HOUSE OF ASSEMBLY

Wednesday 24 September 1986

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

MILLION MINUTES OF PEACE

The House observed one minute's silence in acknowledgment of the International Year of Peace.

RATES AND LAND TAX REMISSION BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: WATER FILTRATION

A petition signed by 581 residents of South Australia praying that the House urge the Government to install a water filtration and treatment plant to process water supplied to the Adelaide Hills areas was presented by Mr Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions without notice be distributed and printed in *Hansard.*

MAIN SOUTH ROAD INTERSECTION

In reply to **Ms LENEHAN** (19 August).

The Hon. G.F. KENEALLY: The Highways Department has prepared a concept plan which outlines the rationalisation of median openings and improves the safety characteristics of the existing median openings, between Honeypot Road and Brodie Road, by the provision of sheltered right turn lanes. The plan requires discussion with the City of Noarlunga before it is made available to the public. In the meantime, arrangements have been made to proceed with preconstruction activities. An investigation will proceed in the proposal that the 80 km/h speed zone be extended. A meeting has been scheduled to discuss the proposed course of action with the honourable member, the owner of the James Craig Inn and Highways Department officers.

DOG CONTROL ACT PENALTIES

In reply to **Mr FERGUSON** (19 August).

The Hon. G.F. KENEALLY: My colleague the Minister of Local Government is very much concerned about continuing dog attacks on both animals and persons. The Dog Advisory Committee and the Dog Control Act Review Committee, which examined dog attacks on livestock, have each recommended substantial increases in penalties. This proposal and other suggested amendments are currently being examined and it is the intention of the Minister of Local Government, at the earliest opportunity, to introduce into Parliament a Bill to amend the Dog Control Act.

BIRKENHEAD BRIDGE

In reply to **Mr De LAINE** (19 August).

The Hon. G.F. KENEALLY: It is estimated that the bridge has a remaining life of 30 years.

MINISTERIAL STATEMENT: JUBILEE POINT PLAN

The Hon. D.J. HOPGOOD (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: Rick Burnett's article in this morning's *Advertiser* headed 'Major changes to Jubilee Point Plan' contains a number of factual errors which should be publicly noted. The document referred to by Mr Burnett is the 'Supplement to the Draft Environmental Impact Statement' (EIS). It is not a 'Supplementary Development Plan'. A supplementary development plan is a planning mechanism quite unrelated to an EIS.

The 'Supplement to the Draft EIS' was not approved by Cabinet on Monday, as claimed by Mr Burnett. In fact, the content of the supplement was not a matter for discussion by Cabinet on Monday. As Minister for Environment and Planning I have, at this stage, only agreed to the printing of the 'Supplement to the Draft EIS'. In fact, the developers have been advised that a number of matters have not been addressed in the supplement. Further action on these questions is required before an assessment can be satisfactorily completed and the EIS is officially recognised.

The public and interested organisations will have four weeks to review the revised proposal and to comment on both it and the answers to their previous questions. My advertisement advising the public availability of the supplement is scheduled to appear in Saturday's press. It will notify public exhibition of the document from Monday 29 September, not this Friday, as stated in the *Advertiser.*

QUESTION TIME

CRACK

Mr OLSEN: Why did the Minister of Emergency Services mislead the House yesterday about the existence of the drug crack in South Australia? The Minister told the House, 'There have been no reports of crack in this State to the police or health authorities.' That is not true. I have been reliably informed that a woman was arrested and charged last week with a number of drug offences, including one charge relating to the possession of crack. The police charged the woman well before the question yesterday and the Minister's incorrect answer. I have been told that this instance, when contrasted with the Minister's statement yesterday, shows that the Government is so far out of touch with what is going on in the drug scene—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition is aware that he must refrain from introducing comment into his explanation.

Mr OLSEN: Thank you, Mr Speaker. I am merely relating to the House discussions and reports to my office. The Government is out of touch with the drug scene in South

Australia and it should withdraw the legislation for on-the-spot fines for marijuana. Experience in the Eastern States shows that crack is being distributed by the same people who deal in marijuana, meaning it is targeted towards the same group of buyers. The case, therefore, is overwhelming for a tougher stand against marijuana—

The SPEAKER: Order! The Leader of the Opposition is not in a position to be making a case for anything. He is merely supposed to be providing an exposition of facts on which a question is based. If the Leader persists in that line of applying argument, then I will withdraw leave for his question. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: If I inadvertently misled the House yesterday in relation to the existence of crack in this State, I am sorry. In fact, I am sorry that there is any crack in the State. Similarly, I would hope that the Leader of the Opposition is sorry that he has just misinformed the House as to the nature of the legislation before the other place, because he made certain inferences in relation to that legislation that are not based on the nature of that measure. That legislation, of course, is very tough on people who deal in illegal substances—which marijuana will continue to be. That is not—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: —related in any way to the—

Mr Olsen interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order.

The Hon. D.J. HOPGOOD: —on-the-spot fine which relates to possession for personal use. I will leave that matter and return to what I said yesterday. As recently as Monday evening I was in discussion with a senior adviser to the Government in relation to these matters, and the information I gave the House yesterday was as a result of that discussion. As I said, I regret that that might not have been the case in the light of the information put before the House. There is certainly no reason for this Government to wilfully mislead people as to the nature of the drug problem in this State and, indeed, I would welcome any information as to the availability or the distribution of any illegal substance in this State. I would be part of the attempt to disseminate that information as widely as possible with a view to suppression of these substances.

CIGARETTE ADVERTISING

Mr KLUNDER: I direct a question to the Minister of Transport, representing the Minister of Health in another place. Is the Minister aware of the close proximity between cigarette advertising material and the children's page in the *Advertiser* of Friday 29 August, and will he see whether anything can be done to prevent the recurrence of that situation? I have been approached by a very angry mother who is trying to bring up her child to be a non-smoker so that the child will not be prone to the various diseases associated with smoking. She believes that, for the reverse side of a children's page to be taken up with a full page colour advertisement for a cigarette brand, is counter-productive to her aim, not only for her child but also for the entire generation of the young. Will the Minister engender a degree of sensitivity regarding this situation so that substances that cannot be purchased legally by children are not advertised on the back of the children's page in a daily newspaper?

The Hon. G.F. KENEALLY: I thank the honourable member for his question, which is a very important one. I will be pleased to refer it to the Minister of Health, who is famous for his capacity to engender a degree of sensitivity in people over a whole range of topics. I know it is sometimes inappropriate for non-smokers to comment on the smoking habit, but I am delighted that in recent times in Australia a greater care or degree of concern has developed about the incidence of cigarette smoking, particularly among the young. The honourable member's question is relevant indeed.

I can only imagine that whoever was responsible for linking the advertisement for cigarette smoking and the children's page did it inadvertently. I am sure that, if the Minister of Health was to draw this matter to the attention of the *Advertiser* and other newspapers and news media in South Australia, they would appreciate the reasons for his approach and take whatever action is necessary to ensure that there is no linkage between cigarette smoking and children's activities, however they are advertised in South Australia. I would be happy to do that for the honourable member.

ELECTRICITY TARIFFS

The Hon. E.R. GOLDSWORTHY: Will the Minister of Mines and Energy say whether electricity tariffs will rise before the end of the year? The Auditor-General's Report indicates (and the trust's annual report that is due out soon will confirm) that the Electricity Trust of South Australia lost $2.8 million on this current year's operation. Last year ETSA had a deficit of $2.1 million and the year before the deficit was $7.7 million. This runs counter to a long-standing policy of ETSA to run at a surplus with a view to putting aside that surplus for future capital works. Either ETSA will have to increase its tariffs or the Government will have to relieve it of some of the tax burden that Labor Governments over the years have imposed. That total tax burden amounts to something of the order of $45 million, as a result of the changes which were implemented by the Labor Party. Can the Minister say whether tariffs will rise at the end of the year?

The Hon. R.G. PAYNE: I thank the honourable member for his question, because it was very interesting to note that, in setting out the circumstances he put forward as part of his explanation to the question, he carefully avoided pointing out that last year electricity tariffs were reduced by some 2 per cent—an event that has not occurred often in Australian history. I think that both ETSA and the Government are entitled to credit for that having taken place. In observing that 2 per cent reduction, we must realise that at the time there was an inflationary aspect in force, so that this indicates a distinct reduction in the tariff. This in itself will be helpful to the interests of domestic consumers and industry in the future.

The question of whether or not there will be an increase in electricity prices is one which is usually addressed at this time of the year. It was addressed at this time of the year during the days of the previous Government, as well as in the almost four years or so that we have occupied the Treasury benches. However, no increase has been decided on, to my knowledge. The trust is formulating proposals, as I think the Deputy Leader was pointing out, and that is to be expected, based on the information in the annual report. When all the considerations have been taken into account I dare say a decision will be announced.

PEDESTRIAN CROSSING

Mr GREGORY: Will the Minister of Transport take such action as is necessary to install pedestrian activated traffic

lights on Grand Junction Road opposite the Lutheran Home for the Aged complex at Hope Valley? An ideal site for this crossing would be adjacent to the property of the Lutheran Home for the Aged and the Hope Valley Christian School. Both these bodies have approached me seeking traffic lights so that school children and the aged can cross the road to go to school and do their shopping in safety. Aged people find it difficult to cross the road in safety and are seeking urgent consideration of this matter.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I will certainly have the Highways Department look at the request. I personally have no detailed knowledge of it, other than the concerns that the honourable member has expressed to me over recent months. The criteria used in South Australia is the most generous criterion used anywhere in Austraila in determining whether or not a pedestrian activated crossing or any pedestrian crossing should be implemented.

The Highways Department monitors traffic flows in metropolitan Adelaide and elsewhere, but particularly metropolitan Adelaide on the urban arterial roads, so that it is in a position to respond to needs when they occur. The particular pedestrian activated light that the honourable member requests, which would link the Lutheran Home for the Aged and the Hope Valley Christian School, will be assessed. The needs of both those bodies are appreciated, particularly in relation to the elderly whose ability to cross roads, even if there is a median strip in the centre, is not as good as that of younger people, and there is always consideration given to their special needs. I will have the matter investigated urgently and advise the honourable member of the results of those investigations.

RADIO STATION 5AA

Mr INGERSON: Can the Minister of Recreation and Sport say whether the TAB will consider selling radio station 5AA if it continues to make a loss? Yesterday, in answer to the Opposition's revelation that 5AA had recorded an operating loss of $1.35 million last financial year despite Government and TAB optimism about its viability at the time of the takeover, the Minister said that he had discussed this matter with the Chairman of the TAB. On radio this morning, the Minister went further. He raised the possibility that the TAB would have to consider selling 5AA if it continued to make such massive losses. In making this statement, I ask the Minister whether this is his own opinion or whether it also reflects the thinking of the TAB following his discussion with the Chairman.

The Hon. M.K. MAYES: In relation to the radio interview, I was asked for my opinion, and I was also answering on the basis of the options that the TAB might have to consider in relation to the future of 5AA. I think I should couch my answer to the honourable member's question with a remark in relation to 5DN telephoning me and indicating through its radio breakfast program announcer (Leigh Hatcher) the concern that 5DN has for the impact in the media and the general (I suppose) wellbeing of the media as a result of 5AA's performance. I thought that was a little cheeky on the part of 5DN, because it evacuated this area with great speed and haste when 5DN was no longer—as Leigh Hatcher said to me—running the racing format. As a result, 5AA had to be quickly structured to pick up the racing format. I think we would all agree—

Mr Ingerson: That's not right.

The Hon. M.K. MAYES: I know that you are an expert on 5AA, and I know from last year's experience that you want to tell us all about it.

The SPEAKER: Order! The Minister will refer to honourable members not as 'you' but as 'the honourable member'.

The Hon. M.K. MAYES: Thank you, Mr Speaker, but I have some difficulty in that regard. In relation to 5AA's situation—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: —the performance of the TAB has to be measured in conjunction with 5AA's performance. As the 5DN breakfast announcer put to me this morning, 5AA is offering a format which is not a recipe that can win the radio ratings throughout South Australia, because it is required as a major aspect of community service to include a lot of racing. In effect, it is a community service that is being provided by 5AA. Consequently, 5AA is coming under the microscope in relation to its financial performance. Of course, that is a matter for the TAB as the owner of all the issued shares of Festival City Broadcasters. However, it must be looked at in view of the situation with regard to the operation of the TAB, which has been very good given the past year's performance.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I was expressing a view as to the possible alternative decisions that the TAB would have to make if 5AA's present situation continued for any length of time. The TAB controls the operation of 5AA, as the honourable member knows. Therefore, the TAB has the responsibility for making those decisions. Of course, as I indicated yesterday, I would be concerned if some action was not taken if the current turnover and return faced by 5AA in relation to a loss of revenue continued for any length of time. It is a separate accounting body, and the accounts will be submitted to the Corporate Affairs Commission in accordance with the—

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, is the Minister quoting from the departmental file? If so, I ask that it be tabled.

The SPEAKER: Is the Minister quoting from the departmental file?

The Hon. M.K. MAYES: No.

Members interjecting:

The SPEAKER: Order! I did not hear the Minister's reply.

The Hon. M.K. MAYES: No, Sir, I am not quoting from any files at all.

The SPEAKER: There is no point of order.

The Hon. M.K. MAYES: In relation to the operation of 5AA, for the interest of members and the community at large, I can say that it operates as a separate financial entity and its reports will in due course be submitted, in accordance with the requirement of the Companies Act, to the Corporate Affairs Commission. The affairs and operations of 5AA will be open to both Corporate Affairs and public scrutiny.

TAFE COLLEGES

Mr ROBERTSON: Will the Minister of Employment and Further Education clarify the position of a number of leisure courses offered by the Kingston College of TAFE in view of speculation that some courses may be discontinued? I have received a number of inquiries at my office from people who are currently engaged in leisure courses at the

Brighton Campus of Kingston TAFE. I have heard speculation in the community that as many as 90 leisure courses might be threatened with closure. In view of the enthusiastic way in which the people of Brighton have supported leisure courses in the past, and in view of the enormous recreational and social benefits of these courses, I ask the Minister what substance there might be in the speculation and whether his department has taken any steps to obviate the need to discontinue such courses.

The Hon. LYNN ARNOLD: I advise the honourable member that action is being taken with respect to the situation being faced at the Kingston College of TAFE and also with respect to the Port Adelaide College of TAFE—two colleges that have in fact recently indicated that they have serious problems with the provision of stream 6 courses in term 3 in the light of the amount of gap money with which they have been supplied this calendar year. The basic format is that stream 6 courses are largely self paying in terms of their recurrent costs. They charge fees. The full fee rate is $2 per hour and the concession rate is 25 per cent of that. However, those fees do not cover all the costs of running the courses or even the recurrent costs involved, so a gap figure is supplied from the central budget of TAFE to the colleges to enable the shortfall to be met. Essentially, that meeting of the shortfall enables courses to be available for those on concession rates and courses that are more expensive than usual to be offered.

To give an indication, the instructor's rate of pay for stream 6 courses is $21.55 per hour, so they would need 10 full-time students paying $2 per hour to meet the cost of that. The moment that they have any concession students they are falling short of meeting that fee and the gap comes in to pay it. The gap also meets the shortfall for music students in stream 6. Again, music instructors are paid $21.55 per hour, whilst music students pay $12.45 per hour for instruction, since it is on a one to one basis and is therefore much more expensive. So, for every hour of music instruction a sum of $9.10 is required from gap funding.

Kingston College received a larger share of the total available gap funding than did many other colleges on account of the socio-economic factors that were deemed to apply to the students of that area. The member for Hayward has also drawn this matter to my attention. In fact, it received about one eighth of the gap funding that was available. That indicates that consideration was given at the start of the 1986 calendar year to its special needs. The same applied to Port Adelaide.

Other colleges of TAFE, with one exception that was dealt with separately, were largely able to manage the situation within the calendar year, but Kingston College had difficulty in so doing, and its gap funds for the whole of 1986 were expended by the end of term 2. The solution was to cut down dramatically the number of courses available or limit the number of concession places available, or some other variation of that. The figures talked about in terms of course cuts were between 45 and 65 per cent of the courses on offer.

By means of redirection of resources from other colleges that came up with a better result by the end of term 2, along with other special assistance being made available to Kingston and Port Adelaide colleges for term 3 so that they can offer more courses than was previously thought to be the case, we find that there will still have to be some reduction in the courses on offer, and some severe restrictions will be imposed in relation to the number of music tuition hours available.

That is the situation for 1986. I can say that the situation for 1987 is that the Government is extensively investigating alternative means of ensuring the ongoing viability of stream six courses by a number of different options that may be available to us. The situation for 1987 may change radically from the situation for this year, and I will further advise the House at some later stage on what decisions we make in that area. Some amelioration is being offered for term 3. I cannot indicate exactly how many courses will be offered but it is more than we thought would be the case a fortnight ago. As I get more definite information on the courses on offer I will certainly keep the members for Bright and Hayward and other interested members informed.

RADIO STATION 5AA

Mr D.S. BAKER: Can the Minister of Recreation and Sport say how the TAB will fund the loss of its wholly owned subsidiary 5AA? Contrary to normal accounting practice, the financial statement for TAB's operations last financial year does not disclose how 5AA's losses are being funded. The TAB profits are totally distributed—half to the Government and half to the three racing codes. As the board has no surplus funds, the Government should reveal whether the TAB will borrow the cash to cover 5AA's losses; the Government will take less from TAB; the racing codes will subsidise the loss from their share of TAB profits; or whether TAB will fund it through increasing its own expenses, thus reducing the board's contribution to both the Government and the racing codes. In addition to this loss, it should also be recognised that TAB borrowed $4 million to purchase 5AA.

The Hon. M.K. MAYES: I am pleased to see that the shadow Minister has handed over the portfolio to someone else on the back bench. Obviously, he did not understand the answer to the earlier question. I made the position clear. I do not know what the member for Victoria understands about ordinary accounting practice, but there tends to be a great deal of flexibility as to how accounts are reported, and as to the financial details as well. I indicated in reply to the earlier question that 5AA operates as a separate financial entity, and its losses will be recognised within the financial operation of 5AA. I made that quite clear. Obviously, the honourable member has some difficulty in understanding plain English. I will say it again.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I particularly call the member for Bragg to order for persisting to interject after I called the House collectively to order.

Members interjecting:

The SPEAKER: Order! The Chair has indicated previously that it is most unseemly for a Minister, when replying to a question, to have to shout to be heard. I ask members not to interject to that degree. The honourable Minister.

The Hon. M.K. MAYES: Thank you, Mr Speaker. The honourable member's question has already been answered in *Hansard* in response to an earlier question by the member for Bragg. Radio station 5AA is a separate entity.

The Hon. E.R. Goldsworthy interjecting:

The Hon. M.K. MAYES: The accounting expertise of the Opposition leaves much to be desired: members opposite are showing more and more that they have little understanding of how accounts are presented. The accounts of 5AA will be presented in accordance with the Companies Act, and all the operating figures will be included in the report when it is tabled.

Mr Lewis: Where's the money coming from?

The Hon. M.K. MAYES: I will ignore the member for Murray-Mallee's usual inane comment. The statement of accounts will be included in the report, and, if it is possible, Opposition members will then understand how the operating loss has been identified within the accounts.

DRIVERS' LICENCES

Mr TYLER: Can the Minister of Transport say whether, in the interests of road safety, the Government is considering the introduction of new arrangements for drivers' licences issued to young drivers who, according to the evidence, are the most at risk on our roads?

Mr Becker: Is this question covered by a question on notice?

The Hon. G.F. KENEALLY: No. I thank the member for Fisher for his question. He has pointed to the high ratio of accidents among our younger drivers. In fact, the incidence of accidents in the 16 to 19 years age group is four times greater than that for drivers 25 years and over. This is a matter of concern for all members of Parliament and the community at large, and it is certainly the concern of the Government, to try to do what it can to solve the problem. At present, there is no proposition before the Government to deal with this problem although, as Minister of Transport, I have asked the Road Safety Division of the Department of Transport to examine procedures that we might adopt as a solution.

This problem could be tackled in a number of ways. For instance, I suppose that the Government could consider changing the minimum age of 16 years for a driver's licence in this State. In New South Wales a person must be 18 years of age before being eligible for a driver's licence. This aspect would need to be considered, and the department is considering it. Alternatively, there could be a system under which a person could obtain a driver's licence at the age of 16 years but under which that person between the ages of 16 and 17 years would have to drive for either one or two years with an L or P plate, with all the restrictions imposed in terms of such a plate, so that that young driver could become competent before driving alone. This is the matter to which the member for Hanson has alluded.

In North America, and more recently in New Zealand, curfews have been applied on young drivers and they are not allowed to drive after a certain hour in the evening until some time the following morning. I understand that in North America, especially in Canada and some States of the USA, this requirement has had a dramatic impact on the number of multiple accidents occurring. Young people tend to drive late at night in groups and, if they are involved in an accident, it is often a serious one.

So, I had the Road Safety Division considering graduated drivers' licences. Another requirement of a graduated driver's licence would be a restriction on the number of people that a driver could have in the vehicle at any one time. A whole number of areas are worth considering. The Road Safety Division is currently investigating all aspects of drivers' licences for young people. When I can do so, I shall take a submission to Cabinet to seek approval to pursue that inquiry further and to see what might be the most appropriate action the Government can take in the best interests of all South Australians.

Members interjecting:

The Hon. G.F. KENEALLY: It is some time down the track. Earlier I said that the Road Safety Division was considering submitting to me recommendations that I could take to Cabinet. I believe that all the aspects I have enumerated today are worthy ones that should be looked at. I am surprised that members opposite, especially the members for Mitcham and Bragg, think that this whole subject is one of such humour. To me it is not: it is a serious matter, and those two members would find themselves at odds with the rest of the community on this subject.

MOUNT LOFTY DEVELOPMENT

The Hon. D.C. WOTTON: Following the question asked yesterday by the member for Newland, does the Minister for Environment and Planning intend to review his appointment of the architect to design the $40 million Mount Lofty summit development in view of the honourable member's description of some of his work as reflecting 'deplorable' and 'appalling' standards of architecture?

The Hon. D.J. HOPGOOD: I have not appointed anybody to anything in this matter. What in fact happened was that the Government advertised for expressions of interest and, of the four applications made to the Government, really only two showed any prospect of being able to produce a viable development on that site. The two propositions were looked at, particularly in terms of economic viability, and one was recommended to the Government as being the more likely to be successful. Those discussions are proceeding.

CRACK

Mr HAMILTON: My question to the Minister of Emergency Services is supplementary to that asked by the Leader of the Opposition. Has the Minister had an opportunity to further check on his department's knowledge of the incidence of crack in this State?

The Hon. D.J. HOPGOOD: I was a little concerned following the question put to me by the Leader of the Opposition earlier today because, despite what I thought was an eminently reasonable explanation from me, I guess that by implication I conceded the point that the Leader of the Opposition had made. That was certainly not my intention, because I was not in a position to know whether or not the information put to the House by the honourable member was correct; in fact, I am still not in a position to say that. However, I immediately asked my personal staff to check this matter and I find that the Commissioner of Police, in a memorandum dated 23 September, forwarded to me a report from the Detective Chief Inspector, Staff, Office of Crime. That has not yet reached me, so I have not had a chance to examine it. However, my staff now know what it contains. The report dated 22 September this year deals with a number of matters including the incidence of crack. The relevant part of the report states:

> Officer in charge, Drug Squad, advises that there has been no report of crack in this State to date. Drug Squad personnel are on the alert for any reports.

So, in reporting what I did to the House yesterday, I was faithfully reporting my knowledge, the knowledge so far as I am aware of the Health Commission, of my personal staff and of the Police Commissioner. It is possible that the Leader of the Opposition is correct in this matter. It is also possible that somebody is having a lend of him. I certainly hope for the sake of South Australia that in fact somebody is having a lend of him, but if in fact—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: What in fact I am doing is making it perfectly clear that the information which I put

before the House yesterday is in fact in line with the knowledge of the Commissioner of Police. If the honourable member wants to attack me, he has to attack the head of my department as well in this matter.

Mr Olsen interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order and point out to him that positions of leadership in this Chamber carry with them responsibilities in more than one area.

The Hon. D.C. Wotton: What has happened to the Westminster system?

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Neither I nor the Commissioner of Police can legitimately claim that we are omniscient. What I would suggest to the Leader if he is dinkum in this matter is that he get all of the relevant detail and place it before the Police Commissioner and it will then be correctly checked. In other words, he has to put up or shut up.

PLAYGROUND EQUIPMENT

Mr S.J. BAKER: I direct a question to the Minister representing the Minister of Education today. Will the Minister clarify the responsibilities of the Education Department and school councils in relation to unsafe playground equipment? I ask this question because the House will adjourn for a period and some people are awaiting urgent decisions in this matter.

Mr S.G. Evans: Many of them.

Mr S.J. BAKER: Yes. There has been a question mark over playgrounds for a number of years, and this prompted the Education Department to request that a survey of school playground equipment be undertaken. I understand that the Department of Housing and Construction was asked to undertake that work, and the survey team looked at the playground equipment available. The upshot was that, as far as I am aware, every school that was visited had some playground equipment that was condemned, some that needed alteration, and some that was deemed to be safe. A letter provided to me by one of the schools in my district really explains the dilemma that all schools are facing. It states:

> To carry out all the recommendations in the report would cost the school council a huge amount of money, money which we don't have. Some of the recommendations, mainly in the area of maintenance, have been carried out. The report raises a number of issues which the council wishes to have clarified mainly because it states:
>
> > . . . the onus to rectify and dismantle equipment is up to the judgment of your school and school council.
>
> We feel that this statement alone places an enormous amount of unnecessary responsibility on the council and request that you make comment on the following and clarify the position for us as best you can:
>
> 1. Who is legally liable if a child is injured on a piece of equipment which has been listed in the report as 'not acceptable'?
> 2. Are there Education Department funds available for this purpose? After all, we are an Education Department school.
> 3. Should schools seek a report on their grounds if the result is strong criticism of the existing situation with no finance made available to make modifications?
>
> Our school grounds have been gradually developed over 25 years with a substantial amount of parental money and time involved. All equipment installed has been Education Department approved, but suddenly this equipment is no longer acceptable . . . Throughout the 25-year history of the school, there have been a minimum number of injuries, only one of which has proved to be serious in the short term, and none proved serious in the long term.

Those schools that participated in the survey in good faith are now facing enormous bills. If they cannot afford to pay those bills, their only option is to close down the playground equipment, because a special liability must be attached if their equipment has been deemed to be dangerous in any way. These people have been seeking clarification from the Minister for some months, but no clarification has been forthcoming. As this is a matter of urgency, I would be pleased if all schools in this situation could be provided with answers in this regard. Do they close down the whole lot, do they get some money, or what?

The Hon. LYNN ARNOLD: I will certainly forward this inquiry to my colleague and ask for his urgent attention to the matter. I would like to comment on the situation briefly as I, as a former Minister of Education, understand it. The honourable member asked who will pay and who is responsible, and he said that the equipment had been approved by the Education Department. He implied that those schools that participated in the survey had perhaps been prejudiced by such participation, but I would say that at the very least the situation is that the equipment in the 700-odd schools in South Australia in the Government system would be affected by the findings of the Department of Housing and Construction whether or not those schools were surveyed. It may be that schools that were not surveyed have exactly the same equipment, and the answers provided to surveyed schools would apply just as much to non-surveyed schools.

It must be borne in mind that a number of complex questions prevent an easy answer to this situation, and amongst them are questions like, 'Who purchased the equipment in the first place; was the equipment part of the establishment of the school when the school was constructed; was the equipment purchased by the school council or by another school body, or was it put up by students themselves with the concurrence of the school?'

That situation would need to be addressed with each individual piece of furniture. Secondly, who is to use the equipment? That situation may vary the answer and concern whether the equipment is unsafe. Clearly, some pieces of climbing equipment are not. I saw one piece of equipment in a non-government school on which a child was injured and which climbed 15 feet to 20 feet above the ground. That equipment was probably highly suitable for a year 12 senior secondary student to play on but, in fact, it was available to junior primary students to play on. That piece of equipment was not in itself necessarily hazardous, but it was hazardous to one group of students. That again complicates the matter.

As to who should pay or what happens if no-one pays for it and who has the responsibility then, again it is a complex matter as to who originally put the equipment in. However, I can confirm that when I was Minister of Education area officers of the Education Department were addressing this matter as it came to their attention and, where particular assistance was necessary, they were looking to make funds available from within the funds that they had available to the schools.

Because we have become more aware of this problem over recent years, a large amount of equipment is in place that perhaps should not have been put there from the outset. So, it is not a problem that can be easily resolved in a one-year or two-year period. The option then is that, if it cannot be met from departmental funds, either the school council funds the alterations or demolition, the equipment is simply bounded off and is not available for use by anyone, or it is put under controlled use—in other words, with particular teachers being asked to supervise the use of that equipment.

Again, as to where the liability rests with this matter, that answer cannot be given in one sentence because there are 700 schools with a large variety of equipment of different sorts with different students. The purpose of the survey by

the Department of Housing and Construction was to give the answers to those questions to the relevant schools. That was the purpose in giving that information. When those involved deemed a piece of equipment to be not suitable for use that was an answer to that school. The area officers are doing what they can to provide the necessary assistance where possible. However, I will have my colleague give further information on this matter. As to the matter—

The Hon. E.R. Goldsworthy interjecting:

The Hon. LYNN ARNOLD: I presume it is a matter of concern to the Deputy Leader as well. I think that the Deputy Leader would have been critical if I had not attempted to give this House information on this matter. He would have felt that it was irresponsible of me to sit down and not give any information, so I am doing what I can in this situation. When a Crown Law opinion is available, the Minister will provide that information to the education community.

COAL GASIFICATION

Mr RANN: Will the Minister of Mines and Energy provide the House with a progress report on the coal gasification combined cycle project that is taking place in West Germany? I am aware that stage 1 of the study program by the UHDE consortium, which included tests on Bowmans coal at Aachen, and corrosion testing, has been satisfactorily completed. I would appreciate a report of progress since then, as this project could be of considerable importance to future South Australian industrial development and energy supplies.

The Hon. R.G. PAYNE: I can provide the House with the information sought by the honourable member. On this occasion I would like to thank the honourable member for this opportunity and to commend him for his continued interest in this matter. I expect that his original interest was engendered during his visit to Germany last year as ministerial adviser to the Premier when the original contract had its genesis in West Germany. Contracts for stage 2 were signed in Adelaide early this financial year. The new stage requires the gasifying of a bulk sample of coal from the Bowmans deposit in Rheinbraun's 60 tonnes per day pilot plant near Cologne. This plant is currently being modified by Rheinbraun to replace materials demonstrated to be prone to corrosion in the corrosion tests with more resistant materials.

The bulk sample of coal for stage 2—and that is a very large sample—is now on its way to West Germany by container ship. To prepare for the shipment, 1 200 tonnes of coal from the Bowmans stockpile was sent to the SECV briquette factory at Morwell, Victoria. There it was crushed, dried to 12 per cent moisture, bagged in half tonne bulk bags and containerised. The pilot plant testing will start when the coal has arrived in Germany, modifications to the pilot plant are completed and the operating crew can be made available from Rheinbraun.

I think that at least one member opposite, anyway, will be greatly interested in the details that I am now able to present to the House—and I refer to the member for Goyder, who, on a study trip overseas, sought my assistance in gaining access to this project and other projects in West Germany. So, at least the member for Goyder has an interest in South Australia's future energy needs. I am sure that he would advise the House that he was given every opportunity to further his interest in this area. Under the terms of the contract to which I have referred, the testing is to be performed within the period 1 December this year and 31 March next year. On present timing, the testing is likely to occur near the end of that period rather than earlier.

COUNTRY FIRE SERVICES

Mr S.G. EVANS: Will the Minister of Emergency Services make it an obligation for all senior CFS personnel and board members to declare any interest they or their immediate families have in any business that supplies goods or services that are or may be required for the operation of the CFS? Recently, I placed on notice a question asking the Minister whether any senior CFS people had any business interests that might be in conflict with the decisions that they must take within the CFS. The Minister replied that he had no knowledge of this. The CFS is in a position to let contracts, and senior personnel recommend who should get those contracts, and senior personnel are in a position to recommend to CFS branches or units what types of pumps or services should be used.

The money involved amounts to millions of dollars a year. I ask this question because CFS volunteers have expressed to me concern that they believe some persons or person may have an interest in companies that deal with the CFS. As an example, they referred to MPs having to declare their interests where there is a conflict. They believe that the Minister should apply the same principle for senior decision making personnel in the CFS. Will the Minister make this a condition for senior personnel and then make the information available to the House in the same way that it is done with the MP's register of interests?

The Hon. D.J. HOPGOOD: I doubt that it is necessary to go as far as legislating for something like this. What the member indicates is in line with the Government's general policy of ensuring that there is no conflict of interest on the part of people who are operating on advisory boards. Whether a formalisation of that policy along the lines indicated by the member is really necessary is something about which I should consult with my colleagues. Of course, it affects the whole operation of Government in relation to the advice that it receives from people outside Government. Having done that, I will bring back a considered reply for the member and the House.

DISABLED TRANSPORT SCHEME

Mrs APPLEBY: Can the Minister of Transport inform the House of the latest update of the Disabled Transport Scheme being put into effect by the Government in this State? I have received a number of inquiries following a statement by Mr Cielens that the Bannon Government had broken its promise to provide a subsidised transport system for disabled persons. It has been put to me by those inquiring that they are concerned that such statements may be detrimental, and they seek the Minister's reassurance on the subsidy scheme and time frame for commencement of operation.

The Hon. G.F. KENEALLY: I thank the honourable member for her question. On this occasion Mr Ceilens is wrong. There has been no breach of a Government undertaking. In fact, the whole concept of the access cab scheme for people with disabilities is very popular and I believe that it will work to the advantage of those people who through circumstances will have need of it. This scheme was part of the Premier's 1985 budget speech. A project officer was appointed in December 1985, and it was his task to research similar schemes operating in New South

Wales and Victoria. In January this year an advisory committee was established under the chairmanship of Mr Jim Crawford, whose services we were fortunate to obtain. Membership was selected from people with an intimate knowledge of disability rather than involving representation from specific organisational groups. The interim report of that committee is currently with the Department of Transport with recommendations relating to the introduction of a pilot scheme in Adelaide.

Ten vehicles of a type suited to the transport of 80 per cent of the most commonly used wheelchairs have been ordered from the manufacturer, Special Purpose Vehicles Limited in Sydney. These people have vehicles in common use, so we have availed ourselves of their expertise, but only after tenders were called. Special Purpose Vehicles Limited offered a better price than did the other two companies that answered that tender call. The access cabs will operate through a taxi transport company that is jointly owned by the four radio-operated taxi companies operating in Adelaide.

The access cabs are Ford Falcon vehicles which have been extended and heightened and have special doors attached to them to enable the carriage of at least two wheelchairs. If not carrying disabled people in wheelchairs, the cabs can be used as hire taxis for up to six passengers. Disabled people who are members of the access cab scheme will be entitled to transport subsidies of not less than 50 per cent. Invitations to join the scheme will be promulgated in the local press and through appropriate institutions and service groups prior to the commencement of operations. The schee is expected to have sufficient vehicles converted and completed to commence operations early in February 1987.

ROXBY DOWNS INDENTURE

The Hon. JENNIFER CASHMORE: Will the Minister of Mines and Energy explain the serious inconsistency between the Premier's statement to the House on 21 August that the Government would not seek to amend the Roxby Downs indenture and attempts by the Minister of Health to seek changes? I have been informed that recently the Minister of Health took to Cabinet a submission seeking tighter radiation control measures at the mine. This would require changes to clause 10 of the indenture relating to compliance with various health and safety codes. While the Minister of Health was directed to re-work his submission (in fact, we understand that the Minister was rolled 12 to one), the fact that this matter has been brought to Cabinet in the first place suggests that the Government is looking to change the indenture, contrary to everything that the Premier has said about the Government's intention to honour the original agreement.

The Hon. R.G. PAYNE: I am surprised that an experienced member such as the honourable member asks me to explain for the Premier. The Premier is perfectly able to explain himself in this House and on many occasions does so in a superb manner, as members opposite know. I am at a loss to understand where the honourable member is getting her Cabinet information. The figure that she gave of 12 to 1 sounds more like the time of day than any alleged Cabinet score.

The Hon. Jennifer Cashmore interjecting:

The Hon. R.G. PAYNE: If the honourable member, who is one of the worst members in the House at attempting to prevent an answer after seeking information, is patient I will endeavour to give her the information that she seeks. The honourable member said something to the effect that someone got rolled 12 to 1 in relation to, I think, the Nuclear Protection Act, is that right?

The Hon. Jennifer Cashmore interjecting:

The Hon. R.G. PAYNE: I inform the honourable member that I have recently been absent from two Cabinet meetings as a result of illness, and as the incident to which she refers possibly took place at that time I would have no knowledge of it. I cannot elaborate any further for the benefit of the honourable member.

SUBMARINES PROJECT

Mr DUIGAN: In view of press reports on Monday and Tuesday about South Australia leading the submarine race, can the Minister of Marine indicate what preliminary planning or investigations have been undertaken by the Department of Marine and Harbors into the incidence of silting in the upper reaches of the Port River and the need for dredging in the event of South Australia being awarded the submarine replacement program? If there have been no investigations, will the Minister indicate what discussions have taken place between the Department of Marine and Harbors and South Australia's Submarine Task Force?

The Hon. R.K. ABBOTT: I thank the honourable member for his question, which I know he was anxious to ask yesterday but did not get the opportunity. I was able to get some information for him, however. Should South Australia win the Federal Government's contract to build the six submarines for the Royal Australian Navy—and every honourable member would agree that our prospects are growing brighter each day—I can give a clear assurance to the House that the Department of Marine and Harbors has been very active and is prepared for every known contingency.

Construction of the submarines would be confined to the Eglo Engineering site, and work would not extend to the upper reaches of the Port River. Consequently, no further dredging is required, as adequate water depth has been provided at the Eglo ship lift site with the submarine contract in mind. Silting of the Port River is of no consequence and does not pose a problem. What is not generally known is that an area of ocean about 100 kilometres south of Outer Harbor has been chosen for submarine underwater testing. Situated in Investigator Strait, the site has an ideal water depth and has been approved by the Submarine Task Force. Over 30 metres in depth, the testing site is in a non-fishing zone. So, it can be seen that everything possible is being done to consolidate South Australia's claim for the submarine contract, including protection of our fishing grounds.

The SPEAKER: Call on the orders of the day.

ESTIMATES COMMITTEES

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That a message be sent to the Legislative Council requesting that the Attorney-General (Hon. C.J. Sumner), the Minister of Health (Hon. J.R. Cornwall) and the Minister of Tourism (Hon. B.J. Wiese), members of the Legislative Council, be permitted to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

Motion carried.

APPROPRIATION BILL

Adjourned debate on the motion:

That the House note grievances.

(Continued from 23 September. Page 1093.)

Mr OLSEN (Leader of the Opposition): Since making my budget reply speech, I have had the benefit of studying the Auditor-General's Report. While members opposite have adopted a smug approach to the State's financial position, the report of the Auditor-General is cause for some very real concern. Any objective reading of the present situation shows that Ministers are not exercising proper financial control of their departments, that the Government has ignored previous warnings by the Auditor-General to adopt efficiences which will limit costs, and that a number of the State's major instrumentalities have been forced to run up deficits to pay for the Government's election. I will illustrate each of these points.

First, let the House consider the current financial position of some of the State's major instrumentalities. The Electricity Trust recorded an operating deficit of $2.8 million last financial year, following deficits of $2.1 million and $7.7 million for the previous two years. This trend has overturned a longstanding tradition whereby the trust has maintained a surplus on operations to set aside for future capital purposes.

There are two basic reasons for the deterioration in the trust's financial position. First, this Government has meddled with tariffs. They have been kept down only by forcing the trust into deficit. There must be a day of reckoning when the Government produces such deficits. Secondly, the Government has added to the trust's operating costs by taking extra revenue from it. This financial year, the Government's tax on sales, guarantee fees and revised interest repayment arrangements are likely to cost the trust at least $45 million. While the Premier crows loudly about SAFA, he does not mention the other side of the ledger, the extra cost to taxpayers.

The Electricity Trust, as just one example, paid more than $4 million in a guarantee fee to SAFA last financial year. In other words, that was $4 million just for the privilege of saying 'Guaranteed by the South Australian Government'. It has been there all this time, and that $4 million has found its way into the electricity tariffs that we must all pay when it is passed on to the electricity consumers. When passed on to residential consumers, Government imposts on the trust add an extra $34 a year to the annual bill which goes straight into general revenue. That $34 a year represents an extra charge that all of us must pay on the annual imposts which the Government is currently charging the Electricity Trust. As the trust cannot continue to operate at a loss without serious longer term implications for its financial position, it appears inevitable that tariffs must rise soon unless the Government is prepared to reduce the amount of tax it is taking from ETSA.

The Housing Trust and the STA are other instrumentalities which have had their deficits increased following decisions forced upon them by the Government during the last year, an election year. The Housing Trust recorded an operating deficit of $7.2 million last financial year. I contrast that with the operating surplus of $3.8 million made in 1981-82, the last year of the former Administration. The STA's operating deficit last financial year was only $600 000 short of $100 million. It has increased by almost 60 per cent since this Government came to office, despite fare increases during this time of more than 70 per cent—or almost twice the rate of inflation.

Mr Tyler interjecting:

Mr OLSEN: I can well understand the concern of the member for Fisher about fare increases, because he is on the end of the line and his constituents feel the impact of the Bannon Government's decisions more than do people in any other district of the State. Obviously, the honourable member is concerned because he is getting feedback from his constituents about their concern as a result of the increases in Government taxes and charges. STA's deteriorating financial position has come about in large measure because this Government has failed to stand up to union demands. The same applies to Samcor. It has run up operating losses for the past three years of $3.6 million. This is because the present Government overturned the previous Administration's policy of linking employment levels to throughput.

The Hon. B.C. Eastick: Do you think that this Government will enter into a pact on work practices?

Mr OLSEN: On major decisions this Government has been silent. It does not front up: it is a Government of indecision on such subjects as work practices and other actions that would give the community a fair go in tackling the unemployment queues in this State. From 1980, the former Government's policy had been returning annual trading profits despite reduced livestock availability. Other examples of authorities continuing to run at a loss, despite previous warnings by the Auditor-General, include the Teacher Housing Authority (an operating cost of $1.4 million last financial year) and the Timber Corporation (a loss of just over $1 million).

The taxpayer ultimately picks up the burden of these deficits in one way or another. What we are seeing now are the results of the manipulation of the operations of these agencies by the Government to suit its election purposes or its Trades Hall friends, its masters on South Terrace. Let me summarise the losses to which I have referred: ETSA, $2.8 million; Housing Trust, $7.2 million; STA, $99.4 million; SAMCOR, $3.6 million; Teacher Housing Authority, $1.4 million; and Timber Corporation, $1 million.

I turn now to some of the Auditor-General's comments about specific departmental and agency operations, beginning with the two areas of largest budget expenditure—education and health. The Auditor-General has examined the results of a restructuring of the central and regional organisation of the Education Department which were supposed to produce efficiencies. Apparently the opposite has occurred. Salaries have increased by $1 million. Not only that: the Auditor-General also suggests that this exercise in efficiency was pursued in a most inefficient way. He says:

> I am concerned that, in this case, the absence of a well documented case, prior to the reorganisation commencing, has severely inhibited the post-implementation review.

Other areas of concern relating to the Education Department include the following: errors in payment of salaries of $1 million even though this has been referred to in previous reports by the Auditor-General; the failure to reduce the cost of school transport services. Regarding the latter, a committee of review into the school bus service was established in May 1983. It reported in May 1985 that savings of up to $1.5 million a year could be achieved by allowing the private sector to provide more school bus services. But what has been the response of this Administration? This is an answer to the member for Fisher who wants to know what we would do about these things. We would start by considering the Auditor-General's Report and taking on board his advice instead of ignoring it, as this Government has ignored it year after year. We find out from the latest Auditor-General's Report that this matter has again been put in the 'too hard' basket. It has been shunted off to yet another committee simply because the Government does not want to make a decision in relation to saving $1.5 million a year.

In Technical and Further Education, the Auditor-General has again referred to 'deficiencies in information produced by financial and other systems for the management of resources utilised by the department'. The report also shows that although staff in the department has increased by 157 over the last year, enrolments have declined by more than 13 000. In health, the Central Office of the Health Commission receives its traditional mention from the Auditor-General.

Last year's report highlighted the need for efficiencies and staff reductions so that more funding could be made available where it is most needed—in the wards and in the hospital operating theatres. However, rather than achieving efficiencies over the last year, we find that the staff in the Central Office increased yet again—by 25 people. The opportunity has been lost to make savings of about $1 million and to direct that sum to the 'coal face'—the operating theatres and other areas of real need.

There are many other examples of failure by the Government to act on previous warnings by the Auditor-General. Members will recall the financial fiasco over the building of the aquatic centre. Apparently, this saga is not yet over. The construction cost of the centre blew out to well over $8 million—more than double the original estimate. This has a lingering debt servicing problem which remains unresolved.

In his 1984 report, the Auditor-General revealed that the State Government would have to meet any increased operating deficit incurred by the centre, but that there had been no attempt to quantify this cost.

Last year, he again raised the need to resolve this question and in this year's report the point is emphasised that the matter has still not been determined. In his special report to Parliament in May 1985 on the failure of the Government to exercise proper financial control over the construction of the centre, the Auditor-General pointed out that estimates of the likely operating deficit of the centre have made no provision for debt servicing costs, which could exceed $500 000 a year. As this suggests taxpayers face a continuing significant financial obligation to fund this centre, the Government must explain why the Auditor-General's warnings to resolve this matter have so far been ignored and what is the likely Government funding obligation.

Members are only too well aware of the need to take action to limit spiralling workers compensation costs. This now applies particularly to premiums payable by the Government. The Auditor-General's Report shows that last financial year the net cost of workers compensation for Government employees was more than $26 million. This was 25 per cent more than the previous year—and a threefold increase on the 1982 cost. The premium costs in the Education Department are of particular concern—$6 million last financial year, and an estimated $9.5 million in 1986-87. That is an increase of almost 60 per cent in one year in a department not exactly renowned for physical work.

Another area of insurance where Government inaction is going to cost dearly has already been exposed by the Opposition. I refer to compulsory third party motor vehicle insurance, where the Premier still refuses to give a commitment on whether the Government intends to implement the major recommendations of a report he has had for almost a year. Every week the Government dithers and delays will cost motorists another $3 million. These are just some of the examples exposed in the Auditor-General's Report where the Government has failed in its responsibility to exercise proper and responsible financial management. The losses and wastes in just the few examples to which I have referred amount to more than $300 million.

I have already summarised the agencies making major losses. To them we must add:

In the Education Department—

- The extra cost of the reorganisation, $1 million;
- overpayment of salaries, $1 million;
- failure to introduce savings on school transport, $1.5 million;

In the Health Commission—

- failure to implement savings, $1 million;

The Aquatic Centre—

- funding of a possible operating deficit of at least $500 000 each year;

Third party motor vehicle insurance—

- A loss this financial year of $160 million.

There are many more examples in the Auditor-General's Report.

The Premier wants the public to believe that, in these tough economic times, he leads a Government which is cautious in its managerial style, which is taking effective action to cut costs and improve public sector efficiency. Plainly, on the basis of the Auditor-General's Report tabled in this Parliament, the independent accounting umpire of this Parliament, the opposite is the truth. He is increasing the cost of the public sector to all taxpayers, and the public sector is not operating efficiently in the interests of taxpayers because Ministers are not exercising responsible financial control. Year after year, they are ignoring warnings in the Auditor-General's Report. Government agencies are running into debt at an alarming rate. This highlights slack administration by Ministers.

The Hon. B.C. Eastick: And a no-decision Premier.

Mr OLSEN: Indeed, 'no decision' has been highlighted by the Auditor-General where he has given a clear direction where this Government could cut out waste and inefficiency. All it needs is a decision by Government, and to date Government has decided not to make those decisions in the interests of all South Australians. Indeed, this House is indebted to the Auditor-General and his dedicated staff for bringing these matters to the attention of Parliament, where the Ministers must be held accountable.

I now take isssue with the Premier on the question of borrowings and level of debt. In a press statement by the Premier in response to my budget speech last Tuesday, he said:

> At June 1983, the level of debt per head of population in South Australia was $2 526. The estimate for 1986 is $2 426—that is a significant drop.

This suggestion of a $100 reduction per head in the level of the department is, I suggest, incorrect and untrue. Again, I refer to the Auditor-General's Report. That gives a current net indebtedness figure for the State of $3 824 million. Adjusting this to give a real terms comparison of the trend in recent years, it would put the current debt per head at $2 590—meaning an increase of $64 per head since June 1983.

The Premier also said in his press statement that the borrowing level of the public sector had decreased by $22 million in real terms since his Government came to office. Again his figures are, at best, rubbery. The Premier has in fact understated this financial year's borrowing level by at least $20 million, which puts a completely different complexion on the exercise and shows no reduction in borrowing levels over the term of his Government.

The third point the Premier sought to labour in his press statement was Opposition comments about the role of the State Government Financing Authority. He had more to say about this last Thursday. He accused the Opposition of

attacking senior public servants. This is the usual recourse of a Premier without an argument. Indeed, the Deputy Premier referred today to the fall-back situation when you do not have an argument. He tried to lob the responsibility on the Commissioner of Police rather than the accountability of the Minister to this Parliament in replies that he gives to the House during Question Time. That was a very defensive action by the Deputy Premier, retreating from the original answer because he was concerned that there might be a little media interest in the response of the Deputy Premier on the first question. In fact, we did not criticise those public servants who work for the authority. What we did was question the practice—

Mrs Appleby interjecting:

Mr OLSEN: If the member for Hayward spent a little more time in the Chamber she would know what I am talking about. What we do question is the practice of SAFA for which the Premier, and not public servants, is accountable to this House and to the taxpayers of this State.

The Hon. B.C. Eastick: And about which he misled this House.

Mr OLSEN: Indeed he did. The record clearly shows that. Our fundamental points are not in doubt. SAFA has involved itself in a deferred annuities scheme. Its tax implications were, at best, uncertain. The Federal Treasurer has now responded by ruling them out. Their impact on Loan Council borrowing limits remains to be determined, a factor being monitored by the Federal Treasury.

Members interjecting:

Mr OLSEN: I can understand why they do not like the Federal Treasurer lowering the boom on them for tax avoidance schemes that they have been promoting around this country to shore up their capital works program in the short term. Talk about the hypocritical approach of wanting to stamp out tax avoidance. What do they do in government? They are party to the floating of a $100 million tax avoidance scheme. What hypocrites we have on the opposite benches!

The Hon. D.J. Hopgood interjecting:

The SPEAKER: Order! I ask the Deputy Premier to moderate his rate of interjection to almost nil, and I call on the Leader of the Opposition to direct his remarks to the Chair.

Mr OLSEN: It is interesting that it was the Federal Treasurer who has lowered the boom on his colleagues. It is the Federal Labor Treasurer who has said that they have been circumventing section 27h of the Income Tax Assessment Act.

The Hon. E.R. Goldsworthy: The information to the Loan Council was pretty vague.

Mr OLSEN: The information to Loan Council—well, we do that by word of mouth because that is confidential. We do not want to lay out the documents because it might prove that the answers given in this Parliament last week were fundamentally wrong and inaccurate. There is not much doubt about that. The Government has been caught out—caught out for tax avoidance, and it does not like it very much.

The Hon. P.B. Arnold: They are all tarred with the same brush.

Mr OLSEN: Yes.

The Hon. B.C. Eastick: You do not think there was so much debris in the Torrens earlier this week because of the bottom of the Torrens?

Mr OLSEN: I know that we stirred up a bit of it last week, but I did not expect it to be stirred up quite as much and for the Federal Treasurer to react so positively in stamping out what this Government has been basically involved in. It is a financial commitment and, if we put the tax avoidance to one side, it is a financial commitment of that $100 million loan that we will have to repay in eight years time at almost three times the rate. For the $100 million that we get this year, in 1993, eight years from now, we will have to pay back $325 million. That is the commitment that the Government has undertaken—$325 million. That is the equivalent of $200 for every man, woman and child in South Australia. Members opposite by their actions are mortgaging the futures of our kids.

Members interjecting:

Mr OLSEN: Indeed it is a ruin. Senior Treasury officers confirmed all the details in the *Advertiser* last Saturday. Members opposite should open their eyes: they will see clearly that what we have said is fact. This financial commitment will cost South Australia more than three times as much to repay in just over eight years.

Let me turn now to another aspect of SAFA's operations which impacts on the Consolidated Account. What it amounts to is deliberate manipulation of last year's budget result to benefit SAFA at the expense of taxpayers. The facts are exposed by a careful reading of the Auditor-General's Report. A surplus of $11.1 million was disclosed on the Consolidated Account for 1985-86. However, the Auditor General's Report reveals that it could have been $37.2 million had the original budget plan put before Parliament last year been observed. I ask honourable members to follow this point closely. It is complicated, but it does tell another story about the financial implications of this Administration.

At page 49, the Treasurer's 1986-87 financial statement gives a rather vague clue to the manipulated surplus. It refers to 'a reduction of $26 million in the contribution to recurrent operations from SAFA's surplus after a debt restructuring is taken into account'. That statement becomes more confused when we look up page five of the Estimates of Receipts document, which shows that $84 million was received from SAFA rather than the originally planned $76 million. This $8 million variation is hardly a reduction of $26 million to start with.

However, the Auditor-General's Report at page 15 helps to unravel the mystery. It centres around a debt restructuring involving the Housing Trust, the Government and SAFA. Under that restructuring SAFA is to meet the trust's repayments of principal and the repayments of interest to the Commonwealth from 1 July 1985. With respect to the Consolidated Account, the Housing Trust was to make a payment of $39.1 million to the Consolidated Account, of which $4.8 million was interest on the State's debt. The Consolidated Account was then to pay the balance of $34.3 million to SAFA for SAFA then to pay to the Commonwealth.

But what transpired was that the $39.1 million was paid by the Housing Trust to SAFA and not to the Consolidated Account. And, as part of this transaction, the Consolidated Account also paid $29.3 million rather than the budgeted for $34.3 million to SAFA. So in effect, SAFA benefited by $34.1 million from this restructuring. If that amount is adjusted for the additional contribution of $8 million made by SAFA to the Consolidated Account, SAFA has still benefited by $26.1 million as a result of the restructuring at the expense of the Consolidated Account. It should be noted that the Auditor-General refers to the fact that this amount was apparently deemed to be part of SAFA's contribution to the Consolidated Account. It attempts to give some legitimacy to the transaction without affecting the cash flow.

Whatever way it is looked at, SAFA has benefited at the taxpayers' expense either through that restructuring or though

other factors which have occurred in relation to the Consolidated Account, such as lower wage payments. It could be argued that the benefit is short-term and is coming back to the Consolidated Account in SAFA's 1986-87 contribution. However, it would have been conducive to better appreciation of SAFA's role had it been fully disclosed in the Parliament. This can only make members apprehensive about disclosures in other areas.

In very quick time, SAFA has become a very important instrument of Government financial policy. The Premier owes it to the Parliament, and to the taxpaying public, to ensure that its operations are fully disclosed at all times. I suggest that even the Premier himself fails to comprehend fully what SAFA is doing. If that is the case, what hope can there be for the rest of the Parliament, let alone for the taxpaying public?

The operations and policies of SAFA need to be more fully explained by the Premier. There must be no misunderstandings, no inconsistencies and no manipulation. The situation only becomes more confusing when we have the Under Treasurer saying one thing and the Auditor-General suggesting another. In the *News* of 16 September, Mr Prowse was quoted as saying:

I see the emphasis in the foreseeable future on SAFA contributions to the budget, rather than on building up reserves.

This appears to contradict the Auditor-General's warning in his latest report that a reserve must be maintained to even out SAFA's contributions to the Consolidated Account and to provide a cushion in the event of SAFA's being called upon under any of its guarantees or indemnities.

I recognise that $75 million has been put into reserve this financial year, and that is particularly important given the huge increase in SAFA's contribution to the budget this financial year and the guarantees and indemnities that it has already provided. For example, SAFA's annual report reveals that the authority had guaranteed the financial obligations of its wholly owned South Australian Finance Trust in the United Kingdom and Hong Kong for $US72 million and $US100 million respectively.

In addition, SAFA has guaranteed inscribed stock by the Finance Trust, the wholly owned company of SAFA, amounting to $57.3 million. SAFA now employs funds amounting to more than $7 billion. This imposes on members a clear duty to monitor its activities. Our role in this respect can be effectively fulfilled only if the Premier is prepared to ensure full disclosure of SAFA's operations. It is not good enough for him simply to treat every question about SAFA as an attack on the authortiy.

The Hon. B.C. Eastick: Whom does the $7 billion belong to?

Mr OLSEN: It belongs to the taxpayers of South Australia. We have a responsibility—indeed we have a right—on behalf of the taxpayers of South Australia to question and act as a watchdog over the investment policy of that authority.

The Hon. B.C. Eastick: Parliament is the people's window.

Mr OLSEN: Indeed it is, and for that reason questioning relating to SAFA and its operations that will unravel the mystery about those operations for the benefit of all taxpayers is something that the Opposition must continue to pursue. It needs to be recognised that it was the former Liberal Government that first put before the Parliament legislation to establish this authority. We on this side of the House will continue to support the authority so long as it is fully accountable, through the Premier, to this House, and so long as it is acting in public rather than political interests.

In reply to the budget debate last Thursday, the Premier challenged my assertion that, measured against each of five criteria I listed, the budget failed the test. However, I repeat the point and illustrate why, without any shadow of a doubt, the Premier's budget fails the test because of the policies that he is pursuing. First, I said that Government policies must not discourage other sectors of the economy.

Plainly, this is what is occurring. Labor's high tax, big spending, big borrowing and record interest rate policies have forced unprecedented levels of bankruptcies, an investment drought and our worst ever trade performance. The private sector is being squeezed out by Government demands on its earnings. This Government is following the Dunstan blue-print of spend, spend, borrow, borrow—buy time and just hope something turns up. By following this formula, the balloon finally went up on Mr Dunstan, as it will on this Government—only sooner.

Secondly, I said that the Government must limit its taxing and regulatory functions to the minimum necessary to serve the overall public interest. Again, the evidence is clear that the Government has failed this test. State taxes went up more than in any other State during this Government's first term of office. Any Government regulation just churns out more and more red tape. Let me further illustrate this point. The report to the Government last year by its deregulation task force estimated that the average cost per employee of State Government regulations was $26 a year. This means that the annual cost of State regulations to South Australian business is about $15 million annually.

In other words, a positive, comprehensive deregulation policy would provide a significant opportunity to free up resources to create jobs and help business become more competitive. But this has become another sad story of Government inaction. At the election the Premier promised the appointment of a de-regulation trouble shooter.

The SPEAKER: Order! The Leader's time has expired.

Motion carried.

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the proposed expenditures for the departments and services contained in the Appropriation Bill be referred to Estimates Committees A and B for examination and report, by Tuesday 21 October, in accordance with the timetable as follows:

Estimates Committee A

Tuesday 30 September, at 11 a.m.

Deputy Premier, Minister for Environment and Planning, Minister of Emergency Services, Minister of Water Resources, Chief Secretary

Environment and Planning

*Department of Environment and Planning

Deputy Premier and Minister for Environment and Planning, Miscellaneous

Auditor-General's

Police

*Police Department

Minister of Emergency Services, Miscellaneous

Engineering and Water Supply

*Engineering and Water Supply Department

Minister of Water Resources, Miscellaneous

*South-Eastern Drainage Board

Wednesday 1 October, at 11 a.m.

Minister of Tourism, Minister of Local Government, Minister of Youth Affairs

Tourism

*Department of Tourism

Local Government

*Department of Local Government

Thursday 2 October, at 11 a.m.
Minister of State Development and Technology, Minister of Employment and Further Education
State Development
*Department of State Development
Minister of State Development, Miscellaneous
Office of the Ministry of Technology
*Technology Park Adelaide Corporation
Technical and Further Education
*Department of Technical and Further Education
*Office of Tertiary Education
Office of Employment and Training
Minister of Employment and Further Education, Miscellaneous
Friday 3 October, at 9.30 a.m.
Minister of Housing and Construction, Minister of Public Works
Housing and Construction
*Department of Housing and Construction
Minister of Housing and Construction and Minister of Public Works, Miscellaneous
Tuesday 7 October, at 11 a.m.
Premier, Treasurer, Minister for the Arts, The Legislature
Legislative Council
House of Assembly
Parliamentary Public Accounts Committee
Parliamentary Library
Joint House Committee
Parliamentary Standing Committee on Public Works
Legislature, Miscellaneous
State Governor's Establishment
Premier and Cabinet
*Department of the Premier and Cabinet
Office of the Government Management Board
Premier, Miscellaneous
Treasury
Treasurer, Miscellaneous
Arts
*Department for the Arts
Wednesday 8 October, at 11 a.m.
Minister of Education, Minister of Children's Services, Minister of Aboriginal Affairs
Education
*Education Department
*South Australian Teacher Housing Authority
Minister of Education and Minister of Aboriginal Affairs, Miscellaneous
Children's Services Office
*Children's Services Office
Thursday 9 October, at 11 a.m.
Minister of Health, Minister of Community Welfare
Minister of Health, Miscellaneous
*South Australian Health Commission
Community Welfare
*Works and Services (Payments of a capital nature)

Estimates Committee B

Tuesday 30 September, at 11 a.m.
Attorney-General, Minister of Consumer Affairs, Minister of Corporate Affairs, Minister of Ethnic Affairs
Attorney-General's
*Attorney-General's Department
Court Services
Electoral
Attorney-General, Miscellaneous
Public and Consumer Affairs
Corporate Affairs Commission
Wednesday 1 October, at 11 a.m.
Minister of Mines and Energy
Mines and Energy
*Department of Mines and Energy
Thursday 2 October, at 11 a.m.
Minister of Agriculture, Minister of Fisheries, Minister of Recreation and Sport
Agriculture
*Department of Agriculture
Fisheries
*Department of Fisheries
Recreation and Sport
*Department of Recreation and Sport
Tuesday 7 October, at 11 a.m.
Minister of Labour, Minister of Correctional Services
Labour
Personnel and Industrial Relations
Correctional Services
Wednesday 8 October, at 11 a.m.
Minister of Transport
Transport
*Department of Transport
*State Transport Authority
Highways
*Highways Department
Services and Supply
*Department of Services and Supply
Minister of Transport, Miscellaneous
Thursday 9 October, at 11 a.m.
Minister of Lands, Minister of Marine, Minister of Forests, Minister of Repatriation
Lands
*Department of Lands
*Woods and Forests Department
Minister of Lands, Minister of Forests and Minister of Repatriation, Miscellaneous
Marine and Harbors
*Department of Marine and Harbors
Minister of Marine, Miscellaneous
*Works and Services (Payments of a capital nature)

While the timetable is firm with regard to each day of the sitting of the Committees, it is in order for a Committee to alter the order of expenditure within that day if it desires to do so.

Motion carried.

The Hon. D.J. HOPGOOD: I move:

That Estimates Committee A be appointed, consisting of the Hons Ted Chapman and B.C. Eastick, Messrs Ferguson, Gregory, Klunder and Rann, and the Hon. D.C. Wotton.

Motion carried.

The Hon. D.J. HOPGOOD: I move:

That Estimates Committee B be appointed, consisting of the Hon. H. Allison, Messrs D.S. Baker, S.J. Baker, and Duigan, Ms Gayler, Mr Groom, and Ms Lenehan.

Motion carried.

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) BILL

In Committee.

(Continued from 23 September. Page 1104.)

Clause 36—'Contributions by councils to board funds.'

The ACTING CHAIRMAN (Ms Gayler): An amendment has been moved to clause 36. The question is that it be agreed to.

The Hon. JENNIFER CASHMORE: I rise on a point of order. At which point did the House come into Committee on this Bill, and by which vote did that occur?

The ACTING CHAIRMAN: The Committee considered this Bill on 28 August and 23 September, as indicated on the Notice Paper. We are in Committee and are now considering clause 36.

The Hon. JENNIFER CASHMORE: I rise on a further point of order. At what point did the Speaker immediately prior to your assuming the Chair of this Committee move the House into Committee on this Bill.

The ACTING CHAIRMAN: We were in Committee on this Bill when progress was reported, so we automatically resume in Committee at that point.

The Hon. JENNIFER CASHMORE: I rise on yet a further point of order. I may have missed the point, but at what point was this Bill identified as being the matter before the House? Indeed, what Bill are we dealing with? If the Acting Chairman will enlighten the House as to the Bill that is being dealt with and the procedure by which we came to deal with it, members of the Committee will be in a better position to question the clauses.

The ACTING CHAIRMAN: The Clerk called, 'Orders of the Day: Government Business No. 1', which is the Animal and Plant Control (Agricultural Protection and Other Purposes) Bill and which is in Committee on clause 36. The question is that the amendment moved by the member for Eyre be agreed to.

Amendment negatived; clause passed.

Clauses 37 to 39 passed.

Clause 40—'Declarations for the purposes of this Act.'

Mr D.S. BAKER: I bring to the Minister's attention the concerns of the Australian Deer Association not only about this clause but also about the draconian clauses 41 to 49. The background of this is that the ADA claims that there has been no consultation with them. They represent not only people who wish to cultivate and breed deer in this State but also people who want to hunt deer. The Standing Committee on Agriculture was asked in 1977 to recommend guidelines for legislation to control the entry, movement and keeping of those species that were potentially harmful to agriculture, natural environment or public safety. In its wisdom, or lack of it, deer was one of the species that was considered.

The Australian Deer Association claims that at no stage was there any consultation with them. However, on 22 August this year, at a meeting with a member of the Pest Plants Authority, the matter was discussed, and the policy was outlined to them. It was claimed that that policy, which was developed over several years, acknowledged that deer was a legitimate species that could be kept, provided that it was properly confined and did not have a significant effect on the environment.

However, the Pest Plants Commission claimed that there was significant evidence from interstate and overseas to demonstrate that deer could readily be established in the wild and become a pest to agriculture, forests and the environment. It was also claimed that damage caused by deer could prevent regeneration, soil erosion and the removal of bark from trees. They further claimed that there was damage from stags wallowing.

This is a joke. I cannot believe that an officer from the Pest Plants Commission would not understand that the numbers of deer in this State have been reducing very rapidly over many years and that those who keep deer go to desperate lengths to try to breed them up. I know that in our own situation we find it impossible, with the poachers that are around, to try to get a reasonable herd of deer in the areas of natural vegetation that are left. People in the South-East are up in arms that these officers from the Pest Plants Commission—and I add that the Minister did not take heed of the concern expressed by the member for Eyre last night about authorised officers; it is not only the authorised officers but also people from the Pest Plants Commission about whom we must worry—do not have any idea of the practicalities at the coal face to which the Leader mentioned earlier in his contribution on the Appropriation Bill or in the paddock.

That is where the misunderstanding occurs. However, that was the policy as put to ADA at a meeting on 22 August and, of course, there was concern. However, worse than that is the draft statement that we now believe will be part of the regulations, including the fact that, first, deer may be kept privately or commercially provided they are confined to a suitable enclosure; secondly, animals must be permanently branded or marked to allow for identification in case they escape or are deliberately released; thirdly, deer keepers will require a permit and must account for all animals and dispose of any animals that they are required to dispose of; fourthly, deer must not be released into the wild or permitted to colonise any new areas of the State.

The Hon. B.C. Eastick interjecting:

Mr D.S. BAKER: I am quite sure that the department would not know the areas where they are at present because it is also claimed that there are none in any of the national parks of this State. That is a very great claim, and I will deal with it in a moment. The policy statement then states that groups interested in deer are to be consulted in regard to the implementation of the policy. The deer people claim that consultation has not taken place and that these regulations are draconian. I completely agree with that. The final matter in the draft statement in relation to clauses 40 to 49 is that the deer presently in the wild should not be allowed to pass from one property to another, and this will be a landowner's responsibility. That is a complete and utter fallacy, because no landowner can control the movement of deer. Deer can jump any six foot fence. If the onus to control deer is placed on landowners, the penalties for not complying are quite draconian, because it is a fine in excess of $2 000, or six months imprisonment.

The commission can proclaim deer as a pest in this State at any time and bring in this draconian legislation. That may be all right in relation to other species, and we totally agree with other parts of the Bill, but not only are the breeders of deer and deer hobbyists affected: average landowners could also be affected by this draconian legislation. Does the Minister intend to have further discussions with people involved in the breeding of deer? Concern is also being expressed by those people who breed goats, because they feel that the same sort of draconian legislation could apply to them.

The member for Eyre will foreshadow further amendments dealing with the proclamation of the legislation. Once the legislation is proclaimed, the avenue for redress is virtually nil. Those amendments will be introduced by the member for Light in a moment. The amendments are necessary because of the problem with officers who do not understand what goes on in the paddocks and do not understand the species. These officers may proclaim legislation that will have a draconian effect on the rural producers of this State. People who breed and hunt deer for hobby and sport are not interfering, not as it is claimed occurs in other countries. We know what is happening in New Zealand

because the deer population has increased dramatically. However, the deer population in South Australia over the past 50 years has declined dramatically. There is absolutely no chance whatsoever of the fallow deer species in South Australia breeding up to any appreciable level whatsoever, contrary to the claims of departmental officers.

The Hon. M.K. MAYES: First, I think it is important to note what is intended by the application of this clause and, in particular, the interpretation that must be placed on it. Basically, the Governor may proclaim either all or part of the State, and a prohibition contained in the proclamation is an absolute prohibition. On the recommendation of the commission, a specified provision under Part III may be declared to apply to a specified class of animals. The member for Victoria has concentrated on one particular species, that is, deer.

I am surprised at what the honourable member said about lack of consultation, because I understand that a member of ADA contacted the department and asked for minutes of the meeting of 22 August to be released to the member for Victoria. I have no objection to that, but I would first like to check with the people present at the meeting representing ADA, the Deer Stalkers Association and the Deer Breeders Association as to their views on the release of the minutes. If they agree, I am happy to release the minutes to the member for Victoria. I dispute that there was any lack of consultation. In relation to the avenue of dealing with deer and the member for Victoria's reference to the regulations being proclaimed in association with the legislation, the honourable member is referring to a statement that was released to the meeting during discussions that took place between ADA and departmental officers. It is only a policy statement and it is not to be proclaimed as part of the regulations.

It seems to me that, if the member for Victoria had been through the recent TB scare with deer in the inner rural areas of this State (and I will not identify the area any further than that) and had seen the experience and heard the comments that came from the rural community—from cattle breeders and other people involved in the rural breeding of animals—I think he would realise that there is total support for this statement and the policy enunciated. I presume that a copy of the policy statement was given to the honourable member by one of the people who met with the department. I have no criticism of that—that is fine—but I am sure that the UF&S and the cattle breeders agree with the statement.

I wonder what the honourable member is referring to when he says that the statement will be an impediment to members of the rural community. It seems to me that there is overwhelming support for the statement by the rural community. In effect, the policy statement is designed to protect the rural community from the possibility of another outbreak similar to that recently experienced within our rural community in South Australia. It seems to me that there is a large degree of support within the rural community at large for this policy statement and certainly for the provisions contained in this clause. I certainly do not accept the honourable member's comments about the clause being draconian, because it is fundamental to the administration of the legislation and enables the authority to operate. Therefore, it is essential that provisions of this sort are contained within the legislation.

The department found the deer population to be a problem in relation to the TB scare, because there was no accurate information about the domestic or wild deer population in this State. That was one of the major problems that we first encountered: where the devil are they, what is the problem and how big is it? We believe that ADA may have reasonably accurate figures as to the deer population, but we are not too certain as to whether those figures are accurate and whether or not they contain gaping holes. This matter must be addressed in conjunction with the brucellosis and TB programs in order to determine how we address the situation and ascertain the size of the problem within the domestic and rural communities.

I refute the accusations that the honourable member makes about that lack of consultation. I imagine that there would be no objection to his having the minute. 'Future meetings will be held as members feel necessary', is the final comment in regard to the department's attitude to meetings of ADA, the Deer Stalkers Association and the Deer Breeders Associaton. There has been consultation. I imagine that there is overwhelming support within the rural community for this clause and I would be surprised to find that there is not. One would not deny that ADA would not be happy with the provisions, but we believe it is essential to protect the rural producers and native environment. I have addressed this clause in total.

Mr D.S. BAKER: I fully realise the TB scare and its ramifications and the shudder it sent through the department. I sat on the State committee for brucellosis and tuberculosis for about five years and dealt with all the people on it. The fact is that the deer in which TB was found were in an enclosure that was inadequate and there was no question that the TB had spread throughout the herd and was also traced to several other animals that had originated from that herd. Deer have been in this State for 105 years, and all cattle in this State have been tested for tuberculosis. There are something like three herds left in the State that carry any evidence of the disease. The majority of herds of cattle within this State have come from areas where deer have roamed for many years.

To me there is no justification for this—it is just that the department is running scared and using an isolated incident, as I found when serving on these committees, to try to impose draconian legislation upon all primary producers in the State. Assuming that we accept all of that, there is no way that we can control wild deer in this State roaming from property to property. If the concern that the department seems to have is genuine and can be backed up by hard facts, then without a complete shoot-out of all wild deer in this State we will not be able to solve the alleged problem.

I never agree with draconian measures being taken because of one scare. The belief (especially in the South-East) of these people who have a basic right to go out and do some hunting, provided it is under the guidelines set down in any other Act, and of those of us who like breeding a few deer on our properties (including people who have had them for 100 years in this State without tuberculosis problems in their cattle), is that the department is simply jumping at shadows.

The other question related to the minutes of the meeting. After consultation today with the deer people, I rang the department and asked whether I could have a copy of the minutes of the meeting with the deer people, having checked with them that they were in agreement, as of course they were. A member of the department said, 'Yes, I will have them sent straight around to you.' Twenty minutes later I had another phone call to say that the Minister would not release the minutes and that I had to obtain permission to get them. I therefore had to take down notes of the minutes of the meeting over the telephone. That was a further impediment in bringing before this Parliament the genuine concerns of that group.

The Hon. M.K. MAYES: I am not sure how long the honourable member has been around Parliament.

Mr D.S. Baker: Since 7 December—I can enlighten you.

The Hon. M.K. MAYES: Obviously the honourable member has not had much dealing with Government departments. With the Tonkin Government one was lucky to get gazettes after the date of declaration. I can cite numerous examples of that, but I will not be distracted. I will deal with the issue before us. I have referred already to the minutes. It was only drawn to my attention at 5 minutes to 2 that there had been a request for the minutes. I am happy with the agreement, which is fair and proper, in relation to a meeting held between the department and the representatives of various associations. If they agree, the honourable member is welcome to have the minutes—I will agree to that. It is only fair that I get these people's agreement prior to that. In relation to clause 40, the honourable member is jumping at shadows. Clause 40 provides:

(1) The Governor may, by proclamation—

(a) on the recommendation of the commission, declare that a specified provision of this Part applies to a specified class of animals.

The point is that nothing has been determined in relation to deer and what class will be specified by the commission through the Governor's proclamation. I accept the honourable member's point about wild deer.

The department does not have that information, and I shall be surprised if anyone can predict whether the population has dramatically dropped in the past few years. If the honourable member has that information it has been arrived at by his own calculations and efforts, as against what would be recognised as any substantial statistics provided through the ordinary processes. It would seem that the honourable member is declaring a deer as a specified class and perhaps creating what may be an unneccessary impression in relation to the application of the act. If a deer is classified in a certain way it is fundamental to the provision of this Act that this clause be able to operate. It would seem that without this clause a large part of the administrative framework would be taken out of the Bill, preventing it from operating sensibily.

The Hon. B.C. EASTICK: I move:

Page 19, line 17—Leave out 'proclamation' and insert 'regulation'.

I so move on behalf of my colleague the member for Eyre on the basis that it has been the common practice of the Liberal Party in relation to legislation to prefer a regulatory, rather than a proclamation, situation, even though on occasions there is no other alternative. There has been a number of pieces of legislation where a proclamation provision has been passed. Either proclamation or regulation has the same effect so far as the operation of the Act is concerned. However, from a parliamentary and a practising community viewpoint, there is a considerable variation in the manner in which either of those two undertakings can be approached. With a proclamation made by the Governor in Council, an address of both Houses of Parliament is required to disturb the proclamation. There is no immediate redress for the community to argue the merits of a proclamation before the Subordinate Legislation Committee. We are denying the community the opportunity to address itself to a set of circumstances which it might find offensive and which might very legitimately be reason for further debate discussion.

It is acknowledged that by approaching the Minister, if the Minister is in agreement, he can have the proclamation revoked and a new proclamation put into place. However, with a regulation, the matter can be discussed. It will come automatically before the Subordinate Legislation Committee. If a member of the community or a group of people are concerned about what is in place they can be heard by that committee which is bipartisan, which is comprised of members from both Houses of Parliament, and which can address the matter by way of the substantive motion on the floor of the House.

The opportunity also exists for an individual member to undertake action through a substantive motion on the floor of the House. There are these various means of approach. The end result is that the community at large or an aggrieved individual or a group has a better opportunity to present a case. It is on this basis that I move my amendment. If it is accepted by the Government, and I hope that the Minister will accept it, it will be one of the areas of change frequently introduced and accepted on the floor of the House in measures such as this. I will refer to other consequential amendments in due course. The thrust of the argument is the need for redress and the redress being best able to be made by a regulatory system rather than by proclamation.

The Hon. M.K. MAYES: I appreciate the comments of the member for Light and understand his experience with this type of legislation and the need for careful scrutiny in regard to proclamations or regulations of this sort. The main concern relates to the commission and officers involved. My response relates to the ability to respond to urgent situations, and that is the overriding influence. Clauses 40 and 51 have the same thrust in respect of proclamations. In both clauses it is fair to say that this situation would still allow for regular review. It does not go through the process that the honourable member has highlighted—I appreciate that point—but it does allow for review of lists of species and it allows for timely response to emergency situations. That is the reason for having a proclamation.

In more recent circumstances in my limited career as a Minister we had a couple of chemical spills and I had to make numerous trips to Government House. The situations required immediate response. From Parliament's point of view it might be more comfortable and certainly going through the process in a more exposed and open manner to have it as open debate, as the honourable member suggested, where it is dealt with in the Committee situation. I understand the point and I have some sympathy with the need for open debate on such issues. However, the mechanism would still allow, albeit as a secondary process, for Parliament to make comment and criticism if the need arose concerning the application of a proclamation.

At this stage I believe it is worth our having that ability to respond. The major event, and probably the most recent one, that sticks in my mind warranted that speed of reaction and certainly we needed that ability within the existing legislation, inadequate as it was. We needed to be able to respond speedily in certain situations. Without referring to individuals, and I am sure the honourable member knows to which case I am referring (I would prefer to deal with the matter in the third person rather than referring to the individual concerned), I appreciate the point.

In the body of this Bill are a number of steps, and these were highlighted last night in the debate with the member for Eyre about the role of officers under clause 27. The same aspect arises here—the importance of the immediate ability to respond to an urgent situation. That theme runs through the whole Bill. If the Government is to be able to deal with crisis situations, whether it be this Government or some future Government, it will need the ability to respond in such circumstances. So, I stand fast about the proclamation aspect. There may be other ways of dealing with it. Perhaps the other place will come back with another recommendation, but we will look at that when it happens.

The Hon. B.C. EASTICK: I accept the Minister's commentary, but it does not sway me. Although in one sense there may be greater ease with a proclamation, the end result is the same: the regulation has to be taken before His Excellency the Governor in Council, as does the proclamation. I acknowledge that the preparation of a regulation sometimes is more laborious than would be a proclamation specifically dealing with one or two points. However, the framework of the necessary legislative or managerial procedure would be in place and, if a regulation had to be changed, it would not involve going out and rewriting a complete new book: it would involve an alteration of a subclause or a line or two. It can be argued that the end result is as easily achieved in a regulation as in a proclamation. The number of people in the presence of His Excellency the Governor and the subsequent gazettal is the same in either case. As the same people are there, I question the validity of the Minister's argument, while at the same time accepting the basis of it.

Unless the Minister changes his mind and it becomes a *fait accompli* at this time, it will be a matter that comes back to the attention of this Chamber from another place. That is not a threat but a reflection of a philosophical difference of approach dependent entirely on the numbers that will support that view in another place. It is consistent entirely with the attitudes expressed previously. I believe genuinely that the ease with which the Minister could achieve his results is the same in both cases. Therefore, I ask him to reconsider his position.

The Hon. M.K. MAYES: As a backdrop to the debate relating to the questions that the member for Victoria directed to me, it is important to know that the recommendations that came forward concerning the drafting of this Bill involved a committee comprised of seven persons, four of them rural people (I will not specify their relationship to the land) who have a direct and vested interest in the whole application of the legislation and rightly so. They have supported the body of this clause in particular. It is fair to say that we have had a reasonable consultative process on this issue with the people who are to be directly affected in the rural community, representing the majority of rural South Australians affected by that. They are keen to see this type of provision in the Bill.

As to the point raised by the member for Light, I mentioned to the officer concerned the speed with which we could deal with such matters. My experience with regulations is that the fastest that they can be dealt with is two or three weeks. From my own experience when we had to respond on a spillage earlier in the year, and I had been Minister for only a matter of weeks, with a proclamation we got it down to half a day in order to undertake action with regard to fishing in a particular area.

That is the sort of speed in respect of which I have been advised by the drafting body comprising seven people. The existing officers within the umbrella of the commission believe that such speed is necessary to implement the provisions of the legislation. I have a great sympathy with the principle that Parliament should have the opportunity to review regulations and, if we were not dealing with a Bill such as this where urgency and speed are implicit, I could be caught by the honourable member's argument. However, my advice comes not only from departmental officers but also from members of the rural community who have been vitally involved in this matter. Indeed, there has been a process of consultation and this has resulted in the protection and prevention implicit in the Bill. If what we have been told will happen in another place comes to pass, the Government will then have to consider alternatives to deal with this matter, but my advice is that we should stick with the provision stating that 'the Governor may by proclamation'.

The Hon. B.C. EASTICK: Without casting any reflection on them, I doubt whether the people on the consultative committee would have recognised the subtle difference between regulation and proclamation. They would have been swayed by people with a legalistic or bureaucratic mind (not in any nasty sense), who would point out that these things had normally been done in a certain way and that no problem would be caused by the proposed course of action. If I am unjust I will apologise to them personally. I suspect that that was the scene in relation to the difference between proclamation and regulation. I accept that urgency is required. Knowing the difficulty of disease control in the animal world, I am sure that a desirable result could be achieved by the approach espoused by me and that any problem could have been dealt with urgently. However, the Opposition will leave it at that and see whether we can debate the matter later.

Amendment negatived.

The CHAIRMAN: Does the member for Light wish to pursue his other amendments?

The Hon. B.C. EASTICK: No, Mr Chairman. The next point that I wish to raise concerns clause 65.

Clause passed.

Clauses 41 to 57 passed.

Clause 58—'Enforcing the owner's duty to destroy or control plants.'

Mr BLACKER: My question concerns the responsibility of the new board in accepting the liabilities and obligations of the previous board. In recent weeks, I have had correspondence with the Minister regarding an outbreak of false caper which occurred on property adjacent to that of a landholder. A clear undertaking was given by the Weeds Board at that time that the infestation would be handled at the expense of the board and in its time. However, the board did not do that. Since then, the matter has gone from the Weeds Board to the Pest Plants Commission. Now, another commission is to be set up and there seems to be a break in the line of responsibility for the work to which I have referred.

The infestation is still there: in fact, it has spread. At the time of the infestation, the authorities undertook that the eradication of the infestation was their responsibility, but now the Pest Plants Commission says that it is the responsibility of the land-holder. Initially, there were only two small patches of false caper that had been brought there and pushed up by a bulldozer operated by a council employee on behalf of the Highways Department. Now, however, it is a large infestation of up to 1 km in length.

On inquiry being made, the Weeds Board contacted the Pest Plants Commission and was informed, in writing, by the agronomist four years ago that the infestation would be removed at the expense of the Weeds Board. Indeed, it should have been and that part of the land sterilised so that the problem would not recur. However, now there is an argument about who is responsible for the eradication of the false caper, which is now out of hand. By setting up a new commission, are we creating a legal break between existing responsibilities and those of the new commission? After all, the undertaking given by the previous authority in all good faith should stand, and I hope that the new commission takes up that responsibility.

The Hon. M.K. MAYES: The case referred to by the honourable member is somewhat complex, although in some senses, concerning legal obligations, it is straightforward. I understand that, when making a road, the council concerned

assisted in the spread of the weed: it was not spread by a process of eradication, treatment or prevention. That is therefore a different legal situation.

Mr Blacker: The council introduced it.

The Hon. M.K. MAYES: But it was not spread as a result of a process: it was spread by other activities of the council.

Mr Blacker: Nature spread it.

The Hon. M.K. MAYES: Very well. Concerning the legality of the board's responsibility, the liability would continue with the new commission. As I have not got the details of the case in front of me, it is difficult for me to say whether the commission should pick up the liability. The legislation relates to the land-holder and the liability between the council and the land-holder. That would be the legal connection between the current land-holder and the council: it is the council's liability to the land-holder. The provisions of the Bill refer to what is required of a land-holder. The existing liabilities will be carried on.

Mr BLACKER: I thank the Minister for his explanation. The undertaking that was given in this case has been confirmed by an agronomist within the Pest Plants Commission. It appears that, because of a change in the makeup of the two weeds bodies (not of the council, but of the Weeds Board and the Pest Plants Commission), that change in structure could mean a difference in the liability. The Pest Plants Commission denied liability and said that it was the obligation of the land-holder. The undertaking was given by the weeds authority of the day, not by the council, and that responsibility has not been carried on. I think that covers the point, and I thank the Minister for his reply.

The Hon. M.K. MAYES: For the member's own information, paragraph 2 (2) *(b)* of the second schedule states:

All the rights and liabilities of the former pest plant control board shall become rights and liabilities of the control board.

I think that covers the point. In relation to the spread of the weed, my original information was correct. I understand that it was spread during the process because they used fill on the roads which helped nature spread the weed in the district. That is a difficult legal entanglement certainly for those landholders and the honourable member's constituents who are concerned about it, but it is something that the commission and the Government would say has to be resolved between the landholder and the council. There seems to be a great onus on the council to respond to those landowners' requests.

Mr BLACKER: The Minister is making the case between the council and the landholder. It was the weeds authority at the time that accepted liability for it, not necessarily the council. It went from the weeds board to the Pest Plants Commission, and it is now going to the new authority. Although I take the Minister's point, it is a little deeper than council versus landholder, with the weeds board being exempted.

The Hon. M.K. MAYES: The honourable member and I will probably have to sit down and exchange communication about this rather than delaying the Committee.

The CHAIRMAN: That sounds like an excellent idea.

The Hon. M.K. MAYES: However, what the honourable member says does not agree with the information that I have.

Clause passed.

Clauses 59 to 64 passed.

Clause 65—'Surveys, etc.'

The Hon. B.C. EASTICK: I move:

Page 29, after line 18—Insert new subclause as follows:

(1a) A person shall not enter any land under subsection (1) unless the person has given the occupier of the land not less than seven days prior written notice of the person's intention to enter the land.

I move this on behalf of the member for Eyre, and I can hear him making this statement and seeking to have this subclause inserted. It is quite unexceptional in relation to the majority of subclause (1), where an action is being taken for the purpose of a survey or for research. It is not unreasonable to expect that notification will be given. If, for example, a person was in the middle of a shearing operation or the lambing season, or was involved in some other activity, and the inspectors or surveyors arrived for a non-urgent matter, an alternative time could be negotiated.

Although I have moved the amendment on behalf of my colleague, and I can accept that perhaps the balance of clause 65 makes it a little more difficult to accommodate the suggestion that has been made, I must say that, if we continued on and stated, 'or investigating any matter in relation to the administration of this Act', that could relate to some urgent and quite important issue, and the department or the officers could be hamstrung in a vital investigation that would have dire consequences unless the action was taken immediately.

Let us consider a hypothetical situation, and I make this point because it is one that is quite often raised as a problem that is directly associated with the animal kingdom and the fact that we in Australia are fortunately not beset by a number of overseas exotic diseases. If for some reason it was known that a dog or some other animal had introduced rabies into the outback, the authorities would not be wanting to wait seven days before investigating the situation. I can see that what is being asked for is not consistent with the urgent action that would be required of investigators. I think the member for Eyre makes a pertinent point. In relation to the survey work or research, the honourable member's request is not unreasonable. Perhaps if we accepted that there are two different sets of circumstances and have the Minister investigate the thrust of the member for Eyre's amendment, I would be pleased to join in further debate or even consider an amendment to the amendment which would accommodate the acceptance by the Minister and the general thrust of the requirements of the member for Eyre.

The Hon. M.K. MAYES: Again, I understand the member for Eyre's point, and what the member for Light has said does, I am sure, convey his own conviction on the same point in relation to the right of entry and the notice required. Two points can be made on this matter. It would appear from the discussions of our consulting committee—and I am sure that on this issue it has a fairly clear view which is not subject to legal terminology or bureaucratic phraseology—that where research or a survey is being undertaken, it would be quite functional for seven days notice to be given prior to a first visit. I do not think anyone would argue about that. From a practical point of view, I am sure that the member for Light knows better than I that to give seven days notice of a return visit is not a problem. I accept that that is probably fair notice.

Without upsetting the wording of the legislation, I am happy to convey that to the commission and have it recorded: where a new survey is being undertaken, we should give seven days notice to the landholder. The member for Light alluded to the wording of the Act. In relation to the officer, clause 65 (1), which is fairly pertinent to the operation of the Act, provides:

For the purposes of conducting any survey of, or research into, the control of animals or plants, or investigating any matter relating to the administration of this Act—

That wording must be there in order to allow the Act to operate. It would seem to me, if you will pardon the phraseology, that it would somewhat undermine the provisions of the Act in its administration by the commission,

and it would worry me greatly to have that sort of prohibition placed on it. In referring to the word 'officer', it may prevent investigation. It may have an overriding impact if there was a challenge as to the legal rights of anyone who had a sudden need—whether that emanated from the central office of the commission or a board officer who was instituting the power of the board. All three are referred to under clause 65 (1), as follows:

(a) a member of the commission;
(b) a member of a control board;
(c) an authorised officer; or
(d) any other person authorised in writing by the commission.

It would probably prevent them from applying the administration of the Act in an emergency or in the case of dire need in regard to preventing an outbreak or some act that would be detrimental to the community. I think that the Bill has been worded in this way for a particular reason. I certainly do not feel uncomfortable about the seven days notice prior to a first visit for research or survey reasons.

I would be happy as Minister to direct the commission that, in relation to routine visits where a major issue is not being investigated, the land-holder must be given seven days notice of the first visit. I hope that that covers the honourable member's point and that the honourable member understands the difficulties in relation to implementation in terms of the amendment.

The Hon. B.C. EASTICK: I am aware of the difficulties, and I sought to explain them when I moved this amendment on behalf of my colleague. Until I was requested to move the amendment, I had not considered the other qualification 'or investigation', and I had not recognised the breadth of the impact of its inclusion. According to the title, this clause refers to surveys, and so on, and basically we are looking to an on-going research or survey operation. It is clear to me that the words 'or investigating any matter relating to the administration of this Act' are wide enough so that people can drive a truck, a warship or anything else through the land.

On behalf of my colleague, I seek leave to withdraw the amendment. I do not necessarily want to surrender it, but I want to provide the opportunity, before the Bill goes to another place, for me and my colleague to discuss this matter; a member in the other place may take up the point relating to survey or research and not the other aspects. I am not quite sure how that could be approached. The Minister has indicated that he is happy to direct the commission in that regard, but I do not know that such a direction would necessarily satisfy the member for Eyre (and I am not being personal): I refer to the understanding that he would require on behalf of the people in outback areas whom he represents and who are more likely to be the major focus of the activities of the commission and its officers. The work of this Committee would be best served by my withdrawing the amendment.

Leave granted; amendment withdrawn.

Mr D.S. BAKER: I am concerned that, whether we like it or not, it would be very easy for animosity to build up between departmental officers and land-holders. The usual scenario is that a land-holder sees a strange vehicle on his land and immediately challenges that person's right of entry. Under clause 65 there is no compulsion for an officer to announce his entry: it does not provide that, when an officer enters a property, he must attempt to at least notify the property owner or his representative that he is there and will carry out surveys, of whatever type. A lot of PR is destroyed immediately when that happens. I hope that we can consult on this matter. I agree that adequate notice must be given in relation to research and survey work, but it is reasonable that the officer notifies the land-holder as soon as practicable after proceeding onto the property.

The Hon. M.K. MAYES: I believe that the member for Victoria was present in the House last night when clause 27 was debated. That clause enshrines the powers of authorised officers. Animosity is most likely to arise when officers are carrying out their duties under the Act. In most cases we are talking about local individuals—people who live in an area and who administer the powers of boards under the Act. The commission authorises boards to implement the provisions of the Act. I am happy to restate the comments that I made to the member for Light about prior notice being given to land-holders: I believe that that is only common courtesy. I understand that at present the commission instructs its officers that they should notify land-holders prior to undertaking survey or research work. I can assure the member for Victoria that I will ask the commission to instruct its officers (and my comments will be on the *Hansard* record) to notify land-holders prior to entry in relation to a survey, and so on. Investigations under this Act are covered under clause 27, which was debated last night.

I recognise the sensitivity of this issue, and the honourable member has raised a worthy point. The commission would be foolish to contemplate actions that would be contrary to their brief in terms of administering these provisions. I am happy to give that assurance: my comments will be recorded in *Hansard*, and I am sure that the officers will note them.

There is probably a way around the concerns expressed by the member for Light. It would be foolish of any officer not to comply with the Minister's direction in relation to prior notice. It would be embarrassing for any Government if such an issue was brought to a head by a backbencher on either side alleging that an undertaking by a Minister of the Crown was not honoured by members of the commission. I can understand how a person at, say, Yunta would require something more than the Minister's word, but it would be foolish of commission officers to go against that direction. I recognise the honourable member's point, and I look forward to hearing the comments made in the other place.

Clause passed.

Clause 66—'Board to cooperate with Executive Officer of commission and State authorised officers.'

Mr M.J. EVANS: I move:

Page 29, line 29—Insert 'written' before the word 'instructions'.

I can see the Minister's point in terms of giving power to a State authorised officer and the Executive Officer of the commission to give directions to a local board. Of course, this would also give that officer the power to issue instructions or directions to an elected council in the case of an urban board. As the power is so broad and as those bodies are accountable in other ways, it is most important that they have recourse to written directions rather than simply oral directions. Clause 66 does not specify whether the directions given by authorised persons should be oral or written. I want to ensure that the instructions are in writing.

The Hon. M.K. MAYES: I am happy to accept that amendment.

Amendment carried; clause as amended passed.

Remaining clauses (67 to 77), schedules and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (PAROLE) BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 817.)

Mr BECKER (Hanson): This Bill corrects several anomalies created by the legislation that was before this House in 1983. There were incidents and a public furore as a result of that legislation, when it was estimated that over 700 prisoners left the gaols under automatic release and that about 20 per cent of released parolees, who had previously been convicted of murder, armed robbery, rape and manslaughter, had committed further crimes within 12 months of release. As a result tougher measures were called for during the last State election campaign. In fact, no attempt has been made to measure how effective parole is or whether it works.

During the 1985 State election campaign, the ALP promised to: give courts greater power to decline to set a non-parole period and wider powers to extend non-parole periods; and ensure that remissions are lost if prisoners are found guilty of other offences or misbehaviour while in prison. At that time the Liberal Party, in short, stated:

> The courts will be required to fix a maximum sentence which a criminal must serve and a minimum period of imprisonment which must be served before parole will be permitted by the Parole Board.

From my findings, once sentenced by the court prisoners are concerned only with their release date from prison. Their other concern is that they get three reasonable meals a day and that the conditions are tolerable. Quite honestly, prisoners are concerned only about their release date. On the other hand, members of the public have an entirely different conception, and they are demanding greater security and always looking for revenge.

However, that is not the idea of correctional services. The purpose of correctional services is that once a person has gone through the courts there must be an attempt to rehabilitate the prisoner so that he or she will not reoffend. I would like to think that in the vast majority of cases it is possible to come up with programs and methods to assist in the rehabilitation of those who have offended.

In some cases that is not possible, and that means that a greater demand is placed on the State to keep those people incarcerated in the most humane way possible so that they will not be a danger to society. The Act will be amended to allow the Parole Board to interview prisoners at any time and, if necessary, outside the prison. The manager of a prison may be requested to comply with such requests. While it is not mentioned, we are aware of the controversy in relation to two members of the Parole Board who have at times objected to interviewing prisoners while they are handcuffed. It is a requirement of the department that full security measures be taken and that prisoners be handcuffed, and I support that.

It is not what the department or the Government wants; it is what the public wants. The department and the Government are only reacting to the demands of the public. If members of the Parole Board are not happy with the position I am very sorry for them, but they had better become more attuned to the requirements of the public. A further amendment is to permit the courts to fix or extend non-parole periods. For example, the sentencing court may, on application by a prisoner who is serving a sentence of imprisonment but who is not subject to an existing non-parole period, fix a non-parole period. Further, a prisoner on parole shall not possess an offensive weapon unless permission is given by the Parole Board. That is fair and reasonable and seems a logical step.

Breach of a parole condition will result in automatic cancellation of parole and the prisoner will be required to complete the balance of the sentence from the day it is breached. That is the real toughening-up measure that has been demanded by the community. If a parolee is convicted of an offence while on parole the court shall, except in the case of life imprisonment, direct the sentence to be cumulative on the sentence or sentences in respect of which the parolee was on parole. This Bill amends the Correctional Services Act and the Criminal Law Consolidation Act, and amendments to the Justices Act and other Acts are really consequential.

I consider that the Bill tightens the existing legislation so that the courts will have greater power, and I do not think that anyone can really object to that. I will not be critical of what has occurred in the past, because that is history. If this Parliament and the Government does not learn from what has occurred in the past it will take the full brunt the next time we have an opportunity to test the situation in the community. I think that at some stage the Minister should be looking at a method to evaluate the parole system. I am not aware whether any evaluation has been undertaken, although there may have been one and that has not been indicated. I would like to see something happen in that area so that we can further judge the effectiveness of this parole legislation because I understand it was proven not to work in the United Kingdom and was abolished. There must have been good reasons for that, but those reasons may not necessarily apply here.

Most of the clauses are straightforward. Clause 7 spells out the position in finer detail and makes a number of amendments. It is very wide ranging and the Judiciary will need to conform to some well thought-out sentencing policy to obtain across the board consistency. Personally, I believe it will be difficult for them, even though it is a step in the right direction. In essence, it does not give the Judiciary greater power that we would like it to have.

It is fair to say that since 1983 it has been evident that sentences have reflected the courts' wish to keep offenders in prison longer, but at least there has been some certainty of a prisoner knowing their release date. The amendments in this clause relate both to keeping people in prison longer and to the uncertainty of a release date, and that should not be so—that situation existed prior to 1983.

The amendments allow the courts to extend a non-parole period. In retrospect, I believe that this has occurred in the past. Clause 8 provides a further mandatory parole condition for not possessing an offensive weapon without the permission of the board. That is commonsense, and we do not object to it. Automatic cancellation of parole is spelt out in clause 7 and if a parolee breaches a designated parole condition the balance of the sentence is to be served.

Clause 12 provides that a parolee may be returned to prison for a breach of condition, and the maximum period for which a parolee can be returned by the board under the clause has been increased to six months. Certainly, the message is loud and clear: parole is not a right and must be earned.

If there are breaches of parole, the parolee certainly will receive stern attention and, as I said, can be sentenced to a further six months imprisonment. There are consequential amendments to clause 14 whereby the court can take into account unsatisfactory behaviour. Clause 19 provides that the court must make a sentence of imprisonment cumulative if it is imposed for an offence committed by a person while on parole. I totally support that. I think it is high time that we spelt out that situation, as well.

I have contacted many people, and I think it is fair to tell the Minister that I have tried, wherever I could, to get a feeling and assessment of the Bill. It has also been necessary to contact people involved with the rehabilitation of prisoners and to speak to prisoners themselves. I do not think that prisoners always welcome tougher measures but,

more importantly, at least they know where they stand. I think that is fair and reasonable, and I think that they will accept that. One problem in particular was put to me and I do not know how we can overcome it. I refer to mass demonstrations in the prison system. Those prisoners who believe they have behaved themselves can be lumped in with a group that has misbehaved and, as a result, they can be penalised because of the misbehaviour of others and lose part of their remission period. Of course, there are ways and means for prisoners to appeal, but I think some of them feel that, from time to time, they are victimised. That is one of the difficulties within our correctional services system.

It has been suggested to me that we should look at a three tier system of parole. I think to some degree we already have this. First, automatic parole is for non-violent offences and attempts to commit such offences. This includes larcenies, deceptions, frauds, and so on. The period must be set at time of sentence. Secondly, privilege parole is for specified offences: housebreaking, burglary, arson (where no possibility of injury is present), possession of and trafficking in drugs, sending threats through post, treason, piracy, and so on, and offences which do not have a direct threat of damage or injury to persons.

This tier may well, however, include manslaughter. The parole period is set at time of sentence but is earned by the offender during sentence, must be applied for by him and adjudicated upon by the Parole Board. Thirdly, there is no parole, which is for all violent offences, offences against the person, offences aggravated by the carrying of weapons, sexual assaults, murder and all attempts to commit such offences. Parole in these cases can only be applied for after a certain length of sentence has been served and is set by the original adjudicating judge, having reports from medical, social, custodial and other persons called upon from time to time. This affords protection to the public and allows courts to examine the performance of the prisoner.

That is all very well, if we want to look at the method and system of parole. However, as I said, at this stage I think this Bill is a step in the right direction, because it tightens up the present system. This legislation was included in the Government's policy during the last election. I think we can further develop this debate during the Committee stage. I support the Bill.

Mr MEIER (Goyder): Certainly, I am pleased that the Government has moved to, hopefully, overcome some of the problems that have existed. I acknowledge that, in introducing the Bill, the Minister drew attention to three particular points put forward before the December 1985 election, namely, that the Government would amend the relevant legislation, first, to give courts greater power to decline to set a non-parole period; secondly, to give courts wider powers to extend non-parole periods; and, thirdly, to ensure that remissions are lost if prisoners are guilty of other offences or misbehaviour while in prison.

My remarks will centre around problems that have been experienced in the central Yorke Peninsula area as a result of a few individuals committing offences on a regular basis going back some years. This has caused concern to several communities, particularly people living in several townships on central Yorke Peninsula. In fact, I was so concerned that I took up the matter with the Attorney-General in a letter of 25 August this year. The letter details the specific events in relation to one person. I have just been informed by my secretary at Maitland by telephone that an answer has been received from the Minister of Correctional Services (who is present in the Chamber) addressing some of the 14 points taken up in the letter. Unfortunately, the answer is in my office at Maitland, but my secretary has given me details of some of the Minister's reply in relation to the offender I have referred to.

The Minister's reply points out that on 20 November 1985 the offender in question received a 14 month sentence for attempted housebreaking and a three month sentence for unlawful use of a motor vehicle. The sentences were to be served concurrently and the offender was given a non-parole period of nine months. With the remissions earned by the offender under the existing system, he was actually released on 15 May 1986. Therefore, taking the time from 20 November to 15 May, he actually served a six month sentence, even though he was supposed to serve 14 months.

It seems to me that this Bill certainly goes some of the way towards overcoming this problem with respect to the various conditions laid down. The Minister's letter also states that a non-parole period is not set for sentences under 12 months (and perhaps I should have known that, anyway). That makes me wonder whether the offender would have had to stay in prison longer if he had received a sentence of 12 months imprisonment or less rather than the sentence of 14 months and a further three months to be served concurrently. Again, I believe that this Bill perhaps does not deal specifically with the 12 month period—

The Hon. Frank Blevins: It does.

Mr MEIER: I did not think it did. However, I believe that looking at the extended sentences system is a positive move. What I like more than anything in the Bill is the fact that it specifically addresses the two points of good behaviour remissions and the problem of unsatisfactory behaviour. I think it is those points that worry many people on central Yorke Peninsula, because a few offenders who have been released fairly obviously would not have been too well behaved in prison. While I would personally like to see a greater move towards rehabilitating people so that when they are released from prison there is every chance that they will comply with the norms of society, that is a different issue.

It at least here provides some incentive for people to do their best while in prison and to be on their best behaviour. If they behave in an unsatisfactory fashion their term will probably see out its full time or at least be extended from what currently would be a relatively short non-parole period. The only way that we will see whether or not this Bill addresses the problems is to wait. Hopefully, within a year or two we will have a much better understanding of whether the system is going in the right direction. It seems that at a time when our gaols are not getting fewer people in them but rather seem to be getting more, we have to address many other problems in our society.

I had the pleasure, on a recent trip to America, of listening to a reformed drug addict. He happened to have been a star football player in his earlier days. He stated, at a school at which I was in attendance on the day that he was guest speaker, that something like 70 to 80 per cent of people in the local gaol were there because of drug or alcohol related offences or actions that had occurred because of their indulgence in drugs or alcohol. He was going on a mission, having become a reformed drug taker, to try to convince the students of the State, namely Washington, that it was senseless to fool around with drugs as it would only lead to their being put into prison. I guess we would follow along that line here in South Australia to some extent. It seems that that issue has to be addressed later and this type of Bill will not solve all our problems. I will be interested to hear a few points in the Committee stage and trust that this Bill is a step in the right direction for South Australia.

The Hon. FRANK BLEVINS (Minister of Correctional Services): I thank honourable members opposite for their contributions and support of the Bill, and I particularly thank the Opposition spokesman in this area, the member for Hanson. There was barely a word in his second reading speech with which I would disagree. It is obvious that he has thought about the issue a great deal and made a very sensible and constructive contribution, in an extremely difficult area. I make no claims to be the oracle in the area at all. I am not sure that anyone in South Australia, in Australia or in the world claims to have all the answers on the questions of imprisonment and parole. If there is such a person, I would be delighted to meet them.

As stated by the member for Hanson, the Bill in the main clarifies the Government's original intention when the major amendments to the parole legislation were made in 1983. There were some side effects to that legislation that we found undesirable. They were not expected and this happens not only in parole legislation but in most legislation. If that were not the case then Parliament and parliamentarians would have an easy time with legislation as we spend a large part of our time amending existing Acts.

The object of the Bill is as stated in the second reading explanation, namely, to give the widest possible option to the courts and to spell out to the courts that those options are there. One may argue that it is gratuituous advice to the courts as they can read the original Act and know the intention. However, we believe that on some of these issues it is better to state clearly in the Bill (and eventually the Act) what was the Government's intention at any particular time as well as to tidy up a few anomolies that have come to light.

The question of evaluation of parole legislation is a very important one and the Office of Crime Statistics, attached to the Attorney-General's Department, has already done some evaluation of the parole legislation. I undertake to get a copy of that evaluation to the member for Hanson. It was after a relatively short period—the first 12 months—that they examined the statistics of what happened on parole and with parolees. It was interesting, but after 12 months sufficient time has not passed to come to any firm conclusions. However, for what the information is worth, I will certainly ensure that the member for Hanson gets a copy. The evaluation is continuing. Certainly I can give an undertaking from the Government that if any aspect of the Bill is not working, we will change it. We are at one with the Opposition and the rest of South Australia in wanting our parole legislation to be effective. It is in our interests that that be the case. There are no silly notions of saving face or sticking to something that is not working out of sheer cussedness. I do not operate in that way, and if any part of the legislation is found to be deficient, we will promptly bring in an amending Bill to do something about it.

We believe that the thrust of the new parole legislation is worthwhile, that it is good legislation and is working well. It has brought a degree of stability into the prisons. It has given prisoners a degree of certainty as to how long they will stay in prison, providing they behave, and it certainly has not shortened the period that people are kept in prison. I do not want to go into individual cases, as raised by the member for Goyder, as they have been before the appropriate body and the courts have made their determination. It is not appropriate for me in this forum at this time to criticise the decisions of the court. However, it is true that somebody can have a sentence of 12 months or less and spend longer in gaol than somebody who has a sentence of over 12 months. It is already within the ambit of the court to ensure that that does not happen. They can count the same as we can.

In clause 18 of the Bill we have again spelt out to the court what it can already do so that it is perfectly clear. That clause inserts in the Act section 302, which provides:

> A court in fixing the term of a sentence of imprisonment or in fixing or extending a non-parole period in respect of a sentence, or sentences, of imprisonment, shall have regard to the fact (where applicable) that the prisoner may be credited, pursuant to Part VII of the Correctional Services Act, 1982, with a maximum of 15 days of remission for each month served in prison.

While the courts could always do this we felt it necessary to put it into the Act and spell out clearly to the courts that they need to take that into consideration.

To conclude, the phrase used quite often with parole legislation is 'automatic release'. That is not correct. Prisoners have to earn the 15 days remission. One of the problems we have in the prisons is that very often the remission is not given. I do not have the statistics, but if anyone is interested in them I can get them for members, who will find that, probably for the majority of prisoners, the full remission is not given. An enormous amount of remission is not given and that is how it should be. That was the whole idea of changing the parole system in 1983. Prior to that the remission was automatic—a third of a sentence was automatically taken off.

We changed that and said that the remissions had to be earned and given by the management of the institution. If prisoners behave themselves and earn remission they can know with certainty the date they can be released from prison. It is very much up to them, but many prisoners still feel it necessary to flex their muscles from time to time in the prison system and they pay the price accordingly.

I thank honourable members who have spoken in the debate, particularly the Opposition spokesman, whose contribution was particularly constructive.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr BECKER: I accept the inclusion in the interpretation of 'designated condition', but how does that vary from the conditions applying when a person is released on parole? I assume that when someone is released on parole certain conditions apply and now we are including a 'designated condition' as well. Is the Government adding more or is it necessary technically to tie it up?

The Hon. FRANK BLEVINS: That is the case. Sometimes there is misunderstanding by prisoners about what the conditions of parole actually mean. If the breach of parole conditions warrants a person's being returned to gaol to serve out the remainder of the sentence, that can be done. However, there is a perception by some prisoners that a breach of parole will be dealt with by the Parole Board and, depending on the severity of the breach, a person might be told not to do it again, to clean up their act or to go back to prison for a maximum of three months.

We are making perfectly clear to the parolee that if the person breaches parole against that particular condition it will mean automatic return to prison and the serving of the remainder of that person's sentence—no ifs or buts, no leniency. There will be no going to the board and saying, 'I am sorry, it will not happen again.' On some issues it ought to be made clear to prisoners and parolees that that is the condition.

It is usual to require a parolee not to drink alcohol, but if someone has a glass of port on New Year's Eve, although it is a parole breach, I doubt that anyone would seriously suggest that the parolee must return to complete, say, two

years of a sentence and should go back to gaol to finish that sentence. The person should be counselled by a parole officer, and if necessary, by the board, that that is unacceptable behaviour.

However, if a nominated parole condition is that a person does not carry a firearm and the person is paroled after being sentenced for a violent crime, there will be no ifs or buts: there is a clear breach of a designated condition, which means automatic return to gaol to finish the remainder of the sentence. That is what would probably happen anyway. This provision is merely a clarification to let prisoners know when they are on parole that some actions are beyond the pale.

Clause passed.

Clause 5—'Powers of the board.'

Mr BECKER: Has the Minister received any official complaints from members of the board about prisoners appearing handcuffed before the board?

The Hon. FRANK BLEVINS: I did not know about official complaints, but we have certainly had some discussions with the board. Much depends on where the parole hearing is held. If it is within the prison, which the board does not like and which I can understand, we would have no problem because security is adequate. If the board uses a room adjacent to the court that is not a secure area, obviously with a high security prisoner we would insist on the appropriate level of security for that prisoner. On occasions the board has objected to prisoners being handcuffed when being dealt with by the board.

We have just about resolved that by having the area where the board sits made secure so that prisoners—even high security prisoners—do not necessarily have to be handcuffed when discussing issues with the board, because the area is secure. There have been discussions also with the Health Commission. We encountered a similar problem concerning high security prisoners receiving medical attention or being involved in consultations with medical personnel. Although it is a difficult area, our bottom line is the security of the public and if the sensibilities of either the medical profession or the parole board are touched from time to time, whilst we regret that, it is something that all the parties will have to live with because we will not compromise security at a parole hearing, medical consultation or any other event.

Clause passed.

Clause 6 passed.

Clause 7—'Court shall fix or extend non-parole periods.'

Mr M.J. EVANS: I move:

Page 2, after line 35—Insert new paragraph as follows:

(ab) where a court imposes a sentence of life imprisonment on a person convicted of murder and it is established beyond reasonable doubt that the convicted person intended to cause the death of the victim or some other person—

(i) a non-parole period fixed in respect of that sentence must be not less than 40 years;

or

(ii) an existing non-parole period must be extended by a period of not less than 40 years,

as the case may require;.

Presently there is no statutory non-parole period fixed for any offence in this area but the effect of this amendment, if it were to become law, would be to require the court in one particular and special circumstance to limit its discretion as to the length of the non-parole period it is permitted to set. The special circumstance that I have singled out for treatment in the amendment is where a person is convicted of murder and where it is established beyond reasonable doubt that the convicted person intended to cause the death of the victim or some other person.

That is a special and unique area of the criminal law and the community rightly believes that Parliament and the courts should more seriously address this problem. Certainly, it has been the case over the past few years, particularly since the introduction of this new legislation, that we have seen a significant increase in the non-parole periods fixed by the courts in relation to this kind of offence.

Ms Lenehan interjecting:

Mr M.J. EVANS: If the honourable member will bear with me, I am about to get onto that. Certainly, it is true that, since the law has provided for the appeal process by the Government, the Attorney-General of the day has assiduously sought to appeal in those areas where he believes the non-parole period fixed by the court is inadequate. I believe that the legislation as it now stands provides a very appropriate framework for parole in the overwhelming majority of cases. However, I do believe that the community rightly expects that the courts and Parliament will pay special attention to a number of very limited circumstances and this, I believe, is one of them.

Mr Tyler: They can do it now.

Mr M.J. EVANS: The member for Fisher is trying to draw my attention to the fact that the courts currently have that power. It is certainly true that the courts have that power, but to date they have not chosen to exercise it in a way which I believe properly reflects community concern. The courts have power to do a great many things, yet they do not always choose to do them.

Mr Peterson: Especially when the Attorney-General has to come in after and appeal.

Mr M.J. EVANS: Exactly. My colleague makes the point that the number of appeals that the Attorney has been forced to institute reflects the fact that the courts have not acted in a way that at least the Attorney believes is appropriate. I believe that Parliament should consider, in the case that we are looking at, where a person is convicted of an offence and beyond reasonable doubt it is established to the satisfaction of the court that that person deliberately intended to cause the death of a victim. That is a unique situation where a person sets out deliberately to deprive another person of his life.

When we are dealing with property offences or offences against the State, and the like, I believe that the present system adequately provides for appropriate rehabilitation mixed with this degree of revenge which the public expects to be sought occasionally, which is very limited and which Parliament has appropriately modified so that it has a very minimal effect. I do not seek that in those areas. I believe it is appropriate that the courts exercise their discretion to avoid that unfortunate element of public demand in those areas.

It is also appropriate in offences against the person, where that has been established, that the same thing should occur. I am not calling, as a general rule, for any return to a retributive or revengeful system. That is not my intention at all, and I would not want that intention to be read into my remarks. However, I do believe that, in a case where a person deliberately sets out to deprive another of his life and succeeds in that intention, that is a very special requirement where it is inappropriate that a person should be free in the State some 12, 13 or 14 years later—I believe the average is now of the order of 13 years. That a person can deliberately set out to take another's life and 13 years later be free to do it again is not an appropriate circumstance in my view. In order to address that problem, I have formulated and present to the Committee the amendment before it.

Obviously, the period of time which one picks is somewhat arbitrary, and I do not maintain that the time that I have selected has any particular magic to it. In some cases the courts may want to fix a longer period. In some special circumstances, it may not be appropriate to have that longer term fixed, and the Governor would retain his prerogative of mercy and could arrange the release of a person before that time in unusual and exceptional circumstances which he could take into account and which he now takes into account on the recommendation of Executive Council when remitting sentences in very unusual circumstances.

So, it is not my intention of trying to ensure long prison terms for a wide range of people; that is not my intention at all. I do not believe that that is appropriate. I am not seeking any harsher penalties in that respect, but I am singling out one offence where I believe very unique circumstances prevail and where certainly Parliament and the public are entitled to give reconsideration to that aspect of it and to some extent to fetter the discretion of the court. It is true that Parliament has already done that to a large extent by imposing a requirement of life imprisonment. We are now merely stating our intention in respect of how long that otherwise fixed sentence should in fact be.

Mr PETERSON: I support the amendment. Some time ago I was involved in a community discussion on capital punishment which I believe the majority of people in this State support (although not openly). Obviously, it would not have passed through this Parliament so it lapsed. There is a developing attitude in the community that people who commit a wilful murder, an act of terrorism (an example of which is the Truro murders), have no right to be out in the community at all, but there has to be an end to it somewhere. The public desire was recognised even by the Minister in his second reading explanation, when he said:

> The Government acknowledges that the whole area of parole and remissions is complex with consideration needed of many factors including protection of the community, community faith in the sentencing process.

It is recognised that there are feelings in the community that we should have more emphasis on sentencing and that people should recognise and understand the sentencing. As has been said already by members this evening, the Attorney-General has had recently to intercede in certain cases to get the sentences adjusted. So, there is no argument in my mind that in an outright, wilful murder situation, there should be a long set term. They should be put in gaol and know what they are there for. In the other range of sentences that we have in our courts, there are remissions available and they are applied. There is a parole scheme, under which roughly a third applies immediately, and there are further concessions for good behaviour. However, I do not believe that people who set out deliberately to take the life of another deserve special consideration, except in the sense that they deserve to be treated as harshly as possible by the law. I support the amendment.

The Hon. FRANK BLEVINS: I oppose the amendment. Should it be carried, it is implicit in the amendment that it would apply on each occasion that somebody was convicted of murder. It is not the special case at all, because, whilst I do not have a legal definition of 'murder', it is an intent to cause the death of some other person. If that was not the case, it would not be murder—it would be manslaughter. I think the member for Elizabeth will find that that is the case. He signifies that that is not the case, but I am quite certain that that is the definition of 'murder'. So, it would involve lifers: everyone who had been convicted of murder would automatically receive a non-parole period of 40 years.

The Government certainly does not believe that there should be minimum non-parole periods in this area, because every case is different. I will outline a couple in a moment including one of which the member for Semaphore would be well aware. There are others where it would be totally inappropriate to have a non-parole period of not less than 40 years.

Mr Peterson: I know what you are going to say, except that there still would be—

The Hon. FRANK BLEVINS: Good—and there are plenty of them. Seeing that the honourable member brought it into the argument, I will get around to that case in a moment. The argument goes that, when there are minimum penalties of this nature, it is less likely that a conviction will be recorded. That has been the argument in cases such as rape and many others. If it was made mandatory that a life sentence be imposed for rape, very few convictions would result. That is a fact. Certainly, the higher the penalty, the less likely it is that a conviction will result, so it seems to me that, if this provision became law, in effect fewer people would be convicted of murder, and that is certainly not the Government's intention. However, that would be the case, so I am told by those who are aware of these matters and who have a particular interest in this area.

While it is true that anyone who deliberately takes another person's life unlawfully is charged with murder, and the mandatory sentence on conviction is life imprisonment, we do not have a fixed non-parole period, because circumstances vary in each case. The amendment makes no provision in that regard. There is no doubt in my mind (and, I would expect, in the mind of most members) that circumstances differ. I have considered cases that honourable members have taken up on behalf of constituents: I have been asked to see whether persons can be released from prison after a very short time, although they have been convicted of murder.

The member for Semaphore brought one such case to my attention, and I agree with him completely. While that person deliberately went out to kill another person, it would have been totally inappropriate for the convicted person to stay in prison for 40 years. I agree completely with that. The due processes were gone through and that person was let out of prison by the courts. If this provision became law, there would be retrial by Cabinet of every case of murder, because each case would go before Cabinet if it was suggested that 30 or 40 years imprisonment was too long. In effect, to a great extent we would be taking out of the hands of the court a determination on the length of time that people should be gaoled for murder. We philosophically disagree with that: we believe quite emphatically that the proper authority to determine precisely for how long a person stays in gaol is the court, not Cabinet. If this amendment was passed, it would be inevitable that Cabinet made the decision, but I do not believe that Cabinet is the appropriate body. The Government and I believe that only a court should take away someone's liberty.

I recall another case that occurred not so long ago, and I believe that a person who killed someone as an act of compassion is now in gaol. The court determined that compassion was involved. That person deliberately killed another person: after shooting that person accidentally, he deliberately killed the injured person because there was no way in which he could get medical attention to him. That was murder, and the court had no option but to impose the mandatory life sentence. However, the court imposed what I believe to be the shortest non-parole period in history. Had there been a mandatory non-parole period of 40 years, he would have had to advise the Governor that there was a case for clemency, and Cabinet would have had to consider the matter. I do not believe that Cabinet is the appro-

priate authority to determine issues of this magnitude. Someone could put a case to Cabinet in every instance, and Cabinet would have to decide.

So, for two reasons I do not believe that Cabinet is the best body to decide this issue. The court is the appropriate body to make that determination. In addition, there would be fewer convictions if this provision applied, and that would be highly undesirable. If the jury knew that there was a mandatory 40 year non-parole period, there would be fewer convictions. In the Bill before us we are stating quite clearly to the court that a non-parole period does not have to be fixed, as is the case under the existing Act. We feel that the law is clear but that it is not spelt out clearly enough that the court does not have to impose a non-parole period.

In South Australia a life sentence can mean for life. If the court chooses not to impose a non-parole period, and if the prisoner chooses to go back before the court in 30 years to have his case reviewed, that can be done. We are trying to provide the widest range of options to the court to fit the sentence to the circumstances of the crime. I would have thought that that was a philosophy with which the majority of members in this House agreed.

Mr M.J. EVANS: The Minister raised a number of matters, and I will not attempt to go through them all. The Minister should be aware that this is not the only category of murder. Murder is caused where a person willfuly disregards the consequences of their actions to the point where they simply strike out and someone subsequently dies although there was no intention to kill.

The Hon. Frank Blevins interjecting:

Mr M.J. EVANS: I have been advised by the people whom I have consulted on this matter that that is a category of murder—murder with wilful disregard to the consequences of actions. There is also felony murder, where one causes the death of another while committing a felony, and that is a much older tradition. But, that still leaves the area of deliberate murder, which I believe is a separate category. The Minister has made a good case that Cabinet is not the appropriate body, but Cabinet is taking on board that responsibility at present, and one sees from the *Government Gazette* almost every other week notice of remission of penalty. If the Minister denies that, I will cut out the relevant section from the *Government Gazette*, because I saw last week that Cabinet had remitted a penalty that had been imposed on an individual.

That was quite appropriate, and I do not dispute Cabinet's right to do that: that is part of the tradition of English law that we inherited, and it is not unreasonable that that system exist. I agree that in regard to something as serious as this Cabinet may not be the most appropriate body. If this kind of thing was to become law, the Government could review the way in which advice was tendered to the Governor under that system. So, a number of other factors must be considered, and amongst them is the effect on the community. In effect, we are writing the law for the minority, and I do not believe it is inappropriate that the community should give this kind of thing extra attention. The matters raised by the Minister can certainly be addressed, and I acknowledge that he is making a reasonable case against the immediate implementation of this provision and that, after further thought, other mechanisms may be appropriate. I acknowledge the force of what the Minister is saying.

I believe that the community wants the Government to address this sort of problem, and I hope that, now that the matter has been raised, the Government will consider it in the future, perhaps in a more sophisticated way than has been possible in the debate tonight. Generally, the community expects the Parliament to review these things more seriously and they do not expect that people who have undertaken deliberately to deprive another person of their life will be released within 15 years.

Mr S.G. EVANS: I support the amendment. When I first read it, I thought that I would not support it. Under this amendment the court can impose the sentence of life imprisonment for a person convicted of murder. It is quite clear that the court knows what the law is, if we set a minimum of 40 years. The court would determine whether a person intended to take the life of another and it would know that, in imposing that sentence, there would be a non parole period of 40 years. The court can decide whether the sentence will be life or slightly less if it believes that 40 years is too long in relation to the crime. That convinced me that I should support the amendment.

I had intended to introduce a Bill to enable a court to impose a penalty of imprisonment for the term of a person's natural life, never to be released unless found innocent. This amendment does not go quite that far, but I have no alternative than to support the amendment in the hope that some time down the track I can introduce my other proposition, hoping that the Parliament will support it. I congratulate the member for Elizabeth for moving this amendment, and I support it. These matters are in the hands of the court, not the Cabinet. The court makes the first decision and imposes a penalty of life imprisonment or a penalty of less than 40 years where it decides that that is appropriate. It is quite clear from the amendment that that is the case.

Mr PETERSON: The Minister mentioned a case about which I petitioned him, and I appreciated his help at the time. The right decision was made, and the man was released. In that case there were exceptional circumstances.

The Hon. Frank Blevins interjecting:

Mr PETERSON: That man could not feed himself and was totally blind. The petition was reasonable and the man would have been let out whether it was a 40 year or five year sentence. The system could not cope with him. If gaols are to be built to care for these sorts of people, that is fine. However, the Minister should be honest and admit that the system was not coping in that case and that there would have been a fatality if this man had stayed in prison, because he was not being cared for properly. The amendment refers to one specific offence, that is, wilful murder. Any member in this Chamber who believes that anyone of the calibre of the persons who committed the Truro murders deserves to be free should stand up and say so. If anyone believes that those people who blow up children or commit other such serious crimes should be on the streets, then they should say so. Otherwise, let us look at the system. The Minister also says that the system now gives life imprisonment with no parole, but it does not. As was stated previously, the Attorney-General has recently, because of public pressure, petitioned on several occasions to have sentences increased in relation to particular crimes.

If the system at the courts level is not working and the Attorney-General—the representative of the Parliament and the Government of the day—has to intercede to obtain what is considered an acceptable (I suppose that is the term) sentence for a particular criminal, there is something wrong with the system. This amendment clearly applies to a wilful, deliberate, conscious act of murder where one takes a human life. Even though the Minister says that the provision exists, it is not applied. I can see the problems, with someone sentenced to 40 years. That prisoner will not be very amicable or controllable, and I understand that. However, the people of this State deserve to be protected. Who have the

rights in this situation—the prisoner or the public, or the victims whose lives have been taken? Whose rights are we looking after?

We are talking about a very small group of people who have the mental attitude to carry out this sort of crime. We are not talking about filling the gaols. I do not know how many are in the system now under this classification: I did not have time to research that matter. However, I do not think it would be many. Anyone in that classification deserves, in my opinion, no consideration at all. I support the amendment because it relates only to a small group of people, the very worst in society who commit a crime callously with premeditation. However, those who commit, say, a mercy killing that is not the vilest of crimes have the right to appeal to the Governor and seek a remission; and that provision still exists.

The Minister also said that Cabinet should not be the judge. However, it is the judge presently and has been in the past. If this amendment is carried, it will again be the judge. There is no alteration to the system. It is an accepted principle in the type of government we have, and it has existed previously. However, in the worst cases I do not believe that prisoners should be released until they have served what the public of South Australia believe to be an adequate sentence.

The Hon. E.R. GOLDSWORTHY: I support the amendment, which really defines what we mean by a life sentence. To me, a sentence of life imprisonment seems to be fairly meaningless unless that is what we are on about. I have been of the view, and I think the public at large are of the view, that sentences for murder of the type described here are too light. The majority of people in this place may have another view, but I am sure that the public is very concerned. Some members may advocate another argument: for instance, those who are not in favour of capital punishment believe they know better than the community at large. We should conduct a referendum on that issue: the results might be interesting.

In effect, what the members concerned are saying is that they know better than those who put them here. I do not think that we should automatically set ourselves up as being of superior judgment or commonsense than those in the community at large. We are talking about life imprisonment, and this is what the amendment seeks to define. I think it is realistic. With remissions, and so on, one is not talking about a sentence of 40 years, but more like 25 years if prisoners behave. I have no problem in supporting the amendment.

Mr LEWIS: I support what my Deputy Leader has said and support the amendment. I cite as my evidence, if I needed anything other than my conscience and commonsense as reason enough for it, the survey I conducted last year among the young people who left schools in my electorate between 1979 and 1985. I have previously drawn this survey to the attention of the House. Of those who responded to the survey, in which they were invited to list the crimes they considered to be worst and to say whether or not the penalties for those crimes were adequate, 415 who answered this question (over 80 per cent) stated that murder was a crime that they expected would get worse over the next few years. Of that 415, 373 stated that the penalties were not harsh enough. Only 26 stated that they were harsh enough.

Only one other crime is listed which came out with a high numerical score; that was 357 out of 383 concerning rape; but statistically it is still in the same camp. It may be of interest to the Minister and the House to realise that the crime of drink driving was considered by 213 of those people to be a crime that would get worse over the ensuing years: 96 said the penalties were adequate and 117 said they were not. One can see that that kind of offence against society which can cause, through an individual's irresponsibility, the death of someone else, while it is regarded as being likely to get worse, is not regarded as being more adequately punished than murder.

Another way of expressing that is that those people think the penalty at present fits the crime of drink driving: the proportion is about half and half. However, with murder, almost 14 to one say that the penalty is not severe enough, and that is why I support the amendment.

Mr S.G. EVANS: One point I wish to make in support of the amendment is that nowadays it is unusual for lawyers to argue that a person is criminally insane to try to win the point, because they know that a person found criminally insane is put away for life, and lawyers tend to let an accused take their chances through the system, be charged with murder and face a gaol sentence, whatever it may be.

The Committee divided on the amendment:

Ayes (17)—Messrs P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker, Chapman, Eastick, M.J. Evans, S.G. Evans (teller), Goldsworthy, Ingerson, Lewis, Meier, Olsen, Oswald, Peterson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Blevins (teller), De Laine, and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Mr Allison, Ms Cashmore, and Mr Gunn. Noes—Messrs Bannon, Crafter, and Plunkett.

Majority of 6 for the Noes.

Amendment thus negatived.

[*Sitting suspended from 6.5 to 7.30 p.m.*]

Mr BECKER: Under this clause does the Minister have any indication of how many prisoners do not want parole? In the introductory speech mention was made of prisoners not wanting to accept parole.

The Hon. FRANK BLEVINS: I do not have the figures offhand. I will see whether those figures can be extracted from departmental files. There are not many.

Mr BECKER: I was surprised to learn that prisoners do not want to conform with the system. Occasionally prisoners are sentenced by the courts at the Governor's pleasure. Can they apply under this clause to see when they can be released, or what happens when a person is sentenced at the Governor's pleasure?

The Hon. FRANK BLEVINS: It is a Cabinet recommendation to His Excellency to move them around within the various institutions or to release them.

Mr MEIER: I refer to clause 7 (4) *(c)* (ii), which states:

> *(c)* a court may, by order, decline to fix a non-parole period in respect of a person sentenced to imprisonment if the court is of the opinion that it would be inappropriate to fix such a period by reason of—
>
> (ii) the criminal record of the person:

I am wondering to what extent this Bill will change the situation in the case, for instance, of a person who received a 14 month sentence and under the previous Act got out after six months due to good behaviour remissions, even though a non-parole period of nine months was set. In other words, the court sentenced the offender to imprisonment for 14 months with a non-parole period of nine months, but that did not make much difference because the person got out after six months. Under this legislation, if a person is sentenced to 14 months imprisonment, am I right in assuming that that person could likewise get the 15 days off

whether or not a non-parole period is set? In other words, will the net result still be the same as currently?

The Hon. FRANK BLEVINS: On the simple reading, the provision to decline to set a non-parole period applies to any prisoner who has been sentenced to any period of imprisonment. It would then be possible to go back to the courts and ask them to review that sentence. Before the Committee stages are completed, I will get some further advice on that.

Mr MEIER: The other question, more particularly in regard to the criminal record of the person, is whether that is coming part of the way to taking into account unsatisfactory behaviour of a prisoner. I do not quite see how the court would make a determination in sentencing and say, 'You had been a bad boy on previous occasions, therefore I will not give you a non-parole period.' The judge will find that hard to determine, taking the criminal record of a person into account.

The Hon. FRANK BLEVINS: I am not quite sure what the honourable member asks. He will have to go through it again. However, on mature reflection, I was wrong with my previous answer and thought so whilst giving it. The provision to decline to set a non-parole period refers only to people sentenced to a term of 12 months or more of imprisonment, including life imprisonment.

Mr MEIER: My question refers to the criminal record of a person and relates to the fact that in this Bill account will also be taken of unsatisfactory behaviour. I know that the Minister referred in his second reading explanation to the fact that remission of 15 days per month can be granted for prisoners for good behaviour. Is there a set figure that prison authorities will take into account in this new Bill in regard to unsatisfactory behaviour? Is there a magical formula that they will go on?

The Hon. FRANK BLEVINS: No, it does not alter the present provision at all. The 15 days remission that can be earned after serving 30 days is still exactly the same. It has to be earned by the prisoner. The Bill does not alter that at all.

Mr BECKER: This is really the all-embracing clause and the most effective one. I believe members of Judiciary were going to attend seminars on the remission system and these may never have eventuated. The Judiciary has the right to set non-parole periods and consider remissions. I am wondering whether the department has conducted these seminars with the Judiciary or still proposed to undertake such seminars. If so, what benefit will there be in that?

The Hon. FRANK BLEVINS: The responsiblity of dealing with the Judiciary lies with the Attorney-General. The Attorney-General and the Courts Department from time to time organise sentencing seminars and I understand that one is being held today. Apparently (and I stress 'apparently' as it is not under my direct responsibiliy) this happens from time to time, particularly when there is a change in the legislation.

Clause passed.

Remaining clauses (8 to 21) and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. FRANK BLEVINS (Minister of Labour): I move:

That the House do now adjourn.

Mr TYLER (Fisher): I would like to use my opportunity in this debate to draw to the attention of the House some of the matters affecting my electorate, and especially some of the inadequate recreation facilities within it. In common with all new rapidly developing areas, my electorate, comprising many young people, has an urgent need for adequate recreation facilities. My electorate extends to Sheidow Park on the western side, to Aberfoyle Park on the eastern side, to Bellevue Heights, Eden Hills and Darlington to the north and Happy Valley and Reynella in the south.

In this area are a variety of sporting grounds, ranging from hockey, football and cricket ovals, to netball and tennis club facilities as well as a YMCA facility at the Hub. There is also an annex at O'Halloran Hill called the Hills Recreation Centre.

Mr S.G. Evans: What about skateboard tracks?

Mr TYLER: As the member for Davenport points out, there is a big demand in both our districts for skateboard tracks and BMX bike tracks. There is one BMX track at the Happy Valley oval sporting complex, and I have been approached in recent weeks by two groups from my district about this matter. One group, right in the middle, wants to put a BMX bike track on the Serpentine Road reserve and some students from Aberfoyle Park High School would like a skateboard facility in the Flagstaff Hill area. Certainly, there is a big demand in such sports.

However, I would like to concentrate tonight on one particular aspect of recreation in my area, that is, the condition of Flagstaff Hill oval. The member for Davenport, who follows local sport, would be aware that at present this oval is in absolutely appalling condition. In the local press it has been described as a pig sty, not only because it looks like one but, believe me, it smells like one.

Mr S.G. Evans: You have a vested interest: you play cricket on it.

Mr TYLER: Yes, the honourable member is correct, and I was just getting to that. I am a member of the Flagstaff Hill Cricket Club and for this coming season the club has been told by the Happy Valley council that it will not be able to use the oval because it is not in a fit state and that urgent repairs will need to be made to the ground. I have had some discussions with the Flagstaff Hill Cricket Club President, Mr John Kessell.

Mr Rann: Is he a New Zealander?

Mr TYLER: The member for Briggs is interjecting out of his seat—yes, he is a New Zealander who can play cricket, and we affectionately describe him as 'Iron gloves of the south', because he is a well known local sporting identity as well as a very good wicket-keeper. Mr Kessell has expressed to me that the club is becoming increasingly frustrated and anxious about the long-term viability of this ground. From the club's point of view, it is becoming very frustrating because, out of the past four years the club has only played on the ground in one year—the last season, in 1985-86. The oval is also used by the Flagstaff Hill Football Club and these two clubs have been trying to nurture and develop both their respective sports. The Little Athletics Club also uses the ground and it is becoming increasingly frustrating to develop and nurture those young talents that we have in the area when we have no suitable facility.

Certainly, it is not conducive to good football or cricket and does not help encourage participation by people in the Flagstaff Hill area. I do not wish to be critical of anyone about the condition of the oval. Certainly, I do not seek any retribution or a witch hunt, and I do not want to be critical of the Happy Valley council, which has an enormous job in the area trying to develop recreation facilities such as the Flagstaff Hill oval. I believe the council has tried sincerely.

Mr S.G. Evans: Up our way we build our own ovals.

Mr TYLER: True. In fact, the management committee at the Flagstaff Hill oval has done much work in developing the Oval but, in getting a facility that we can be proud of in the area, we certainly need the help and assistance of the council. It spent about $20 000 on developing this oval four years ago but, for a number of reasons, the oval has deteriorated from a state that was bad to to a state that is now appalling.

Mr S.G. Evans: The soil is no good.

Mr TYLER: The member for Davenport says the soil is not good. Certainly, that is one of the problems that has been highlighted. I was about to point out that the Happy Valley council has investigated the condition of this ground and has produced a comprehensive report indicating that that was one of the reasons. The council has a number of options open to it. One was to develop an agricultural drainage system on the ground, but that is an expensive option and I understand that of all the league venues only two grounds have agricultural drainage systems: Adelaide Oval and Football Park.

The member for Davenport might draw attention to the fact that Blackwood Football Club has an agricultural drainage system, but I understand that Blackwood oval is in about 60 per cent as bad a condition as Flagstaff Hill oval. At least the ball bounces at Blackwood. At Flagstaff Hill it just slides along the ground, and that is not conducive to good sport.

Flagstaff Hill oval is to be used for an official Jubilee 150 function this year, that is, the Rotary Fair, which is now an annual fair in the Flagstaff Hill area. Certainly, it is an important part of the Happy Valley/Aberfoyle Park/Flagstaff Hill area calendar. I am concerned that the Rotary fair might be spoilt. Certainly, if we have some bad weather in the week leading up to the fair the oval could be in a quagmire. I have some reservations about the situation.

I have suggested to the City Manager at Happy Valley that the council perhaps ought to talk with the Flagstaff Hill Rotary Club to get the fair moved to Happy Valley Oval, because that would be a much safer venue for all participants in this important Jubilee 150 event. At present in Flagstaff Hill we do not have an oval at all. The only other oval is the Flagstaff Hill Primary School oval, which is under redevelopment and which we hope will be available for the next cricket season. That oval will be planted shortly and it needs to sit for about 12 months in order to allow the grass to establish itself.

Certainly, no football should be played on it for the next season. I understand that the Education Department and the Happy Valley council agree on this and that there will be no football or sporting functions on that ground for 12 months. Of course, ideally, that is what I would have liked to see happen at the Flagstaff Hill oval. We may get into a situation, if the agricultural drainage is developed on the ground, where this oval is not used for 12 months. If that is the case, the cricket club will not be able to use the ground next year at all. I am also most anxious that the football club is not left without an oval for the 1987 football season.

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

Mr S.G. EVANS (Davenport): I congratulate the member for Fisher for recognising that there is a shortage of playing fields within our communities. Whether it be for football, soccer, cricket, softball or hockey, there is a serious shortage of playing fields. Part of that problem has been created by those who, every time a piece of land is about to be developed for such a purpose and there happens to be a tree in the middle of it, object to the land being used because of the tree or some other local or geographical aspect that they think should be preserved. One cannot have both. In my own area, like the member for Fisher, I have ovals where football clubs are playing perhaps too many games (as many as four) on a Saturday, and are training on the same ground, as a result of which damage has been caused. I would like to see local councils find areas which are not necessarily the shape or size of a playing field of any particular type but which can be used for training purposes. It does not matter if they get cut up a bit; the actual playing surfaces are maintained for competition.

Mr Tyler: That was all mentioned in the reports.

Mr S.G. EVANS: That is excellent. I will leave that and continue the saga of the Ombudsman's Report. I heard yesterday while I was in my room the member for Henley Beach take me to task over my comments concerning the Ombudsman's Report. First, I believe that the present Ombudsman and his staff have done a very good job in the investigations that they have conducted, and the actual detail of the report is quite good. I note that the Ombudsman gave the Hon. Mr Cornwall from another place a little rap over the knuckles for refusing to allow the Ombudsman's officers to investigate a matter in an attempt to try to protect, it appears, somebody within that Minister's department. I congratulate the Ombudsman, because that shows a sign of strength that was intended by that officer to investigate that matter. In his speech the member for Henley Beach said:

> It is obvious that the Ombudsman wishes to make sure that his message is read and the distribution of his report to the various libraries ensures that not only is the message read and understood but that the message will last.

I thought I would take the opportunity of telephoning libraries to see how many had the Ombudsman's Report. First of all, I found that the Government Information Office does not yet have this year's report but was selling last year's report at $2.43 a copy. In fairness, nobody could tell me exactly how many were printed. It is only proper that I go through the Minister to get that information, and time did not allow that process, because it usually takes 12 months to get an answer to a question, and I wanted to speak on the matter today. When I checked with the Adelaide Public Library, I found, of course, that it had a copy and I am sure that the Parliamentary Library has a copy, because they are depository libraries and by law they must be provided with copies of documents if they are printed in this State. They are free of cost.

I then had someone check with the Adelaide University and Flinders University Libraries, and they each had a copy. I had somebody else telephone 28 of the 36 local government libraries, and none of them had a copy. I therefore thought it was no good wasting any more on telephone calls. We checked with 13 libraries involved with further education, such as TAFE, and none of them had a copy. However, one said that it would have a new computer list coming out tomorrow and that it might happen to be on it.

So, I suggest that no member should stand up here in the future and suggest that the Ombudsman's Report is generally available in libraries, because it is not. When I ask a question of the Minister, I will be interested to ascertain how many are printed, how many are sold, how many are thrown away and what is the free distribution list. However, that will come later.

The member for Henley Beach referred to proper design. There is a difference between proper design and excessive design. He said that I should not reflect upon the Government Printer. I suggest to him that he check and find who designed the report. I think he will find that it was neither

the Government Printer nor the Ombudsman, but somebody outside those areas who was commissioned, perhaps by the Ombudsman's office, to design the report.

The actual content of the report—the fancy cartoons, etc.—is not a creation of the Ombudsman's office. However, the member for Henley Beach stated that in years gone by—centuries ago, or some other time when they used parchment paper—people drew sketches and designs, caricatures and that type of thing in their publications to illustrate the message that they wanted to get across. The reason for that was that the vast majority of people could not read or write, and one of the best ways to get the message over in those days was to do a painting, sketch or cartoon. That is why some of the greatest painters were around in those days, including some of the early Aboriginal artists. It is obvious that the member for Henley Beach had not given much thought to that comment.

It is interesting to note that the honourable member did not take up the point that I made about the silly captions above the references to some of the investigations that took place, for instance, 'horse sense' or 'lead kindly light', although I suppose that you could lead a horse with a kindly light. They were the things that I mainly attacked, as well as the waste of paper. The honourable member suggested that, in setting out a report, it is quite proper to have a blank page at the back. I point out to the member that one page was blank on both sides; also, the inside of the back cover and the next page in were blank. That involved pages 59, 60 and 61, and page 58 had only six lines set in the middle and the Government Printer's name at the bottom.

The next page back carried a map of South Australia, but I thought that everybody knew that the Ombudsman had his jurisdiction all over South Australia, so why have that? At the front of the book there is a blank inside cover, and the first page has only a little bit in the top corner. I never made any attack on the margins down the side being a waste of space or said that the report could have been produced with fewer pages, thereby saving money.

I will now refer to a practice which is occurring in our community and with which I disagree. In this instance, the CES asked a young lady, 19 years of age and unemployed, to apply to work for a family as a babysitter in the afternoon while a member of that family attended their employment.

The girl was offered $2.50 an hour, or $10 an afternoon. When she queried the amount, she was told by that person, who was employed by the CES, that there was nothing to worry about because she would be paid $50 in cash and she could still claim the dole or, if she declared the $50 a week ($10 an afternoon or $2.50 an hour for four hours—20 hours work) she would still get $70 dole. So, some persons in responsible jobs in Government departments are encouraging young people to exploit the system, and that is an utter disgrace.

The Hon. J.W. Slater: They are also exploiting the girl.

Mr S.G. EVANS: Yes, they are exploiting the girl, I agree. They were asking her to work for $2.50 an hour.

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

Mr FERGUSON (Henley Beach): I do not have the time to rebut the arguments put forward by the previous speaker, but I point out that margins and the judicious use of white space are synonymous. It is very difficult to teach a person who does not understand the printing industry some of the principles involved.

I will leave that subject, because I want to refer to a proposition that I put earlier this year.

In March 1986, I expressed concern at the need to look at the increase in the number of rear end accidents connected with the introduction of red light cameras at intersections. To some extent, this was a guesstimation based on the number of whiplash injury compensation claims, which had increased spectacular in Victoria. For this, I was criticised by Mr Donald Beard in the *Advertiser* of Thursday, 3 April 1986, when he stated, in part:

> I am extremely disappointed to read in the *Advertiser* that Mr Don Ferguson, the member for Henley Beach, has recommended that the introduction of red light traffic control cameras be deferred. This he did on a supposition of an increase in whiplash compensation claims in Victoria was due to the introduction of red light cameras. There are many reasons for these claims, not all of them medical. I cannot see that 'hesitant motorists brake unnecessarily through sheer fear of the camera'.
>
> The red light camera was introduced in an attempt to reduce the number of crashes occurring at intersections controlled by traffic lights. Motorists should approach all intersections where there are traffic lights at a speed at which they can slow down and stop in safety if the lights change. The cameras would never have been introduced if motorists had not been in the habit of 'going through on the red' and causing numerous crashes.

The article continues and it is quite lengthy. I took the opportunity to travel to Victoria on a holiday weekend, at my own expense, to have a look at the operation of red light cameras in Victoria.

I had the opportunity to speak to Mr Mark King, who is an officer of the Victorian Transport Department, in the Minister for Transport's section. As a result of that conversation, I requested from the Minister for Transport a copy of the report which was compiled since red light cameras were introduced in Victoria. The copy is available to members of the House if they desire to peruse it, but the conclusions were drawn that the public have generally accepted the cameras as road safety measures and are generally aware of their presence at individual intersections. The number of traffic signal offences recorded by red light cameras stabilised at a level lower than that recorded during the early weeks of the program. This indicates that some red light offenders were deterred from disobeying traffic signals at the treatment sites.

There has been a reliable decrease in the number of right angle accidents at red light camera intersections. As expected, the rear end accident rate increased, but it is unclear whether this was a real effect or a chance fluctuation. The cameras did not affect the rate of right angle accidents or other accidents. The introduction of red light cameras in Melbourne has not decreased the number of accidents at intersections where red light cameras are operating. What has happened is that the number of right angle accidents has decreased by 41 per cent but the number of other accidents has increased by 61 per cent (and I am quoting from page 7 of the red light camera evaluation executive summary, dated July 1986). So, the scientific study which is now being completed in respect of the evaluation of intersections where red light cameras are installed has confirmed the views that I held—that, in fact, the number of rear end accidents at red light camera intersections has increased dramatically, and it is safe to say that there is now, in fact, no supposition in regard to this proposition and that scientific studies have confirmed that the number of rear end accidents has increased by at least 41 per cent at all intersections where red light cameras are installed.

This is something that I believe, and I still state that the Police Department, the road safety authority and everyone concerned should be taking it into account before red light cameras are introduced. The argument is put (and in all probability the argument is correct) that the significant reduction in the number of right angle smashes at intersections has reduced the severity of accidents in relation to the

victims. That is something that I accept but, at the same time, due consideration must be given to the spectacular increase in the number of rear end smashes at these intersections. There is a very significant cost to the community because of the claims for whiplash made by the victims of these rear end accidents.

The Hon. Jennifer Cashmore interjecting:

Mr FERGUSON: I am pleased to answer that interjection: I believe that intersections should be signposted. If the object of the exercise is to prevent smashes at those intersections, the obvious thing to do is to erect signposts.

Concern was so great in Victoria that on Thursday, 24 April 1986 the Minister for Transport, Mr Tom Roper, launched a $200 000 advertising campaign aimed at reducing the number of accidents at intersections, particularly those with red light cameras. Of particular concern were drivers who turned right at intersections and collided with on-coming cars, and rear end collisions. A 30-second television commercial went to air on Sunday, 28 April telling drivers not to hurry or panic at red light camera intersections. Mr Roper stated that preliminary results of the study into the safety benefits of the camera show a 68 per cent reduction in the number of right angle accidents.

Driver behaviour research by the road traffic authority suggests that some drivers become uncertain at red light camera intersections. Some drivers who are turning right hurry their turn into on-coming traffic because they wrongly believe that they will be photographed, but they would not be photographed if they had entered the intersection before the light turned red. Mr Roper said that the most disturbing result of the study was an increase in the number of rear end collisions. The net effect is a 42 per cent increase compared to the number of accidents at similar intersections where red light cameras were not installed. While these accidents are less severe than others, they appear to be caused by driver uncertainty and excess speed. I would advise motorists to fit high mounted brake lights to help overcome this problem. Drivers should treat all intersections with caution. I believe that my statement on the increase in the number of rear end accidents where red light cameras are operating has been fully justified and that this matter should receive careful consideration before the introduction of cameras at our intersections.

The other matter to which I would like to refer briefly is the location of warning signs. The Victorian police have stated that the aim of red light camera installations is to deter red light offenders rather than the apprehension of offenders. The Victorian Police and the Minister for Transport in Victoria have been in favour of highly visible warning signs. This is an approach with which I thoroughly agree. If the object of the exercise is to stop red light runs, the warning signs should be put up.

Before we introduce the red light cameras into South Australia (and I note that an allocation has been made under the budget) we should consider implementing the same sort of campaign as was undertaken in Victoria. Motorists are unsure and timid about the introduction of red light cameras. An increase in the number of rear end accidents will undoubtedly occur, and I say once more that, before we introduce red light cameras into South Australia, this situation should be considered thoroughly.

Motion carried.

At 8.11 p.m. the House adjourned until Thursday 25 September at 11 a.m.