational health and safety issues and showed that of 750 active city firefighters and 220 firefighters in the country, most of whom are part time, 600 indicated they had a second job of some type. The shifts of firefighters are such that they work effectively eight days on and six days off, although there are some exceptions to that, and this provides them with ample opportunities to take on second jobs. Some people have expressed concern that, in a period of high unemployment, this should be condoned by the State Government.

I have also been informed that employees of the MFS in Port Pirie have assistance provided to them. I understand that five MFS employees travel from Adelaide to Port Pirie each week. That obviously comes at a cost. Some people have suggested to me that the work levels at Port Pirie are no greater than some CFS units. An example given to me is the Coromandel CFS. I am also concerned about the nature of the relationship between the MFS, the union and the superannuation fund of firefighters in relation to the occupation and ownership of the MFS building.

It has been suggested to me that the reason the firefighters are demonstrating is that Mick Doyle, a senior Vice President in the ALP, has organised the firefighters to demonstrate not about their pay but about the future of the union. I have been told that, if we have a single communications unit covering all emergency services, it will be conducted by the police. That means there is a real risk that Mick Doyle and the United Fire Fighters Union will lose at least 30 members currently working in the communications centre—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: —thereby making the union unviable and losing the member for Elder significant votes on the Labor State Council and undermining his power base in Labor factional politics. My questions are:

1. Can the Minister advise us of the MPs' offices at which the United Fire Fighters protested so everyone knows what seats the Bolkus Left has its eyes on?

2. Will the Minister release all documents including lease agreements, etc. pertaining to the ownership and occupancy of the building currently occupied by the MFS?

3. Will the Minister rule out a prohibition on second jobs as part of the negotiations for the United Fire Fighters pay rise?

4. Has the Minister consulted with the Minister for Employment, the Hon. Mark Brindal M.P., on the effect of freeing up the jobs currently undertaken as second jobs by firefighters?

5. How much did the glass wall between the ambulance and the MFS cost? Why was it put there in the first place?

6. How many call-outs were there to the CFS and the MFS respectively? How many call-outs were there to the Coromandel CFS and to the Port Pirie MFS? How many full-time employees has the Port Pirie MFS compared to the Coromandel CFS, that is, the volunteers? How much does it cost to send five MFS employees to Port Pirie each week from Adelaide and how much has it cost the MFS over the past five years?

7. Will the Minister give a direction to the CEO and the Chief Officer of the fire service prohibiting the use of fire equipment for the purposes of public demonstration either for the purpose of their current pay negotiations or for any other reason?

The Hon. K.T. GRIFFIN: I will have the matters referred to my colleague in another place and I will bring back replies.

The Hon. T.G. CAMERON: A supplementary question: could the Minister also provide a list of which members of Parliament have second jobs?

The Hon. K.T. GRIFFIN: I doubt that that is within the jurisdiction or ministerial responsibility of the Minister, so it is not a matter that I will be prepared to refer to him.

The PRESIDENT: Will the Hon. Ron Roberts resume his seat. The honourable member should not be on his feet until—

The Hon. R.R. ROBERTS: No-one else is on their feet except for me.

The PRESIDENT: The honourable member was on his feet when the answer was being given by the Attorney-General. I will now call the Hon. Ron Roberts, if he has a supplementary question.

The Hon. R.R. ROBERTS: My supplementary question is: will the Minister also seek the information of how many A class incidents are attended by the CFS and how many A class incidents are attended by the MFS in Port Pirie; how many B class incidents; and how many C class incidents?

The Hon. K.T. GRIFFIN: It is not quite clear as to which area the honourable member is referring, but we will endeavour to discern from the question what the honourable member wants and, if possible, bring back replies.

LOTTERIES COMMISSION

The Hon. NICK XENOPHON: I ask the following questions of the Attorney-General in his capacity representing the Minister for Government Enterprises:

1. Is the Lotteries Commission planning to reduce the current five minute interval between keno games to 3½ minutes or some other period?

2. Has the Lotteries Commission undertaken research on the additional gambling losses expected from the interval between keno games being so reduced and, if so, what are the results of that research?

3. Given previous well publicised cases of serious criminal conduct involving gamblers addicted to playing keno, does the Government and/or the Lotteries Commission acknowledge that there is a real potential for problem gambling rates in the community to increase with any compression of time interval between keno games and, if not, has it carried out research on this issue?

4. What role has G-TECH Corporation had in advising the Lotteries Commission or in implementing any changes to keno games and the interval between such games?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague in another place and bring back replies.

The PRESIDENT: In respect of multiple questions, I inform members that Question Time is for a question to be asked of the Minister. The previous questions by the two members probably contained 20 questions—and I could not add them up—even though they are to be referred to Ministers in the other place. I ask honourable members to keep to one question or very close thereto.

PRISONER AID

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for, amongst other things, Correctional Services, a question about in-prison service.

Leave granted.

The Hon. IAN GILFILLAN: Many people are kept in custody, some on remand and some in sentence and we in this community do not accept that they lose all rights. In particular, they have not usually lost the right to own possessions, furniture or personal effects outside gaol. However, it sometimes happens that, while prisoners are inside, they do lose everything they own outside. When a prisoner is arrested, they do not normally get an opportunity to go home, collect their belongings and arrange to have them stored. Unless such a person has family or friends (and often they do not), then their belongings are collected by whoever has access to their last known address and may be disposed of. When the prisoner is released, after days, weeks, months or years, it may be impossible to trace what has happened to their personal property or effects, and they can often end up losing everything.

Historically, this situation was addressed by OARS (Offenders Aid and Rehabilitation Services). OARS used to carry out what is known as 'prisoner aid' work, but this ceased about three or four years ago. Last year I made a Freedom of Information request for documents about the Government's policy on 'prisoner aid' and its contract with OARS. I found that in 1988 OARS had a total income of $1.9 million, of which $357 000 came from the Department of Correctional Services. However, none of this money was designated to be spent on providing services to prisoners while they were in prison.

On 21 June 1995, the then Chief Executive of the Department of Correctional Services, Sue Vardon, wrote to OARS Chief Executive, Leigh Garrett, instructing him that visiting prisoners is not a priority, will not be funded and will not form any part of OARS performance assessment. The current performance agreement between OARS and the department dated July 1998 states that the agreement is for 'the delivery of services to offenders not currently under the supervision of the Department of Correctional Services'. The performance agreement states that services are to be available only to those who have been released, or are about to be

released. Services such as 'prisoner aid' to those newly incarcerated, or other prisoners, therefore are excluded from the $357 000 of Correctional Services funding.

These days, inside gaols, inmates have what the Government refers to as 'case managers', but the case manager is not expected to be and cannot be the prisoner's friend, servant or helper in his or her dealings with the outside world. The case manager is not supposed to store the prisoner's belongings, do his or her banking, or help him or her contact relatives, their lawyer or liaise with the Housing Trust, Centrelink and other Government agencies. As I said, this 'prisoner aid' was once done by OARS but OARS is not funded to do it any more and has no employees in gaols. I do not believe it even has any volunteers doing this work. I say that because on 2 February this year the Department of Correctional Services Records and Administration Officer issued a memo about new security cards to enter gaols. This memo was sent to 22 organisations, but OARS was not one of them. So, one can assume that it does not have anyone going into gaols for this work. These days it is done by an organisation called Prison Fellowship, which despite repeated applications and requests has been unable to get any State Government funding for that work.

In support of one application for funding, Prisoner Fellowship attached a supporting letter from the General Manager of the Adelaide Remand Centre, Mr D. Taylor, dated 31 August 1998—a very significant testimonial. In part, it states:

> Most times prisoners on remand have no family support, they are apprehended by the police with all their earthly goods and chattels and left stranded. Prisoners at the Adelaide Remand Centre are not yet found guilty, their liberty is limited and 60 per cent of these people are not given any further custodial sentence. Under the Correctional Services Act the Adelaide Remand Centre cannot store any property worth more than $200 nor any amount over the size of a school locker. The constraint placed upon this institution forces us to depend on the services of Prison Fellowship. . . The demands placed upon Prison Fellowship by the Adelaide Remand Centre has increased over the past three years.

Obviously, that is a very significant request and appeal for funding for this work. Despite the supporting letter, the funding application was again turned down. I ask the Minister the following questions:

1. Why does the Government no longer fund any 'prisoner aid' work inside prisons?

2. Does the Government consider that prisoners, some of whom are not convicted, should be liable to lose their possessions outside gaol as an additional penalty?

3. Has the Government considered the devastating effect on an individual prisoner who is released from gaol to find that he or she has lost what little they owned?

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

NCA CORONIAL INQUIRY

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Attorney-General a question about the coronial inquest into the NCA bombing.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently noted speculation in the *Advertiser* about the upcoming coronial inquest into the bombing of the National Crime Authority office in Adelaide in March 1994, which, unfortunately, killed Detective-Sergeant Geoffrey Bowen and seriously injured lawyer Peter Wallis. The speculation has implied that the inquest will not include Detective-Sergeant Bowen's death and will be narrow in its scope. Can the Attorney-General explain the basis on which the inquest will be conducted?

The Hon. K.T. GRIFFIN: I cannot stress strongly enough that the coronial inquiry, which will start within a month or two, will be as broad as the Coroners Act allows. There has never been at any time any attempt, nor has there been any suggestion of an attempt, to limit the scope of the inquiry, and for the terms of reference to be set. It is just not legally possible, I should say, for terms of reference to bet set by the Government or the Coroner, for that matter, in relation to a coronial inquest. It is not like a royal commission: royal commissions are generally one off events established by the Governor, which effectively means the Government of the day, and they have to have terms of reference specified.

Usually there are some fairly significant arguments about the scope of those terms of reference, either before the inquiry commences or early on in the life of such a royal commission. A Coroner's inquest is not like that: it bears no relationship to a royal commission. Section 12 of the Coroners Act is really very clear, in that it provides:

> An inquest may be held in order to ascertain the cause or circumstance of the death of any person by violent, unusual or unknown cause.

The Coroner himself has said that nothing has been ruled in or out of this inquest, and I have said the same. It is correct that the Coroner will control the inquest in terms of its day-to-day progress, but it is likely to be a very lengthy inquest. Because of that the Government has made funds available to ensure that the Coroner is able to continue this and yet the other work of the Coroner is also able to continue by virtue of involving another person as an Acting Coroner.

Of course, anyone who has any information about this bombing, the death of Detective-Sergeant Bowen, ought to bring it forward. One of the difficulties in the delay in establishing the inquest is that, first, there has been the police investigation, and then proceedings were issued against a person as defendant but subsequently they were dropped because there was insufficient evidence to proceed. The police investigation is a continuing inquiry and it is important to recognise that, if new evidence is disclosed by the inquest—although that is not the purpose of the inquest—and it might assist in the investigation, that will be taken up by the police. One would hope that some new evidence emerges, but that does not always occur.

The Hon. Ian Gilfillan: What was the instruction you gave to the Coroner?

The Hon. K.T. GRIFFIN: I gave no instruction to the Coroner.

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: No. I do not recollect giving any instruction to the Coroner. The Coroner sought assistance from me, as I recollect it, in relation to the conduct of the inquiry, particularly because it was going to be a long inquiry and he also had the transport inquiry which is currently receiving some publicity. In terms of dealing with this, all one can do is act within the scope of the Coroners Act—and that is what is going to happen. It will be an inquiry or an inquest into the cause or circumstance of the death of any person by violent, unusual or unknown cause. Obviously, it will encompass matters relating to Detective-Sergeant Bowen's death and that, as I have said, is why coronial inquests are held.

I have already given public assurances, and I can give an assurance here to Detective-Sergeant Bowen's widow, who is now Ms Jane Sutton, and to members of the public generally, that the inquest will be conducted within the very broad guidelines of the Coroners Act. As I say, it is being funded solely by the State Government to try to answer unanswered questions about this tragic event. I point out that I fully support the Coroner in his role and in his office. I have every confidence that the inquest will be thorough and that it will be conducted in accordance with the highest professional standards.

The speculation and commentary which implied that there was to be some limit on this inquest was really quite misleading. I have done my best to ensure that it was fully understood, but those who were publicising it obviously did not understand or did not want to understand what I had been seeking to explain. Maybe I did not explain it well enough, but whatever the case—

The Hon. Diana Laidlaw interjecting:

The Hon. K.T. GRIFFIN: No, it is not my style normally, but I had real concerns about the misleading information that was being communicated in the public arena. However, I think that is now all back on track. In one commentary I think there was some suggestion that the inquest is a political inquiry. That suggestion, if it was made, is in contempt of the Coroners Court. No inquiry by the Coroner is a political inquiry, and anyone who has any knowledge of the law would fully appreciate that the Coroners Act would not allow that to occur. I can say that, from my point of view and from the Government's point of view, that will certainly not happen in our time. That is the perspective that needs to be explored. It needs to be put firmly on the record: there will be an inquest and it is supported by the Government and nothing is ruled in or out.

ROAD TRAFFIC (PROOF OF ACCURACY OF DEVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 341.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their contributions to this debate. Since we last met and discussed this Bill, the Hon. Mr Cameron has established a new political Party so it will be more interesting and testing, I think, in terms of discussion and contribution to debates in the future. Heavens knows what the policy position of SA First will be in terms of transport issues, but we will work through it together.

The Hon. Carmel Zollo: It will be guesswork.

The Hon. DIANA LAIDLAW: It will be guesswork, okay—not that the Hon. Mr Cameron has approached transport reform in that manner in the past: I would not suggest that for a moment. I do thank members for their contributions, and I understand the Australian Democrats support this initiative and wish speedy passage for the legislation.

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

ROAD TRAFFIC (MISCELLANEOUS No.2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 December. Page 475.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. I understand the purpose of the Bill is to achieve national consistency in three areas: legislation to regulate mass and loading provisions for heavy vehicles; conditions for the safe travel of oversize and overmass vehicles; and heavy and light vehicle roadworthiness standards.

As this Bill demonstrates, a great deal of transport policy and regulation these days is being nationally driven, and largely for good reason. It enables the development of strategic and targeted policies instead of dispirit efforts which do nothing but confuse the community with different standards. In her second reading explanation, the Minister refers to the COAG Intergovernmental Agreement which makes substantial Commonwealth payments to States meeting their national obligations. Will the Minister outline the specific financial gains which may accrue to the State as a result of this legislation? Furthermore, will the Minister advise of the outcome in March 1999 of the National Competition Council's consideration of South Australia's eligibility for competition payments?

In supporting this legislation I also know that many of the provisions contained in the Bill are already in place in South Australia. I am also satisfied that the legislation will have minimal impact upon road users. Will the Minister advise how many road users will be affected by the legislation, and what is the level of consultation undertaken by the Government? As is my usual practice, I circulated the proposed legislation for public comment and, in so doing, I did not receive any negative feedback. I support the second reading.

The Hon. T.G. CAMERON: The amendments in this Bill seek to regulate the mass and loading provisions for heavy vehicles; to apply conditions for the safe travel of oversize and overmass vehicles; and to apply heavy and light vehicle roadworthiness standards. This Bill does meet the obligations undertaken by the South Australian Government as a signatory to the National Competition Policy and related reforms. The reforms in this Bill contribute to the development of a system of nationally uniform and consistent road transport regulation. I do not always support nationally uniform and consistent rules; for example, I do support the retention of the 110 kilometre speed limit out in the country. I think there are good and sound reasons why South Australia should keep its country speed limit at 110 kilometres so, while I will consistently support the development of a system of nationally uniform and consistent road transport regulation, I guess I am in the same position as the Minister: there will be occasions when what they require nationally does not sit well here in South Australia. I am sure members will excuse the pun when I say that I do believe in putting South Australia first where it is warranted.

The current legal framework for the control of oversize and overmass vehicles, loading and vehicle standards are not ideal, but this Bill makes a serious attempt to introduce a rationalised and more accountable framework. The Bill also reflects the nationally agreed and comprehensive definition of 'road', and that is a step in the right direction. It introduces the concept of a road-related area to deal with the issue of

public access and includes footpaths, nature strips, areas used by the public for driving or parking vehicles, and areas that divide roads.

The Bill also provides for the Governor to make rules, to set standards detailing the inservice standards for both heavy and light vehicles (which is a step forward), to make regulations to cover a range of standards applying to vehicle mass and loading and to make regulations regarding the operation of oversize and overmass vehicles, including large special purpose vehicles such as plant, mobile cranes, agricultural machines and so on. The proposed regulations also set out the standards for the operation of oversize and overmass vehicles under *Gazette* notice or permit.

I anticipate that we will see more legislation introduced into the Parliament as we continue to move towards the development of a system of nationally uniform and consistent road transport regulation. It is long overdue and it is a step in the right direction. I support the move. However, the only caveat I do place on it is that there will be occasions when I believe it will be necessary to say 'No' to what they want nationally because it may not necessarily suit South Australia. I support the Bill.

The Hon. SANDRA KANCK secured the adjournment of the debate.

STATUTES AMENDMENT (MINING ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 264.)

The Hon. SANDRA KANCK: My comments on this Bill will be brief. The Democrats support the introduction of fees for services provided by the mineral resources group for PIRSA. In particular, the proposed scaling system for fees for advertising based on the size of the exploration licence application seems an equitable solution. It is appropriate that industry rather than the taxpayers cover these costs. I note from a briefing that I had with the Chamber of Mines last year that it seemed to think that the South Australian Government—aka the taxpayers—ought to cover more of the costs in assisting the mining industry in this State. Given the exploration and mapping that has occurred since 1992, the mining industry has been getting a fairly good go at the taxpayers' expense. We are happy with that section of the Bill, but we do not support clause 8.

Clause 8 allows parties to native title agreements to keep the terms of those agreements confidential if they should so wish. The Government argues that this is necessary because the terms of the agreements may contain private commercial dealings. The concern is that the terms of the agreement could set unnecessary precedents. Once again, we are seeing the mantra of commercial confidentiality dominating the decisions of this Government. We have seen on a number of occasions that this commercial confidentiality can be quite disadvantageous for South Australians.

Commercial confidentiality is anathema to the democratic processes, and secrecy is rarely in the public interest. I certainly can see no justification for commercial confidentiality being the reason for the terms of native title agreements to be concealed. In fact, I am concerned that Aboriginal claimants could be hoodwinked into signing a very bad deal for themselves, and no-one would ever know. If we have the terms of the agreements open to public scrutiny and everyone knows that they will be open to public scrutiny, the likelihood of that occurring will be greatly reduced. While I indicate the Democrats support for the second reading of this Bill, we will oppose clause 8.

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

STATUTES AMENDMENT (SENTENCING-MISCELLANEOUS) BILL

Adjourned debate on second reading.

(Continued from 8 December. Page 397.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. I endorse the notion of regular reviews of legislation, particularly when it comes to justice. I certainly welcome the thrust of this Bill, which is aimed at introducing sentencing options and a degree of flexibility. Certainly I am of the view that prison for some offenders should be a measure of last resort, given the great social cost not only to defendants but also to the community at large, not to mention the enormous financial burden carried by the State.

As usual, I have circulated the proposed legislation and received no significant adverse comments. Like the Law Society and the Australian Democrats, I welcome the expansion of the courts' sentencing options to allow home detention to be included as a condition of a suspended sentence bond in situations where the defendant is too ill, disabled or frail.

The Law Society also suggests that a defendant's age and mental condition may also be such that a supervised home detention is more suitable and desirable. This seems like a reasonable proposition. Does the Attorney have a view in relation to this?

The only concern raised by the Law Society—and I am sure the Attorney has a copy of its comments—relates to 'the extent of the proposed grant of powers to probation officers envisaged by the inclusion of section 50AA of the Criminal Law (Sentencing) Act 1988'. To summarise the Law Society's view, it suggests that no power should be given to a probation officer to question a probationer's legal representative in any circumstances. Has the Attorney reached any resolution with the Law Society in relation to this matter and, if so, could he please advise us what he proposes to do about this?

I also welcome the changes to section 71, which relates to community service orders. I support the new flexibility in this regard and endorse the proposal to accommodate a defendant's new or changed employment situation. I also note the Bill's intention that a defendant will not be subject to hardship when ordered to pay a fine instead of undertaking community service. Finally, does the Attorney have any information about the current numbers of defendants who are doing home detention and the impact on those numbers when this legislation is passed?

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

CRIMINAL LAW CONSOLIDATION (JURIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 325.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. I welcome the provisions that are designed to give greater protection to jury deliberations and juror identities. They include in the Bill prevention of disclosure of information that is likely to lead to the identification of a juror or former juror for six months after the conclusion of proceedings, and prevention from harassing a juror or attempting to influence a juror in order to obtain information about jury deliberations.

The Bill makes exceptions for jurors who want to expose to the appropriate authorities a juror who has acted improperly in a jury room. I note that the Bill is in line with the Standing Committee of Attorneys-General model Bill, and I therefore commend it to the Council.

The Hon. IAN GILFILLAN: When I come to evaluate any new piece of legislation, I often ask myself, 'What is the mischief towards which a Bill is addressed?' We can see that my research assistant comes from a legal background! I ask myself, 'What problem is a Bill trying to solve?' Usually, a Government's second reading speech makes plain that a problem exists and how its Bill will hopefully solve the problem.

Quite often, the Democrats will take issue with the Government's chosen method of solving a given problem, or we may disagree about how the problem has been defined, but we can usually recognise that some problems exists and something needs to be done to fix it. However, in the case of this Bill, I am at a loss to identify the problem that the Government is trying to fix. What is going wrong with the jury system that it requires this Bill to fix it? It may be possible to improve the jury system but, if so, this Bill does not attempt to do that. On the contrary, this Bill would have exactly the opposite effect.

In his second reading explanation, the Attorney-General indicated that Supreme Court judges had requested these changes in 1992. They apparently believe that the present Act does not go far enough to protect the confidentiality of jury deliberations. The Standing Committee of Attorneys-General apparently agrees, but nowhere in the Attorney's second reading speech was there any indication that the confidentiality of jury deliberations in South Australia has, in fact, been placed at risk by anyone at any time. Rather, the Attorney says, the intent of the Bill is supposedly to prevent such a thing happening in the future.

I am aware of examples from elsewhere in the world, particularly the United States, where jurors have been paid handsomely to reveal what went on in the jury room in celebrated cases, such as the O.J. Simpson murder trial.That is unlikely to happen here in South Australia. The present provisions in the Criminal Law Consolidation Act quite rightly prevent the media or anyone else from harassing a juror or from offering any material inducement for disclosure of information. On the other hand, the present provisions do not prevent a juror asking for or receiving a material inducement, and that is something that perhaps should be addressed.

Irrespective of that, it appears that this Bill is aimed only at the rare occasions when a juror, unsolicited and unharassed, wishes to get something off his or her chest, to tell the media and therefore the public about some aspect of a trial or a jury deliberation with which they are not happy. Therefore this Bill targets the media, any disgruntled jurors and the public's right to know. It would prevent the media ever publishing anything said in a jury room, no matter how long after a trial or how irrelevant such publication may be to the carriage of justice in the particular case.

The prohibition expressed in the Bill is so wide that even if a published report does not identify any of the jurors, the trial, the accused or even the charge it will still be an offence to disclose statements made, opinions expressed, arguments advanced or votes cast by any members of any jury, ever.

Under this Bill, the only time any misgivings can be expressed by a juror will be in the course of an official investigation into an alleged offence such as jury tampering, contempt of court and so on. If a juror has concerns about what went on in a jury room and those concerns do not amount to evidence of an offence, the public will never be permitted to hear about those concerns. Is this protection for the jury?

Associate Professor Mark Findlay of the University of Sydney Law School has examined statutes in other jurisdictions which are similar to the Bill before us. He writes:

> The prohibition of discussion about jury deliberations and dynamics within the deliberation room suggests that the jury, rather than being protected, may be forcibly silenced and discouraged from airing any problems arising in the courtroom. In addition, the jury is unable to defend itself against attacks that its decision-making process is ill-informed, partial, irrational or, at worst, wayward.

In the light of those comments, the Bill before us seems to be a grave over-reaction to a problem which has been non-existent in South Australia.

Media scrutiny of jury deliberations is quite rare in Australia. One famous exception was the television program *Joh's Jury*, which was broadcast on ABC TV several years ago and which highlighted serious deficiencies in the jury system, at least in Queensland. In the trial of former Queensland Premier Sir Joh Bjelke-Petersen, the jury foreman, Luke Shaw, turned out to have been an office-bearer for the National Party. He did not have the confidence of his fellow jurors but went on representing them, unchallenged, to the judge, giving a false report of what had been agreed in the jury room. None of the other jurors were aware that they could change the foreman or complain to the judge through the bailiff.

Associate Professor Findlay describes the TV program as a 'fascinating case-study of the silencing of the jury through isolation, intimidation and legal tradition'. Yet nothing that happened in that jury room amounted to a breach of Queensland law. Therefore, if it had not been for the TV documentary, none of the deficiencies in Queensland would have been exposed. But such a TV program would be illegal under the Bill before us because it would amount to publishing 'protected information'. Any similar deficiencies in the South Australian jury system would, therefore, never be exposed under this Bill.

In 1992 and 1993, ABC Radio's *Law Report* presented two programs in which former jurors were interviewed about their experiences. Some of their recollections were almost comical. One juror did not know how to ask court officials for a toilet break. Another juror became foreman purely by accident because he sat in the wrong chair. Yet another described how four fellow jurors showed no interest in any deliberations, knitting or reading the newspaper the whole time.

These experiences are not surprising. The culture of courtrooms is foreign to most people. Unless you are a lawyer, judge or a court attendant you are likely to feel quite uneasy when you enter a courtroom because it is, to most of us, a strange environment. It would be difficult to feel as if

you belonged there or to feel confident in the role, especially if you had never done it before.

Some former jurors have such unpleasant experiences that afterwards they start campaigning to reform the system, asking for more assistance, education or protection for juries. Associate Professor Findlay cites letters written by former jurors. For example, one he calls A wrote the following about her fellow jurors:

> They called me 'pinko leso'. It was their way of putting me down, discrediting me.

Professor Findlay has summarised A's account of the deliberations in that trial. Apparently when the jury retired a majority of the jurors in A's trial agreed that the several accused must all be guilty because of their appearance—either 'too glitzy', 'ugly because he was bad' or 'because their barrister "looked positively evil"'.

One juror threatened to put A on a hit list if she did not agree to change her verdict to 'guilty'. Yet eventually, after several days of deliberation, a verdict of 'not guilty' was returned. That was mainly because one of the jurors, a 'big powerful, handsome, bank manager' who had become a jury leader, decided that he wanted to play golf, so he changed his verdict.The others followed suit within 15 minutes.

Another juror, B, was involved in another long deliberation. She claimed to have been verbally and physically attacked in the jury room, had books thrown at her, was pushed up against the wall, had her lunch thrown in the bin and cried each morning before going to court. Professor Findlay concludes:

> Despite the emotion infused throughout such correspondence, the writers [of these and similar letters] concluded with a rational and considered view on the jury system.

They usually ended up urging more guidance, education or support for juries.

More recently, on 8 December 1998 I heard on ABC Radio's *Law Report* an account by a female juror of what it was like to sit on a jury in a rape case some years ago in Perth. On the program the juror was identified only as Pam, and she did not identify the case in which she was involved. But she did describe her own and other jurors' reactions to the various witnesses. She was angry that fellow jurors in effect put the female complainant, not the accused, on trial.

Pam's experience with the legal system in this case convinced her that if she or her daughter were ever raped there was no way in which she would want to have the matter prosecuted. I am sure that many people in our society, and especially many women, would be interested to know what happens in rape trials when a jury deliberates. But stories like Pam's would become illegal under this Bill.

The point of raising these accounts is not to suggest that this is the sort of thing that goes on in all jury rooms. On the contrary, I hope that these sorts of experiences are the exception rather than the rule. My point in raising them is to ask whether it is right to silence people who have had these experiences.

These media accounts suggest that some jurors feel marginalised, intimidated, angry or powerless. The letters published by Professor Findlay show that some of them have insights which could help us to improve the jury system. If that is the case, why are we saying to them, 'You must never speak publicly of your experiences'?

The Attorney will no doubt respond that this Bill does not prevent research into juries. Problems such as those which I have highlighted may perhaps be highlighted by research and eventually addressed. However, the Bill sanctions only research which has been approved by the Attorney-General. Without wishing to be uncharitable to the present Attorney, there is a risk that political factors may intrude when a future Attorney-General is deciding which, if any, research projects to approve. However, let us assume that jurors' concerns are adequately taken into account in research approved by the Attorney-General and 'protected information' in the form of statements made in a jury room subsequently published in a learned legal journal.

As I read this Bill, it would still be an offence for any media organisation to publish quotes from such a legal journal if the quotes contained 'protected information' such as 'statements made, opinions expressed, arguments advanced', and so on, by members of a jury. Research which focuses on any shortcomings of the jury system will be of limited public value if the public is prohibited from discussing in the media the relevant quotes or pithiest parts of the research. Research is not the same as public debate. Research does not give a public voice to aggrieved former jurors, nor to anyone else who might wish to comment on what they say.

In summary, this Bill silences a large group of people who may have justifiable first-hand concerns about the way in which jury deliberations are conducted in this State. The only critique of jury room discussions will come when the Attorney-General authorises it or when a particular offence may have been committed. This is a dangerous thing. If our system of criminal justice is so good, if it really is the best way of dealing with alleged crime, then we do not need to silence former jurors. We will welcome their comments and their concerns and allow public discussion of these issues.

The present sections 246 and 247 of the Criminal Law Consolidation Act ban harassment of jurors and prevent offering payment to jurors. It may be that these provisions require amendment, possibly to prevent jurors asking for or accepting payment for their stories. Another possible amendment might make it an offence to disclose jury deliberations before all possible avenues of appeal have expired or, additionally, there may be value in making it an offence to ever disclose a juror's identity. That would go a long way toward protecting jurors' confidentiality.

I indicate to the Chamber that I am in the final stages of drafting amendments to put these provisions into effect. I hope to have them put on file shortly. The Bill before us seeks to do much more than my amendments intend. It effectively seeks to ban any public discussion at any time of anything that ever happens in a jury room. That would effectively silence any juror who may have felt marginalised, intimidated, or ill-equipped for their task. It would prevent the public from ever learning about it or discussing those sort of experiences.

Institutions which cannot be discussed publicly cannot be expected to attract and maintain widespread community support. If the jury system cannot be openly discussed, using real-life examples of jurors' experiences, the system will not survive as a valued institution. The public, being kept ignorant of its workings, will have no reason to support it. Therefore, this Bill would not strengthen the jury system; it would weaken support for juries and eventually sow the seeds of the system's ultimate destruction.

I believe that the Bill must be amended to ensure that it does protect the confidentiality of jurors, but no more than that. I strongly believe that we cannot afford to stifle community debate on one of our most important institutions. I therefore indicate that the Democrats will support the

second reading in anticipation of the fact that our constructive amendments will pass in Committee. If, however, we are unsuccessful in that area, we would then be obliged to oppose the third reading of the Bill.

The Hon. R.D. LAWSON (Minister for Disability Services): I support the second reading of the Bill. The eloquence of the Hon. Ian Gilfillan prompts me to make a couple of observations about the jury system which, as he rightly points out, has been the subject of considerable discussion in recent years. The honourable member referred to Associate Professor Mark Findlay, who is a prolific publisher on this topic. He was co-editor of a book entitled *The Jury Under Attack*, which was published in 1988 by Butterworths and which contains a series of interesting papers by academics and other commentators. That book reminds us of the ancient tradition of the jury and of its significance in our system of justice.

We ought not forget that the right to a trial by jury can be traced as far back as the Magna Carta which provided:

> No free man shall be taken and imprisoned or deseized of any free tenement or of his liberties or free customs or outlawed or exiled or in any other way destroyed, nor will we go upon or send upon him except by the lawful judgment of his peers or by the law of the land.

As early as 1699, this right to a trial by jury was described as follows:

> A fundamental privilege of Englishmen to be tried by jury; a privilege secured to us by our ancestors.

The jury system was not universal in the English common law world. It is suggested that there have been many attacks and assaults by governments upon it. For example, in Northern Ireland trial by jury has been removed in relation to certain offences—or it certainly was at one time. Closer to home, the absence of trial by jury for the first 40 years of the colony of New South Wales was a sore grievance of the citizenry. So, I am a supporter of trial by jury with its ancient lineage.

It is interesting to note in passing that jury trials in civil cases in South Australia were abolished in the 1930s with barely any lament as a result of the recommendations of a royal commission into certain aspects of law reform. Incidentally, the royal commission was comprised of members of both Houses of Parliament.

History aside, I should turn more closely to the measure that is before the Parliament. As has been mentioned, the Bill preserves opportunities for research in appropriate cases into matters pertaining to juries. Under this measure, those research projects would need the approval of the Attorney-General. I think that is entirely appropriate, but it seems to me that it is necessary to have appropriate research into the deliberations of juries.

The jury system could easily come into disrepute unless its workings are understood and the community has confidence in it. A pertinent comment was made by Mr Justice McHugh in a paper published in the book to which I referred a moment ago. Justice McHugh makes the following statement:

> At the risk of being described as naive or worse, I think that public confidence in the jury system will be undermined by more being known about jury deliberations only if the system deserves to be undermined. If juries habitually disregard the legal directions or the evidence or are incapable of understanding them or if they decide cases by prejudice or extraneous matters, then surely it is in the public interest that the system be brought to an end. If those who think that the trappings of the trial by jury are a cloak for an elaborate farce are right, it would be better if verdicts were reached by a less expensive and a less time consuming procedure.

I tend to agree with the judge that, if what goes on in the jury room is a process which ignores the law, we ought to know about it as soon as possible so that appropriate measures can be taken to rectify the situation. I am glad to see that the provisions for research are maintained.

I deplore jurors who break the confidence of the jury room. I refer to the American experience, which was there for all of us to see in the aftermath and during the O.J. Simpson trial. I recall from time to time people who had been on the jury but who were discharged during the course of it becoming media personalities, and I think that is a deplorable situation. It is interesting to note that in 1993 in the United States Court of Appeal for the Fifth Circuit in a case called *The United States v Harroldson*, it was stated:

> . . . the juror is fair game—

fair game for media comment—

> until he expresses his desire not to be interviewed in such a manner that the would-be interviewer knows of that desire.

It is deplorable that a law of the United States regards the juror as fair game until the juror expresses a desire not to be interviewed. It would be a great pity for Australian law if that practice ever developed here. As much as I deplore jurors who break the confidence of the jury room, I think the activities of those who, mostly in the media, seek to encourage jurors to break that confidence is also deplorable.

With those expressions of support for the measure, I now move on to the one matter which I do not believe was covered in the Attorney's second reading explanation but for which there may well be a simple explanation. Clause 4 of the Bill strikes out subsection (ii) of section 247 of the Criminal Law Consolidation Act. That subsection provides:

> A person who gives, offers or agrees to give a material benefit as a reward or inducement for the disclosure of information about the deliberations of a jury is guilty of an offence.

That would appear to me to be a perfectly appropriate prohibition and a perfectly appropriate offence, because the giving of inducements or material benefits or rewards for the disclosure of information must be not only discouraged but prohibited. It is quite possible that that provision or provisions to similar effect are contained in some of the other measures, but the second reading explanation does not explain why it was necessary to strike out the subsection. So my question to the Attorney, if he might answer in his reply, is: why was it thought necessary to delete that provision? I support the second reading.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

SUPREME COURT (RULES OF COURT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 343.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. Obviously this is a Bill of an extremely technical nature and I see no need to argue about the benefits of disclosure as they are abundantly clear. Obviously the amendment will not alter the day-to-day operations of the court or the application of

disclosure but instead ensure no future legal challenge to what is normal court practice. I support the second reading.

The Hon. R.D. LAWSON (Minister for Disability Services): I, too, support the second reading of this Bill, and the second reading explanation of the Attorney has admirably set out the reasons for the measure. It is appropriate that the Supreme Court rule which requires pre-trial disclosure of experts' reports be confirmed by legislation in the manner suggested because, as has been pointed out, there is a similar rule in the District Court and there was a specific provision of the District Court Act which sanctioned that rule.

Notwithstanding my support for the measure, I am not entirely convinced that the courts have acted appropriately in requiring full pre-trial disclosure of all experts' reports relating to any matter in issue. In theory, of course, it is desirable that trials in our courts not be trial by ambush and that all parties to litigation should disclose the documents and other material in their possession upon which they intend to rely.

However, the practice of litigation is such that either side, in litigation, secures experts' reports, interviews experts and seeks to support the case of one party or another. Increasingly the use of experts is relied upon, and experts are, I regret to say, becoming more and more aligned with the particular side that engages their services. Experts are becoming—and see themselves very often—as extensions of the team of advocates supporting a particular cause. I think that is to be deprecated, but in a sense it is inevitable.

The reason I have some reservations about the effectiveness of requiring pre-trial disclosure of experts' reports is that once disclosure is required, and knowing that disclosure is required, lawyers tend to avoid obtaining experts' reports unless they are entirely confident of the contents of those reports. If one has to disclose to the other side a report which might be detrimental to one's client's interest, the obvious tactic is to ensure that such a report does not come into existence or, if it does come into existence, that it certainly does not come into the hands of the lawyers concerned.

So, I do believe that, whilst the notion introduced by the judges of requiring full pre-trial disclosure is worthy, I do not believe that it will be highly effective in the end because legal practitioners, in the perceived interests of their clients, will inevitably arrange their affairs and pre-trial preparation in such a way that they will not have to disclose something which they regard as detrimental to their client's interests. So, the extensive disclosure contemplated in the rule simply will not occur in practice, and that has certainly been my experience.

In making that statement, I am not suggesting any impropriety on the part of lawyers. It is simply a fact that lawyers will operate within the rules and will seek to maximise advantage to their client and also minimise disadvantage that might inure by reason of an expert presenting some view which may not even be a view that is sought, some aside or other concession that is damaging to one party.

The Hon. Ian Gilfillan: How do you pick and choose?

The Hon. R.D. LAWSON: It is not a question of picking and choosing. It is a question of lawyers ensuring that an expert's report is not brought into existence unless they are reasonably confident of the contents and also are aware of whether or not it advances the cause in the manner hoped for. After all, the client is paying—and very often paying very dearly—for experts' reports and is hardly likely to be enamoured of the idea of paying a substantial fee for a report which is promptly handed to the other side and used against the client.

I do support the need to have legislation to ensure that the rules will not be challenged on the ground that they are *ultra vires*. My only reservation about the measure is that the rule itself, made by the judges and not by the Parliament, is one that is motivated by high ideals but is largely frustrated in practical terms. I support the second reading.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

EVIDENCE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 December. Page 449.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. As is my normal practice, I have widely circulated this Bill and have received comment only from the Womens Legal Service who support the legislation. I can only assume that other groups are similarly supportive, given their silence on this rather important piece of legislation.

The significant thrust of the Bill is to remove the arbitrary distinction between the evidence of children and that of adults and to clarify the competency requirements for both children and adults. The present law uses the age of 12 years as the sole distinguishing factor between the evidence of adults and children. As a result, there are many inconsistencies in the application of the law. For instance, the child's evidence must be corroborated if they are unable to give formal evidence. However, the same does not apply to adults in the same situation. Clearly, factors other than age should be relevant to a witness's competence. For example, the ability and the integrity of a witness in understanding the implications of giving formal evidence is far more important than age.

I welcome the development of a uniform competency test based on understanding the truth without involving a religious aspect. I recollect that many years ago I chaired a select committee that looked at these issues dealing with evidence of children, particularly in cases of child sexual abuse. At that stage, quite a deal of evidence was collected about the issue of at what age children understand the nature of truth, so I welcome this legislation.

The Hon. IAN GILFILLAN: The Democrats support the second reading of the Bill, which removes some anachronistic provisions and long outdated practices regarding reception of evidence in courts, particularly evidence of children, and is welcomed. As the Attorney-General has pointed out in his second reading speech, it abolishes the present, unnecessary distinctions between children's evidence and adults' evidence. Instead, it requires a judge merely to be satisfied that a witness (of any age or any standard of health) has 'sufficient understanding of the obligation to be truthful'. Those whom the judge believes have a 'sufficient understanding' can give sworn evidence. Those who do not may be able to give unsworn evidence, but reception of unsworn evidence will require the judge to give an explanation to the jury and to warn them to be careful acting upon it.

This is a welcome simplification of the existing requirements for children's evidence. At present, there are different rules for children, depending on their age (whether over or

under 12) and whether or not they believe in divine retribution, which sometimes requires the judge to quiz them about their religious beliefs or knowledge. As the Attorney-General has pointed out, such an inquiry is not usually helpful in determining whether the child is able to give the court reliable evidence.

The Democrats support the passage of all clauses of the Bill which achieve these sensible and long overdue simplifications of the law of evidence. We have a similar attitude to proposed changes relating to circumstances where an alleged victim in a sexual assault case has failed to make a complaint to police or has delayed making a complaint.

Under the proposed new section 34i(6a) of the principal Act, the judge must now warn the jury not to jump to any conclusion about such delay, and I see this as quite appropriate given the great variation in understandable human reactions that occur after incidents of sexual assault. Three relatively minor changes also entailed in the Bill, that is, relating to interpreters, the definition of 'publication' and the repeal of section 34b, which no longer has any application, are also welcomed.

The one aspect of the Bill about which I have some concerns is clause 18, which amends section 69a(1)(b) of the principal Act. This provides that, when deciding whether or not to suppress reports of court cases, the court will be directed to consider preventing undue hardship to a child. Presently, the court may consider preventing undue hardship only to a victim, a witness or potential witness. Thus, the child of any witness or offender may be protected from undue hardship—for example, ridicule by their peers at school—by preventing relevant publication of their parents' involvement in a trial. It occurs to me that this is of potentially very wide application. I foresee that many criminals may now seek suppression of their identities and/or crimes on the grounds of preventing undue hardship to their children.

The scope of this amendment is certain to alarm the news media. I realise that section 69a requires the court also to have regard to the 'public interest' in publishing court proceedings, and this may be sufficient protection. I ask the Attorney-General whether this proposed provision is unique to South Australia and, if not, how it has been interpreted or used in other jurisdictions. How often does he expect that it could be invoked in this State?

Having addressed the content of the Bill, I wish to turn to something which I consider to be a serious omission from it. Some of the changes contained in this Bill will have a serious impact on the way child abuse court cases are conducted in future. Child abuse is a shocking problem in South Australia, with tens of thousands of cases reported annually, including thousands of cases of alleged child sexual abuse. There are three main areas where we have to tackle this problem, and in each of those areas we believe the Government is failing.

The three areas are, first, helping the victims; secondly, prosecuting the offenders; and, thirdly, rehabilitating the offenders. First, and most importantly, child victims of sex abuse need support and help, whether or not anyone is ever charged or prosecuted. Of course, the vast majority of child abusers never face criminal charges. We want to see more of these abusers prosecuted, but even more important is that all child victims receive the help they need. That is the highest priority, and we do not believe that is happening now.

Children whose families have been ripped apart by abuse need to have at least one constant in their life, at least one person who can be relied upon to help them, to advise them and to protect them. This Government denies them even that. Social workers with FAYS (formally FACS) are placed on short-term contracts, often on a week to week basis (six months is considered a long-term contract in this area), and so can offer no continuity of care to children in the most vulnerable situations.

This is where the primary response to child abuse occurs: in homes and in the streets. Getting appropriate care for the victims must come first, whether or not anyone is charged. In that respect, this Government has been abandoning child abuse victims and continues to do so.

Secondly, and especially in the context of this Bill, we must also look at our legal response to child sex abuse. In December 1998, the Australian Institute of Criminology released a study titled 'Child Sexual Abuse in the Criminal Justice System'. This report focuses on the experiences of 12 girls who reported child abuse to police. It is a shocking indictment of the criminal justice system in Australia. In their own words, these female child victims relate how they felt having to describe to male police officers what a male offender had done to them. Despite their discomfort, they did this because, being children, they naively believed that all they had to do was tell the truth and the offender would be sent to gaol. In addition, they all had to endure a wait of many months—an average of 12 months—between committal and trial, including numerous false starts or adjournments. This affected their ability to be competent witnesses, but, more importantly, had serious effects on their emotional, social and cognitive development during those 12 months of waiting, all the time not knowing when or if ever they would get the chance to tell their story in court.

However, the greatest devastation, as reported by these participants, occurred during cross-examination. The report describes, from the victims' perspective, the typical defence counsel tactics. The defence lawyer would start sweetly and smiling. Then, having won the girl's trust, would turn nasty, repeat questions over and over to confuse the child, accuse her of lying, ask about her sexual history, and even imply or openly suggest that she 'wanted it', despite the fact that in child sex abuse consent is irrelevant. There are many quotes in this article about how the victims felt about all this, but the most revealing quotes come from three unidentified defence lawyers who believe as follows:

> Because the child has the same IQ as an adult, they can largely be treated as an adult. . . It would be considered cowardly not to go for the jugular when cross-examining a child. . . If in the process of destroying the evidence it is necessary to destroy the child—then so be it.

The report concludes:

> . . . based on this study it can be strongly argued that all too often this trial centrepiece—the cross-examination—is in itself child abuse.

These sort of conclusions are not unique to the Australian Institute of Criminology. In 1997, the Australia Law Reform Commission published a document headed, 'Seen and Heard: Priority for Children in the Legal Process'. I refer to chapter 14 titled 'Children's Evidence', which states:

> The legal system has traditionally given little support and preparation to child witnesses. Within the courtroom children are often subject to harassing, intimidating, confusing and misleading questioning. . . A significant amount of evidence was presented to the inquiry that children are frequently traumatised by their court appearance due to these factors.

Against this background, I note that the Attorney-General in his second reading speech said:

> The protection which the law currently provides for children and other vulnerable witnesses will remain unchanged.

If there is to be no change to something which traumatises children, which the Australian Institute of Criminology describes as 'child abuse', we had better have very good reasons. Members may be wondering just what protection South Australian law presently provides for children who need to give evidence against a sexual offender.

In 1993, the South Australian Parliament legislated what is now section 13 of the Evidence Act, giving the court discretion to take evidence from children or other vulnerable witnesses from behind a screen, or by closed circuit television. This section can be invoked if the court believes it is appropriate to shield the child from an accused, or from the court environment generally, if the child is intimidated. It was supposed to make children less anxious and more effective as witnesses. Importantly, there is no presumption in the legislation that shielding screens or closed-circuit television will be used for child witnesses. It is a discretion of the court's.

These provisions have been in place now for more than five years and, therefore, I would like to know how they are working. How often do child witnesses give evidence in this way? More importantly, how often are they denied this opportunity and forced to confront their alleged attackers against their wishes, face to face, in the unfriendly environment of a courtroom? Can we ascertain how the 1993 amendments are working?

I now quote from a speech made by the Attorney-General to a child abuse conference in Ireland last September, as follows:

> In South Australia there is as yet no data on the effectiveness or otherwise of the Act or the vulnerable witness scheme as a whole.

No data at all? That means that no-one has been checking and that for five years this Government has not bothered to find out what the results of this legislation have been in the courts system. The Government might not have been checking but the Australian Law Reform Commission has been doing some work in this area, and it says:

> Evidence to the inquiry indicated various problems in jurisdictions where the use of closed circuit television is discretionary rather than presumptive.

That includes South Australia. It goes on:

> Children often qualify their willingness to give evidence saying, for example, 'I'll do it, as long as he's not in the room.' But they may be pressured into going ahead with a complaint even though giving evidence by closed circuit television or from behind a screen is not guaranteed. Prosecutors often do not make applications to use closed circuit television or screens until the child is about to give evidence, leaving the child anxious and uncertain. Sometimes children are not even informed of the possibility that they can give evidence by closed circuit television and no application for its use is made. This inquiry reiterates that there should be a presumption for the use of closed circuit television in all cases involving child witnesses, with the child having the right to decide whether to use the facilities.

I note that apparently the Attorney-General has publicly disagreed with this position, and I again quote from his speech, as follows:

> I do not believe. . . Parliament [should] bind the hands of the judiciary in relation to securing a fair trial. . . in a particular case.

I have had informal advice from the Law Society that prosecutors do not want closed circuit television because they quite often want the child to cry in the public arena of the court. With respect, the Attorney-General's response seems to have misrepresented the Australian Law Reform Commission (ALRC). The ALRC is not suggesting that the judiciary should be bound to provide screens or closed circuit television for every case involving a child, merely that there should be a presumption in favour of this, which presumption should be displaced only for good reasons. That is the case in Western Australia, Tasmania and the ACT, according to the ALRC report.

The Democrats agree with the ALRC that the use of screens and closed circuit television for taking evidence from child victims should be a presumption, not merely discretionary. Although the Government cannot be bothered to collect any data in this area (or if it has bothered it has not done so yet), I have received anecdotal reports that they are used too infrequently now. A presumptive law would still leave courts free to reject their use if there are good reasons in appropriate circumstances to do so.

I give notice that I will be moving an amendment to this Bill to give effect to the ALRC's recommendation. I believe that such an amendment will have strong community support. I am encouraged in this belief by some correspondence I received recently from the National Council of Single Mothers and Their Children. In a letter to the Law Society of South Australia, the council's Co-Executive Officer, Elspeth McInnes, writes:

> The problems of obtaining a conviction for child sexual assault are grounded in the historical legal status of children in common law and the principles of justice. These can be summarised in two phrases:
>
> 1. The right of the accused to face his accuser in court; and
> 2. It is unsafe to convict on the uncorroborated evidence of a child.

She writes:

> Together these legal phrases form an obscene catch-22 for children wherein they must make their allegations in front of their abuser in court, and detail in cross-examination every aspect of their intimate ordeal, only to be procedurally disbelieved on the basis of common law history.

I note that a copy of this correspondence has also been sent to the Attorney-General. In response to Ms McInnes, I think I can say that the Bill before us addresses one of those two concerns by improving the status of a child's evidence, and reducing the number of occasions when a child's testimony will require a corroboration warning. However, in the light of the research by the ALRC and the Australian Institute of Criminology, I think we can say that this Bill does not go nearly far enough to protect children in their dealings with the criminal justice system. My proposed amendments are modelled on provisions already in force in other jurisdictions, namely, New South Wales and Western Australia. They will at a minimum reduce the number of occasions when a child must directly confront his or her alleged attacker in court. In common with Ms McInness, I believe that protecting children is more important than maintaining the traditions of existing legal culture.

As I said a few moments ago, I believe that combating child abuse requires action on three fronts, and I have so far focused on only two: first, giving victims ongoing (not short-term contract) support from an official carer and, secondly, helping to prosecute offenders by creating a presumption in favour of protecting child witnesses.

The third aspect of this matter is the need to rehabilitate convicted offenders, many of whom prey on children in a repeat fashion. For instance, the paedophile Laurence O'Shea was released last year after spending 14 of the previous 20 years in gaol. Successive Labor and Liberal State Governments ignored three judges' orders to rehabilitate him before release. They therefore squandered all 14 years during which rehabilitation could have been attempted without placing children at risk.

I asked a question on that subject on 20 August last year, and that question, too, has been ignored, presumably because the Government is embarrassed by the answer. That is a third symptom of this Government's failure to act on behalf of child victims of sex assault.

In summary, to return to the Bill, it is a welcome change in that it offers an improved standing to child witnesses. Unless there is a good reason to suspect otherwise, child witnesses will be, like other witnesses, *prima facie* entitled to be believed. At least there will be no need any more to perpetuate the ancient legal stereotype of a child as more likely than an adult to be lying. In this respect, it is welcome that children are to be treated in a similar manner to adults in court.

However, in other respects children cannot and must not be treated in the same manner as adults in the legal system. This is especially the case when children are the alleged victims of sexual assault and are put on the witness stand to give evidence against their alleged attackers.

I have no hesitation in supporting the main thrust of this Bill but, in concluding my remarks, I warn the Government that the Bill stops well short of completing the task required. By proposing no change to section 13 of the principal Act, the Government has neglected an important aspect of protecting child victims, and this neglect compounds the Government's cost cutting, which has both degraded the care available to affected victims and prevented rehabilitation of offenders.

I indicate support for the second reading and, as with previous legislation on which I have commented, I will be putting on file amendments which I hope will have the support of the Council.

The Hon. T.G. CAMERON: The present law distinguishes between the evidence of children and that of adults and only requires proof of child competency as a witness in giving evidence. The current Bill makes a distinction between evidence of children and adults based on age and prevents a child of 12 years or under giving evidence on oath or affirmation unless the child proves to the judge that they understand the nature of divine retribution for telling a lie or giving false evidence.

The Bill contains amendments which seek to remove arbitrary distinctions between the evidence of children and adults and to clarify the issue of competency of both adults and children in giving evidence. Age should not be the only distinction drawn between whether someone is competent to give evidence. The ability to understand the legal obligation of strict and complete truthfulness implicit in giving evidence and the consequences of giving false evidence should be the real consideration.

This Bill allows these matters, instead of age or religious knowledge, to be assessed by the court in deciding whether witnesses are competent to give formal or informal evidence. The Bill creates a uniform test of competency to provide formal evidence based on understanding alone. However, the protection that the current law provides for children and other vulnerable witnesses remains the same. For example, the right to be accompanied in court by a support person and the opportunity to use closed circuit TV and screens will also stay the same.

Issues of suppression of reports or identification of a child connected with a case also are addressed in this Bill. For example, if a child who is a witness or indirectly connected with a case and may be ostracised or victimised at school as a result, a suppression order can be granted by the court in such circumstances. Father John Fleming in the *Advertiser* of 10 December 1998 summed it up. He is quoted as saying:

> I welcome the initiative as sensible. Divine retribution smacks a little of the old Calvinist tradition. It places unhealthy emphasis on punishment by God if you tell a lie. It is very one sided.

I support the second reading of the Bill.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

STATUTES AMENDMENT (LOCAL GOVERNMENT AND FIRE PREVENTION) BILL

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

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

The program for completing the comprehensive revision of the Local Government Act is proceeding and draft Bills, which were recently the subject of extensive public consultation, are now being revised. One of the objectives for the review of the Act is that provisions concerning regulatory functions shared by State and Local Government should be located in the specific legislation which deals with that function. This methodology will clarify respective roles, eliminate fragmentation, gaps and overlaps or provide scope for simplification and consistency with national standards.

As a preparatory step towards achieving those goals of clarity and coordination, this Bill rationalises provisions of the Local Government Act relating to fire protection by transferring necessary powers to Acts which cover those fields and repealing obsolete provisions.

The Bill repeals a part of the Local Government Act containing fire prevention provisions which are either covered in the SA Metropolitan Fire Service Act 1936 and the Country Fires Act 1989 or are obsolete. It also repeals related powers to make by-laws under the Local Government Act and ensures that Councils can make necessary orders in relation to the presence of inflammable undergrowth and storage of inflammable materials under the relevant fire legislation.

Under the Country Fires Act, Councils already have an order-making power in relation to the protection of private property from fire which some Councils use in preference to by-laws. This is primarily used in relation to ordering land owners to reduce the volume of inflammable undergrowth. Minor amendments are needed to this provision to bring it up to date by ensuring the powers also cover the storage of inflammable materials, and setting out steps in relation to the service of notices to owners in cases where the notice has gone to an occupier of land.

The SA Metropolitan Fire Service Act does not have any equivalent provision, so the Bill provides for an appropriate order-making power for Councils to parallel that in the Country Fires Act. An appeal provision is provided to the District Court which has broad powers to vary or cancel requirements imposed by the Council or refer the matter back to the Council.

Councils in both country and metropolitan areas have, under by-law, been issuing notices requiring the removal of inflammable undergrowth and material to reduce fire hazards for many years, and are experienced in the administration of this type of power for managing fire risk. These changes make Councils' powers more consistent over the whole State and improve appeal rights in relation to orders issued in metropolitan areas.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Interpretation

This measure amends several Acts. A reference to 'the principal Act' in a particular provision is a reference to the Act referred to in the heading to the Part in which the reference occurs.

Clause 4: Amendment of s. 40—Private land

It is proposed to make some technical changes to the *Country Fires Act 1989* to provide greater consistency between the order-making

scheme under this section and the proposed amendment to the *South Australian Metropolitan Fire Service Act 1936* contained in this measure.

Clause 5: Repeal of Part XXXII

Part XXXII of the *Local Government Act 1934* is to be repealed on the basis that the provisions are either contained in the *Country Fires Act 1989* or the *South Australian Metropolitan Fire Service Act 1936*, or are no longer considered appropriate or necessary.

Clause 6: Amendment of s. 667—By-laws

The provisions of the *Local Government Act* that enable by-laws to be made by councils for fire prevention purposes are repealed as they are to be replaced by other amendments proposed by this Bill, or are no longer required.

Clause 7: Insertion of s. 60B

Certain by-law making powers in relation to fire and fire prevention are to be replaced with an order making power under the *South Australian Metropolitan Fire Service Act 1936* that is similar in effect to a scheme that already exists under the *Country Fires Act 1989*.

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

JOBS WORKSHOPS

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

That the Summary of the South Australian Job Workshops laid on the table on 9 February 1999 be noted.

(Continued from 10 February. Page 632.)

The Hon. CARMEL ZOLLO: In a recent speech during Matters of Interest I indicated that I had attended the Jobs Workshop and Regional Task Force meetings at Kadina on 11 November 1998. I take this opportunity to thank the Work Force Strategy Office for forwarding to me a list of the ideas recorded at that workshop. I also mentioned in that speech that many people were calling for changes to the Federal Government's Job Network. Even the Premier was reported in the *Advertiser* of Friday, 13 November 1998, saying such things as 'The system has failed to help long-term unemployed' and 'It is a fundamental responsibility of Government and this matter is of a serious policy nature.'

Unemployment should be a bipartisan issue—and I was pleased to read such bipartisan comments—for the sake of not only our young unemployed but also our mature aged unemployed. There is no doubt in my mind that unemployed people are suffering further under the Federal Government's Job Network Scheme and other major policy changes. Only this week the *Advertiser* reported that four more Job Network agencies were to close, including one in South Australia. One wonders exactly what is the use of replacing the CES with a system that is obviously not working as it should. Assisting the unemployed is clearly the job of Government.

My colleague, the Hon. Paul Holloway, also raised the question why, with so many Liberal politicians from South Australia, they are not urging their Liberal colleagues in Canberra to do more for South Australia in obtaining economic development support. In the same article I have just mentioned it was reported that job agencies were seeking a range of changes, including retention of fixed price tendering for the intensive assistance category for help for long-term unemployed. The Australian Council of Social Services has also suggested a fourth level of employment assistance involving a wage subsidy to get employers to hire disadvantaged unemployed such as the disabled and older unemployed.

South Australia's economic growth rate has not been sufficient to significantly reduce unemployment levels. At the moment the growth rate is only 3.8 per cent and as my colleague, the Hon. Paul Holloway, mentioned we have had fewer than 25 000 additional jobs in the South Australian economy since December 1993. It would be fair to say that the Federal Government's action of running down job training programs and language education facilities, which are necessary to cater for individuals who have been out of work for extended periods, is not helping South Australia either.

Following the Prime Minister's announcement that unemployed young people would be forced to undertake literacy and numeracy training if they wanted to keep receiving the dole, the *Australian* of 30 January 1999 published a number of sample questions that might be used to test young unemployed people. The article was headed, 'Tough test for the young—the Prime Minister's test'. I wonder if that meant that the Prime Minister himself had taken the test—and did he pass all questions? As a matter of interest and to prove an obvious point, an informal group of 13 people at a recent meeting, all well qualified and educated, found the test an interesting challenge. Only four out of the 13 people got all the answers right.

We all know that former Federal Liberal Leader, John Hewson, would no doubt have failed the question on the cheapest tea bags, seeing he could not answer a simple question on whether birthday cake would have been cheaper or dearer under his then proposed GST. However, I appreciate that this is not a joking matter.

The Labor Opposition is certainly not against training programs, including people obtaining basic literacy and numeracy skills. The previous Federal Labor Government is very proud of the excellent schemes it developed in Government. The recently suggested scheme proposed by Mr Howard is hardly the right way to go about dealing with a difficult and complex issue. We should not blame the unemployed for their predicament. If there is a problem with the education system then we should do something about it. If more money is needed for training people who have literacy and numeracy difficulty, then appropriate and attractive programs should be developed and adequately funded.

Experts in the area of adult education pointed out in the article that trying to teach involuntary participants was 'futile' and that 'you are just reinforcing this authoritarian, negative attitude to education whereas adult education should be about empowering them to make their own choices'. Without any doubt, the Federal Government's decision to restructure employment services means that job seekers in country South Australia, job seekers of middle age, women and the long-term unemployed are suffering particularly badly.

The removal of corporate and Government support in country South Australia has also further disadvantaged people living in rural and regional centres. A report in the *Financial Review* of 19 October 1998 states:

> In its first term, the Howard Government cut $150 million and 220 bureaucratic jobs from the regional development portfolio, with the then Minister, Mr John Sharp, saying the cut-backs were designed to end duplication with State and local government programs.
>
> In 1996, Mr Sharp said there was no clear rationale or constitutional basis for Federal involvement in regional development—a comment which prompted strong criticism from a variety of rural groups and the Australian Local Government Association.

And I would hope from some State Governments as well. Most of the recommendations that were listed in the Kadina workshop were all good ideas, if not all necessarily new. My observation of the situation on Yorke Peninsula, which

regrettably does have one of South Australia's highest unemployment rates, is that it is arguably one of South Australia's most beautiful parts, especially in terms of what it has to offer in tourism and recreation. The area has enjoyed a relatively good agricultural base, mostly grain crops, although it is now in the process of trialing new ventures including aquaculture. What I believe is hindering its tourist potential in particular is its lack of adequate infrastructure. It does need an improved transport network, along with increased environmentally sympathetic accommodation to allow people more than a day to enjoy what the Yorke Peninsula has to offer, especially its Copper Triangle, its beautiful beaches and Innes National Park. Tourism and related service industries are a good start in improving the rate of employment on Yorke Peninsula.

As I have already indicated, some good ideas came out of the workshop at Kadina. Some examples include: enterprise programs in schools (and we have some programs in some of our city schools at present); provide information for employers about traineeships; not enough research investigation into how to attract new businesses to regional areas—for example, look at unmet demand in regional areas; dry land farming; make Kadina the centre of excellence; attract students from overseas and interstate to study dry-land farming; set up a farm exchange program; establish DEET's next vocational high school college at Kadina High School; and re-skill older employees in new technologies. As I have said, many other ideas were expressed. The most important requirement is to develop and implement a coordinated and strategic approach as the first step.

I was most impressed by the planning document produced by the Copper Triangle council's document, 'Developing the copper coast for 2000 and beyond.' The council covers an area of some 870 square kilometres and has a population of approximately 10 000. The area covers the important towns of Kadina, Moonta and Wallaroo, as well as Moonta Bay, Port Hughes and North Beach. The document clearly articulates what strategic objectives have been developed for the area that include: a projected increase in population from 9 500 to 12 000 by the year 2000; an increase in the annual tourist population from 115 000 to 155 000 by the year 2000; the establishment of an internationally oriented TAFE college which will be recognised as a centre for excellence for agricultural skills training; and the development of a business park for the benefit of existing and new manufacturers.

Importantly, the Copper Triangle Council believes that these objectives are realistic and is working hard toward their achievement. There should be a similar coordinated approach for the whole of Yorke Peninsula, all our other regional centres and South Australia as a whole. We need comprehensive strategies which are realistic, which are easily understood, which are openly developed in consultation with our community and which can be implemented.

In an article appearing in the *Advertiser* about a year ago, Dr Andrew Parkin described the State Government, 'As a bit like a cork bobbing on the ocean. It gets pushed and pulled by much larger currents.' Dr Parkin also commented in the article that South Australia was never the core State in Australia's economic structure. He was referring to the often described Playford legacy. However, even if we accepted this analogy to some extent, State Governments still have an important to role to play in intervening where necessary, providing leadership, making informed decisions and smoothing out the effects of the currents, as it were. Dr Parkin also suggested that Tom Playford was in the thick of things, wheeling and dealing for the benefit of the State. However, there is a fine line between wheeling and dealing to obtain the best, open and transparent deal, and what is now often at best described as corporate welfare, something that comes at a very large economic cost—just as economic rationalism comes at an enormous and disruptive social cost. Labor's policy at the last election suggested the introduction of performance based industry assistance. We believe it is important that, when assistance is given on the basis that it will create jobs, it should be provided on the basis of clear benchmarks and demonstrated performance. If this performance is not achieved then the assistance should not be forthcoming—or at least not all of it.

In an *Advertiser* article in the 'Issues' section in April last year, I found myself agreeing with Rex Jory, who is not often friendly to the Labor Party, when he wrote:

> The first major outlet which abandons economic rationalism, which puts people before profit, will get my business.

That is a timely reminder that all profits come from customers and customers generate employment. Bob Ellis would, indeed, be very pleased. South Australia is promoted as an information technology hub, but we need to develop real jobs in information technology call centres, not just call centres. The Treasurer mentioned yesterday that 2 000 jobs at Lockleys had been created, but many of these jobs are short-term and provide limited career potential, because they are just seen as a stepping stone and often such skills are not readily transferred to other industries.

It is no good pinning all our hopes on the large overseas corporations such as EDS, Motorola and Microsoft. Of course, overseas investment is welcome, but we need to place a greater emphasis on developing local skills and companies. The huge outsourcing contracts such as EDS and United Water entered into by the Government have failed to deliver the promised level of jobs, cost reductions or other benefits. Nor were Australian consortia which have the necessary skills sufficiently encouraged to tender for those contracts. Multinational companies are about quick profits repatriated overseas. We need to assist and promote our existing industries, as well as develop new industries, particularly in high tech areas. We need to become another Silicon Valley of the Southern Hemisphere. We should also always bear in mind that small business is by far the biggest employer and should be further encouraged.

Of course, employment is not only important economically to people: it is a measure of self-worth. With most people, their sense of identity is tied up on how they earn their living. Early last year, in a matter of public interest, I spoke about precarious employment—employment of the part-time, casual employment and under employment. Australia is high up in the statistics for this type of employment. In South Australia, almost all job growth has been in part-time employment. I understand as at December 1998 we still had around 30 000 fewer full-time jobs than we did at the pre-recession full-time employment high of 507 000 in June 1990. That is all very well, and may suit the lifestyle of some people, but part-time work does not suit those people who either want to work full-time or need the money that full-time work provides. Everybody should be given the option of being able to work full-time—unless, of course, if all of us were job sharing and there was a distribution of wealth, which is simply not reality.

It would be fair to say that Minister Brindal's appointment as Employment and Youth Minister was well received by the

community and the Opposition. He certainly has expressed commitment and enthusiasm in this very difficult portfolio. When Mr Brindal was appointed, the Hon. Mike Rann took the opportunity again to approach the Premier, offering bipartisan support. We did not obviously see the South Australian Jobs Summit that the Opposition wanted, but a gathering of people in the form of workshops provided was clearly better than nothing. My colleague the Hon. Paul Holloway yesterday already outlined the Opposition's initiatives we believe will assist in creating employment; in particular, the Labor Opposition believes the enterprise zones for designated regions of high unemployment would be of great assistance. We are proposing a 10 year exemption from State Government taxes to designated value adding industries that add to employment within our hardest hit regions.

As mentioned, there is an urgent need regarding the status of the cities of the upper Spencer Gulf, especially with the loss of heavy industries in that area. I am pleased to see that the Federal Government has embraced the concept of enterprise zones for the City of Newcastle. I believe that the job summit proposed by the Opposition involving all South Australians would help in providing the coordinated strategic approach that is required. Nonetheless, I was certainly pleased to see some Government initiative in the form of the job workshops, and I support this motion.

The Hon. J.S.L. DAWKINS: I rise today to support the motion. I intend to make a brief contribution only, because a great number of bipartisan and genuine contributions have been made in the debate. However, I have noted a number of themes and suggestions that have arisen from the 22 workshops that have been held around the State, and I will comment on one or two of those. I noted the importance placed on employment opportunities for older people, as well as the younger members of our community, and quite rightly so. I also noted some of the comments that came out of workshops from around the State, particularly in regard to infrastructure. The provision of appropriate infrastructure is essential to enable communities to take advantage of opportunities for economic and employment growth. Areas highlighted include transport, telephones, computers and accommodation, particularly for seasonal workers.

Another area that I noted concerned education and training, and it included improvements to the links between education and training and employment and economic development. Also, a more holistic approach to the school to work transition is required. Increasingly, the focus of State Government training activities on the employment growth and skills shortage areas is critical to ensure that people can take advantage of the jobs available. Another area I noted from the workshop themes is that, given the volatility of the labour market, education and training providers must recognise the importance of flexibility of service and delivery mechanisms. This is particularly an issue in rural areas.

I think that training flexibility and adaptability is very important especially in rural areas and in those areas where there is specific industry expansion. We are seeing a number of those industries expanding, particularly in relation to horticulture development in the South-East, the Riverland, the Barossa and the Mid North. The aquaculture industry is another example, specifically on Eyre Peninsula but also in other regions of the State.

It is important that we get the back-up and the training to make sure that local people and those in other areas can meet the job requirements that are evident in those industries. I am heartened by the efforts of a number of organisations, the Government and the non-government sector in that area, but obviously we need to do more.

I would also like to comment briefly about traineeships. Many members in this Parliament would have had some experience of trainees and the work that they do in a range of employment areas. Certainly, members of Parliament in the other Chamber have the opportunity to have trainees work in their electorate offices. I have seen—

The Hon. Carmel Zollo: And we, too, should have them working in our offices.

The Hon. J.S.L. DAWKINS: I do not quite know where we would put them. I think the Hon. Carmel Zollo would agree with me when I say that I have seen some excellent trainees working for members on both sides of the political sphere. I am heartened to think that some of those have gone on to very responsible jobs following that experience.

This week I noted in my local newspaper, the *Bunyip* at Gawler, an article about a very good young lady who served as a trainee in the Gawler corporation and who has excelled in her community. One would hope that she will go on to a worthwhile job because I am sure that she has something to offer the community, as do many other young people. There are cases where traineeships have been made available to older people who have been displaced from their previous work, and that is an area we need to look at more as well.

I will move on to briefly mention some of the themes that came out of the regional workshops. The Elizabeth workshop focused on the regionalisation of funding and services; it wanted more emphasis placed on support for older unemployed people, which I have already mentioned this afternoon; and it wanted the provision of free transport for genuine job seekers. There was a suggestion that a review of public transport be made to make it more accessible to people who wished to take employment and who started at irregular hours, including shift work, in some of the large manufacturing sectors in that area. Also, there was a suggestion that industrial relations issues be reviewed, particularly for small businesses, and the example of unfair dismissal was given.

Another theme raised at the Elizabeth workshop was that in that region of Adelaide there are mostly small to medium sized businesses, and there was a request for more support for those sorts of businesses in the quest to provide greater employment growth in that region.

The themes that came out of the Modbury workshop included an increasing need for aged care services; encouragement to entrepreneurs in relation to investment and ideas and the provision of venture capital; and highlighting the natural characteristics of the State and the great tourism opportunities that they provide. There was an elaboration of that point, focusing on national parks, cultural awareness of indigenous people and the appreciation of the State's ecology.

I would also like to comment on the themes and suggestions that came out of the Riverland workshop which was held in Paringa. The first concerned training for export markets, and I think that relates back to what I mentioned earlier when I addressed the boom in horticulture in that region. As was the case with the Modbury workshop, there was a suggestion from the Riverland to encourage entrepreneurs starting at the secondary school level.

Another suggestion was that the Government should support the rehabilitation of the Loxton irrigation area, and this Government has strongly supported that and has money in the budget for it. The importance of that project should not be underestimated because it is a very important aspect of that

region. The other point that was made at Paringa was that schools should be encouraged to have more work experience days to give students a greater awareness of the work that is available. I understand that in regions such as the South-East and the Riverland more of that cooperation between secondary schools and organisations that are more inclined to train adults is happening, and I think that that is very good.

I will briefly mention the workshop that was held at Gawler, although I was unable to attend it. While the numbers there may not have been high, I understand from the President of the Rotary Club of Gawler that some very good suggestions were put forward including those from one young man who is rather well educated but unfortunately has not been able to secure work. Rather than staying home and watching TV or lying in bed he went to the Gawler workshop and put forward some ideas of his own about what could be done to assist people like himself to get meaningful employment.

I would like to move on to the area of infrastructure, which I discussed briefly. I think it is important in this debate to note that there are many projects around South Australia that could go further if there was some assistance to provide necessary infrastructure. I would like to emphasise the Government's decision to earmark $50 million of the reinvestment fund that would result from the lease of ETSA towards implementing recommendations of the Regional Development Task Force, and particularly in the area of assistance in the development of infrastructure for major private sector projects in rural areas. Most regions of the State have a number of examples of significant developments that would benefit considerably from the availability of this fund. Numerous rural communities have been targeted for developments which, to date, have been restricted by the cost of developing the necessary infrastructure.

In conclusion, I would like briefly to comment on some of the experiences that I have had and comments I have received recently whilst moving around the State as a member of the Government's Rural Communities Reference Group and, prior to that, as the convenor of my Party's Rural Communities Task Force.

A lot of comments were made regarding a concern that many people seem to be moving out of country communities. There is also concern about the future of those communities and the lack of young people, not only in the employment sector but also to do the things that keep those communities alive, as you, Mr President, would be aware with your background in the Upper South-East.

I think we will always have the movement of young people from their home and environment. Most of us in this place would agree that at some stage in our life we thought the grass might be greener on the other side of the fence. There is always a time when people will want to see what the other side of the world looks like. When I move around country districts, people say to me, 'All our young people are moving to Adelaide.' In Adelaide, people say, 'All our young people are going off to Sydney and Melbourne.'

The Hon. A.J. Redford: A few are coming from Sydney and Melbourne to Adelaide.

The Hon. J.S.L. DAWKINS: That is true, but when you go to Sydney people say, 'All our young people are going to the west coast of America.' The Hon. Angus Redford makes the point that some young people are moving this way. Many people either come to South Australia for the first time or return to Adelaide and other parts of the State because of the lifestyle opportunities that exist here. Sometimes they make a salary or income sacrifice, but they are prepared to do that to a certain level because of the lifestyle that we have here.

In this State, we need to focus on real jobs and making sure that the infrastructure is available to allow projects to continue to their full extent. We also need to make sure that opportunities are available for young or older people if they want to return to their home community, whether that be in the suburbs of Adelaide or rural areas, and that we give them the best opportunity to do so.

I congratulate Employment Minister Brindal on his initiative of setting up the jobs workshops. They are not a magic wand that can be waved to fix the problem that exists. I am sure that no-one in this Chamber or the Parliament believes that such a magic wand exists. However, the Minister should be congratulated on his initiative. He attended a large number of these workshops and you, Sir, also took part in chairing a number of them. They were well received. I have pleasure in supporting the motion.

The Hon. A.J. REDFORD: In making this short contribution, I take the opportunity, first, to congratulate the community of South Australia for approaching this whole process with a spirit of openness and constructiveness. In the short period that the information has been gathered together following consultation with the community, we have not had much time to digest and analyse it. Some of the suggestions and positiveness brought to bear in relation to this has been excellent. As one of the last speakers in this contribution, it would be repetitious if I went through some of the broader issues confronting unemployment.

I take on board the diverse nature of comments made by members in this Chamber and in another place and also the mainly constructive approach adopted by nearly all members of the Chamber. I understand that the nature of this debate and the way it has been dealt with by both Houses of this Parliament has been unique, certainly in my time. I know that you, Sir, have limited resources, but perhaps a summary of the speeches and contributions made by all members, without attributing any quality to individual members, could be prepared for distribution to the community for their response to enable the dialogue and constructive suggestions and general positiveness towards this process to continue. I would hate to think that when this debate is over it all goes away and we all go back to hoping that unemployment will simply disappear through the efforts of someone or something else.

I have to agree with the contribution of the Hon. Trevor Crothers who said that no person, political group, industry or union has all the answers or simple answers to this difficult and vexed issue confronting every major nation in the world today. I have been bemused for many years about the use of statistics in measuring unemployment. As politicians dealing with the community at large and in considering policy decisions rather than decisions affecting constituents on an individual basis, statistics can be useful. They provide a measure of performance and an indication of how the community is going.

Statistics can be a very good servant, but on occasions they can be a very poor master. A great deal of thought needs to be given to the presentation of statistics to members of Parliament, the community and the media. Simple bald percentages are often thrown about on youth unemployment, and we see figures of 39 to 40 per cent; and, not unreasonably, the community in some cases is intimidated by such large figures. However, when you break down those figures into individual numbers or numbers per community, the

problem comes down to something that a community, given the desire and resources, could probably manage.

In some cases the presentation of statistics in an alarming manner can prove to be counterproductive. I have not yet had the opportunity to do this (and I hope I do not do it if I have the opportunity), but I am intrigued by the way statistics are twisted and used to justify a certain position. It does not matter whether it was a Treasurer of Liberal or Labor persuasion, but I recall on one occasion a Treasurer being confronted with a surprise increase in the unemployment figures.

He bounced out in front of the media with a big smile on his face, much to the surprise of the gathering media, stood up and said, 'This is a good figure.' They all have different ways of saying it is a good figure, but it was something along the lines of 'This is a good figure. This means there is confidence in the economy. What this means is that more people are now looking for work, whereas under the old economy, [under the previous Government, when they did not have economy], they stopped looking for jobs so the unemployment rate was lower.'

Not without surprise, that did bring a wry smile to the faces of the hardened media contingent and those of us watching on television who were hardened political watchers. That is but one example of how sometimes these statistics can be used to justify any position. In some respects, if it was not such a serious issue, you could dress it up into a sort of comedy sketch. The reality is that these statistics do reflect ordinary and individual people who are often in very difficult circumstances.

I will make a couple of comments about the global economy, because I think any politician at a State or national level who thinks they can have an impact in their own economy that is out of step with the global economy is probably defying logic. We have had some magnificent leaders in Australia and overseas who were caught up in the whirlwind of the world depression in the 1920s. We have also had leaders who have been good managers—Sir Robert Menzies springs to mind—who have also from time to time been caught up in economic downturns.

When one looks at a State economy, one feels quite exposed to the vagaries of an international and national economy, and that is particularly so when one realises that we now have an economy that is more globalised, more open, more free and more open to international change than we have ever seen in our history. In the long run, it is my view that that, on the whole, will be beneficial to the material wealth of mankind.

I had the opportunity to read (and I use this as an example) a publication that I am often sent called the *AUSTAIWAN LINKAGE* by the Taipei Economic and Cultural Office. Taiwan is a genuine economic success story in the Asian economy. Despite having the bulk of its trading partners comprising Asian countries, the reaction of the Asian meltdown has been less than expected. Indeed, they have continued to record good growth figures throughout the Asian crisis. The reason for that is that they have a fundamentally sound economy with a fundamentally sound banking system, and they have acted prudently and wisely.

The sorts of rhetoric that has been adopted by the Australian Treasurer, Peter Costello, in so far as Australia's performance is concerned, can equally be applied to the performance of Taiwan or the Republic of China. It is interesting to note a number of comments in this publication. In an article by Deborah Shen, entitled 'Investors confident in spite of downturn', she refers to the Investment Commission of the Ministry of Economic Affairs, which reported:

> Financial crises in South-East Asian countries have led outside investors to adopt a more cautious attitude towards investment in Asia, the commission explained. Moreover, 1997 had been a peak year for inward investment in Taiwan, with a record 73 per cent annual growth in terms of value. This resulted in a high comparison base for 1998 calculations, it pointed out. The commission predicted that inward investment in Taiwan in 1999 will increase, as many international forecasters are anticipating a gradual revival for Asia's economies in 1999. Since Taiwan has been among the regional economies least affected by the financial crises, the island should take a leading role in attracting investment, the commission said.

In my view, those comments could be applied equally to Australia under the current Federal Administration. Indeed, the editorial in the *Free China Journal* on Christmas day last year said:

> The ROC's buoyancy amid the ongoing global financial turbulence speaks volumes about its confidence in coping with challenges which have shaken the economic, political and social foundations of many neighbouring countries. Thanks to a solid economic infrastructure, healthy financial policies and institutions, stable political system and prosperous society, Taiwan has been largely immune from the regional contagion. About the only significant blemish on Taiwan's 1998 economic performance chart was a decline in the export sector resulting from reduced levels of imports by some of its trading partners, especially those in South-East Asia. The island's economy is expected to grow by 5.1 per cent in 1998, the slowest rate of increase seen in many years, yet still respectable.

The *China News* of 19 November 1998 said this:

> If the six operation centres of APROC are completed, the Financial Centre will have spurred on the most investment and business opportunities—NT$5.76 billion worth. This includes enticing European investment banks to distribute bonds in Taiwan, attracting foreign investment trust laws in order to allow investment trusts. . .

In comparing an economy of similar size to Australia in the heart of Asia, one might say, despite the Asian crisis, that we can look forward to a reasonable economic performance. I say that because sometimes in looking at a national economy we can be too focused or too self-interested, and it is important that we avoid that.

I was fortunate to obtain some statistics from the South-East Area Consultative Committee, because I have shown a great deal of interest in the South-East in the last few years, about the difficulties with which it is confronted. In general terms, the South-East can probably be divided into two parts. First, there is the Upper South-East or Penola and north of Penola, where, on any analysis, employment could only be described as buoyant. In fact, the Upper South-East is confronted with a unique problem, that being the need for infrastructure to support the rapid growth in employment.

I understand that there is a significant housing shortage in Bordertown, Naracoorte and Penola. I also understand that there is a significant labour shortage in Naracoorte. I know that the Hon. Terry Roberts will agree that it was pleasing to note that late last year the meatworks at Naracoorte were to reopen. I understand that has been delayed because they cannot get the labour for it, and I also understand that one of the reasons for that is the housing shortage.

It is very interesting to note that last year the Hon. Terry Roberts and I agreed on how some people involved in the wine or grape industry were being treated very poorly, both in terms of the housing made available to them and in terms of the salary rates that were being paid. I know that the Hon. Terry Roberts shares a great deal more scepticism about free market forces and what markets by themselves could achieve

for ordinary people than I do. However, it was pleasing to hear, when talking to one person in the South-East, Mr David Edwards of SERDI, that he is placing an enormous amount of work with vignerons at Coonawarra.

I must say I had not heard any complaints about the wage rates in relation to the vignerons at Coonawarra; in fact it was in relation to vignerons in other parts of the South-East. I understand that they are paying and offering significantly more money than they have in the past. I think their base rate for the lowest skill is about $12.50 an hour. I understand that the meatworks at Naracoorte is offering only $10.50 an hour. The advice they are receiving is that they will not get labour and they will not be able to open those meatworks unless and until they offer a reasonable wage which reflects the market conditions in the Upper South-East. That means they will have to offer a minimum of $12.50 an hour. I do not like to crow about the success of the marketplace, but perhaps those who are fans of the marketplace might modestly claim a potential for some small victory in that regard—and that is a very positive thing.

I understand, though, that there is an entirely different attitude in Mount Gambier and Millicent. Mount Gambier, I have to say, lacks confidence. There is less confidence about the future in Mount Gambier. I have to say even more disappointing is that there seems to be even less confidence within the community of Millicent.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I will come to that in a minute. One only has to drive up and down the street of Millicent to witness this. I know the council is working very hard. It has employed a specific project officer, who is doing a fantastic job, and it is to be commended. I must say I did have some fears about Millicent. I thought that they were getting into a cargo cult mentality with things such as Teletrack and so on, and that did worry me. When one drove down the main street of Millicent six or eight months ago there were more empty shops than otherwise. That might well reflect—

The Hon. T. Crothers interjecting:

The Hon. A.J. REDFORD: The Hon. Trevor Crothers interjects and I can assure him that the Somerset Hotel is still working strongly, profitably and providing a magnificent service to all those who should choose to enter it—and I will not play favourites—as do the other two hotels in Millicent. That shops are empty is disappointing and that may well reflect the change in retail. In any event, it is of great concern. I know that large numbers of suggestions have come from the South-East in relation to what the State, Federal and local government can achieve.

I mention two matters: one is the work for the dole scheme. I understand that the work for the dole scheme in Mount Gambier has been very successful. I understand that 70 to 80 per cent of people who enter the work for the dole scheme gain full employment, which is a magnificent result. The complaints I hear about the work for the dole scheme are that Commonwealth public servants are not referring sufficient people to the scheme and I understand that opportunities are being missed.

Work for the dole is a classic case where some people have different views about whether it ought to be tried. The Federal Government has tried it and it may well have failed in some city and regional areas, but the reality is that it has worked in Mount Gambier. I would hope that the Commonwealth Government continues with the scheme and I would sincerely urge the Commonwealth to apply greater resources to Mount Gambier so we can bring down the number of unemployed in the area. In fact, in Mount Gambier unemployment to the June 1998 quarter was running at 9.6 per cent. On any analysis that is just not good enough. An area as rich and as well serviced and with the attractions of the South-East should not have unemployment at that level. We all owe a collective responsibility to deal with that.

Another issue that has been raised with me is the Jobs Network. I understand that it is struggling, although it is probably too soon to properly and fully evaluate how it is working. However, those who are involved have reported to me that it is potentially a good system. It has some administrative problems, but that is to be expected when one understands that the system is only new. I am told, however, that if you do good with the Jobs Network some penalty is applied through the bureaucratic process. I am told that sufficient resources have not been brought to bear, particularly in relation to those bodies that provide a successful service pursuant to Jobs Network. Again, I would urge the Federal Government to look at that.

Indeed, I was talking to the Minister for Employment earlier today and I suggested to him that we get the Federal Minister to the South-East and show him some of the problems down there. I said to the Minister for Employment that I am sure I could manage to get a very strong crowd at a pro-monarchy forum in the evening and he could look at employment during the day. One would hope that that might be sufficient to attract Mr Abbott to the South-East to look specifically at the problems in the South-East.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member interjects about the Rendelsham Hall, and I am sure that if we could guarantee a crowd of a couple of hundred the Federal Minister for Employment might even make his way to the Rendelsham Hall and at the same time look at some of the employment opportunities that exist in the small seed and cropping industries and, indeed, only a small step from the honourable member's home, the fishing, fish processing and tourism industries that exist around there.

It has been reported to me (and I make no judgment) that some people are worried or there is a perception that some public servants are trying to sabotage the Jobs Network. I do not care where you come from philosophically or whether or not you agree with it, but when a Government comes in with an employment program everybody has a responsibility to do their best to make it work. If it is wrong we evaluate and try something new, exactly as the Hon. Trevor Crothers suggested. No Government of any persuasion has a monopoly on this.

I would like to go into further detail about some of the issues that were raised in the South-East. I know that in relation to the South-East there was criticism about skill shortages, shortage of training opportunities, the ability of the Chamber of Commerce and industry to react, the fragmentation of industry development bodies, the fact that we all work full-time and pretty hard and do not have time to look at broader issues, and the lack of pilot regional projects. I know that issues relating to appropriate infrastructure, training, the volatility of the labour market, improved services and the like were all raised.

Given the lack of time, I give an assurance that I will take up all those issues with the Minister and the Premier. I would hope that we revisit this issue. I would like to think this might be an annual debate where, at the very minimum, when we come back, we talk about jobs and evaluate it. I congratulate

the Minister and the Government but most importantly I congratulate the community on the positive input that they gave in relation to the jobs network. I look forward to an improved economic and employment performance from South Australia in a bipartisan way over the next 12 months.

The Hon. L.H. DAVIS: I also congratulate the Minister on the initiative of the workshops for employment. I do not want to dwell so much on the initiatives that came from the workshops but rather reflect on the passage of history and the patterns of providing a better understanding of what generates employment and how society has to continually adapt to changing circumstances.

South Australia was settled in 1836. The original settlers took months to arrive in small boats. The only means of communication was by letters, and it took them months to receive news from their homeland. The only information from the colony was in papers of the day and town criers. One hundred years ago the method of transport improved marginally; there were steamships which were faster, replacing the sailing ships; and a telegraph was introduced to Adelaide in the early 1870s through the initiative of Charles Todd. The first telegraph message in fact came from Auburn in the Mid- North. Phones had been introduced but were far from common, and the Wright brothers were making their first flight.

Seventy years ago, roughly speaking, we saw radio introduced for the first time. We saw the concept of assembly lines for manufacturing items. There had been a progression from the Industrial Revolution of the previous century to make products more efficiently. Henry Ford's T-Ford is the best known example of that. Moving pictures replaced the silent pictures, and of course moving pictures had only been a feature in the early twentieth century. Seventy years ago there was no such thing as a supermarket and people did jobs which were very menial. There were no computers, and typewriters were not common—quill pens were. A lot of employment in those days related to office and manufacturing. As innovations occurred, so employment flows changed with those innovations. As demand for various products changed, it reflected in production patterns.

Fifty years ago, immediately after the Second World War, refrigeration and washing machines started to come in but were far from common in the houses of Adelaide. It was only 40 years ago that television came into Australia and jet planes replaced boats as the main and increasingly common means of transport between the continents. It was only 40 years ago that the giant steamers were still racing each other across the Atlantic competing for the fastest crossing.

Thirty years ago I can well remember teaching law and economics at the South Australian Institute of Technology, teaching students in the very first course on computer science. That was just a generation ago. Twenty years ago most of the people in the wine industry in this and other States would have laughed openly at people who suggested that perhaps there was a future in exporting wine. People laughed at the idea that Roxby Downs could become one of the great mines of the world.

In the past 10 years we have had an explosion in the service industries, in financial and banking services and in tourism. We have seen the means of communication dramatically change; mobile phones and more recently the Internet have become a common means of communication. Money, instead of being sent by boat and taking months, as was the case with the first settlers transporting gold or money between families, can be now transferred instantaneously through electronic means. And we have, of course, that word 'globalisation'. There are some people who, like the Hon. Trevor Crothers, screw up their nose at the word and say, 'It's a dirty word; it shouldn't happen.' But I put to members that this is just another aspect of progress in the world.

We are very proud that Southcorp is the biggest private owner of vineyards in the world. It ranks in the top five or six in terms of wine production in the world, accounts for 30 per cent, roughly speaking, of all wine produced in Australia and is dominant in our export markets. Indeed, on Friday 5 February, in the *Australian Financial Review* there was comment from Southcorp Wines Chief Executive Bruce Kemp that $145 million would be spent in the next couple of years to add capacity to their vineyard program. They are anticipating a record harvest in 1999 of in excess of 200 000 tonnes. Southcorp was initially South Australian Brewing, which was purely a brewing company owning hotels, yet it transformed itself through acquisition into the greatest wine company in Australia and one of the greatest in the world.

It has recently divested itself of whitegoods, so that we now have only one major producer of whitegoods in Australia, Email, when only two decades ago thousands of people were employed at Kelvinator and Simpson Pope. That is a very good illustration of the dramatic changes in our economy. We are proud to talk about Southcorp becoming a major force in wine markets around the world. We are proud to talk about the numerous automotive parts manufacturers in South Australia who are competing in world markets, providing parts and, indeed, cars to Japan, America and Europe. We are proud of that but, at the same time, people are mouthing expletives against globalisation.

That, of course, is part of the very point that I am making: that those automotive manufacturers are part of the global world in which we now live. As a very interesting series of articles by Paul Kelly, the International Editor of the *Australian* (whose book *Future Tense* was released within the past week), said:

> The task ahead is to co-fashion new policies and attitudes that make globalisation work for people. The journey is unpredictable but is a time for ideas. Australia's path will be tested against many signposts.

The Hon. Trevor Crothers said in his contribution yesterday, and I accept this, and Paul Kelly in his book *Future Tense* makes the point:

> Globalisation has undermined the role of Government as problem solver, and it is only in its early phase. Government must adjust to having less power just as nations must adjust to having less sovereignty. That is the way the world has moved. Governments should not try to run businesses in competitive markets. They should leave business, whether it is a bank, airline or telecommunications company, to the private sector. Integral to the new strategic role of Government is a value-based redefinition of the rights and responsibilities of the individual and the individual's relationship to the State. Howard [Prime Minister John Howard] calls this 'mutual obligation'; British Prime Minister Tony Blair calls it 'reciprocal responsibility'.

Paul Kelly goes on to note:

> The point is that the days of the passive welfare state are numbered. A civilised society will keep a social safety net for the disadvantaged, but many welfare recipients must accept responsibilities, namely, to work to get off welfare as a trade off for the welfare benefits they enjoy. Social security budgets are threatening to become unsustainable. In Australia, social security constitutes 38 per cent of Federal spending compared with 20 per cent a generation ago.

There are some thoughts from Paul Kelly, who is a well-regarded journalist and writer, in his recent book *Future Tense*.

I also want to comment on South Australia's positioning in the current marketplace. I find it quite exciting that South Australia's exports are growing so quickly. In 1998, Australia's annual growth rate was 5 per cent, notwithstanding the impact of the severe downturn in most Asian economies from October 1997 onwards; the unemployment rate was down to 7.5 per cent Australia wide (the lowest level in eight years); inflation remained below 2 per cent which is well under the Government and Reserve Bank target; and interest rates reached their lowest levels in well over 30 years which is very encouraging for home buyers.

In that economic setting, we have to admit that South Australia has constantly underperformed in unemployment statistics. For the past 30 years, South Australia's unemployment rate has been above the national average. That reflects the structural problems that we have had in South Australia. I think it also underlines, without wishing to politicise this very useful and constructive debate, the particular setbacks the State suffered through the massive debt it incurred in the early 1990s with the collapse of the State Bank and SGIC. Overall, the outlook for the Australian economy remains positive and one would read that inflation, interest rates and growth rates will remain acceptable in at least the next 12 months to two years.

One of the interesting facts which few people appreciate is how much the world has changed in relation to Australia's exports. The phrase used to be 'Australia lives off the sheep's back'. Wool now is barely in tenth position in total exports out of Australia. Our national exports in the last full financial year were around $114 billion; coal accounted for something like $8 billion; gold $6 billion; wool was down at $2.3 billion, from memory; and cotton, which admittedly may have its disadvantages in the sense it uses high chemicals and is greedy with water, has exports up to $1.3 billion, which represents 60 per cent of wool exports.

I want to concentrate on South Australia's success in exports with natural gas, LNG, wines, manufacturing goods relating to technological products and parts and, in particular, automotive parts. The fact is that in Australia one in five jobs now relates to exports. They depend on exports. Australian exports to East Asia, even though there has been a significant downturn in that region, account for 750 000 jobs. That is a remarkable statistic.

The other significant point that a lot of people do not appreciate is that export jobs tend to be higher wage jobs. For example, in manufacturing, if the job is export related, on average, the pay will be 20 per cent more than those for jobs that have no relationship to exports. And so the Federal Government—and I should say the State Liberal Government—has been concentrating very much on microeconomic reform, because in this real world we live in, in this global village that we live in, we cannot turn our back on reality. The members of Parliament in this Council do not say, 'We will not be part of it, and instead of using the Internet we will use a pedal wireless for transmission.' They do not say, 'Instead of faxing or Internet or e-mailing a press release to the media we will use a carrier pigeon.' They do not say, 'Instead of using the telephone to ring someone interstate we will send a letter.' It does not work like that. People accept change and use it, irrespective of political belief. Let us not have any hypocrisy about what globalisation means to all of us, whether we are talking about an individual level, a State level or a national level.

So, microeconomic reform is necessary, because if the rest of the world is doing it and we do not, it will be awfully cold outside. If we had decided to stay with Henry Ford's assembly line it might have been a wonderful heritage item that would attract tourists, but it certainly would not be contributing to South Australia's position in the world automotive industry. We would be dead in the water. It is very obvious, but a lot of people still have difficulty accepting that point.

I would like to focus on the potential for job creation out of exports and the fact that for every dollar of output that is generated from inward investment 50¢ is paid as wages to an Australian worker. And that again, of course, is another unfashionable myth—that international investment in the Australian economy is bad. Somehow, we think it is good if Southcorp buys a winery in California and we can talk about it proudly, but if someone, for example, from France happens to buy a winery in South Australia it is bad. We suddenly become very schizophrenic. We have difficulty understanding the way in which this world we live in has changed.

If we were not in global trade we would find that we have fewer and narrower job opportunities. The reality is that, for South Australia and Australia at large, 90 per cent, or nine out of every 10 jobs in mining and mining services, are tied to exports. Some 60 per cent of every job in agriculture, forestry and fishing is tied to exports. Tourism alone—whether we are talking about it directly or indirectly—accounts for $250 000 of jobs.

So, we should recognise that there is an ever changing scene with respect to our exports. Over the last 10 years, from 1987-88 through to 1997-98, the percentage of our total exports from rural goods has shrunk from around 28 per cent to 19 per cent. Manufacturing goods, as we have reformed and become more competitive through microeconomic reform, have increased from 18 per cent, encouragingly, to nearly 25 per cent in that 10 year period. The service industry has also lifted from about 18 per cent to 22 per cent, and minerals and fuels have remained constant at about 23 per cent.

These are the exciting opportunities we have in South Australia to recognise the importance of exports, because they create jobs. There is a growth in world trade for both goods and services. With our cost base, we are well positioned to create more jobs in export industries. Given our lifestyle, climate, housing stock and ease of transport, Adelaide as a capital city is particularly well advantaged. I would hope, too, that the regional program for investment opportunities continues apace to ensure also that such important cities as the Iron Triangle cities, Mount Gambier and those in the Riverland also have opportunities to create markets not only for domestic consumption but, most importantly, for international consumption as well.

The Hon. R.I. LUCAS (Treasurer): I thank members for their contributions to this debate. As I said at the outset, it was an interesting experiment. By and large, most members entered into the spirit of the debate by offering their own perspective—or, indeed, their Party's perspective—on possible solutions for the unemployment problem that confronts not only South Australia but also Australia. I was unable to be in the Chamber for all the debate but, nevertheless, from my office I listened to a number of the contributions, and over the coming weekend I will certainly read with

some interest some of the ones that I have missed this afternoon. Certainly, in the contributions to which I had the opportunity to listen, a number of worthwhile contributions were made on specific policy ideas. The Hon. Mr Cameron, in particular, raised an issue that I will take up with the Minister for Employment to see whether he will have an officer look at that scheme. The Hon. Mr Elliott raised a number of ideas, and members of the Labor Party and the Government also raised a number of individual ideas which they believe merit further consideration by the Minister for Employment and, of course, the Government. I am sure that the Minister for Employment and the Government will give them due consideration. I thank members for their contributions.

This is only one further step in the process. The Government can do no one thing that will solve the unemployment problem, other than to acknowledge that it is the number one priority for the Government. There is an acknowledgment that all wisdom does not reside within either one individual or one collection within a Cabinet, and an acknowledgment that good ideas are shared by other members of Parliament and others in the community. There is a willingness of the Government, and in particular the Premier and the Minister for Employment, to acknowledge that truism. Having had this debate, we hope that we can now move on with further consideration, as I said. We have a budget process coming up which will need to consider some of these issues.

Many of the issues raised by members were issues that only the Commonwealth Government will be able to address. I know I will take up those issues with Commonwealth Ministers when I meet with them over the coming weeks and months as they look at their own budget. I am sure that other members will take up issues with their Federal colleagues, whether they be Government or Opposition, in terms of pursuing potential projects or policies to help tackle the unemployment problem in Australia and South Australia.

Motion carried.

MEMBER FOR ROSS SMITH

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: In another place this afternoon, the Leader of the Opposition, in relation to the Ralph Clarke case, said:

> Certainly, a Liberal member of Parliament and a Liberal staff member have been persistently briefing journalists in an off the record way about this case.

I have been the only Liberal member of Parliament who has been referred to by name in the legal proceedings as reported in the press. One can only assume that when this is reported the readers will assume that the Hon. Mike Rann is referring to me. As a Liberal member of Parliament, I have not been persistently briefing journalists in an off the record way about this case. I certainly will concede that I have been asked on occasions questions about the matter, particularly recently, and I have answered those questions on the basis that nothing should be said which would prejudice the fair trial of the honourable member.

I will say this: Miss Pringle turned up at my home some three days after the alleged incident. She was dishevelled; she was distressed; and she reported that she had slept on the floor of a Labor member of Parliament's office for the three previous nights. I, with my wife, arranged for her to be fed, for her to be bathed and for her to be examined by a medical practitioner. I also arranged for her to have shelter and urged her to seek legal advice. I understand that she followed that advice. Not only am I a member of Parliament but I am also a legal practitioner, and I am acutely conscious of the importance of the administration of justice.

I have had many years of experience in dealing with those who are involved in the criminal justice system. I can assure this place and the South Australian community that I acted appropriately with propriety in dealing with this matter. I utterly reject the innuendo and the background briefing of the Hon. Michael Rann in relation to this matter. I would urge the Hon. Michael Rann to look at this issue dispassionately and carefully and not make this a political smear campaign, to deal with this very sensitive and difficult issue involving domestic violence with some sensitivity and with some principle and without resorting to his usual political grandstanding, political point scoring and political shamming.

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement on the subject of parliamentary privilege and court cases.

Leave granted.

The Hon. K.T. GRIFFIN: I have just become aware of a most amazing presentation by the Leader of the Opposition in another place this afternoon in relation to the prosecution of Mr Clarke. Having read the *Hansard* in an uncorrected form, I can only say that the contribution of the Leader of the Opposition is an abuse of parliamentary privilege and contains a number of potentially adverse reflections on me and the prosecutorial processes in this State. It may be after more careful consideration of the statement that on Tuesday I will want to make another ministerial statement on this subject. But let me say that, in relation to the prosecution of Mr Clarke, today the Director of Public Prosecutions did make a statement in court and, subsequently this afternoon, made a statement to a press conference. I think it would be helpful if I read that into the *Hansard* as I understand that initial statement to be. This is the statement which I am informed Mr Rofe made to a press conference:

> I wish to make a few points in relation to my decision today to enter a *nolle prosequi* in the matter of Mr Ralph Clarke. Today I made the following statement to the court:
>
> The prosecution's role in criminal proceedings is to assist the court to arrive at the truth and to do justice between the community and the accused according to the law and the dictates of fairness.
>
> After certain evidence given by Miss Pringle, particularly yesterday afternoon, I find myself unable to discharge my primary duty as prosecuting counsel to put the case to the jury. I have concerns with some aspects of her evidence and cannot therefore ask the jury to return a verdict of guilt based on the evidence.
>
> Accordingly, I enter a *nolle prosequi*.

Mr Rofe goes on to say in the statement he made this afternoon:

> I reiterate that my decision was based purely on the evidence relating to this case. It should not be interpreted by the public to mean that prominent people have special advantages in the criminal justice system or that charges of domestic violence assault will not be laid and pursued if there is sufficient evidence to do so.
>
> It does not matter who you are in society: if there is sufficient evidence that you committed a crime you will be charged and prosecuted.
>
> I wish to reassure women who are victims of domestic violence assault that, providing there is sufficient evidence, charges will be laid and prosecuted.

In his statement in the House of Assembly, the Leader of the Opposition very cleverly raises the possibility of interference with the prosecutor's discretion, and I think it is a most scurrilous way in which that has been done and does not do Mr Rann any credit at all. Among the statements which he made is the following:

> I hope there was no political pressure for this case to be prosecuted; I hope there was no political involvement in this case; and I hope there was no attempt to encourage a witness to commit perjury in court.

That is a most disreputable and scurrilous observation by Mr Rann.

The Hon. L.H. Davis: That is typical of Rann, very typical.

The Hon. K.T. GRIFFIN: I am not entering into any of the debate about that. I want to put on the record that that is a reflection, in a back-handed way, against the Director of Public Prosecutions and his officers, and I reject that. It is my very strong view that it is an offensive remark to the prosecutor. It is also offensive to me, and I take very great exception to it. I will not tolerate that sort of reflection on either me or on the Director of Public Prosecutions.

There was no interference with the prosecutor's discretion. I deliberately kept at arm's length from the prosecutor, the Director of Public Prosecutions, and, to his credit, he kept at arm's length from me.

There can be no suggestion at all of any attempt to in any way influence the prosecutor's exercise of his discretion in this or any other case. It was one of the reasons why the Director of Public Prosecutions Act was enacted in the first place, and I supported it. I supported it because, as a result of other experiences, the former Attorney-General took the view that the Director of Public Prosecutions ought to be independent.

As an Attorney-General, I can give directions to the Director of Public Prosecutions, and there has been a recent suggestion by Mr Atkinson, the shadow Attorney-General, that I should in relation to intoxication—a suggestion which I reject completely. It is not the Attorney-General's job to give a direction about individual cases and the way they should be prosecuted.

Of course, if Mr Rann is making the suggestion that there has been some political pressure then, surely, if there was political pressure, it would be to continue the prosecution. He cannot have it both ways. He cannot have influence from politicians to prosecute on the one hand and then absolve himself from any sense of responsibility for making that assertion by then accepting that there has been a withdrawal.

I do not intend to get into the detail of this case. A lot will be said about it in the media and a lot of concern expressed. It is not appropriate for me to make any comment about it at all at this stage. In the light of the extraordinary statement by Mr Rann, I may have to make some statements next week, but I will take advice on that from my officers and from the Director of Public Prosecutions.

This afternoon the Director of Public Prosecutions, I am informed, at his press conference, was unable to give all the information upon which he made his decision. He has a proper regard for propriety and the way in which his discretion should be exercised. So, neither he nor I will go out into the public arena and talk about the detail of this case. I think it would be improper to do so.

That to a very large extent puts me at a disadvantage. I cannot say that I know much about the case, but he knows a lot, and obviously he would be at a significant advantage if he were able to disclose all the reasons and the basis upon which he made that prosecuting decision. But he cannot, and propriety demands that he should not, because, if he did, it would bring into disrepute the Office of Director of Public Prosecutions and it would reflect on the incumbent of that office and it would reflect on the whole administration of justice.

Two things need to be said about this. First, as the Director of Public Prosecutions has said, if you have committed an offence or if there is an allegation that you have committed an offence, and there is evidence upon which the prosecutor believes that he or she can proceed with a reasonable prospect of a conviction, it does not matter who you are, high or low: you will be prosecuted and it will be pursued. Secondly, you can also be assured that in our system of justice, if there is insufficient evidence, whoever you are, high or low, you will not be pursued merely for political or public purposes or any ulterior motive. They are two very important principles which we have to recognise are the very foundation of our justice system in South Australia and in Australia.

A lot more could be said about this case. I do not intend to get into the public debate about it, except to recognise those two very fundamental principles that I have just espoused. They are principles that the Director of Public Prosecutions and all his officers, the courts and the police all acknowledge are fundamental in our system of justice. I am sorry that I have taken some time to make those points, but they are important points of principle that have to be made.

I conclude by saying that I reject absolutely any suggestion, directly or by a back-handed way, that there has been any political interference in this particular case, or in any other case for that matter.

ADJOURNMENT

At 6.20 p.m. the Council adjourned until Tuesday 16 February at 2.15 p.m.