## HOUSE OF ASSEMBLY

Thursday 13 April 1989

**The SPEAKER (Hon. J.P. Trainer)** took the Chair at 11 a.m. and read prayers.

## GRADUATE TAX

Notices of Motion: Other Business, No. 1: Hon. E.R. Goldsworthy to move:

That this House condemns the Premier for his support of the graduate tax and his lack of will in conveying the opposition of the South Australian branch of the Labor Party to the Federal Government.

**Mr OSWALD (Morphett):** I move:

That this Notice of Motion: Other Business be discharged.

Notice of Motion: Other Business discharged.

## STATE BANK

**Mr RANN (Briggs):** I move:

That this House condemns the Opposition for its sustained and continuing campaign to undermine the vitally important role of the State Bank of South Australia in our community.

I have moved this motion because I am concerned that the Leader of the Opposition, his shadow ministry, and his staff have embarked on a sustained and continuing campaign to undermine the credibility of the State Bank of South Australia, and to denigrate and defame its board and its principal officers. It is a course of action designed to place Party before State, and to put headlines before facts. This approach is part of a general strategy by this Opposition to talk down our State, to sabotage new developments and to frustrate employment growth.

In every sense of the word, this campaign amounts to the grossest economic vandalism that this Parliament has seen in recent memory. Even members opposite can hardly deny that the State Bank is one of South Australia's greatest success stories. That tribute is in itself remarkable because the bank is less than five years old.

It was formed on 1 July 1984 from the merger of the Savings Bank of South Australia and the former State Bank. That merger, enacted by this Parliament, created a competitive framework for the State Bank in the newly deregulated banking environment. No-one of significance in the Australian financial community would not acknowledge that the success of the new bank is, in a large part, due to the brilliance of its Managing Director, Tim Marcus Clark. His appointment in February 1984 was a major coup that stunned the Australian banking world; it was a major coup for this State.

One of Mr Marcus Clark's first moves was the acquisition of Beneficial Finance in April 1984, marking the beginning of a period of dramatic growth for the State Bank group. Let us look at the bottom line—the figures. Group assets rose from $2 463 million in 1982-83 to $11 billion by 1987-88. Over the same five-year period, the group's net profit rose from $10.9 million to $66.4 million. In 1987-88, the last full year, the bank's revenue was over $1 000 million. This growth continues. In February the State Bank announced an operating profit of $50.8 million for the first six months of the 1988-89 financial year from a revenue of $716.7 million. Total assets have also increased massively from $11 billion to $13.5 billion during those same six months. There is now no doubt that the State Bank will outstrip its estimated profit this financial year of $97 million.

This strong growth in both assets and earnings can be attributed to the successful pursuit of a dominant position in retail banking in South Australia, a number of significant acquisitions, and a rapid expansion in corporate and international markets. Banking is a tough, competitive business. There is no doubt that the State Bank's success in the retail market in South Australia reflects the bank's commitment to providing the people of this State with the fullest range of banking and financial services.

To achieve this goal, the bank has developed highly successful retail banking services, and has acquired a number of subsidiaries in key financial service industries. Our State Bank is by far the biggest lender for homes in South Australia with a massive 40 per cent of the home market. The significance of this share is underlined when one considers that the big four national banks combined have between 40 per cent and 45 per cent, with the remainder of the housing market divided between building societies and credit unions. The State Bank also has the dominant share of savings and trading bank deposits in South Australia, being about 42 per cent of all deposits with banks in this State. A recent McNair Anderson survey also found that the State Bank was easily the most popular choice amongst South Australians for their main financial institution.

The State Bank's success is not confined to the boundaries of South Australia. A full range of retail banking services is now offered by our bank in the Northern Territory and Brisbane. From its strong base at home, the State Bank has selected and aggressively pursued niche markets around Australasia and in the world's major financial centres. Offices have been opened in Sydney, Melbourne and Brisbane, and a strong presence established in New Zealand where our State Bank has more than doubled its assets to about $NZ1 400 million, to become one of New Zealand's top 10 banks. On a broader international front, the bank has also opened offices in London, New York, and Hong Kong. Beneficial Finance, which is wholly owned by the State Bank group, has grown from Australia's twelfth to fifth biggest finance company since its acquisition.

But it is not only numbers: statistics and profit and loss are not the only measures of the State Bank's success. There is hardly any aspect of South Australia's social, cultural and economic life which is not touched by and is not better off because of the activities of the State Bank. The State Bank's new vigour has helped countless struggling small businesses to find a successful niche in the market place. Thousands of young South Australians are today in their own homes thanks to the State Bank's innovative lending schemes. It is also a fact that new home borrowers have generally enjoyed lower rates in South Australia than in any other State. The State Bank's exemplary community relations program extends to significant support to a wide range of worthwhile activities. The bank's sponsorship of the 'Come Out' youth arts festival is just one example of a bank which backs South Australia. Since 1985 more than $610 000 has been donated to more than 107 community groups and charities in South Australia.

So, why has the Opposition in South Australia, at the behest of its Leader, set out to undermine one of the greatest success stories in the economy of this State? On a superficial level, it could be that the Opposition sees attacks on the State Bank as a way of criticising the State Government and its economic management. There is obviously an element of that, even though, at the time the bank was established, the Leader of the Opposition argued in this House that the bank must not be placed under political direction.

That was what he insisted upon and that was what he got, as the legislation ensured that that was the case. The bank is commercially independent, and it must remain so. However, I suppose that the Opposition hopes that the public will be gullible enough to believe that, whilst the bank's successes are due to its commercial independence, any shortcomings, any failings, any bad debts, any investment that goes wrong, has to be the State Government's fault. It is childish, but it is consistent with the Opposition's shallowness on economic and financial matters, and it has led the Leader of the Opposition to become a figure of derision in the business community—apart from a few of his white shoe brigade backers.

I do not generally subscribe to conspiracy theories, as they are usually too convenient a rationale for human behaviour. Indeed, the Opposition Leader has demonstrated repeatedly over the six years that he has clung to his position that he cannot differentiate between short-term tactics and long-term strategy. That is why the Opposition lost seats; it is why the Opposition went backwards at the last State election.

The Leader of the Opposition himself cannot see the forest for the trees and so he is forced to be the conduit for minders—who lack the depth and judgment to take a long-term view. But why has the Leader of the Opposition instructed his team to smear the State Bank? At the last election, an adviser to the Leader of the Opposition told him to make privatisation the keynote, the main plank of his election policy. We all remember those ads—'No ifs, no buts', and his privatisation strategy, those historic words that should be carved in concrete on the grave of this Liberal Opposition.

**Mr Robertson:** Instead of polystyrene!

**Mr RANN:** That is right, instead of polystyrene. Influenced by the political achievements of Britain's Margaret Thatcher, privatisation is again on the Liberal political agenda. But the Leader has been told not to peak too early, not to make the same mistake that they made last time, and not to be too premature. At the last election the suggestion that popular and successful State-owned enterprises would be sold to the private sector drew a justifiably angry response from the thinking public. I am sure that the Leader has been advised that if his privatisation plans are to take hold then first he must mount a campaign to lessen public confidence in those institutions that he intends to privatise.

The theory obviously goes that the public will not defend an institution that appears to be poorly managed. The Liberals in this State, after all, are wholly derivative. They have borrowed smear campaigns from Nick Greiner. They stationed one of their staff, at public expense, in Nick Greiner's office. We have seen sheets of words borrowed, word for word, from Nick Greiner's campaign, and we have seen the same smear campaign used against the Attorney-General—and it did not work. We have also seen an attempt to translate WA Incorporated and the VEDC problems across our borders. The Liberals have no ideas of their own; they have to go and pinch them.

**Mr Tyler:** Second-hand and second rate.

**Mr RANN:** Yes, second-hand and second rate, as the member for Fisher quite rightly points out. The short-term intent of the Liberal's smear campaign against the State Bank is to try to raise the spectre of some kind of South Australia Incorporated in this State, with the State Bank at its helm, as its flagship. But the actions of the Opposition here in this House in February, in March, and earlier this month leave any shrewd observer to conclude that an Olsen Liberal Government, however unlikely that might seem, as I am sure the member for Coles believes, would seek either to shackle the State Bank or sell it off entirely. Already the Opposition has revealed that, under a Liberal Administration, the State Bank would be forced to compete with one arm tied behind its back, through legislative changes. I have no doubt whatsoever that prior to the last election the privatisation of the State Bank was high on the Leader's list of priorities.

I am equally sure that in 1989 it remains on his privatisation hit list. But there is no cause for alarm: the Leader of the Opposition will not become Premier—members opposite know it, he knows it, Nick Minchin knows it and his staff have even admitted it privately to friends, although they hasten to add, in case their loyalty is suspected, 'We will come close.' I do not lightly make these claims about the denigration of the State Bank by members opposite. Indeed, I am prepared to repeat these claims outside this House, and I challenge the Leader of the Opposition to publicly release his privatisation strategy and its target—if he has one.

If the Leader believes in the ideology of privatisation, if he is going to follow the Margaret Thatcher approach, then—and I use the Leader of the Opposition's words—he should 'have the guts' to come clean and tell the people of this State. First, let us recall what has taken place. On 14 February, the first question on the first day of Parliament came not from the Leader of the Opposition but from the member for Coles, who sought to smear the bank with regard to its investment in Equiticorp, an investment it made along with about 20 other banks. The Leader did not have the guts to take on Tim Marcus Clark directly, so he hid behind the skirts of the member for Coles—who is rapidly becoming his political nanny. The Opposition tried to imply poor commercial judgment in lending money to Equiticorp, even though the State Bank of South Australia has an excellent ratio—in fact, one of the best in Australia—of bad debts to profits. Let me quote the figures: Westpac, 29.4 per cent; ANZ, 22.2 per cent; the National Australia Bank, 36.7 per cent; and the State Bank of South Australia, 9.2 per cent.

**The Hon. R.G. Payne:** It's minuscule.

**Mr RANN:** Yes, minuscule. Our bank is entrepreneurial and aggressive as well as careful, prudent and independent. The next day, 15 February, the Opposition attack continued, when the member for Coles again asked the lead question. Of course, the Leader was again too scared of the repercussions from the business community to directly attack the State Bank. Again, the member for Coles got it wrong on the State Bank's exposure to the Equiticorp collapse, but the smear continued with the Deputy Leader of the Opposition raising questions about a potential confict of interest involving Tim Marcus Clark. But, again, the Opposition got it wrong.

Mr Marcus Clark was in no way in breach of any regulations or any protocol. He acted quite properly at all times. The fact is that that could have been ascertained by the Liberal Party with a brief phone call, but that courtesy would have prevented the Deputy Leader from raising public doubts about Mr Marcus Clark's integrity—and, after all, the Opposition's intent was to denigrate a great South Australian institution and to smear one of the State's outstanding citizens. So, the truth was the last thing on the Deputy Leader's agenda.

The smearing did not begin and end with questions in Parliament. The Leader arranged for his staff to get on the phone and defame the bank and Mr Marcus Clark in a series of off-the-record conversations. That approach is not new: this kind of 'I do not have the guts to do it, let's get the staff to get on the phone.' We saw the same thing occur when the Leader of the Opposition was trying desperately

to prevent Mr Bruce McDonald from becoming President of the Liberal Party. Not only did his staff get on the phone, along with the Hon. Legh Davis and Mrs Steele Hall, but they also sent out dossiers—an important word for the Opposition—which included a *National Times* feature trying to link Mr Bruce McDonald, a prominent Adelaide businessman, with another bank—the Nugan Hand Bank.

The campaign continued in April when the member for Coles raised questions about the bank's obligations to its owners being more important than its obligations to its clients. The Opposition that day alleged that taxpayers' funds were being placed in jeopardy, even though it was reporting a record profit and had a much better debt to profit ratio than its rivals. The smearing continued with the member for Morphett raising a question about the collapse of the National Safety Council and the impact any losses would have on the bank's contribution to the State budget. It will be a record contribution to the State's coffers—that will be the impact.

Meanwhile, the Leader of the Opposition, so frightened of getting his own hands dirty, slid and slimed his way down to a State Bank seminar and told the gathered executives—including Mr Marcus Clark—how marvellously they were doing. He did not have the guts to say to State Bank executives face to face what his staff were saying on the telephone. The Leader's strategy is quite clear: tell each audience what it wants to hear, even if what he says contradicts what he has said in the past. Some call it a lack of courage, others call it a lack of integrity—the Leader can take his pick.

**The Hon. JENNIFER CASHMORE (Coles):** We have just heard yet another leadership challenge speech by the member for Briggs.

*Members interjecting:*

**The SPEAKER:** Order!

*Mr D.S. Baker interjecting:*

**The SPEAKER:** Order! When the Chair is giving protection to the member for Coles it is most unseemly for the member for Victoria to be interjecting upon the Chair and upon the member for Coles. The honourable member for Coles.

**The Hon. JENNIFER CASHMORE:** It was yet another leadership challenge speech by the member for Briggs who has used and misused facts in a patronising and completely inappropriate fashion in a vain attempt to misrepresent—

*Mr Rann interjecting:*

**The SPEAKER:** Order! The member for Coles has the floor.

**The Hon. JENNIFER CASHMORE:** The member for Briggs, according to the clock, had 20 minutes to make his point—that appears to be insufficient time. He chose to sit down, so perhaps he might now choose to sit quietly and listen to the response.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. JENNIFER CASHMORE:** The member for Briggs accused the Opposition of denigrating and defaming officers of the State Bank; he accused the Opposition of talking down the State; and he accused the Opposition of gross economic vandalism. In fact, a close examination of every question and statement by the Opposition in this House will demonstrate that in scrutinising the Government over the affairs of the State Bank, particularly in recent times, the Opposition has done nothing more than attempt to call to account the Bannon Government for its administration of financial affairs in this State. We have done nothing more than attempt to call to account a Premier who simply refuses to face up to the reality of his responsibilities in respect of the taxpayers of South Australia. There has been no smearing whatsoever of either the bank or any of its officers.

*Mr Rann interjecting:*

**The Hon. JENNIFER CASHMORE:** It appears that the member for Briggs is unable to contain himself. Having made a speech with as much rhetoric as he can command, he now, on the back bench, in a somewhat hysterical fashion, is attempting to ensure that the Opposition's response is not heard by the Chamber. That seems to be, at the very least, a cowardly way of approaching the situation. Many of the statements—if not all—in the speech by the member for Briggs can be refuted.

The first place to start is to examine the legitimate role of the Opposition in placing a Government under scrutiny in its administration of financial policy. The Government owns the State Bank and appoints its board. The board, in turn, appoints its chief executive officer. In respect of the line of responsibility, wherever one looks the responsibility comes back to the Premier and the buck stops with him. The State Bank Act—

*Members interjecting:*

**The Hon. JENNIFER CASHMORE:** It seems that members of the Government are in an extremely worried state. It is unusual for so many backbenchers to interject so consistently and so volubly in an effort to restrict the Opposition from responding to a very poor and flimsy case based on patronising arrogance and a purely Party political approach. This should be an issue of concern to all South Australians. We believe that it is an issue of concern to all South Australians and we intend to maintain the scrutiny which we have established and will continue.

**Mr Rann:** Demonstrating the smear!

**The Hon. JENNIFER CASHMORE:** The use of the word 'smear' by the member for Briggs—the fabricator, as he is popularly known—to describe the Opposition's legitimate scrutiny of the Government's administration is a measure of the desperate straits that the Government is now in. At the same time the Government is well aware of the deep concerns of the people of South Australia about its financial administration. Those concerns are shared by the whole of the Australian people in respect of this Government's colleagues on the Federal Treasury benches. One only had to watch television last night to have it made abundantly clear that no-one in Australia trusts the Federal Treasurer any more and that fewer South Australians are trusting the State Premier and Treasurer.

*Mr Rann interjecting:*

**The SPEAKER:** Order! The honourable member for Coles will resume her seat for a moment. Under Standing Orders, technically there does exist an opportunity for the honourable member for Briggs, if he so wishes, to rebut the refutations or refute the rebuttals of the member for Coles at a later stage. The honourable member for Coles.

**The Hon. JENNIFER CASHMORE:** If members look at the fashion in which the Opposition has questioned the Government on this matter, they will see that all questions are geared to the Government's accountability. The Government is guarantor for the State Bank not only for its deposits but also for all its borrowings, both interstate and international. Those borrowings amount to the sum of—

*Mr Tyler interjecting:*

**The SPEAKER:** Order! If the honourable member for Fisher is so eager to join the debate, he should not do so by way of interjection. The honourable member for Coles.

**The Hon. JENNIFER CASHMORE:** That combined responsibility for guarantee amounts to $9.4 billion. In light

of the Government's guarantee of $9.4 billion, it seems to me not unreasonable that questions should be asked of the Premier about whether the Government accepts responsibility for the bank's loan procedures, whether the Government is satisfied with the bank's dealings with some of its major clients in terms of loans, namely, Equiticorp, and the National Safety Council (Victorian Division), and whether, following the bank's exposure to those financial collapses, the Premier has taken any action to satisfy himself that the loan procedures are in accordance with sound banking practice.

The member for Briggs quoted selectively the bank's figures, but I doubt very much whether he has consulted around town with private banks and accounting firms about the loan procedures of the bank. There is no doubt that there is a real anxiety that writing business has taken precedence over loan procedures in some of the banks' financial transactions, and that view is held by a wide diversity of accounting practices in South Australia and by the banking community.

The fact that the Government guarantee of depositors' accounts and the amounts borrowed and lent amount to $9.4 billion suggests that the Treasurer might just have some notion as to whether the bank should have any boundaries placed on it in this effort to write business. These are legitimate questions. These are the questions that depositors are asking. These are the questions that accountants whose clients' funds are placed with the bank are asking. Would it not be irresponsible for an Opposition to fail to ask these questions, to fail to scrutinise the Government, to sweep under the carpet completely two events which have caused massive concern throughout the whole of Australia?

In the case of the Equiticorp collapse, which prompted the first questions about the State Bank's loan procedures, one has only to refer to the financial commentators and what they say about the situation to realise that the member for Briggs in his fullsome defence of the State Bank has overlooked some fundamental financial facts. Robert Gottliebsen, in his column in the *Business Review Weekly* of 27 January this year, refers to the flimsy equity base of Equiticorp New Zealand as follows:

> ... while exploiting weaknesses in New Zealand law to borrow on prospectuses that did not carry meaningful audited accounts ... Moreover there are few insider trading rules in New Zealand, so there was nothing to stop Equiticorp staff trading in Equiticorp shares.

He went on to say:

> ... few lenders to the Equiticorp group—

and the State Bank was a principal one and, with its subsidiary Beneficial Finance, its exposure amounting to more than $100 million—

> are ready for the disaster that is about to hit them.

This was in January 1989. In a feature article on the cover story, he went on to say:

> In the astonishing absence of audited accounts, Equiticorp was able to suck hundreds of millions of dollars from superannuation funds, retirees and the general public—

including the State Bank—

> all chasing the extra point or two of interest that Allan Hawkins [the Chief Executive] offered.

If anyone told me that for a board of a bank to approve loans exceeding $100 million on the basis of unaudited accounts is a satisfactory way of doing business, and that that is proper loan procedure, I would suggest that every other bank in this country would disagree. Anyone who has ever been involved in finance or banking knows that audited accounts are one of the fundamental bases on which loans are made. An examination of the records of a company is, of course, another key basis on which decisions are made.

The fact remains that Equiticorp was so highly geared that the risk to its lenders was considered by many other banks to be unacceptable. Nevertheless, the State Bank, through its Managing Director, Mr Marcus Clark, who had had an association (as was highlighted by Mr Gottliebsen) with Allan Hawkins during their mutual days at the CBA bank in Victoria, decided that the risk was worth taking, and took it.

That brings me to the ratio of bad debts to profit that the member for Briggs referred to in his speech. He made much of the fact that other banks make an allowance of up to 30 per cent in terms of their bad debts to profit ratio, whereas the State Bank's allowance is as low as 9 per cent. The member for Briggs has obviously failed to do his homework and discover that the policy of private banks in relation to those bad debts is quite different from that of the State Bank.

When the private banks know that a bad debt is likely to occur, they immediately make provision for it. However, the State Bank waits until months, in many cases years, have passed before the debt is proved to be irrecoverable and before that provision is made. Any phone call to any bank principal in this country will confirm that the policy of the State Bank (which is a secondary, not a primary, lender) is different from that of the primary lending banks, and that is what accounts for that vast differential in percentage ratio.

**The Hon. M.K. Mayes:** That's tripe.

**The Hon. JENNIFER CASHMORE:** The Minister of Agriculture says, 'That's tripe.' I suggest that he pick up his telephone and confirm that what I have said is accurate.

*The Hon. M.K. Mayes interjecting:*

**The Hon. JENNIFER CASHMORE:** If I were the Minister I would not refer to the negotiations with the banks over the past six months. They have been a disaster for the people of South Australia and, in particular, a disaster—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. JENNIFER CASHMORE:** —for farmers on the West Coast. Robert Gottliebsen, who would be one of the most respected financial journalists in this country, in the *Business Review Weekly* of 27 January this year, had this to say:

> Those advisers who put clients into deposits without meaningful audited accounts will have some explaining to do and perhaps some legal cases to defend. Government authorities will duck for cover.

I repeat—'Government authorities will duck for cover.' I have rarely seen the Premier, who of course continually ducks for cover, duck for cover as fast or as deep as he did when the Opposition started to question him about his responsibility in respect of the State Bank and these massive loans.

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Fisher is very much out of order.

**The Hon. JENNIFER CASHMORE:** Mr Gottliebsen (on page 25) continues:

> Those who have loans to the finance company—

that is, Equiticorp—

> (particularly anything unsecured or without specific charge) should prepare to lose a large portion of their money.

In the case of both Equiticorp and the National Safety Council, the bank claims that assets cover the risk. On the other hand, we read in the national financial press that the National Safety Council has no assets and that all will be lost. The prospect of suing the directors of the auditing company and, indeed, of the NSCA (which the bank is

proposing) does not on the face of it appear to look likely to yield a very good outcome.

For a start, one would assume that, if a bank received an audited statement claiming that all was well with a potential client, the bank officers would at least check that that audited statement was in accordance with the standard form of address in audited statements. That was apparently not the case in respect of the NSCA. Yet we are given to understand that no-one in the State Bank picked that up. Therefore, is it not reasonable to question whether procedures are as tight as they should be? It seems to me entirely reasonable, and that is precisely what the Opposition has done.

In relation to the Premier's ducking for cover, the other question that comes to mind is this claim of client confidentiality. This has been the natural response of the board of the State Bank and the political response of the Premier—that he can tell us nothing because the obligations of client confidentiality require him to be silent. When will the Premier realise that his obligation is not to a swindler, who is the client in this case, or, in the case of Equiticorp, to someone whose company has suffered one of the biggest collapses ever known in Western financial circles: his responsibility is to the people of this State. When will he tell us the facts? When will he let us understand how far the State Bank has gone in its loans and under what procedures it has made them?

Recently the Bannon Government made substantial investments in and provided even greater financial guarantees to an increasing number of financial and commercial undertakings operating both within and outside South Australia. We all know the disasters that have occurred outside this State and what they have cost it. These involvements have not been concerned with the provision of essential services, but they have been justified on the grounds that it is the legitimate function of government to use public funds in this manner to make money and to try to swell the State coffers.

In doing so, the risks that have been taken are risks that would have former Treasurers of both political Parties spinning in their graves. No Treasurer in former times would have contemplated taking the risks with public money that this Government is taking. The Government also seems to assume that, if anything goes wrong in the taking of these risks, having given these financial authorities their charter and appointed the board, the buck stops with the board, that the Government stands at arms length and absolutely clear. In short, when the heat is on, Bannon is gone.

It is quite clear that the Treasurer is trying to convey the impression that, if anything goes wrong with any one of the undertakings he has set up, the blame will attach not to him, the elected representative who is responsible, but to the Government appointed directors or their managers. Such an assumption has absolutely no validity. It completely denies the democratic concept of parliamentary responsibility; it denies the concept of ministerial responsibility in the Westminster system; and it denies the basic trust that electors are entitled to place in their elected representatives when they give them the power to make these decisions. It is a question of trust, and I believe most firmly that the Government has completely betrayed that trust in the way it has handled the State Bank affair and numerous other financial disasters which have beset this Administration.

If a business undertaking goes bad in Government ownership, the responsibility cannot be shifted to other people. The electorate is entitled to look to the Government that made the original investment decision and it is entitled to expect the Government to account fully for its stewardship. It is our taxes that are being put to work in establishing these bodies, and it is our taxes for which the Government is accountable. One need look no further than the recent events in Victoria and Western Australia to realise that, in the end, the chickens come home to roost. Looking at the assets of the State Bank of South Australia and the extracts from financial statements for the year ending 30 June 1988, we see that loans advances and acceptances totalled $8 830 615 000; investments, $967 989 000; real estate and equipment, $165 778 000; cash call and short term deposits, $632 652 000; and other assets, $406 223 000, making a total of $11 003 257 000.

The finance to meet the cost of these assets, which total in excess of $11 billion, has been supplied by savings bank deposits and borrowings, collectively, at $7 006 849 000, with other borrowings, acceptances and provisions, $2.9 billion, creating a total debt of $9.9 billion. The subscribed capital and reserves amount to $1 010 409 000, making a total of $11.003 billion. From that, it is noted that the bank makes considerable use of borrowed funds as the means of financing its large investment in loans and advances which, at nearly $9 billion, represents the bank's major asset. The bank's operations are highly geared. It is borrowing and lending at a margin of profit with a ratio of debt to capital of 10 to 1. That in itself is not a ratio which would seem to be a matter of concern to the directors, according to the 1988 report. The Chairman assured depositors and lenders that, during the year ended 1988, the bank had maintained its position as one of the best capitalised banks in Australia, and there is no evidence (and the Opposition has never suggested) that that is not the case.

However, the real test of the bank's financial stability is to be discovered not by a consideration of how it finances its operations but rather by an assessment of the intrinsic worth of its assets under conditions of economic stress. If ever there was a period of economic stress, that period is now. One only had to be watching television last night and hearing the forecasting of financial journalists to note that a recession is in the offing next year. That confirms the view that we are in a period of economic stress. Therefore, an assessment of the intrinsic worth of the assets of the State Bank is a relevant examination to make at this stage. There is no way of making such an assessment from the annual report and financial statement of the bank. One must rely for the required assurances on whatever the Premier is willing to tell the Parliament and on the reports of the auditors. If we base our assumptions on this data, we can assume that the finances of the bank are in reasonably good shape. We assumed that before we knew of the Equiticorp and the National Safety Council collapses. In his 1988 report, Mr Tim Marcus Clark stated:

> We are an aggressive and forward thinking group. We are a group which, during the year ended 30 June 1988, moved most dramatically towards attaining a higher profile on a national and international level.

I stress the words 'most dramatically'.

*The Hon. R.G. Payne interjecting:*

**The Hon. JENNIFER CASHMORE:** The honourable member asks, 'Is there anything wrong with that?' There may not be, but the observation that needs to be made is that the bank's directors have endorsed a policy which will continue to expose it to greater and greater risks.

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Mitchell is completely out of order.

**The Hon. JENNIFER CASHMORE:** We simply ask: is it the proper function of government to commit the State's finances to an enterprise the directors of which are appointed by the Government and are free to embark on unlimited

borrowings? In response to a question last week, the Premier said that he had no intention of placing any limits on the bank's borrowings. It is free to embark on unlimited borrowing, despite the fact that the Government is the guarantor of the bank. We could be coming into a recession and the Government considers it has no responsibility whatsoever in this matter.

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Fisher is out of order for the second time. The honourable member for Coles.

**The Hon. JENNIFER CASHMORE:** We simply ask whether it is defensible for a Government to own an operation and appoint directors to run that operation, and then stand further than at arm's length—at the other side of the river from that operation—and say, 'Those people are responsible; anything that happens is their affair, not ours. Okay, we guarantee it at the moment up to $9.4 billion, but we do not have any responsibility and we are not obliged to tell you anything whatsoever, because our first obligation is not to you, the owners of the bank, but to the clients, regardless of whether the clients have gone broke or have swindled the bank. Our obligation is not to you, the people, but to them, the clients.' My colleagues and I think that is indefensible. We cannot countenance it and we demand answers to our questions from the Premier.

I conclude by highlighting the number of subsidiaries and associated companies which the bank has acquired. They include share broking (through S.V.B. Day Porter Pty Ltd); the sale of real estate (through Myles Pearce and Company Pty Ltd); the administration of deceased estates and trust funds (through Elders Trustee and Executor Company Ltd); a major investment in general financing operations (through Beneficial Finance Corporation Ltd, which is heavily involved in the Adelaide property market—and we must look at the value of assets in a time of economic stress); merchant banking (through Ayers Finniss Ltd); and funds management and related services (through the Oceanic group).

In the past it has been accepted that the roles I have just outlined are roles that belong to the private sector and are best fulfilled by the private sector. This Government believes differently and it is acting differently. I raise the question: is this Government acting in the true interests of the people of South Australia? If not, why is it that the Premier will not answer legitimate, reasonable questions to which the community is entitled to expect answers? If the media is any guide (and I believe it is), it will support that view.

The Opposition will continue to pursue its constitutional role of scrutinising the Government's administration of the financial affairs of the State. We believe that there are a number of questions that the Premier should answer. We reject absolutely this nonsensical notion of the member for Briggs that there has been a sustained and continuing campaign to undermine the State Bank.

*Mr Tyler interjecting:*

**The Hon. JENNIFER CASHMORE:** There is indeed a campaign to expose the inadequacies of the Bannon Government to the people of South Australia, who will very soon come to the realisation—if they have not done so already—that this Government does not deserve to be put in control of our financial affairs. I seek leave, Mr Speaker, to continue my remarks later.

**The SPEAKER:** Leave is sought—is leave granted.

**Government members:** No, Sir.

**The SPEAKER:** Leave is not granted. The honourable member for Coles.

**The Hon. JENNIFER CASHMORE:** Well, if Government members would like to sit here and listen to a li more, I am very happy to give it to them.

*Members interjecting:*

**The SPEAKER:** Order! I caution members on both sides of the House.

**The Hon. JENNIFER CASHMORE:** I would have thought that it was reasonable to offer other members some time in this debate on other topics. There is plenty more I can say on the matter to which I was referring, and if Government members want to hear more, then they certainly shall hear more. The principal question that I believe the Premier has to answer is whether it is sound practice to delegate totally, as he has chosen to do, an unqualified power to appoint directors of a bank for which the Government is the guarantor in the name of the people, if those directors are embarking on what appears to be (and the Premier has made no claim to the contrary—in fact, he has sustained the proposition) a limitless program of borrowing and lending on national and international money markets.

The Chief Executor of the State Bank is currently—unless he has very recently returned home—on a world tour, seeking to write business on international money markets. I repeat: the Premier last week virtually confirmed that there are no limits whatsoever placed by the Government on the State Bank's borrowing or lending, despite the fact of the guarantee. Despite the fact that that guarantee currently rests at $9.4 billion, there is apparently to be no limit on the expansion of that guarantee. I state again that people are entitled to explanations in this regard. We are entitled to know whether absolutely unlimited funds can be borrowed by the bank or lent by the bank. We are entitled to know about the lending procedures of the bank. We are entitled to know a whole range of things.

Why is it that the Managing Director of the State Bank of Victoria is willing to face the people and acknowledge the extent of that bank's exposure to the National Safety Council but the State Bank of South Australia, through the Treasurer, is not willing to do so? Could it be that the Premier and Treasurer of Victoria has just had an election, is back in power—and, presumably, does not have to face another election for some time, unless a series of disastrous by-elections occur, which of course is quite on the cards—and therefore feels that he is obliged to open up?

*Members interjecting:*

**The Hon. JENNIFER CASHMORE:** The Premier here is absolutely refusing to make any disclosure whatsoever, because he fears that if he does so the confidence of the people, which is already severely shaken in relation to his Administration, will be completely destroyed, immediately prior to an election.

*Members interjecting:*

**The SPEAKER:** Order! This is not Question Time.

*Mr Rann interjecting:*

**The Hon. E.R. Goldsworthy:** We haven't much confidence in you, that's for sure.

**The SPEAKER:** Order!

**The Hon. JENNIFER CASHMORE:** None of us could fail to observe the demeanour of the member for Briggs throughout this debate. His excitability, irritability, and indeed hysteria, is a very clear indication to most of us that he is in a state of high anxiety about the effectiveness of the Opposition's campaign against the Government on a whole range of fronts. He is trying desperately to shore up his position with his colleagues, and he hopes that by making—

*Mr Rann interjecting:*

**The Hon. E.R. Goldsworthy:** He wouldn't waste his time replying to you.

**The SPEAKER:** Order! The honourable member for Coles is the member contributing to the debate at the moment.

*Members interjecting:*

**The SPEAKER:** Order! There will not be a dialogue between the honourable member for Briggs and the Deputy Leader.

**The Hon. JENNIFER CASHMORE:** The Deputy Leader has made a very good point: the Leader of the Opposition would scarcely be warranted in dignifying the rantings of the member for Briggs with a response. There was insufficient substance in the speech made by the member for Briggs to warrant a reply by the Leader.

*Mr Rann interjecting:*

**The SPEAKER:** Order! The honourable member for Coles has the floor. I warn the honourable member for Briggs.

**The Hon. JENNIFER CASHMORE:** It seems that the member for Briggs is, as I have said, getting desperate indeed. He knows that the most recent ministry position in this place has gone to someone else.

**The SPEAKER:** Order! I caution the honourable member for Coles, and I remind all members of this for when the occasion arises, that when a member has been warned it is most inappropriate for another member to then try to bait that member into infringing the Standing Orders. I ask the member for Coles not to make inflammatory remarks that would be likely to provoke the member who has been warned.

**The Hon. JENNIFER CASHMORE:** I would hate to inflame the member for Briggs, as his chances recede into the sunset, but I feel bound to say—

**The Hon. E.R. Goldsworthy:** He is in a perpetual state of complete inflammation.

**The Hon. JENNIFER CASHMORE:** Yes, he is in a perpetual state of inflammation, as my colleague the Deputy Leader states. As I say, there is more one could say: the Government refuses to allow me leave to continue my remarks. I know that there are colleagues of mine who wish to contribute to this debate, and I am happy to give them the opportunity to do so. I conclude by repeating that the vitally important role of the State Bank of South Australia will be best served by some kind of honesty and openness on the part of the Premier, with some basic information which we are entitled to receive, some indication of the extent of the State Bank's exposure, and some reassurance to the people of this State who, after all, had this bank established for them with the primary purpose of its being a lender of money for the purposes of home buying.

We must never forget that that is the primary purpose of our bank. It is the purpose for which South Australians look to the bank. It is the fundamental reason why it is there. It is there in the interests of the people of this State. It is not there in the interests of a high flying Premier who would like to see this State's name plastered around the financial institutions of the world. We are interested in what happens in Adelaide, Port Lincoln, Berri, Mount Gambier, Edwardstown and Tea Tree Gully. We are interested in what happens inside this State. We are interested in the welfare of the people of this State. We are not interested in our State Bank undertaking vast borrowings and lendings on the international money market in a period of extreme economic stress in the Western world and in a period of desperate straits for the people of this country as they face, as a result of Labor's mismanagement of the economy federally, the likelihood of the possibility of a period of recession in the months to come and probably next year.

We are interested in what happens within the boundaries of this State. We demand answers to our questions that help us to be aware of what is happening that will affect those of us who live within the boundaries of this State, and we are entirely dissatisfied with the manner in which the Premier has tried—as he does on so many issues—to evade, cover up, and avoid his responsibility for what is constitutionally his role, that is, an answerability to people in terms of the financial administration of this State.

**Mr RANN (Briggs):** That was a very weak and feeble reply. It is quite clear that the member for Coles is out of her depth on economic matters. What we have seen this morning is the member for Coles confirming exactly what I said earlier in my speech: she has attacked the board of the State Bank. She has said that they do not know what they are doing in terms of international loan arrangements.

Let us talk about who is on that board. There is Lew Barrett, O.B.E., the Chairman, who is also the Chairman of Argo Investments: is he to be criticised?

**The SPEAKER:** Order! Mr Clerk, call on the Orders of the Day.

## GREENHOUSE EFFECT

Adjourned debate on motion of Mr Rann:

That this House congratulates the Federal Government for its international leadership in action to protect the ozone layer and in mitigating the greenhouse effect.

(Continued from 6 April. Page 2752.)

**The Hon. D.C. WOTTON (Heysen):** I am pleased to participate in this debate today, mainly because it is a subject in which I, like the majority of people in this House, have long had an interest. The problem being caused to the ozone layer is one we are reminded of constantly. Daily we read of concerns (at a State, national and international level) being expressed by noted scientists and people throughout the world with an interest in this subject. It is my intention to amend the motion in the following terms. I move:

Leave out all words after 'House' and insert the words 'acknowledges the universal implications of damage caused to the ozone layer through the greenhouse effect, notes the Federal Government's response to the Montreal Protocol, and urges a bipartisan approach to all the issues involved, particularly stressing the need for public education and bipartisan policy responses to ensure the preservation of the world for future generations.'

As I said earlier, very few people in this House would not acknowledge the real concerns regarding this problem to the ozone layer as a result of the greenhouse effect, as much has been said about this subject over a long period. Few would disagree with most of what the member for Briggs had to say on this subject. It is extremely disappointing, however, although it is something we have come to expect of the member for Briggs, that he has to be so degrading about the comments that have been made on other occasions by members on this side of the House.

He has suggested that this is a subject that is not of concern to members of the House generally, and I did not appreciate his derogatory comments, particularly regarding the time I spent as Minister for Environment and Planning some years ago.

**Mr Tyler:** What did you do?

**The Hon. D.C. WOTTON:** The member for Fisher asks what I did during that time. I will be very pleased at a later stage in this debate to explain to the House some of the actions that were taken during that time. I can assure the member for Fisher and others that a considerable amount of time was taken up on this issue during those years.

Regrettably, very little was known about the subject then (certainly not as much as is known now), and I will refer to some of the comments being made by notable people around the world at present.

The point I want to make is that, because of the seriousness of the subject under debate, this is far too important to play politics. That is what the member for Briggs is attempting to do in the motion he introduced in this House last week. All he wants to do is congratulate the Federal Government for its international leadership and action, etc. As I said, I do not disagree with much of what the member for Briggs had to say, but we need to consider it in a bipartisan fashion. We need to recognise that much of the information brought forward was of a scientific nature. The honourable member referred in many instances to points that had been made by scientists from around the world. It was not just what he was saying: he referred to many comments relating to the thoughts of various scientists. It is far too important a subject to be political about, and that is why I have moved to amend the resolution, so that it will be considered in a bipartisan fashion.

I hope that the member for Fisher and all members opposite will support the amendment I have moved. It is a much wider motion and covers much broader issues in this whole debate. I hope that the House will support it because of that. We could spend hours and hours in this place talking about the number of articles that have been written in recent times and the number of speeches that have been made in various Parliaments around Australia, particularly in the Commonwealth Parliament, but I refer only to a couple of them.

The first item to which I refer is a story printed in the *Business Review Weekly*. Most people in the House would recognise that this is a very important publication and one which covers a lot of information important to business people throughout Australia. Because of its very wide circulation I was pleased to see that the cover story for the March edition was headed:

Survival: Australian companies that are alert as to how environmental issues affect them are a step ahead of their competitors. To ignore the implications could mean extinction . . .

The cover story states:

The battle to protect the environment has suddenly escalated. In the past year or two it has moved from the traditional skirmishes in the wilderness between developers and greenies to what is now a global struggle.

The ranks of environmentalists have been swelling mightily since the discovery of a hole in the ozone layer and growing scientific conviction that various gases released by human endeavor, in particular carbon dioxide, are trapping heat in the atmosphere and leading to a predicted global warming—the so-called greenhouse effect.

International summits are proliferating: politicians of all creeds, from the redoubtable Margaret Thatcher to George Bush and Australia's ever-pragmatic Graham Richardson, have all pinned a green heart to their sleeves.

The environmental battlewagon is jam-packed and accelerating fast. The almost religious fervour of many environmentalists and the obvious electoral benefits for politicians who jump aboard make it all too easy to be sceptical.

But too much scepticism is dangerous. For if only a small percentage of the environmental protection proposals now being canvassed around the world come into effect, they will have far-reaching implications for businesses of all description, not just the traditional recipients of environmentalist attention, such as the miners, the forest industry, and chemical companies.

There are also important implications for big energy exporting countries, such as Australia, particularly if internationally agreed energy conservation targets are set and steps are taken to limit the use of coal-fired power stations in a bid to reduce the emission of carbon dioxide.

Talking about some of the action that has been taken in the various States in regard to tightening up pollution controls the article continues:

But of potentially far greater significance than the tightening of local anti-pollution regulations is the possibility that the growing global concern about the greenhouse effect will lead to internationally sanctioned energy conservation measures, and restrictions on coal as an energy source in a bid to reduce carbon dioxide emissions.

Robert Fowler, a senior law lecturer at Adelaide University—

and a person for whom I have a great deal of respect—

who has been following the progress of international discussions on the greenhouse effect, believes international protocols limiting carbon dioxide emissions could be in place by 1995, and that a downturn in world demand for coal could be apparent within 15 years.

There are many who regard the greenhouse effect as a still unproved hypothesis that needs more study. But this has not stopped the international community from responding quickly, and seriously, as witnessed by the Declaration of the Hague Conference on the Environment released on 11 March.

Signed by 24 countries, including Australia, it says in part: 'This summit conference is the highest level gathering of international leaders so far to address what is rapidly looming as the biggest problem and the biggest challenge faced by man in this or any other age—extraordinary changes, induced by man, which appear to be occurring in the composition of the earth's atmosphere. We are in a situation that calls not only for implementation of existing principles but also for a new approach, through the development of new principles of international law including new and more effective decision-making and enforcement mechanisms.'

Adelaide University's Fowler says the concepts embodied in the Hague declaration are 'quite novel . . . insofar as they contemplate a system of decision-making by an institution which could involve sanctions or enforcement measures.'

The Hague declaration does not go in to specifics, but earlier international conferences have suggested that simply to stabilise atmospheric concentrations of carbon dioxide, the use of fossil fuels must be cut by more than half within the next few decades. Such a target would appear impossible, requiring as it would, enormous energy conservation measures and wholesale changes to the world's mix of energy sources.

Perhaps recognising the virtual impossibility of such a goal, a conference on 'the changing atmosphere and its implications for global security' in Toronto last June, attended by more than 300 scientists, politicians and policy-makers from 48 countries, set an initial target of reducing carbon dioxide emissions by about 20 per cent by 2005. But even this goal appears hard to meet. According to a recent statement from Australia's Institution of Engineers (which last week—

and this article was written in March—

indicated its concern about the greenhouse effect by holding a conference in Sydney on the theme; 'planning for environmental change,' 'the technology to achieve this reduction is still being developed and the cost to implement is very high'.

In conclusion, the article states:

Despite such problems, governments, Australia's included, are taking the need to act seriously. The Foreign Affairs and Trade Minister, Senator Gareth Evans, told the Hague conference: 'The time to recognise the enormity of the problem, and to make a global response to it, is not in one or two or three decades' time, when the scientific evidence will be complete and irrefutable: the time to act is now.'

In short, the greenhouse effect may still be unproved, but governments are not waiting. Business everywhere must be prepared for new rules controlling the use of energy and the emmission of carbon dioxide. Such moves are clearly in the future. But the greenhouse effect also has more immediate implications for business, if only because of the dramatic surge in public and political awareness of environmental matters that it was created.

If I had time, I could refer to numerous such articles expressing a very real concern on the part of people who have studied the subject over some time. The member for Briggs referred to what the Federal Government has done in recent times to make known to Australians generally its concern regarding the problem. I do not disagree with what is being said by the Federal Government. In fact, I support what the Federal Government is doing, but I do not want it to be seen as an issue that is just being considered by the Labor Party or by the present Federal Government.

I was particularly pleased to note a debate in the Senate last November on the Ozone Regulation Bill (No. 2). Sen-

ator Puplick, the shadow Minister, had quite a bit to say regarding the Opposition's thoughts and stance on the problem that we are discussing in this debate on the greenhouse effect. On 3 November in the Senate he stated:

> I simply indicate the general approach which the Opposition takes to the protection of the ozone layer. It is one of the areas where I have no doubt there exists a fundamental bipartisan approach to dealing with questions of atmospheric protection, whether it happens to be this protection of the ozone layer or combating the problems of the greenhouse effect or whatever. In the Liberal and National Parties' recently released formal invironment policy, we state:
>
> > In Government, the Coalition Parties will pursue with industry and the State Governments a time-table for accelerating the implementation of the Montreal Protocol for the protection of the earth's ozone layer. Australia will also take a leading position in international forum in the revision of the Montreal Protocol seeking stricter controls. In addition, through the research work undertaken through Australian efforts in Antartica, further scientific investigation on the effect of the CFCs will be pursued.
> >
> > Particular attention will be paid to the steps which Australia can take to emeliorate the world-wide impact of the 'greenhouse effect', that is, the warming of the earth's atmosphere.

There is no disagreement on the part of the Federal Opposition, as is the case with the State Opposition, that the matter needs to be addressed. There is no opposition to the argument that the threat to the earth's ozone layer and the greenhouse effect are matters of some importance that need to be tackled urgently. On a number of occasions in the Federal Parliament the opportunity has been taken to make the position of Opposition members quite clear.

On 19 November 1987 the shadow Minister, in speaking to the debate in the Senate on chlorofluorocarbons, dealt with the issue. He also spoke about it at a later stage in moving to take note of certain treaty papers, one of which involved Australia's ratification of the Vienna Convention for the protection of the ozone layer. The shadow Minister also made clear in a press statement of 21 March 1988 that the new figures coming from the Centre of Atmospheric Research in Washington, suggesting higher figures for the depletion of the earth's ozone layer, were of considerable concern.

The Liberal and National Parties throughout Australia have taken this matter very seriously. The Tasmanian State Government has introduced pioneering legislation. The Minister for Environment in New South Wales, the Hon. Tim Moore, has written to Senator Richardson indicating that it is the intention of the New South Wales Government to introduce legislation, although he made quite clear that he hoped that the legislation would be complementary to all States and jurisdictions throughout Australia and that a unified national strategy could be pursued.

The Western Australian Liberal Opposition has given notice of its intention to introduce legislation in that State along the same lines as the Tasmanian legislation. Obviously, it is a matter that the Federal Labor Government is taking seriously. It is a matter that the Federal Opposition—the Liberal and National Parties—is taking very seriously and one that is being considered by all States. While I accept much of what the member for Briggs had to say, and recognising the importance of bringing this matter before the House, I urge support for my amendment with its broader implications making it a bipartisan approach, which is much needed on this important subject. I urge members to support the amendment.

**Mr RANN (Briggs):** I acknowledge the honourable member's contribution to this debate. It is true that damage to the ozone layer and the greenhouse effect have enormous implications for all mankind. We well know from the Montreal talks, and more recently at the Hague and in London, that, even if we act now with the greatest resolution internationally, we will still be faced with three times as many CFCs in the atmosphere by the year 2000 than we have today. This problem should be dealt with in a bipartisan way and I have great pleasure in accepting the honourable member's amendment.

Amendment carried; motion as amended carried.

## FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 6 April. Page 2755.)

**Mr DUIGAN (Adelaide):** In my contribution to the second reading debate I will do three things. I will put before the House what action has already been taken by the Government in ensuring the protection of the privacy of information held about individuals in South Australia, and I will then take up two points raised in the contribution of the member for Morphett: first, the issue of the rights of individuals and how those rights can be enforced; and, secondly, some passing remarks that he made about Labor Party policy.

The actions that have been taken by the Government stem from a Cabinet decision in December 1988 when two administrative instructions were issued to the public sector. The first was 'Information Privacy Principles Instructions', which contained 11 information privacy principles which were in themselves drawn from the recommendations of the Australia Law Reform Commission Report of 1983. The principles relate to the collection and storage of information about individuals, the access to that information, the correction of information, the use and disclosure of personal information and a number of other matters with respect to the way in which people within the public sector could use that information and the way that other individuals could have access to it.

An obligation is imposed on officers within the public sector, irrespective of their Government agencies, to ensure that those principles are put into effect. The second administrative instruction issued at that time was 'Access to Personal Records Instruction', which conferred on people the right to be able to apply for access to their personal records held by the public sector and public sector agencies.

The exemptions from these instructions were limited, otherwise the exemptions applied across the broad range of public sector agencies. Only three Government agencies (and they are semi-Government agencies) excluded were the State Bank of South Australia, the State Government Insurance Commission and the Workers Rehabilitation and Compensation Corporation. They were excluded on the basis of commercial or industrial sensitivity or confidentiality attaching to the operations and functions of those statutory corporations.

The two instructions will come into effect on 1 July 1989 and will ensure that the sentiments, principles and objectives set out in the Bill introduced to the House by the member for Morphett will be given effect. Late last year a handbook on the privacy of information of individuals was issued to the public sector. Many of these handbooks have now been allocated to individuals in positions responsible for information held about members of the public. The handbook sets out the way in which their applications for information about themselves and requests for that information to be altered, if it is found to be incorrect, need to be handled.

The Government has indicated that it will establish a privacy committee, which will ensure that the matters raised in the handbook and in the two guidelines that I have mentioned are carried out and that, if there are any other issues or problems about the way in which those principles have been implemented, they can be referred to that committee. The privacy committee also will be able to receive general submissions from organisations within the community so that any alterations that need to be made to those guidelines can be recommended to the Government.

The Government will allocate an administrative officer to ensure that its administrative arrangements are implemented and monitored and that any difficulties arising from their implementation or in respect of departmental resources needed for their implementation can be identified and immediately brought to the attention of the Attorney-General and, thereby, Cabinet. Those actions of the Government substantially address the matters contained in the Bill.

Those actions provide the citizens of South Australia with a guarantee that they will be able to have access to the information held about them and, if it is found to be incorrect, they can amend it. I would now like to move to the second of the matters that I wish to raise, that is the particular issue mentioned by the member for Morphett. The member for Morphett claimed that there was no legislative right or guarantee in respect of the procedures being followed by the Government. He argued that it was necessary to have a Bill of the sort that he was putting before us to guarantee the rights of individuals to have access to this information.

I point out that, while the rights established by these administrative procedures are not justiciable rights in the sense that an individual can take a matter to court, an obligation is placed on public officials as a consequence of this action to ensure that an individual's general or moral right to the information (and to change it if it is wrong) does exist.

Regulations under the GME Act require officers of public agencies that fall under the administrative responsibility of the Commissioner for Public Employment to carry out the administrative instructions that are legitimately and properly issued by the Government. Non-compliance with those regulations, which now include instructions about privacy, constitutes an offence (under the GME Act) and enables action to be taken against an officer who does not comply with them. In that sense, a citizen is guaranteed that officers in the public sector will comply with the principles.

The areas not covered by the GME Act, principally the police, are subject to similar procedures. Legitimate instructions issued under the Police Regulation Act require police officers to comply with the requests for information made of them by members of the community. They are under an obligation to deal properly with requests in accordance with those instructions.

There is a further guarantee or a net. If members of either the public sector or the police do not comply with the principles, the individual has a right to take matters relating to the public sector to the Ombudsman and matters relating to police to the Police Complaints Tribunal. Those bodies deal with the non-compliance by those officers of an obligation that has been properly imposed.

So, I believe a legal obligation is imposed on public sector agencies; a power of inestigation and coercion exists under the GME Act and the Police Regulation Act; and there is a right of appeal, if you like, to the Ombudsman or the Police Complaints Tribunal if action that a citizen believes should have been taken has not been taken. So, I believe that that point raised by the honourable member is adequately covered in the way these things are dealt with at present.

I now turn to the comments of the member for Morphett about Government actions not being consistent with Labor Party policy. The principle embodied in Labor Party policy is that an individual should be protected against the overpowering right of the State to hold material about an individual. Labor Party policy addresses the issues of privacy and freedom of information to ensure that the individual is protected against the overarching and injudicious use of the power of State institutions.

There are two ways of doing that: first, through the method proposed by the member for Morphett; and, secondly (and this is the path the Government has chosen) by providing rights in the first instance to individuals who want access to information held by the Government about them or who want that information changed. Therefore, the rights of the individual are protected as a result of the way in which the Government deals with this matter.

If it is shown that these administrative procedures are inadequate and do not provide those guarantees of privacy and protection of information held about individuals, there are other opportunities to consider a wider legislative net. But, I believe that, in this instance, the rights of individuals are protected.

The wider net provides the opportunity for people other than individuals to get into the act, and that is where difficulties arise and the procedure becomes administratively and financially time consuming. The purpose of the exercise is to protect the rights of individuals, not the rights of institutions or the press. It is not initially about public policy issues; it is about the privacy and rights of the individual. I believe that the administrative procedures (the five points) which I have outlined and which will be set in train as from 1 July 1989 are more than adequate in the circumstances. Therefore, I oppose the second reading of the Bill.

**Mr OSWALD (Morphett):** Obviously, the Government is concerned about protecting privacy and the rights of individuals. My Bill will do this, enshrining those rights in legislation. The Government was willing to issue an administrative instruction. As the member for Adelaide said, in December 1988 Cabinet issued an administrative instruction to all public sector departments. That document detailed instructions in relation to information and privacy principles which departments were obliged to carry out. It provided access to personal records, and indicated that a privacy committee was to be established. An administrative officer was to be allocated to ensure that these administrative instructions were implemented.

All through his speech the member for Adelaide referred to these administrative instructions. This is where we are at variance. It is my view that an administrative instruction issued today by Cabinet, with all the goodwill in the world, can tomorrow be countermanded by Cabinet, and any guarantees under that administrative instruction today may not exist tomorrow. If the principle of privacy is enshrined in legislation, the public is given a guarantee (which an administrative instruction cannot provide) that departments are obliged to provide the information.

This is the crux of the argument. Some years ago the Labor Party was enthusiastic about freedom of information, open government and being seen to practice open government. Then, it thought that the way out would be by administrative instruction. The Government claimed that full privacy legislation was too expensive, but we have not seen any costings. It makes one wonder whether or not the

Government is apprehensive about going all the way in case members of the public have access to departmental records.

**The Hon. Jennifer Cashmore:** Like finding out how much the State Bank owes.

**Mr OSWALD:** As the member for Coles says, like finding out the level of the State Bank's indebtedness. People who suffered as a result of the bushfires could obtain the information that has been denied them. We live in a democracy. The public has every right to demand access to information. There is not full access to information if Cabinet issues administrative instructions to departments that can be countermanded the following day. There is no guarantee in that type of instruction. I ask members to bear that point in mind. We have an obligation to provide and to be seen to practice open government so that everyone—Opposition members and the public—can know what is happening in departments and have access to information.

I have listed many examples of sensitive documentation which could legitimately be exempted, and members should keep that in mind. I conclude by saying that we are enshrining freedom of information in legislation so that all incoming Governments and their Cabinets will be bound to it and it cannot be changed at the whim of the Cabinet of the day if something of a sensitive nature arises. I ask all members to support the Bill.

The House divided on the second reading:

Ayes (20)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, M.J. Evans, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald (teller), Peterson, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan (teller), and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Rann, Robertson, Slater, and Tyler.

Majority of 2 for the Noes.

Second reading thus negatived.

## WEST BEACH TRAFFIC LIGHTS

Adjourned debate on motion of Mr Becker:

That, in the opinion of this House, pedestrian activated traffic lights should be installed opposite the West Beach Baptist Church, Burbridge Road, West Beach, for the safety and protection of school children attending West Beach Primary School, parishioners, senior citizens, residents and all visitors who use the Scout Hall, Apex Park, tennis courts and other recreation facilities.

which the Hon. G.F. Keneally had moved to amend by leaving out the words 'pedestrian activated traffic lights should be installed' and inserting in lieu thereof the words:

the Highways Department should investigate whether a warrant exists to install pedestrian activated traffic lights.

(Continued from 6 April. Page 2755.)

Amendment carried; motion as amended carried.

## COASTAL POLLUTION

Adjourned debate on motion of Mr Oswald:

That this House censures the Government for failing to respond to warnings over the past five years from commercial and recreational fishermen and senior officers and scientists from both the Departments of Environment and Planning and Water Resources and for failing to widen legislation and take the hard decisions which are essential to prevent further increasing pollution and destruction which is occurring to our metropolitan coastal ecological systems including the Patawalonga outlets and adjoining beaches at Glenelg.

which Mr Robertson had moved to amend by leaving out all words after 'That' and inserting in lieu thereof the following:

this House urges the Government to introduce as early as possible in the next session of Parliament legislation to adequately control point source discharges of pollutants into the ocean or inland waterways; that it recognises that non-point source pollution is a legacy from 150 years of European settlement, involving inappropriate land management practices, drainage of the reed beds and other areas of the Adelaide Plains, and phases of unplanned industrial development; and, further that it urges that strategies be developed to adequately assess the contribution to the pollution load caused by these factors and investigate these effects consistent with the continued use of the Adelaide Plains as the commercial, industrial and residential centre of South Australia.

(Continued from 6 April. Page 2757.)

**The Hon. JENNIFER CASHMORE (Coles):** The amendment moved by the member for Bright is opposed by the Opposition. The motion moved by the member for Morphett should be supported by all members of the House. The facts and opinions contained in that motion are irrefutable. There should be no debate about the reality that the Government has failed to respond to warnings over the past six years from commercial and recreational fishermen. It has failed to introduce the necessary legislation. It has failed to take the hard decisions which are necessary to prevent increasing pollution.

In his speech, the member for Bright more or less adopted the notion that we live in never-never land. It will never never happen; we never should have bothered to take action about it but, maybe one day we might. If ever I heard a recommendation for a holding operation, it was the speech of the member for Bright when explaining his rather feeble amendment that urges the Government to introduce as early as possible legislation which could and should have been introduced six years ago and which was initiated and prepared by the member for Heysen as the Minister for Environment and Planning during the Tonkin Government. There is no excuse whatsoever for the failure of this Government to act. There can be no excuse for Government members to support the amendment, and I urge the House to support the motion.

The House divided on the amendment:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Rann, Robertson (teller), Slater, and Tyler.

Noes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald (teller), and Wotton.

Majority of 6 for the Ayes.

Amendment thus carried; motion as amended carried.

## VEGETATION CLEARANCE

Adjourned debate on motion of Hon. B.C. Eastick:

That the regulations under the Electricity Trust of South Australia Act 1946 relating to vegetation clearance, made on 27 October and laid on the table of this House on 1 November 1988, be disallowed.

(Continued from 10 November. Page 1447.)

**The Hon. B.C. EASTICK (Light):** The Government has already undertaken an alteration to these regulations and

so this motion is no longer of any significance to the House. I move:

That the motion be discharged.

Motion carried.

## COMMUNITY MEDIATION SERVICES

Adjourned debate on motion of Mrs Appleby:

That the Government and in particular the Attorney-General be congratulated for the increase in financial support to community mediation services and for ensuring the use and participation of these services are evaluated and monitored by the establishment of the Community Mediation Service Evaluation Team.

(Continued from 6 April. Page 2758.)

**Mr OSWALD (Morphett):** As I indicated in my remarks last Thursday, the Opposition supports the motion. We acknowledge the good work being done by the community mediation services. As I said previously, there is a very real need in the community for these mediation services. This provides me with an opportunity to say that the Government has done something in the right direction and I am always ready to say that in public if circumstances warrant it. What has occurred is that there has been a vast increase in demands on the Norwood service and on the services provided by other community offices that are involved in mediation. That demand cannot be met at the moment because of the economic situation in South Australia. This demand in the community has been building up for many years, and the Government has at last seen fit to recognise it and to try to do something about the matter.

The Opposition is happy to support the motion, but we appeal to the Government to recognise, as the member for Hayward has said, that problems do exist in the community that are not yet being addressed adequately. A move has been made to provide far more mediation services. Any move that the Government makes at the suggeston of the member for Hayward will be a move in the right direction and any such move will be supported by the Opposition. In many cases, time is running out for the Government in this area. It perhaps should have set up further mediation services last year, but if it intends to do that now and to spend more money in this area that will be applauded and it will certainly receive our support.

Motion carried.

## FOREIGN OWNERSHIP OF LAND

Adjourned debate on motion of Mr Gunn:

That in the opinion of the House, a select committee should be established forthwith to determine whether or not legislation is required to identify foreign ownership of land in South Australia and if it is required, what form of public register of all future purchases of land by non-resident individuals or foreigners should be established,

which Mr Robertson has moved to amend by leaving out all words after 'That' and inserting in lieu thereof the words:

this House calls on the Federal Government to discuss with the States the establishment of an appropriate uniform mechanism to identify and register foreign ownership of assets in Australia.

(Continued from 6 April. Page 2759.)

**The Hon. JENNIFER CASHMORE (Coles):** The Opposition opposes the member for Bright's amendment, and urges the House to support the motion. The amendment completely ignores the fact that the States are responsible for land titles and for holding the registers of land owned within the States. It is therefore appropriate that a register of foreign ownership of land in South Australia—which is what we are calling for—be established in South Australia and that the merits of such a proposal be considered by a select committee.

The amendment moved by the member for Bright ignores the question of land ownership and talks about foreign ownership of assets. We believe that the amendment is nothing more than a device to acknowledge the deep concerns that are felt by the whole community, and to allow the Labor Party to get off the hook with its present proposals of ignoring the extent of foreign land ownership in this State, and indeed in other States. The Opposition opposes the amendment and urges the House to support the motion.

The House divided on the amendment:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Rann, Roberston (teller), Slater, and Tyler.

Noes (16)—Messrs Allison, P.B. Arnold, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Gunn (teller), Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Majority of 8 for the Ayes.

Amendment thus carried; motion as amended carried.

[*Sitting suspended from 1 to 2 p.m.*]

## PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

His Excellency the Governor's Deputy, 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: HOUSING INTEREST RATES

A petition signed by 23 residents of South Australia praying that the House take action to persuade the Federal Government to amend economic policy to reduce housing interest rates was presented by Mr Allison.

Petition received.

## PETITION: PAROLE

A petition signed by 15 residents of South Australia praying that the House urge the Government to abolish parole and remissions of sentences for persons convicted of an armed holdup offence was presented by Mr Becker.

Petition received.

## PETITION: MARINELAND

A petition signed by 69 residents of South Australia praying that the House urge the Government to reconsider the closure of Marineland was presented by Mr Becker.

Petition received.

## PETITION: LYELL McEWIN HOSPICE

A petition signed by 3 917 residents of South Australia praying that the House urge the Government to make hos-

pice beds available at Lyell McEwin Health Service was presented by Mr M.J. Evans.

Petition received.

## PAPERS TABLED

The following papers were laid on the table:

By the Minister of Employment and Further Education—(Hon. L.M.F. Arnold)—

Roseworthy Agricultural College—Report, 1988.

By the Minister of Transport (Hon. G.F. Keneally)—

Local Government Superannuation Board—Report, 1987-88.

By the Minister of Transport, on behalf of the Minister of Education (Hon. G.J. Crafter)—

Director-General of Education—Report, 1987-88.

Judges of the Supreme Court of South Australia—Report, 1988.

By the Minister of Water Resources (Hon. S.M. Lenehan)—

Border Groundwaters Agreement Review Committee—Report, 1987-88.

## JUSTICE INFORMATION SYSTEM

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

That Standing Orders be so far suspended as to enable the Leader of the Opposition to move a motion pursuant to Standing Order 59 without the requirement to give one hour's notice before the sitting of the House.

Motion carried.

**Mr OLSEN (Leader of the Opposition):** I move:

That this House at its rising adjourn until 1 p.m. tomorrow, for the purpose of discussing a matter of urgency, namely:

That this House expresses serious concern over the demonstrated financial mismanagement of the implementation of the Justice Information System; notes in particular the findings of the Public Accounts Committee tabled yesterday that it is not possible to quantify the costs and benefits of the system, and that adequate management controls are still not in place requiring 'considerable improvement in this area' to justify further expenditure; and calls on the Premier to make a clear statement about who he holds responsible for this financial mismanagement and what the future of the Justice Information System will be.

**The SPEAKER:** Before debate on the motion, I call upon those members who support the motion to stand in their places.

*Members having risen:*

**Mr OLSEN:** In the closing hours of this parliamentary session, the financial mismanagement of this Government is being exposed for all to see. It cannot cover it up any longer. The implementation of the Justice Information System has been a scandal. It could see more than $50 million of taxpayers' money just blown by poor management, poor control, and a lack of Government action to confront the problems immediately they became apparent.

Later this afternoon, the Parliament will receive the report on the South Australian Timber Corporation. It would not be in order for me to pre-empt the findings of that committee, but sufficient is already on the public record to show that the Government, over a long period, also has failed to properly control the escalating debts of the corporation. The present Minister of Forests has already called the corporation's major investment in New Zealand a mistake. In the report which is the subject of this motion, many other such mistakes are identified. They are mistakes the Government has not wanted to admit.

Last week, when the Premier was questioned about the Justice Information System, he tried to downplay the massive cost blowout. He said, 'The direct financial and economic benefits of the system are much greater than was anticipated.' The Public Accounts Committee has rejected that proposition outright. Currently, there is a difference of $10 million a year between the unanimous view of the committee members—including Government members—and the Premier on the benefits of the JIS. I will refer to that matter again in a moment.

However, an overriding issue this House must consider in debating this motion is the willingness of this Government, and the Premier in particular, to be accountable for their financial decisions. Information about the New Zealand timber investment has had to be dragged from the Government, fact by fact, failure by faiure, over the past three years. There would have been no exposure of the corporation's failure without the persistence of the Opposition. With the Justice Information System, the same has happened. The Opposition has been raising questions about it for well over a year.

At each turn, the Government has responded with bland and, as we now know, dishonest assurances that while the cost was escalating so were the benefits and, in any case, little hiccups like this had to be expected with a project of this nature. That was an arrogant approach to a serious problem, for it is not the view the members of the Public Accounts Committee have been prepared to accept in their bipartisan report. They have not been prepared to accept the fiddling and the fudging of the Government. There is absolutely no doubt that the Government attempted to stonewall the committee and sidetrack its investigation. I have that evidence here in front of me, we all do.

I refer in particular to a minute dated 12 October 1988 written by the Chairman of the Government Management Board, Mr Guerin, to the Premier. It refers to a meeting in the Cabinet room on 27 September last year in which a number of decisions were taken. One of them was, and I quote directly from the minute:

That Bruce Guerin and David Hunt advise the Chairman, Public Accounts Committee and the Auditor-General of the detailed steps agreed by the Government to address issues of future funding and the development of applications. This advice to point out the inappropriateness of using the cost projection figures supplied previously.

In other words, the Government clearly wanted the Public Accounts Committee to ignore original cost projections for this project in measuring the implementation process. To its credit, the committee did not accept that whitewash. It has analysed, in depth, the original cost estimates and why they were so much at fault and, in one particular case, according to the committee, improperly given to Cabinet. These are serious findings.

Equally serious for the Government is the committee's additional finding that other actions indicated in Mr Guerin's minute to restore financial control to the JIS have not been successful. I quote directly from the foreword by the member for Albert Park, the Chairman of the committee, to the report tabled yesterday. He has reported to this House that:

Following the Public Accounts Committee involvement, action taken over the past seven months to correct this situation has not been successful.

He has reported that:

There are still unacceptable deficiencies in the material which has been provided to the Public Accounts Committee. This material, which was produced to assist the Government in the strategic assessment of the project, is below the standard that should be used for the decisions that will have to be taken regarding the future of this project.

These comments are an appalling indictment of the failure of this Government to restore financial control over the largest computer project introduced in the State public sector for many years. Even now, the Public Accounts Committee has no confidence in the final costs, nor any benefits of the project. It has reported that 'present cost estimates be assumed to be low and benefit estimates be regarded as high'. The current estimated cost is $75 million, compared with the original estimate of about $21 million. Yet the benefits may be only half the original estimate of more than $5 million.

The Public Accounts Committee believes that the disparity between the costs and the benefits could become even greater. Obviously, the project is still out of financial control—more than six months after the Government said that it was moving to restore control. That hardly gives anyone faith in this Government's abilities to handle taxpayers' money.

Let me analyse some of the reasons why this has occurred. The introduction of a Justice Information System was first considered in 1978 by a working party appointed by the Dunstan Government. By the time the former Liberal Government left office in 1982, a final feasibility study had been commissioned. All the major management and financial decisions allowing the implementation of the system subsequently were taken by the present Government. In 1985, the Government approved the JIS on the basis that the total cost of implementation would be $20.6 million by 1991-92—and that over the same period it would have returned cash benefits to the Government of $24.4 million.

By the seventh year of its operation, it was estimated that it would be making an annual net profit of $3 million. That was the original projection for 1991-92. It was based on the system costing just under $2 million in that year but returning cash benefits of more than $5 million. However, the Government now has a report before it which estimates that the system will cost $10.8 million in 1991-92 and return cash benefits of as little as $1.94 million—a very different scenario from the Premier's previous misleading assurances to this Parliament.

The Public Accounts Committee has estimated that by 1992-93 the cost of implementation will be $66 million greater than originally proposed. So why have the costs and benefits of the JIS blown out in opposite directions so alarmingly? The Public Accounts Committee has provided many of the answers. It has reported that the 1985 Cabinet decision was 'based on an economic analysis which contained flaws'. Significantly, the committee also reported:

> The committee believes these flaws should have been self-evident.

In other words, Cabinet should have identified them and given much more scrutiny to the decision than it did. The flaws included no provision for interest on the capital. Surely, Cabinet should have at least seen that point. Yet the committee has reported that interest costs were consistently excluded from economic and financial analyses of the project from January 1984 until a status report in June 1988.

The committee concluded that this omission 'was improper and the effect was material'. I am quoting the Public Accounts Committee. Who takes responsibility for that? Ultimately, it must be the Cabinet. Anyone with an ounce of financial acumen would have seen that the cost projections of this system were fundamentally flawed from the outset.

Are we uncovering here a Labor Cabinet totally bereft of basic knowledge about financial dealings? The report by the Public Accounts Committee leaves little doubt that we are. The committee states that this underestimation alone amounts to an additional cost of $7.2 million over seven years. The project also found significant other costs not allowed for by Cabinet in making its original decisions including: insufficient allowance for on-line expansion (an additional cost of $10 million); no provision for back-up in the event of system failure (cost $1 million); the time to write applications will be up to 2½ times greater than originally estimated because consultants' advice was not followed and cost avoidance benefits of $4.1 million were incorrectly claimed in the final feasibility study.

In total, the Public Accounts Committee has estimated that the cost of this flawed analysis has been to increase the cost of the JIS by up to $20 million from the outset. Another significant factor in the Cabinet's original financial decisions was cost savings to be achieved by reductions in staff. The decision referred to 'a commitment by the heads of the constituent departments to achieve the indicated savings in staff'. However, the committee has reported that none of the departments involved—Police, Community Welfare, Attorney-General's, Labour and Correctional Services—have subsequently 'provided the commitment which the Cabinet approval was conditional upon'.

Indeed, while it was estimated in 1984 that 63 positions would be saved through implementation of the Justice Information System, that figure is now down to 16. Even the most elementary mistakes have been made in calculating cost savings from staff reductions. For example, a salary of $22 000 a year was used in estimating the savings to be achieved from the elimination of 17 CO1 officers when the actual salary for that position at the time this estimate was made was only between $7 867 and $15 521.

Further savings of $6.5 million were attributed to reducing the work effort of several hundred unidentified people, but the committee has reported that:

> No management mechanisms were described whereby this alleged reduction in work effort might be converted into either a savings for the Government or a benefit for the public.

Even after these glaring failures in basic financial analysis, the Government is even more culpable for the time it has taken to respond to the problems it has caused in blowing out the cost of the project. The Public Accounts Committee also found a failure to comply with advice from the Data Processing Board to establish break points at which project progress could be reviewed; a failure to produce a detailed overall project schedule; a failure to use critical path analysis as a management control device; and inadequate emphasis on project budget management. Clearly, the Government has abdicated its responsibility. In short, the Premier has a responsibility now to tell the House whom he holds responsible; whether he, as Treasurer, and Cabinet will accept responsibility.

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

**The Hon. J.C. BANNON (Premier):** I welcome this debate and the opportunity for this House to canvass both the Public Accounts Committee report and the issue of the Justice Information System. On many occasions matters have been raised by the Opposition—and we have experienced this on a number of occasions over the past couple of weeks—where one wonders about the motives, public purpose, importance and so on of the issues. But, there is no question that this is a proper matter for the House to be dealing with. Indeed, I think we indicated that in my deputy's moving the suspension of Standing Orders to enable this debate to occur today.

Let there be no illusion about that. We are not running away or backing off from having this matter properly and

fully ventilated. I think that that is quite appropriate. The more the issue can be understood, the better. I do not think that it helps the debate for the Leader of the Opposition to use words like 'scandal' or to make all sorts of innuendos and so on. He finds it hard to resist doing that.

*Mr Olsen interjecting:*

**The Hon. J.C. BANNON:** And he cheerfully interjects again now. A lot of what has been put on the record, drawn from the PAC, certainly needs addressing in debate. Secondly, there is no question, as I said in a reply last week, that the report of the Public Accounts Committee is a very important part of the process of getting this system right. Attention will be paid to the recommendations, findings, and conclusions that it draws and they will be subject to detailed analysis and incorporated into the detailed work being undertaken within government to do something about this system.

In fact, the process of investigation by the Public Accounts Committee was an important part of that consideration. The need to respond to questions and provide material was an important part of the process of the Government's better understanding what sort of problems it was confronting. I might say in that context that the Public Accounts Committee has been quite constructive in its approach. Certainly, it put its finger on a series of major problems and issues to be resolved—and some are at the core of it—and these matters have to be addressed. Incidentally, it is not a case of rejecting the financial benefits that may be provided by the system; the clear fact is that they have not been established adequately, and that should have occurred. Figures that have been used in the past are obviously deficient in a number of ways, and that is one of the issues that must be grappled with.

The Public Accounts Committee itself acknowledged, at page 1-2 of the report, having said that the economic and financial perspective was cast in far too favourable a light (and in the light of experience there is no question of that) the following:

> This is not to say that the project might not have been approved had the true position been presented.

It continues:

> The project should not have been presented as self-funding.

That is evident. Obviously, the system will cost more than ever contemplated. At the end of the day, we have to look at what system we get, how extensive it is and whether or not the benefits are justified in terms of those costs. But, that is an important finding. It should not have been presented as self-funding and it is not likely to be totally self-funding. There are benefits, and those benefits have to be defined.

*Mr Olsen interjecting:*

**The Hon. J.C. BANNON:** I would not brush that off, as does the Leader of the Opposition. Enough has been found to indicate that it must be so. If it were not so, the committee would, quite clearly, have recommended the total abandonment of the system. That is one option the Government has looked at. It did not do that and I think it was quite right not to do that, as one will see if the report is read carefully.

The Justice Information System is something that has had the support of all political Parties over the period under which it has been developed. The Leader of the Opposition has pointed up its history and how the concept was developed and expanded. I have before me the news release issued on 31 May 1982 by the then Attorney-General (Mr Griffin) in which he announced that the Government intended to computerise collection and collation of criminal statistics and related information. Then, over three pages, he went into some detail about how exciting such a system would be, how efficient it would be in tracking offenders and so on. He had just returned from a five week overseas study tour, having met with various experts, and he felt that this system could really achieve results.

I draw attention to a very important point that he made. He stated, 'No other such system exists in Australia', although he said that the Northern Territory had committed itself in principle to such a scheme. No such scheme existed in Australia. Indeed, there is no example anywhere in the world of the type of comprehensive system that we have been seeking to introduce in South Australia. So, to an extent, that initial decision carried with it a number of implications in terms of, at the end of the day, what would be the benefits and how well it would be done.

Very soon after we came to office we were presented with the report of the consultants and the work which had stemmed from that announcement by the then Liberal Attorney-General. Over the next two years, major modifications were made to the original concept, with more detailed work being carried out, and in September 1985 Cabinet approved the funding of what in many ways had become a different scheme—certainly it was still pioneering, ambitious, and expanded, but—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** But it was based very firmly on the principles that had been enunciated by the previous Government. Since then, of course, various aspects of that concept have been implemented. I repeat, that has been done with a general understanding that, if possible, this was the way to go. The PAC has come out with some major criticisms: that the economic and financial analysis leading to the Cabinet decision to proceed should not have been justified solely on that cost recovery basis; and that there seemed to be a lack of proper project management. It is critical of the control of the project by the board of management, the standard of documentation available to the Government since that time in assessing the JIS; and the benefit analysis, which is quite clearly defective. All of those matters have been alluded to. We cannot turn away from them; they have to be confronted directly, clearly and boldly in order to ensure that we get value for the money already spent, and that we get value for this system which has great potential for the future.

While the Leader of the Opposition concentrated very much on the various financial deficiencies identified in the report, and suggested these as reasons for increased expenditure, let me just detail quite briefly other categories of that. The feasibility study of 1984 did not involve analysis and investigation of each application. We had very much a broad brush approach. The concept was that, because this crosses so many departments and involves so many organisations within Government, the issues involved would be dealt with in detail as the project progressed. Clearly, more analysis should have been done. There is no question of that.

Secondly, in relation to the development effort, that is, the development of this new and very different system, unlike anything else in Australia, the time and size of individual applications was much larger than anticipated. More and more information was wanted, or seemed to be desirable, and the productivity gains expected from using fourth generation computer language, which was predicted as part of the system that would come into being as the project developed, have not materialised. The estimates of both those points mentioned, involving the development time and size as well as the impact of new technology and fourth

generation language, were not properly assessed. They were made from the best available advice but, clearly, it was not enough at the time.

Another element contributing to the reason for a cost increase is in relation to privacy and security. The privacy and security requirements have proved much more complex than initially understood. They have added significantly to the overhead in development time and computer processing capacity. That is an important point for all of us to note. It is vital for this system, which in fact gathers information across departments—a very comprehensive dossier on people, because it is being used to track offenders and to deal with Community Welfare cases, and so on, in an integrated fashion. The privacy of those persons and the privacy of the information and the confidentiality of the information must be protected to the utmost. It will cost quite a lot more to ensure that that happens than was estimated. But I do not think that we should be stinting in this area. It would be wrong to inaugurate a system where we could not make those guarantees.

Then there is the computer hardware and network. The computing capacity estimated in 1985 was based on the transaction volumes expected in the feasibility report. All the tenderers tendered about the same amount of computer power and storage capacity. So, there was consistency there, but detailed analysis has shown that those transaction rates were considerably underestimated. Much more use and many more transactions are envisaged in the system than were originally detailed. Obviously that will cost more.

The tender process took quite a long time. There were many more responses than were anticipated. It was obviously a project eagerly sought by people in the computer industry not only because of its commercial value but because there was an opportunity to really develop some new systems in a hands-on way. Therefore, the tender process took a lot longer. It needed to be more carefully evaluated, and costs are involved in that. Further, the amount of effort involved in the establishment of a data base and the network from scratch has been much greater than anticipated.

The staffing problem is also one that should be alluded to, I think. Additional development effort has required additional staff. Computer work is a very competitive market indeed, as everyone would know. It is hard to attract and to keep experienced staff. The JIS is constantly understaffed and training new staff—and that, of course, does add to the cost. I am simply saying that, in order to have a full perspective, there is a whole range of reasons why this project has proved more complex and more expensive than originally suggested. However, I would reject the sort of cost estimates and figures that have been thrown around by the Leader of the Opposition.

I also make the point that in fact a number of applications have been inaugurated in consequence of the work that has been done to date. I think in answer to a question last week I gave a list of those applications which could already be on stream. This relates to applications which help crime fighting and which help police track down stolen vehicles, criminals, and so on. In the correctional services area, this will facilitate more efficient transfer of prisoners from one institution to another. These are applications of this system that will help crime fighting, control of prisoners, Community Welfare registrations of case histories, and details of staff and clients—involving a whole range of statistical information that will be available. In view of the limited time available, I do not intend to go through that list again. I simply say that there are a series of applications which by June this year will operate and they will obviously yield benefits.

So, it is not as if we are getting nothing out of the system even if it were to be abandoned today. We have the PAC report and the machinery is in place. Intensive work has been done within the board of management and the various departments to come to grips with the problem and the PAC has pointed out the problems involved in doing that. The Government is not satisfied that the correct solutions have been proposed or that the material we are getting is adequate. Nor is the PAC satisfied, and it is right not to be satisfied. Intensive work is going on which will enable the correct decisions to be made. It will allow us to get value for the system already incorporated and consequently to ensure that any additions to that system and any added applications are done on a cost effective basis.

The Government had only three broad options in dealing with this matter. The first, to abandon the whole project at this point, would mean a complete loss of all the developmental work that has been done and of all the capital investment work in the equipment. That would simply be written off. Additionally, each and every department seeking those computer services would want to set up its own system at even greater expense. To proceed as originally contemplated plainly is not an option. On present indications it would cost about $52 million, not $75 million. So, we must modify the system; we must reduce the applications; and that is what we will do.

**The Hon. H. ALLISON (Mount Gambier):** The report by the PAC on this matter is probably the most complex report with the potential to save tens of millions of dollars for the Government that that committee has yet produced. I suggest that the Chairman and at least the members of the committee staff are to be congratulated on producing the report. The project is not self-funding. In fact, we are at present faced with a $60 million drain on Treasury by the year 1992. The Justice Information System, as the Premier acknowledges, could still be put on track even in a limited form if the PAC's recommendations are adhered to.

The Premier has today acknowledged that he knew of the problems, but he has not stated a course of action to come from his Cabinet. In opening, may I express personal concern and regret that only the final pages of the September 1985 Cabinet submission were made available to the PAC, which had requested the full submission. That was based on the Crown Solicitor's opinion, which we accept but which we do not accept as a final opinion. Had that submission been made available, it could have saved literally hundreds of manhours and made this project report available to the House much more quickly than has been the case.

It is not wise for the House to defend the indefensible. First, the Cabinet submission to which I have referred explicitly required that all Government departments concerned should agree to return their savings from the JIS to Treasury unless approval to do otherwise was given, and letters from departmental heads to the PAC over the past few weeks clearly indicate that such agreements were never made which would have questioned the formalisation of that original Cabinet submission.

The explicit request by Cabinet indicates to my mind that it was already aware, prior to the commencement of the scheme, of the many warnings and of the cautionary advice given by the Data Processing Board, by the then Public Service Board and by Treasury. The feasibility report was in 1983 and Cabinet approval was in 1985, and those reports should have accompanied the Cabinet submission. We were kept in the dark. The suprise is that, given such warnings, Cabinet did not follow up very closely on a regular basis the progress of the Justice Information System.

It also begs the question: why did not Cabinet check closely on the progress being made, particularly when questions were asked at budget Estimates Committee hearings over the past three years (and the Leader mentioned questions in the House over the past year)? In response to that questioning we only received the bland reassurance that all was well. It concerns me personally that as recently as September 1988 the Government commissioned its own internal report in the full knowledge that the Public Accounts Committee was already inquiring into the JIS and had been for some time. It begs the question—which was posed, at least by me—whether this was an attempt of some sort (not necessarily by the Premier and Cabinet) to dissuade the Public Accounts Committee from going ahead with what might have proved an embarrassing, even though extremely important, investigation. The commissioning of the internal report—

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Mount Gambier has the floor.

**The Hon. H. ALLISON:** The report is a public document. It is common knowledge that an internal report was also commissioned. The spokesman for that internal report acknowledged that he was speaking for Cabinet. The commissioning of the internal report also implies that high level ministerial and heads of department meetings would have been held since September 1988 with the head of the Government Management Board appearing before the Public Accounts Committee as spokesman for Cabinet. It worries me immensely that the Public Accounts Committee was still unable to find favourably in its conclusions on material flaws in economic and financial analyses. In fact, despite requests in 1985 to the board and the project manager and later the Crown Solicitor for critical path analysis—and I mention to the House that critical path analysis sets out the weekly, monthly, yearly and continuing progress of a major project—such an analysis is still not available. Also unavailable is the very important total project budget statement which the Data Processing Board (DPB) in its guidelines stated to be an essential part in the management of major projects.

It is also of major concern how guidelines of the DPB advising that interest should be a major component as a charge on projects seems to have been ignored and, in fact, the JIS management and board explicitly excluded interest from its calculations in presenting profit and loss statements to the Cabinet. It is an even greater worry to me as a PAC member that, during many hearings over the past 12 months, we have been repeatedly reassured by board members and project managers that all was proceeding well. In fact, we were told that the budget for one year had been underspent by 25 per cent, and that the board was still happy to proceed with the implementation of the Justice Information System.

The committee then was given these reassurances—and more besides—in the face of the DPB guidelines which were largely ignored and the warnings which I have earlier mentioned. The Premier mentioned that business applications were ready to be put into operation in June. I comment in passing that a close analysis within the PAC report of those business applications indicates that only a handful of those (I think a few from DCW) are, in fact, cost-effective, so they are going to implement business applications which are not proven cost-effective—by PAC calculations, of course, and not by the departmental calculations.

Even now we have been unable to obtain an assurance from the JIS management and its Cabinet spokesman that final costings of the project are available, no critical path analysis has yet been produced, nor has a total project budget been made available to the Public Accounts Committee—as recently as March 1989. Of even greater concern is the request from senior witnesses representing Cabinet that the Public Accounts Committee should ignore the past and shift to new grounds for justification of the project.

*An honourable member interjecting:*

**The Hon. H. ALLISON:** I will not mention names—it is not my policy to indict individuals. It is the issue that is important. It is an invitation to ignore the economic and financial flaws in the original justification for the project, and to consider intangible, and as yet undefined, benefits as being more important. This would have been an act of folly for the PAC to have followed.

However, it does invite the serious question as to whether the project team, without the PAC report (which was handed down yesterday) would have proceeded with the JIS and would have perpetuated the flaws and errors (numerous as they may be, according to our report) which the PAC system has now brought into the light of public scrutiny after months of assiduous work by members of the committee and, even more importantly, by the dedicated staff. The maxim of 'believe us, trust us' made no impression on the PAC, I can advise members. As I have said, it is obvious that the DPB base plan guidelines were not followed right from the outset. The DPB stated:

> The presentation of a single solution confronts management with a virtual *fait accompli*. There is rarely a case where one solution and only one solves all problems (page 3-7).

The Touche Ross letter (appendix 13-17) recommended a commercial package, which a senior member of the JIS chose to ignore, and instead to implement that most complex alternative. Was Cabinet involved in this absolutely crucial, critical decision to the success of the JIS system and, if not, why not? It certainly should have been, to my way of thinking.

The Data Processing Board Guidelines (at page 4-1 to 4-3) and the Public Service Board guidelines (4-4 to 4-6) offered stern warnings as to the potential success or failure of the system. They seem to have made little or no impression upon Cabinet or upon managers of the JIS. I quote the DPB, as follows:

> The final development costs need to be firmer and to reflect all viable options . . . one option might be seeking development of a subset of the total requirements which would be achievable earlier and at a lower cost and risk.

The DPB also stated:

> The JIS proposal is one of the largest computer-based projects considered by Government in recent times . . . it should be noted that the submission lists only three options . . .

It goes on to state that the most cost-effective of those options listed was the one quoted, which required an early commitment of the total funding requested from Treasury. It also states that early capitalisation at this level, coupled with the current scope of the project and its resultant implementation and the break-even periods, are of concern to the DPB Board. It is considered that Cabinet should be made aware that a range of cost options, which might further minimise any political and financial risks, will be made available to Cabinet in the final feasibility study. Time has passed, but one of my many questions is: were they available and what action did Cabinet take? The warnings were clear.

**The Hon. FRANK BLEVINS (Minister of Health):** With the speech of the member for Mount Gambier we have witnessed the destruction of the Public Accounts Committee.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. FRANK BLEVINS:** I say that because from now on every member of the Public Accounts Committee who has any brains at all will ensure that the appropriate references that suit the case of their side are in the report. From now on each individual member will be called upon to speak to that report if it is controversial. Individual members will ensure that contained in the report are the statements and extracts which suit their case. That is deplorable.

It was a Labor Government which established the Public Accounts Committee and it is a Liberal Opposition, I confidently predict, which has destroyed it as any kind of independent committee. The whole exercise that we have seen this afternoon has been a political exercise. It has been clear to everyone over the past two or three years that it has not been possible for the Opposition to maintain the interest of the press during Question Time. The Opposition has been unable to do that, so over the past couple of days out of sheer desperation it has tried another tack. What happened? Even before the Leader had finished his brief 15-minute contribution, the press had already gone, because the PAC Report—

*Members interjecting:*

**The Hon. FRANK BLEVINS:** I agree—the press went even before the Leader finished. I thought the matter was dealt with adequately and fairly this morning in the media. What the Opposition is debating here today is yesterday's news. There was little in the Leader's speech about the genesis of the JIS, although it got passing reference, and there was not one word about why it is absolutely necessary that we have a JIS in this State. It is absolutely necessary—

*Members interjecting:*

**The Hon. FRANK BLEVINS:** I did not interrupt you: I did not interject once on you. Kindly return the courtesy.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. FRANK BLEVINS:** It has already been referred to by the Premier, and I want to refer again to the press release by the Hon. Trevor Griffin who came back from an overseas trip of five weeks and announced that his Government would implement the JIS. The decision had been taken. I have several copies of the press release to hand around concerning the decision taken in 1982. Certainly, I commend the previous Liberal Government for taking that decision, because there is no doubt that the JIS will be one of the few monuments to that Government. We will not take all the credit for the system.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. FRANK BLEVINS:** The reasons why the JIS is necessary were spelt out clearly in the report. What was not mentioned in the Leader's speech was whence the original idea came, and that is a pity. According to my information, it came from the then Deputy Premier, the Hon. Roger Goldsworthy. Roger Goldsworthy wrote to the then Attorney-General—

**The SPEAKER:** Order! The honourable Minister must refer to the Deputy Leader.

**The Hon. FRANK BLEVINS:** I am sorry. The then Deputy Premier wrote to the Attorney-General indicating that priority should be given to the detailed specifications of a central offender based tracking system and various other components of the justice system.

*Members interjecting:*

**The Hon. FRANK BLEVINS:** The Deputy Premier—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. FRANK BLEVINS:** That was probably as far as it should have gone but, as in a whole number of things between 1979 and 1982, in came the Hon. Trevor Griffin who said, 'No, we want an expanded system.' That was the seed of the problem with the JIS. What Roger Goldsworthy initially proposed was absolutely correct. The then Deputy Premier was absolutely correct, but the then Attorney-General had grandiose visions and wanted the thing expanded.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. FRANK BLEVINS:** The Hon. Trevor Griffin wanted it expanded further than the then Deputy Premier wanted. Cabinet made that decision, as we all know, and the press release is evidence that the expanded JIS was on the way. I commend the then Deputy Premier for his foresight.

**An honourable member:** Why didn't you manage it properly?

**The Hon. FRANK BLEVINS:** I will be happy to respond to the interjection in a moment. The Government then took private sector advice—the best private sector advice that was available—because the Justice Information System to some extent was a leap into the dark. There is no question about that. It was right at the leading edge of technology. It was a concept that, when fully up and running, will be a world leader. The private enterprise consultants told us that essentially that is the case. They did not make any firm recommendations to go ahead. They told us that the concept was feasible and desirable, but they could not be hard and fast on costs because they had nothing against which to measure it.

Essentially, it was a political decision as to whether or not we needed the system, and I do not think that anyone ought to query, in 1989 or through to the year 2000 and beyond, that this particular system is absolutely essential in South Australia and will prove to be so elsewhere. It is absolutely essential that it goes ahead. Whether it is necessary to buy the available amount of computing power to do some of the other highly desirable but nevertheless ancillary operations that this system can do is questionable, and I question them. The Public Accounts Committee, to its credit, also questions them, and I have no quarrel with that, nor with the report.

What has really made me cross over the past few years about the Justice Information System is that, as the Minister who has had the good luck for five years to be administering a significant part of it under the correctional services portfolio, I believe that all the costs are identified as being purely economic costs—a cost benefit analysis. If we had a cost benefit analysis, for example, on public transport in this State, it would be closed down. But, Governments do not do that, because there is a community need which the STA and other Government operations are filling.

In the JIS there is an enormous community benefit; there is a community imperative, because even in the correctional services area we have no practical way of dealing with the large amount of paper work, the tracking of documents and the tracking of offenders. We just cannot do that; it is overwhelming us. And it is the same in every other agency—the Department for Community Welfare and the Courts Department. The previous Liberal Government, when it made this decision, recognised that something had to be done.

What concerns me is that people do not sufficiently take into account the social cost of not doing it and the social benefit of doing it. Let me quote from the report, because the quoting so far has been somewhat selective. After the

performance of the member for Mount Gambier, I can assure the House—

*Members interjecting:*

**The SPEAKER:** Order! It is most inappropriate that courtesy seems to be given only to members on my left and not to members on my right. The honourable Minister.

**The Hon. FRANK BLEVINS:** Quoting to date has been somewhat selective. I can confidently predict that, from now on, whenever a Public Accounts Committee report is published and dealt with in this House, the quoting will be even more selective, because everyone will make sure that their quotes are in there before the report comes out.

*Members interjecting:*

**The Hon. FRANK BLEVINS:** The Public Accounts Committee. The member for Eyre would not be on it. I am surprised that the member for Mount Gambier is, but we live and learn. Right on the first page of the committee's report, in the Chairman's statement, he states:

> In the committee's opinion, the Justice Information System might deliver substantial benefits, a high portion of which may be in the nature of benefits to society.

There is no doubt in my mind, and there is no doubt in the committee's minds (expect the committee cannot express it because it is not its brief), that the benefits to society will be enormous. When the Opposition talks about law and order, what price does it put on law and order? What is its upper limit on the cost of law and order? If you do a cost benefit analysis on law and order these days, the cheapest way is the bobby on the bicycle on the beat. If you want the economists to decide how to do law and order, it would result in 30 years in gaol for knocking off a video and the bobby on the beat. But what does the senior police officer in this State say? It is all here in the report. It is a pity that the previous speaker did not read it out, but it states it very clearly. The question was: where would we be without the JIS? Mr Hunt, the Commissioner of Police, said:

> We have sought the view of the consultants and, although I cannot take it further than that, it is a strongly held view that, if the agencies themselves had progressed individually, what we would have had is agency-specific benefits. They would not be cross-agency related, therefore the Government, which is responsible for a system of justice, would not be well served. We have come across many new benefits, especially in the development of statistics from the point of view of victims of crime.

What cost do you put on those benefits? What cost do the economists say we should put on those benefits to victims of crime? I would put a very high price on it. I am quite prepared to pay a lot of dollars, even though the economists and maybe the officers in Treasury do not agree, but I am with Mr Hunt, the Police Commissioner. He continues:

> That has severely slowed down the development of the criminal incident program, because it will change the way in which police officers actually work.
>
> The further statistical base from which the Government will be able to make projections about the size of the crime problem in the community is one example. Of course, at the end of that, the cost would be notionally higher than this current development. There is also the aspect of international compatibility. The United Nations, as I have said, has made strong recommendations in this regard. There will be eventually a need for international exchange, and Australia should be able to respond to those kinds of requests. I know from my meeting overseas in France last year with Interpol that there is a growing emphasis on the collation of international data of a uniform standard. Great emphasis is put on that quarter.

That is the end of the quote from the Police Commissioner, but the committee, of which the member for Mount Gambier was a member, stated in its report:

> The judgments to be made concerning the value of intangible social benefits impinge on the area of government policy. This is not an area on which it is appropriate for the Committee to make comment.

That is a great pity. In future reports I think you will get a lot more comments, particularly of the social benefits, because I can assure the House and the public of South Australia that we in this State will have a Justice Information System of which we can all be proud. It may well be that it will cost more than was originally estimated in dollar terms, but the decision must be taken on the best private sector advice. The eventual result from the JIS will assist with regard to the maintenance of law and order into the 21st Century. It was a farsighted decision and a leap into the dark, to some extent, but full value will be given to the people of South Australia for this decision.

**Mr BECKER (Hanson):** I am amazed at the statements made by the Minister of Health. This is not the first time that Public Accounts Committee reports have been debated in the Parliament.

*The Hon. Ted Chapman interjecting:*

**Mr BECKER:** I was about to say that. On occasions when I brought down reports, the honourable Peter Duncan and the present Minister of Transport never hesitated in criticising and berating the Government of the day over the contents of some of those reports. As a matter of fact, at times we had trouble trying to contain the leaks to the media—that is how they treated the committee. Do not let us all get paranoid about the Public Accounts Committee reports being debated in this House. We have every right to bring it to the community in the public interest, and we will not be intimidated.

*Members interjecting:*

**The SPEAKER:** Order! I ask the honourable member for Mitchell to cease interjecting or he will be warned. The honourable member for Hanson has the call.

**Mr BECKER:** We will not be intimidated in relation to doing our work fairly and justly for and on behalf of the Parliament. The Public Accounts Committee should be congratulated and complimented on the standard and style of the report that it has just brought down. The staff of the Public Accounts Committee has worked day and night. We were ready to bring down the report in December. There was a hiccup, and we further considered the contents of suggestions of the staff. All I can say is that I have never worked with staff so dedicated as has been the case over the past months while preparing this report. The Government stands condemned for its handling of the Justice Information System.

*Members interjecting:*

**The SPEAKER:** Order! The member for Hanson has the call, not the Premier or the Deputy Leader of the Opposition. The honourable member for Hanson.

**Mr BECKER:** The Government stands condemned for its handling of the Justice Information System. It has had plenty of time and plenty of opportunity to assess what was going on. Back in 1985, in the annual report of the Public Accounts Committee we made comment then that we were concerned at the remarks that had been made by the Auditor-General. This should have alerted the Government—and it did alert the Government—that the Public Accounts Committee was going to look at this whole system and the viability and feasibility of it.

I commend the Public Accounts Committee's report to members of the House, and suggest that they study all sections of it, and particularly the feasibility study. The Minister of Health should have a look at that. Members should then have a look at the comments that were made by Mr Guerin in relation to Touche Ross, and then read the letter from Touche Ross. That organisation feels that its reputation is right on the line. Clearly, from comments

that have been made to the committee Touche Ross considers that it has been misrepresented.

The Public Accounts Committee has brought down a fair and reasonable assessment of the whole situation. There is a warning in it to the Government. It is a warning that I hope the Premier and all Ministers will heed. It is the last comment in the Chairman's foreword:

> The standard of management data produced is a reflection of the technical-managerial interface which has existed. Considerable improvement in this area will be needed to justify further expenditure in development of the Justice Information System.

But it is not only that system—it is all other—

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

*Mr Hamilton interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! I warn the honourable member for Albert Park, and I warn the member for Alexandra.

*The Hon. Ted Chapman interjecting:*

**The SPEAKER:** I warned the honourable member because I am attempting to restore order to a disorderly House—a disorder to which the member for Alexandra has made an unreasonable contribution.

*The Hon. Ted Chapman interjecting:*

**The SPEAKER:** Order! I will name the honourable member for Alexandra if he does not desist from what he is doing at the moment—which is contributing to the disorder of the House. The honourable the Deputy Premier.

**The Hon. TED CHAPMAN:** In raising a point of order, Mr Speaker, I apologise for any misdemeanour in which I may have been involved, but I draw your attention in respect of a member who has just left the Chamber and in particular to the remarks that he made as he did so. On his return, I would call on you, Sir, to admonish that member for his behaviour: it was the member for Albert Park. I am sure that, if you did not hear precisely what he said, your first officer, the Clerk of this House, would have done so, as the member for Albert Park actually brushed past his shoulder.

**The SPEAKER:** Order! The Chair was unaware of any remarks that may or may not have been made. Can the honourable member for Alexandra point out the remarks that either caused him direct offence or were unparliamentary?

**The Hon. TED CHAPMAN:** I believe that those remarks were unparliamentary, and I call on you, Mr Speaker, to seek the remarks from your Clerk who was, in fact, within arm's length of the honourable member making the offensive remarks and who, I am certain, would have heard precisely what was said.

**The SPEAKER:** Order! Will the honourable member resume his seat. As the Chair recalls the sequence of events, I had read a message from the Legislative Council to the House of Assembly and had called on the Deputy Premier. At that point, because of the general noise that was erupting, I was getting advice from the Clerk. There was much movement going on and several people were noisily moving around in my immediate area, an action which is disorderly in its own right, so I doubt whether the Clerk heard a specific remark any more than I did. Therefore, I again ask the honourable member for Alexandra to cite the remarks that may have been personally offensive to him or unparliamentary in relation to the whole House.

**The Hon. TED CHAPMAN:** I appreciate your offer. I do not propose to take it up and I am disturbed, Mr Speaker, that you have refrained—

**The SPEAKER:** Order! I do not uphold the point of order.

**The Hon. Ted Chapman:** It's up to you. I think I've made my point perfectly clear.

**The SPEAKER:** Order! The Chair is mentally debating whether or not to hold up the affairs of the House by proceeding to name the honourable member for Alexandra for reflecting on the Chair. In the interests of the proceedings of the House, I shall not do so.

## SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 16 May at 2 p.m.

Motion carried.

## REPRODUCTIVE TECHNOLOGY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## EQUAL OPPORTUNITY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 April. Page 2955.)

**Mr INGERSON (Bragg):** This is an important Bill for the taxicab industry. The industry generally sees the need to support the Bill and to support the general thrust that would enable the Metropolitan Taxicab Board to set up a special development fund from the sale of future licences and/or the possible leasing of future licences. However, before commencing to speak on the Bill itself, I believe that it is important to recognise that the taxicab industry is a small industry that is made up principally of small businessmen who operate within the public sector and within the public transport system, but who in general own their own licences.

A few members of the industry lease their licences, and many are employed in the sense that they do not own a taxi but are subcontractors to the taxicab owners. We have within the industry a vital, strong, vibrant group of people who supply an important part of our public transport system. It is my belief and the belief of the Party I represent that this vital industry is used nowhere near as much as it should be in the delivery of services within the public transport system. Indeed, other shadow Ministers and I have often said that taxicabs should be used more as an extension of the public transport system to the outer suburbs, and that the services of this group of operators should be considered in the slacker and quieter parts of the metropolitan transport system. We have often suggested that the taxicab industry could and should be used to provide many of the late-hour services when the volume of public transport is not considered high enough for State Transport Authority vehicles.

In essence, the Bill sets up a fund which was recommended to the Government by a select committee three or

four years ago. Principally, the Bill will enable the Metropolitan Taxicab Board to use this fund to develop the industry and for promotion and research. The industry is concerned about how the fund will be protected. Although there is no question that the money will run away, it is suggested it will go into an area to be controlled by the Treasurer. The same clause provides that the Treasurer may invest those funds. So, the major question is whether, if those moneys are to be invested by the Treasurer, the interest from them will come back to the fund itself. I suspect that that is the case, but the industry is concerned about this aspect and I hope that the Minister in his second reading reply will address the industry's concerns in this area.

The other area covered by the Minister's second reading explanation concerns the issue of licences. Although the Bill does not refer to an increase in the number of licences, the Minister has said that it is believed that 20 licences should be issued soon and, although he does not stipulate a period of time, I assume from general discussion that he means the next 12 months. The industry itself is very much concerned about this *ad hoc* decision of 20 licences. Indeed, it may have been 10, 30, or any other number, and it is this haphazard issuing of licences that has concerned the industry ever since I became shadow Minister. I believe (and the industry supports my belief) that we should have a system that recognises every year that a certain number of licences should be granted, unless the industry itself can show by submission to the board, and consequently to the Government, that such licences are not needed. At this point we believe none should be issued.

It is important that I place on record comments from the leading players in the industry. I have received a copy of a letter from Suburban Taxi Service that comments on the issue of licences, as follows:

> There is no middle or second ground on the issue of further licences, special or otherwise. We register our strongest objection to the reported issue of 20 extra special licences at this point of time, for the following reasons:
>
> Underutilisation in the taxi industry—The statement that has been used and possibly over-used by some sections in making reports or discussing them at several different levels throughout the industry, and the Government is one that has not received the attention or understanding that it needs.
>
> Can the department and your board [and this letter is addressed to the taxi board] be totally satisfied that the current 865 licences (including 20 Access licences) are utilised sufficiently so as to warrant the issue of further licences?

It goes on to say:

> We would be the first to agree and compliment [the board] on this approach . . .

That is, as far as the board is concerned. It continues:

> There must also be an incentive within the fare structure to encourage an owner to operate his taxi longer hours with the use of drivers.

The Suburban company is saying clearly that it does not believe that there is any justification for the issuing of 20 licences. I have also received a letter from the Taxicab Operators' Association making a very specific comment on the issue of licences. That letter states:

> The association's policy in relation to the release of additional plates is that we have no objection provided the criteria listed below are met:
>
> (1) That it can be proved beyond any doubt that there is a need for more plates.
>
> (2) That any issue will not affect the livelihood of existing licence holders.
>
> However, it is the belief of the association that no further plates should be issued at this time, because it is felt that the current fleet is not being utilised at a sufficient level. As a result, the general meeting held on 10 January 1989 put the following motion:
>
> That, before the issue of more plates is contemplated, the board satisfy itself that the present fleet is being utilised sufficiently, particularly in the area of non-radio taxis.

That motion was carried unanimously. The letter continues:

> This, in fact, was done and, after a debate, the licensing officer was requested to prepare a report for the board.

The position of the Taxicab Operators' Association, as a very significant organisation within the taxi industry, is also very supportive of the Suburban Taxi Service which says that it is opposed to any increase in the number of licences. I have a letter from the Cab Owners Association, on the issue of licences, which reads:

> First, it is our opinion that no additional plates be issued until such time as the present fleet is fully utilised and our present service standard drops.

There we have specific references from the Suburban Taxi Service, the Taxicab Operators' Association and the Cab Owners Association—and each group is opposed to any extension of the number of licences. I have also had conversations with United Yellow Cab Services, Yellow Cabs South Australia and other independent operators, and they are also opposed to the move. The Minister would say that no-one would be surprised to have everyone in the industry unanimously agreeing on the issue of the extension of the number of plates. I support their comments at this time.

I am not suggesting that any of the information that I put forward is surprising, but the reality is that the industry is saying that not only should there be no more licences but that there should be justification for any increase in the number of licences. I support its argument strongly on the second issue. I am not saying, and have never said, that there should not be more licences, but there should be a better justification system than we have at the moment. We believe that every year a certain number of plates should be put up so that the industry is aware of what decision is likely to be made, and it is then up to the industry to justify to the Minister through the Metropolitan Taxicab Board whether those licences should or should not be issued. The base should be as it is now.

The situation we have today—with the haphazard 'maybe we will, maybe we won't do it; perhaps this year, perhaps next year', and so on—is totally unsatisfactory and the industry deserves much better treatment than it has received up until this time. While discussing the issuing of licences, it is important that we talk about ownership. According to the second reading explanation, the introduction of these licences will be either by direct sale (under a tendering system) or in a leasing situation (in which the board is directly involved). I will deal with the issue of leasing directly from the board in a few moments.

The other issue raised by the industry—and this is not directly covered by the Bill, although it refers to regulations—is the slowness with which changes to the regulations have been handled by the board. There is no doubt that there is a very significant need to update many of the regulations, and it is disappointing to me and to the industry that the very important regulations that have been bandied around now for some two to three years have still not been fixed up. It is very important that I make that comment now on behalf of the industry—that it is very disappointing that these regulations were not updated much earlier.

I refer now to a special docket that was sent to me. It is a little out of date, but that is because this Bill was introduced in the Upper House and not, as would have been expected, in the Lower House. It is a docket from the Minister of Transport to the Chairman of the Metropolitan Taxicab Board, and it is very interesting. It is headed '*Re*: issue of 20 Taxicab Licences' and it states:

Following our meeting on 19 January 1989 and my department's discussions with your officers subsequently, I am writing to confirm the arrangements for the issue of the 20 new taxi-cab licences.

1. The licences should be issued annually (as is currently the case) but they should be non-transferable.
2. The licensee will have the right to renew the licence yearly providing the licensee remains a 'fit and proper' person and is providing satisfactory service as defined by the Metropolitan Taxicab Board (MTCB).
3. The right to renew exists for five years after which time both parties have the right to renegotiate the terms and conditions of the agreement, provided that the warrant for the licence still exists.
4. The yearly fee will be a reasonable amount, up to $5 000; the revenues to be retained by the MTCB.
5. The selection process of applicants should be by independently conducted ballot.
6. No existing owner should be eligible to apply.
7. Only people who have held a taxi driver's permit for more than 12 months may apply, to ensure that some experience of the industry has been gained.

The Government will need to foreshadow at the time of the release of the licences, that more will be issued in subsequent years, so that the prospective licensees are aware they are not buying into a market of fixed size. Further, the Government would retain the right to change the method and conditions of issue in future; the Government is not setting a precedent by its action. I would be grateful for your advice that these arrangements are acceptable to the board prior to my submitting the details to Cabinet. Amendments to the Metropolitan Taxicab Act are currently being drafted. . .

And it goes on to say that the amendments will be introduced this session. This docket opens up a considerable number of issues that I believe should be put before Parliament and explained by the Minister.

The first point in the docket discusses the fact that the new licences should be issued annually and be non-transferable. The industry is very concerned about this, because it is a totally new precedent to set in the taxi industry. A similar situation of issuing licences that were non-transferable in the hire-car industry in the middle of last year concerned a number of people within that industry. I believe that it is probably the one issue that has caused the most concern in the hire-car industry, and we now have the same sort of issue of non-transferability being mooted in the taxicab industry. It is a retrograde step and something that I would hope the Minister would reconsider.

We do not disagree with the second clause, in respect of fit and proper persons. The third clause, dealing with the right of renewal for five years, is of concern to the industry because, in effect, it is saying that the Metropolitan Taxicab Board will now be involved directly in the industry in the control, sale and lease of licences. The industry is not very happy about this because principally it is a private sector industry in which there is no Government money or control other than what is necessary in terms of regulations. However, we now have the prospect of the Government, through the Metropolitan Taxicab Board, becoming directly involved in the industry through a form of ownership.

The fourth point is the most controversial because, as with all money matters, where something is put out into the market at a third of the price of the existing market rate, those in the market become very stroppy. In that respect I refer to the yearly fee of up to $5 000. The advice I have been given is that at the moment licences leased under similar conditions in the rest of the industry are of the order of $15 000 per year.

It seems extraordinary that the Minister states in this docket that he will allow licences to be leased at a third of the market price. If the Government is serious about market conditions, one would have thought that it would have gone up to the market price and let it float at that level. But, according to the docket, that is not the case. It is a third of the market price, and it really is discounting all licences on the market today, whether owned or leased. Once again, it keeps the Government directly in control of the industry, to the disappointment of private operators and the Liberal Party.

The selection by ballot is supported. The fact that no existing owner will be eligible to apply is a blatant knock with respect to those who are already multi-licence holders. It is strange that people who already have an excellent reputation within the industry—a group of people who, from experience, have shown that their vehicles spend more time on the road than those of single operators—are not eligible to participate in this new arrangement. I do not think that that is fair. I accept that we should have a system in which we decide by ballot or independent tender how this should occur, but it is unreasonable to leave out a specific group of the industry.

We have no problem with the last point, which requires people to hold a taxi driver's permit for more than 12 months, and I am sure that the industry generally has no problem with one having to gain some sort of experience to become eligible. I hope that the Minister will explain these issues so that the industry is able to understand what is going on. The Minister's statement about 20 new licences concerns the industry as it has no industry support and little professional backup at this time. We support this industry point of view.

A significant increase in fares has been suggested over the past 24 hours, so it is opportune to comment on that issue as it relates to the leasing of licences. I understood that an agreement had been reached that fare increases would be of the order of 8.6 per cent and that the Government had instructed to the Metropolitan Taxicab Board that that is the sort of increase that would be accepted by the Government. Ironically, it seems that the Metropolitan Taxicab Board has spent considerable time investigating the possible fare increase within the industry and researching what it believes is a reasonable figure. It came up with a figure of 14 per cent, but the Government ignored that and went for a figure of 8.6 per cent. The industry generally is disappointed that the Minister and the Government ignored the very special concerns and problems of the industry. The industry believes that its submission to the Metropolitan Taxicab Board and subsequently to the Government should have been recognised, that is, there should have been a 14 per cent increase—not 8.6 per cent as recommended, and I understand this fare rise was accepted by the Metropolitan Taxicab Board on instruction from the Government. With those comments, I indicate that in principle we support the Bill.

**The Hon. G.F. KENEALLY (Minister of Transport):** I thank the member for Bragg for his indication of Opposition support for the Bill. My response to the honourable member's contribution will be in two parts. First, there is general acceptance that there needs to be a different method of issuing new licences within the industry. I expect that there is general agreement—in line with both the select committee report and the Shlachter report—that new licences ought to be issued. The method of issuing the licences remains a matter of debate, but I will come to that in a moment. The honourable member is critical of a memo that I sent to the Metropolitan Taxicab Board for comment. It has been established that new licences are needed. The number of new licences recommended to the Government in the Shlachter report was significantly higher than I as a Minister was prepared to accept, particularly in the first year.

The honourable member criticises me, on the one hand, for not advising the industry of how many new licences are

likely to be issued and, on the other hand, for advising the Metropolitan Taxicab Board that we were in the process of arranging for the issue of 20 new licences within the industry. He cannot have it both ways. I am on the public record as saying that I will issue 20 new licences as soon as possible and, in fact, I confronted a very angry meeting of taxi interests on the steps of Parliament House in respect of that. I have subsequently discussed the matter privately with a number of senior interests in the industry. Of course, they do not agree with the Government's decision to introduce 20 new licences, and neither would any reasonable person expect them to, given that the industry already has about 860 licences.

The people who currently hold licences would see the issuing of new licences as being competition with the existing system, and one does not expect them to support that. However, they understand the Government's rationale and I have also been told by senior interests within the industry that 20 new licences will be absorbed and that that will not have too dramatic an impact, except it will clearly demonstrate to the industry that, unless it is better able to utilise the existing fleet, the Government makes no idle threat to introduce new licences into the industry.

The Government and the industry, and certainly the authors of the correspondence to which the honourable member has referred, have known for years that the South Australian taxi fleet is under-utilised. Knowing that it is under-utilised, the industry has done precious little about it, and it will continue to do precious little about it unless it is encouraged to take a different point of view. The legislative action that the Government is taking will give it that encouragement.

The honourable member was also critical that nothing has been done to achieve better utilisation of the taxi-cab fleet. Let me tell the honourable member and the House that it was this Government that had the courage to confront the industry about the need for new licences; it was this Government that introduced the legislation to enable a proper introduction to the industry of new licences; and it was this Minister who confronted the industry with that reality. I do not expect the industry to like it: no-one likes the introduction of new competition.

Liquor licensing is a classic example. In past years we saw the introduction of licences for new petrol outlets and so on. All of those moves were opposed by the industry. One cannot blame the industry for that, because the industry has a responsibility to its own investment and the people employed in the industry. It is the Government's responsibility to ascertain whether or not there are sufficient licences in South Australia in whatever regulated industry and do something about it.

Apart from the Access Cab licences (and I do not believe anyone either inside or outside the industry in Adelaide would disagree with the issuing of those licences), no new licences have been issued since 1976. It is 13 years since a new licence has been issued in South Australia. The growth in the market and in the population of Adelaide since that time has been considerable. On a comparison with any other city (a bold comparison), it is clear that there are fewer licences in Adelaide based on a population ratio than elsewhere.

The Schlachter report indicated that, if we were to accept that as a criterion, about 200 new licences should be issued in Adelaide. The Government has rejected that. We do not believe that the city of Adelaide can be compared fairly with the cities of Melbourne or Sydney. The traffic patterns are different, the availability of cabs is different, and people get from A to B within the city much more quickly. We have to look at the specific needs of an individual city. It is true that in Adelaide in certain periods the majority of the taxi fleet is not out on the road plying for trade and, despite the letters to which the honourable member referred, there is an incentive for the industry to have its cabs plying for trade in the non-busy hours or the non-commercial trading hours (6 a.m. to 6 p.m.). There is an incentive to have taxis plying for trade from 6 p.m. to 6 a.m., and the tariff takes account of that.

The honourable member asked why we have selected the figure of 20 licences. That is because it is a fair indication to the industry. It is a reasonably subjective figure (it could be 10 licences, 20 licences or 30 licences). But within that limit, any such number would be a fair number to feed into the industry. The Government has selected 20. I have indicated to the industry that the challenge is with it. Until it is able to demand a better utilisation of the fleet over which it has control, the Government will continue to feed in additional licences. I believe that the industry can accept that challenge.

The member for Bragg has told us that the Opposition's policy is to feed into the industry a certain number of new licences every year. I know that he is unable to tell Parliament or the industry at this time how many licences that would be, but one would assume that it would be a reasonable number. The industry could accommodate and adjust to that, because it could plan for that number of new licences.

The Government approaches the matter in a slightly different way and says to the industry that there is a requirement for new licences, that 20 is the appropriate figure now and that the Government will monitor the effect of those 20 licences on the industry. The Government will monitor the utilisation of the fleet annually and it will decide whether or not further new licences are warranted, what new licences are warranted and how many there should be.

The Government has the right to do that; it also has the responsibility to do that, because the industry is regulated not only for the benefit of those people who now own licences but also in the interests of the people who use taxis in South Australia. This Parliament's responsibility is to the consumer; we must ensure that consumers get a fair deal from the industry that we regulate. Nevertheless, we have a responsibility to the industry and we exercise that responsibility as well as it is possible to do so. I must say that as Minister I have had a very good relationship with and response from the major interests in the industry, despite one or two hiccups over the past four years or so. That relationship has been a good and constructive one.

Let me now turn to the memo that I sent to the Chairman of the Metropolitan Taxicab Board. To his credit the honourable member was willing to read into *Hansard* the one paragraph that his colleague in another place, for reasons of which I cannot be absolutely certain of but about which I have strong suspicions, failed to cite, that is, the second last paragraph, which states:

> I would be grateful for your advice that these arrangements are acceptable to the board prior to my submitting the details to Cabinet.

Of course, the arrangements were not acceptable to the board, and the board corresponded with me, telling me that. As Minister, prior to bringing in this legislation, I wanted to be in a position to tell the Parliament what method of issuing the Government would recommend. I have a minute from the Chairman of the board stating that the industry totally disagreed with what the Government was going to do, and it is because of that that I was not in a position to make that recommendation.

*Members interjecting:*

**The Hon. G.F. KENEALLY:** Yes, clearly I did discuss with the board the prospect of licence plates being leased in line with the Schlachter report. I clearly discussed that with the Chairman and I confirmed those discussions by a minute. I put to the board a number of propositions. As the member for Bragg included those propositions in *Hansard*, I do not intend to repeat them. But let me say this: these matters that we are now discussing are not arguments in support or otherwise of the Bill. We understand that the Opposition supports the Bill but that it wants to know how the Government intends to release these licences into the industry.

Quite frankly, I expect that I will not be the Minister when that decision is eventually taken. Whatever the method of issuing licences, we should not underpin the very high cost of getting into the industry now, and that was why the amount of $5 000 was canvassed with the board. I am well aware that, if we accept that $90 000 is now the average price of a plate (and it was over $100 000 not so long ago), that is significantly less than the sum any taxicab plate owner would have to pay to service a loan to get into the industry.

As Minister, I am concerned that the price of a taxicab plate is not so high as to prevent an average South Australian citizen, or an average worker within the industry, from aspiring to his or her own investment in the industry. That was the reason for selecting a figure that is lower than what might otherwise be appropriate. I would clearly accept that, if the Government decided to follow the leasing course, the annual lease would have been significantly higher than $5 000. There will be further discussion with the taxicab board (and, incidentally, the taxicab board, in case people do not understand this, contains very strong representation from the industry) as to the method of issuing these licences.

I am anxious to ensure that the prices that are determined for the issuing of a taxicab licence do not underpin, as being valid forever, the current price of a licence. I must say that when the most recent issuing of licences in Victoria took place, the prices of licences escalated.

**An honourable member:** Went through the roof.

**The Hon. G.F. KENEALLY:** Went through the roof, and it did not have an adverse impact at all. I do not believe that there is any risk to the investment that people have made in the industry, but I understand that that is of deep concern. All members of Parliament know that because, after a late sitting, we travel home in a taxi and inevitably, but not always, the taxi driver wants to talk about the prospect and method of issuing new licences, the costs and so on, particularly when they know that the Minister of Transport is in the cab with them.

I place on record here, as we have done in the Upper House, that the document to which the honourable member referred—a document which has clearly caused some concern in the industry—was a discussion document that formalised the discussions that have taken place between me, the Chairman of the Metropolitan Taxicab Board, officers of my department, and officers of the board. But, it is not the final indication of the method. That will still have to result from discussions with the board, as should occur.

However, the three methods of issuing that have been indicated—direct sale, auction or leasing—are the most appropriate, and I am not prepared to discount any of them. Neither is the shadow Minister prepared to discount any of them, because Governments have to make decisions about the issuing and the method of issuing from time to time and they ought to have all those options available to them to do so. This Government is also entitled to have those options available to it, and this legislation ensures that that occurs. I seek the support of all members for the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Receipt of fees and costs of administration.'

**Mr INGERSON:** How does the Minister see new section 17 (1) of the Act working? I ask this because there is some query about what will happen to the present administration of the board? Will it continue as such or will it come under the department? There is a query about whether or not there is that inference under that new section.

**The Hon. G.F. KENEALLY:** I think that that is an appropriate question, and it requires a response, because the honourable member is reporting to Parliament a concern of the industry. It is my view, and of course the Government's view, that board officers serve the needs of the industry and the board, and that will continue exactly as it is now. However, we do not believe that the board or its officers are necessarily the best financial managers of funds generated by the issuing of new licences. We believe that within government there is considerable expertise, and that that resides within Treasury.

So, in the interests of the industry, the investment of funds will be determined by Treasury, and the interest from any investments will go back to the industry. We are making that division. The role of the officers of the board will continue as at present. We will not ask these people to manage the investments that may occur as a result of the issuing of new licences.

Clause passed.

Clause 5—'Metropolitan Taxicab Industry Research and Development Fund.'

**Mr INGERSON:** Subsection (5) of proposed new section 24a provides that the fund may be applied by the Minister for research, promotion and other purposes beneficial to the metropolitan taxicab industry. As the Minister is aware, the select committee made some fairly strong recommendations in relation to research, promotion and other activities that should be carried out by the Metropolitan Taxicab Board through this fund. That select committee reported some three years ago. Has the Government or the board changed its attitude in relation to this clause, or particularly to the Access Cab scheme? There have been questions in the industry about whether this fund should cover the Access Cab scheme as well.

**The Hon. G.F. KENEALLY:** The last comment that the honourable member made is of considerable interest. The option is available to the Government to support the Access Cab scheme through these funds. We have just completed an inquiry into the effectiveness of the Access Cab scheme, as I undertook to do when it was introduced (and in fact it has only been trialling up to now) and that study, and the Government's decision, will soon be released for comment. The point that the honourable member made about funding the Access Cab scheme from funds generated by the issuing of new licences should remain open until the Access Cab review has been discussed and the Government has announced its decision.

It is certainly not an option that we would neglect. However, the Government certainly does not have any policy decision on that at the moment. It has long been the view of the board, and certainly it is the view of the select committee, the Government and, I expect, of all people who have an interest in the taxicab industry, that the board should have funds to do a number of things. The legislation actually provides it with that opportunity. The member has

referred to new section 24a (5) *(a), (b)* and *(c)*. Paragraph *(c)* provides:

. . . for any other purpose beneficial to the metropolitan taxicab industry.

That would cover driver training courses within the industry and training that has a tourism component. That training will not be cheap but it is essential if we are to provide, as part of our public transport in Adelaide, the best possible taxicab service. I believe that we do have a good taxicab industry in any event. It would also include implementation of programs designed to promote and develop the industry, I repeat, particularly as part of the tourism industry or those facets of tourism upon which the taxicab industry impacts. Money could be spent encouraging greater innovation promoting the availability of taxi services to the disadvantaged and disabled sections of the community, as the member has already suggested, through the Access Cab scheme. We would not be prescriptive on the ability of the taxicab board to be able to recommend to the Minister uses of those funds. Nevertheless it is appropriate for the board and the Minister to come to some agreement on the expenditure of funds. It would seem very unlikely that there would be any conflict with that.

Both the board and the Minister would have a responsibility for the expenditure of those funds in the best interests of the industry and in the best interests of South Australian commuters, the clients of the industry. I do not want to in any way pre-empt the right of the board and the uses that the fund could be put to. I would like to leave it as broad as possible so that any innovation that is clearly in the best interests of the industry and of the consumers can be accommodated.

**Mr INGERSON:** I thank the Minister for that answer. The Access Cab scheme is a very successful one, and we support it very strongly. However, from the Minister's comments, there may still be some concern that general funding of the scheme may come out of this fund, so that this fund is not only used for research. The Minister may need to further clarify that matter. In relation to new section 24a (3) *(a)*, will the fund consist of money coming from new taxicab licences or from licences that may have been issued in the past?

**The Hon. G.F. KENEALLY:** The funds will be generated from new licences and not existing licences. In relation to the Access Cabs, I reiterate that I do not want to close off any options that are available to the Government or the industry. That matter can be better dealt with once the results of the review and the Government's decisions are made known. I have put no proposition before the Government and there is no proposition before me to fund Access Cabs out of general revenue generated by the entry into the industry of new licences. However, as always, it is an option that the Government ought to have available to it. I will not put it any stronger than that. I do not have any submission before me and, as a consequence, I have not placed any submission before Cabinet.

It may well be that that is an inappropriate way to go. However, as always, these matters would need to be discussed with the industry, and the appropriate time to do that is once the industry has had an opportunity to look at the review. The review suggests other ways of providing Access Cabs. The industry subsidises the non-profit company which provides Access Cabs in South Australia to those people who qualify for it (with a considerable subsidy by the Government). Because the Government subsidises public transport for able bodied people, it should also subsidise transport for people not so fortunate. I would not want to introduce any debate or controversy about the Access Cab system during the review. The industry need have no fears in that regard.

**Mr INGERSON:** Relating to subsection (7), the income will be paid into the fund. Will any interest developed from that investment benefit the fund or will it go into general revenue?

**The Hon. G.F. KENEALLY:** It will go into the fund. It will not be kept by the Government for part of general revenue. The funds that are generated can be invested by the Treasurer with all other State investments. The capital remains the property of the fund, and the interest goes back to the fund.

Clause passed.

Clause 6—'Taxicab licences.'

**Mr INGERSON:** In the Minister's reply to the second reading debate, he said that clearly a lot has been done with regard to taxicab licences. I would have thought the record of no licence increase in 13 years and no actual direction over the past four years is not necessarily a very positive attitude for this Government. As I said in my contribution, there is no doubt that the industry needs to be stabilised and it needs to know in what direction it is headed. I criticise the Government fairly strongly on this issue. It has been a problem since I have been shadow Minister: it is not something that has just suddenly popped up.

This concern in the industry involves an indication of direction, so that industry knows clearly where it is going. The Minister also commented on the Shlachter report. Most people in the industry would accept that it was a very good academic exercise; the report was well written and was widely read. However, I do not think it was accepted by anyone other than a few people in the department. It illustrates that often the experts that are brought into local areas do not always come up with the answers appropriate to the prevailing environment within an industry within one's own State. I do not mean to in any way denigrate the professional integrity of the writer of the report. I am purely and simply commenting that, in relation to several reports—and we have had quite a few in the transport area—outside people have come in and looked at the industry but have not necessarily been able to get a feel for what the industry should really like to happen and the direction in which an industry should be going in this State.

The Minister referred to the need for the industry to be consumer oriented. The Opposition has no argument about that. However, as well, it is absolutely critical that the private operators in the taxi industry who own their own cabs know what is going to happen. It is critical that the industry be shown some direction. Over the past four years the Government has not given the industry any direction. This has occurred only over the past six to eight months. The Minister, in front of a very rowdy crowd at the front of this place, did indicate the Government's position.

The industry did not like it, and those people involved did not want to hear it at the time. The reality is that, prior to that time, no decisions had been made by Government in this respect, and except for three years, a Labor Government has been in power since 1976. So, it is necessary for a proper direction, with figures and numbers, to be set out for the industry. What does the proposed new section 30(4)*(a)* mean by 'the maximum number of taxicab licences to be issued'? Is the figure of 20 to be consistent over the next few years?

**The Hon. G.F. KENEALLY:** This legislation does not establish the number of licences that any Government can introduce into the industry. As to the figure of 20 that I have consistently referred to, I believe that that is an appropriate figure, to indicate very clearly to the industry that

the Government is prepared to introduce new licences into the industry if there is any indication that consumers have been under-serviced—and there are indications of that at the moment—or that the fleet is under-utilised. It is quite clear, and the industry itself clearly indicates this, that the fleet is under-utilised. So, Governments will be able to make a decision annually as to the appropriate number of licences.

I do not want to indicate to the industry that the Government will issue 20 licences not relevant in view of previous statements, next year, or the year after that. The new Minister might have a different view; the industry might be operating differently; or demand might be different. There are many factors that could affect this decision. It is important for the industry to understand that, following passage of this legislation through Parliament, the Government will have a tool whereby it can introduce new licences into the industry. The Government will do that if it considers that there is a need to do so. I repeat: I did not expect the industry, publicly or privately, to support this legislation. It is not in its vested interests to do so. But it is in our vested interests as representatives of the community to do so. I want to make that quite clear. Nevertheless, the industry does not believe that 20 new licences will impact adversely on the economic viability of people currently in the industry. I accept that. However, I believe that this is a signal to the industry that we want vehicles on the road.

**Mr INGERSON:** New section 30(4)*(b)* refers to special procedures for allocation of a licence and indicates that these will be specified in the regulations. I have mentioned many times before in this place that this sort of provision is annoying—and I know that it annoys the industry. What will this special procedure involve? The industry wants to know what sorts of things might be covered by regulation.

**The Hon. G.F. KENEALLY:** This is an important provision, to enable the Government to fulfil whichever of the options it chooses in relation to entry of new licences into the industry. One cannot write into the legislation all Government—whether the present Government's or a future Government's—requirements if in fact Government wanted to go down the leasing path, for example.

*Mr Ingerson interjecting:*

**The Hon. G.F. KENEALLY:** To make alterations, largely at the request of the board, it is cumbersome to bring legislation back before Parliament. It is cumbersome and unnecessary. It should be borne in mind that regulations can be challenged by the Parliament. Also, by regulation, the rules can be established whereby an auction or sale of a licence would be allowed. Recommendations would come to the Minister from the Taxicab Board. That process is required. It is traditional for members of the Opposition to complain that Governments are governing by regulation rather than by legislation. All of us have been critical of this at one time or another.

*The Hon. D.C. Wotton interjecting:*

**The Hon. G.F. KENEALLY:** I did not realise that the member for Heysen had been here for so long, although I now recall that he was a Minister in the last Liberal Government. That indicates how long I have been in this place and so I suspect it really is time for me to go—if anyone has been around so long that they can remember the last Liberal Government! I know that the industry would like all of this to be in legislation. However, this is a more appropriate method. We used to have more Bills in this place than one could jump over, and it used to take untold hours, days and weeks for us to get through it. It is more appropriate, efficient and sensible to do this by regulation. I believe that all members here understand that. Our difficulty is in trying to convince the people in the industry that by doing it this way we are doing it in the best interests not only of Parliament but of consumers and the industry itself.

**Mr INGERSON:** The provisions of the Bill contradict what the Minister has said. The ways in which the board will operate should be set out in the legislation. Why should the Government get involved in leasing when the present leasing system is satisfactorily administered by the industry?

**The Hon. G.F. KENEALLY:** The Government is not committed to the leasing option, although it remains a worthwhile option the same as the sale of licences. If, after consultation with the board, the Government believed leasing to be the appropriate method, then leasing would be adopted, but it is unfair to say that the board would be involved in the industry. It could be said that the board would be a window into the industry because it could set requirements as to leasing, but that is not necessarily a bad thing, because it could thereby set standards.

Under this provision the board will not be an entrepreneur that will compete with taxicab operators. If the leasing option is accepted, the board will lease the plates at a certain annual fee and the plates will be used for the benefit of the industry. So, the industry could not be said to be threatened. The conditions that would apply to the leasing arrangement would set the standards of operation to which the industry should aspire. However, the person obtaining the lease would be the competitor, not the board.

If the honourable member is saying that the board may lease plates at an unreasonably low fee, his argument concerning the board may have more validity, but the Government does not intend that, if leasing is the preferred option, the licensing arrangements will be such as to grossly disadvantage other people in the industry. Whatever option the Government adopted, it would be most anxious to see that its action did not underpin the high values in the industry. Indeed, the Government is most anxious to ensure that the industry shall always remain available to the average person in the community, and to those persons working in the industry who might wish to acquire their own licence.

If the escalation in the cost of plates continues as it has done over the past few years, plates will get out of the reach of all people except those having considerable resources, and no-one would want that to happen. The owners of several taxicabs provide a good service, but there should always be a place in the industry for a person who wants to operate only one or two cabs, and I should not want to see the cost of a plate escalating to the degree that would prevent a person who has been in the industry for some time acquiring a licence. This is an area where the average person can be involved in private enterprise and secure a good living.

Clause passed.

Clause 7—'Regulations.'

**Mr INGERSON:** New paragraph Ia refers to a procedure involving 'competitive tendering or ballots or any other process'. Which method will be used?

**The Hon. G.F. KENEALLY:** At this stage I do not know. The Government needs to discuss the various methods with the industry through the board so as to determine a method acceptable to all parties. So, the provision cannot be prescriptive at this stage: it can only be enabling legislation.

**Mr INGERSON:** Concerning new paragraph Iab, the industry wishes to know what is meant by the words 'any amount payable'. Does that phrase mean that the board can issue licences at a discount?

**The Hon. G.F. KENEALLY:** My advice is that in the language of legislation 'any amount' means the full amount.

Clause passed.
Title passed.
Bill read a third time and passed.

## AUSTRALIAN AIRLINES (INTRASTATE SERVICES) BILL

Adjourned debate on second reading.
(Continued from 9 March. Page 2308.)

**Mr INGERSON (Bragg):** On the surface, this appears to be a short and simple Bill, but when one starts consulting the industry it becomes a little more complicated. Whilst we believe as a matter of principle that the airline services in this State should be open to general competition, we are concerned that this Bill will have a very dramatic effect on some of the smaller operators who have given country people in this State excellent service over many years.

There is no doubt that with deregulation of the airline industry there have been significant upheavals and very dramatic changes in the service it has provided. Probably the most dramatic change was that on Kangaroo Island, but there have been dramatic changes to airline services to the West Coast of South Australia and to the Far North. My colleague the member for Eyre will comment later on those areas. Whilst supporting the extension, we are concerned that small businesses are seemingly being gobbled up in this country by the expansion of very large and significant organisations. Those small business people have spent years of their lives giving South Australians some excellent services—services which we support. As I have said, the member for Eyre will take up some particular instances, but in principle we support this Bill.

**Mr GUNN (Eyre):** This appears to be a very brief Bill which will allow Australian Airlines the opportunity to operate freely across South Australia, and most people would say that that is a good thing. The problem is that we have a limited market in this State, with a history of small computer third tier operators opening up a service and then not being able to continue with it. The problem I see in the future is that people may be persuaded to put on a service which will then mean that the existing operators will lose their viability and we will end up with no service whatsoever.

We know what has happened in Whyalla. We know the sort of competition involving the Port Lincoln service, and that is the lucrative run. We know what happened in the past when we had two airlines trying to service Eyre Peninsula. Currently we have pretty good services provided by the Kendell operation, and it would be a dereliction of duty by the Government if it were to allow other operators to come in and destroy that service's viability. Those communities would then be without an air service, and that is what perturbs me.

It was a difficult enough job to convince what was then Airlines of South Australia to go to Streaky Bay and Ceduna, and I know of the difficulties in servicing Leigh Creek. Augusta Airways provides a good service to Port Augusta, on to Leigh Creek and to the channel country—a service which requires considerable management skills to run. I know the proprietors and many of the pilots and they have done a really first-class job. It would perturb me if anything were done to jeopardise the viability of that operation.

I appeal to the Minister and to the Government to give an undertaking that some commonsense will apply and some counselling will take place before people are allowed to start moving in on those markets. This matter is very important to local communities, business communities and the tourist industry. Kendell now operates to Ayers Rock, and I hope that in future it will be able to land in the Pitjantjatjara lands, because there are great opportunities for tourism in those parts, such as Ernabella, Amata and those other very attractive parts of the State. There is a chance that they can land at Marla, as the airstrip has been upgraded.

With a lot of money spent on airstrips, there is an urgent need to improve navigation aids in the north of the State, and I sincerely hope that the Department of Transport alters its curent policy of taking and closing everything down and decides to spend some money.

*The Hon. G.F. Keneally interjecting:*

**Mr GUNN:** I know that. I know a lot about the Federal department. It has a policy of attacking the private operator and the private pilot, and the charging system it is about to bring in is disastrous. People will be landing their private aeroplanes at Dublin and such places because the charges to be inflicted on Parafield are ludicrous. A lot of people are racing round not doing much good, but try to get them to provide improved navigation at Coober Pedy and those places and we get reams of paper back, knowing what the end result will be. That in itself is a nonsense.

I realise that I may be straying somewhat from the parameters of the Bill, but it is a very important matter. I hope that when the Minister responds he will clearly indicate that the State Government has a responsible policy. I want to know why this legislation is being put before the Parliament. I should not think that Australian Airlines would really want to expand its operations. The lucrative airline operation is between Adelaide and Sydney or Melbourne. Obviously, with the deregulation applying in 1990, other people will be competing in the field. I am not an enthusiast of deregulation of some of these operations. I do not support the deregulation of the Wheat Board. The deregulation of banking has done nothing for the average citizen except plunder his pockets, and I have some concern about the deregulation of the airline policy.

*The Hon. G.F. Keneally interjecting:*

**Mr GUNN:** I am not a bit worried, because I express these views on behalf of the people I represent, and there is nothing in it for them. There is nothing in the deregulation of the banking industry and nothing if the wheat industry is deregulated. As far as the airline industry goes, if we bring in a lot more people there will be a tendency to reduce the standards, and the services will go. If we start having airlines going in and out of business, it will cause confusion and disruption and will not do anything for commercial traffic or for the tourist industry.

I appeal to the Minister to make sure that the Department of Transport monitors these things, and hope that it continues to monitor them even more carefully. We know what happened to Opal Air, which pioneered a service and eventually reached the position of not having enough capital to replace its aeroplanes. It was then badly treated by its agents at the airport, whose computer facilities it used, and it ended up with nothing. In my view, it was big business at its worst.

I know how big business tried to smash O'Connor Airlines. What TNT did in that instance was a disgrace. I caused the principals of that company some concern for a week or two. We had them standing high. They do not like getting a fax on weekends, particularly if it is orchestrated. We caused them some trouble, and we received some satisfaction. We had a South Australian operation providing an excellent service. It was the first time that the people of

Hawker or any of those places had the chance to fly backwards and forward to Adelaide. A great monopoly came in and knocked the airline out of business. It was not long before the subsidiary went out of business. It was disgraceful. A lot of young pilots lost their jobs and a successful operation almost went to the wall.

When people talk about deregulation and race madly around the country, they want to get both feet well on the ground and stop and think. When we allow political philosophies of the left or right to blind people's judgment, we are all in strife. We should learn from experience, which has proved that some of the most successful industrial and commercial countries in the world have a fairly regulated economy. I cite Japan as an example. Members can call me an agrarian socialist. I believe in free enterprise and commonsense. If we continue to go along the road of wholesale deregulation for the sake of it, in the long term the South Australian community will be the loser unless we are very careful.

We have to be particularly cautious of the areas in which we move. I do not believe that we should have Government involvement for the sake of it as we already have too many statutory authorities and Government committees. However, some of the regulations in these areas have played a useful role. It is petty bureaucracy and red tape that annoys the community and costs a lot of money. We should be most cautious in what we do. I support the Bill but will watch with interest the long term effect of allowing Australian Airlines to operate within the South Australian community.

**Mr BLACKER (Flinders):** I, too, support the Bill and could likewise quote examples similar to those mentioned by the member for Eyre to indicate how such things can get out of hand. When Commodore Aviation subsequently became State Air it operated out of Port Lincoln; it had a flight route from Port Lincoln to Adelaide. Some other country areas were involved, but at that stage it was not allowed to operate into Kingscote because another subsidiary or working partner (at that stage TAA) operated a commuter service out of that town. Following deregulation other companies were allowed to operate from Kingscote.

A problem then arose with respect to the computer service of Australian Airlines. Because it was servicing the commuter routes to and from Kingscote and Port Lincoln, there was a faction fight with State Air. Australian Airlines decided that it would forgo the State Air connection. As a result it refused to make its commuter bookings available to State Air. It became further complicated, because State Air replaced its eight-passenger aircraft with a Short, which had a 34-passenger capacity. The pig-headedness of Australian Airlines at that stage was such that, even though it allowed State Air to use the computer, it would take only eight bookings out of the 34 seats available. I have never seen such a childish operation in all my life.

That childishness continues because Australian Airlines will not allow State Air to pull up at its terminal at Adelaide Airport. That is equally ridiculous, and the Minister would be wise to check out that point. It is utterly ludicrous that State Air should have to park 200 yards away from the terminal when any other commonsense arrangement would indicate that, provided smaller aircraft did not inconvenience larger interstate aircraft, passengers should be allowed to depart their aircraft in close proximity to the terminal. Ansett is able to make those arrangements—it has a great working arrangement with Kendell Airlines. So, why cannot Australian Airlines do something similar?

I trust that, if the Minister has the ability to do something in the area, he will allow State Air to set down and pick up passengers in close proximity, provided larger aircraft are not in the immediate vicinity. I support the Bill but indicate that there have been problems from time to time which no doubt will occur again. From my observations, petty and childish behaviour has occurred—perhaps on both sides. Surely commonsense should prevail in a commuter industry as important as this. I have some sympathy with that viewpoint, because I am told that, due to the sittings of the House, I cannot get home until Saturday night. Of course, that does not relate directly to the Bill, but it indicates that we are heavily reliant on a well coordinated air transport service which has the ability, all things being equal, to provide that service to the general community.

**The Hon. G.F. KENEALLY (Minister of Transport):** The member for Eyre asked why it was necessary to introduce this piece of legislation. An anomaly currently exists within the air industry in South Australia due to the Commonwealth constitution which prevents Australian Airlines (because it is a Commonwealth instrumentality) from operating intrastate airlines in South Australia without enabling State legislation. The Department of Transport was aware of this, but Australian Airlines has applied no great pressure to have the legislation changed. However, we received a request, upon receipt of which South Australia had no alternative but to provide Australian Airlines with the same opportunity available in other States of Australia.

I hasten to add that the member for Eyre is correct. We have had no indication from Australian Airlines that, if this legislation passes Parliament, it will immediately seek to enter the airline business in South Australia—except for major interstate routes, of course. I know that the South Australian market is limited, although I do not know whether its growth will be such to encourage Australian Airlines to move its activities here for intrastate operations. However, it should be as free to make such a decision as Ansett, East-West or any other of these airlines in Australia that can do that now without requiring legislation to pass this House. It provides a level playing field.

I certainly welcome the comments of the member for Eyre on regulations as it was very much the general policy of the Labor Party he was promoting. This Government believes in regulation only as far as it is necessary for the protection of consumers, and only so far as those regulations do not unnecessarily prohibit the operations of the people regulated. It is not appropriate for people to hide behind regulations, and it is not appropriate that people should be inhibited by unnecessary regulations.

Unnecessary regulations should be taken off the statute book. Regulation for regulation's sake is not supported by members on this side. As recently as the ATAC conference the Queensland Minister for Transport asked, 'What is the deregulation?' I said that deregulation is what the conservative Parties of Australia promote and fail to introduce and what the Labor Party tends to oppose but puts into effect. It is a strange political conundrum that we face. I have encountered more opposition to that concept today than I did at ATAC when I made my comment, because the conservative Ministers who were present at that conference completely understood the point I was making.

South Australia does not have a regulated air system; unlike other States, it has never had regulated air traffic. It has always had an unregulated system. (Because it was not regulated in the first place, it could not be deregulated.) The South Australian Minister has always been in a fairly dif-

ficult position when faced with problems such as those raised today by the members for Eyre and Flinders.

In the circumstances, it is clear that, when the major operators (Australia Airlines or Ansett) use their computers and booking facilities, it is easy for them to regulate the industry in South Australia—and that works to the disadvantage of smaller operators. When these matters are brought to me, I have to talk to the management to see whether we are able to obtain a better deal for the smaller airlines. I do not have the power to require them to change their commercial decisions. There is no doubt that a small airline in South Australia, unless it has access to the forward booking facilities of the major airlines—whether it be Ansett, Australian, or East West in the future—is very much at risk.

Small airlines operate very much in a commercial vacuum. They are there only as long as the major airlines allow them to operate. The major operators are very jealous about the commercial lines and tend to push the small operators into non-commercial lines. Unfortunately, when a small operator develops a market and is seen to be doing well the temptation is for the larger operators to move in and displace them.

It is evolutionary. The big operators move in and move out and the small operators are always willing to take up the challenge. In a sense, we have a choice with respect to the services available but that is the very nature of an unregulated system. Competition determines the market, and competition determines the level of service provided—and that is what happens in South Australia.

**Mr S.J. Baker:** It's not Question Time.

**The Hon. G.F. KENEALLY:** I am just explaining the position.

**The Hon. D.C. Wotton:** I don't think you want to sit down.

**The Hon. G.F. KENEALLY:** I will sit down. The competition determines the nature and level of services provided in South Australia, and I would have thought that members opposite supported that. I will refer the comments of the members for Eyre and Flinders to my department and we will talk to the airlines and the Federal Department of Transport, which would be aware of the matter. I thank the House for its support of the measure.

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

## SITTINGS AND BUSINESS

**The Hon. G.F. KENEALLY (Minister of Transport):** I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

## FRIENDLY SOCIETIES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 22 (clause 11)—Leave out 'society that' and insert 'person who'.

No. 2. Page 2, line 23 (clause 11)—Leave out 'the society' and insert 'a society or a foreign friendly society'.

No. 3. Page 2, Clause 11—After line 29 insert new subsections (1a), (1b) and (1c) as follows:

'(1a) The Public Actuary may, by notice in writing served on the person, vary or revoke a notice under this section.

(1b) A person may appeal to the Minister against a requirement imposed on the person under this section and, on any such appeal, the Minister may confirm, vary or set aside the requirement.

(1c) The institution of an appeal against a requirement imposed under this section does not operate to suspend the requirement.'

No. 4. Page 2, lines 30 to 32 (clause 11)—Leave out subsection (2) and insert subsection as follows:

'(2) If a person fails to comply with a requirement imposed by notice under subsection (1)—

*(a)* where the person is a society (but not a foreign friendly society)—every member of the committee of management of the society is guilty of an offence;

and

*(b)* in any other case—the person is guilty of an offence.'

No. 5. Page 2, line 35 (clause 11)—Leave out 'society's' and insert 'person's'.

No. 6. Page 2, line 36 (clause 11)—Leave out 'society' and insert 'person'.

No. 7. Page 3 (clause 11)—After line 9 insert new subsection (5) as follows:

'(5) In this section—

'foreign friendly society' means a body that is registered or incorporated as a friendly society in another State or a Territory of the Commonwealth.'

Consideration in Committee.

**The Hon. FRANK BLEVINS:** I move:

That the Legislative Council's amendments be agreed to.

These are Government amendments moved in another place and, obviously, as a member of the Government I support them strongly and urge the Committee to do the same.

**The Hon. JENNIFER CASHMORE:** The Opposition has no objection to the amendments which are designed to permit foreign friendly societies to operate within the State and to impose conditions upon their operation. The friendly societies of South Australia have no objection to the amendments and the Opposition supports them.

Motion carried.

## POLICE PENSIONS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## CREDIT UNIONS BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

## BOTANIC GARDENS ACT

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

## SUMMARY OFFENCES ACT AMENDMENT BILL (1989)

Received from the Legislative Council and read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

**Explanation of Bill**

The provisions of this Bill create a new offence of operating a computer system without proper authorisation. The development of computer technology has had a marked impact on society. Computer technology is now a vital component in the operation of both public and private business. Modern technology permits the establishment of large databanks in which may be recorded the most sensitive information. Taxation records, banking and business records, scientific records, medical and financial records of individuals being but a few examples.

Considerable harm can be caused if an unauthorised person gains access to sensitive, commercially valuable or private information stored on a computer. Yet the law imposed no sanction on the unauthorised access to such information. Different opinions have been expressed on the need to create a new offence of unauthorised access to information stored in a computer. Some commentators argue that the medium on which information is stored is an irrelevant consideration. It is not an offence to obtain unauthorised access to information and information stored on a computer should not be afforded special treatment.

Other commentators postulate cogent arguments that the unauthorised access to information stored in a computer should be an offence. For example, the Scottish Law Commission, in its 1987 Report on Computer Crime, advanced several reasons for creating an offence of obtaining unauthorised access to a computer:

- the nature of computer technology is such that opportunities exist for gaining access to private data which never existed before, without having to break into a building or office to do so;
- because much corporate and other data is now kept on computer, the unauthorised person who obtains access to a computer can find in one place vast amounts of information which might previously have been stored in a multiplicity of different locations;
- although the law does not recognise a right of privacy, it does recognise different circumstances in which unauthorised persons should not be permitted with impunity to pry into another's affairs;
- the intrusion may be a prelude to other activities, such as fraud, theft or the corruption of data or programs.

Similar considerations led to the Victorian Parliament to make the unauthorised gaining of access or entry to a computer an offence in 1988. The Government believes that there is a need to maintain the confidence of the community in the integrity and privacy of data stored in computers. The community needs to be assured that unauthorised access to information stored in a computer is not condoned, whether the access is by a 'hacker' who has no motive other than the intellectual challenge of entering the system or by a person who is intent on gaining some benefit or causing some damage.

The offence created is a summary offence with a penalty similar to that for the offence of being unlawfully on premises and trespass. Unauthorised operation of a computer system is in many ways similar to being unlawfully on premises. And, just as being unlawfully on premises is not regarded as a serious offence, unathorised operation of a computer system is not made a serious offence. If the unauthorised operation results in loss or damage the offender can be charged with a more serious offence. For example, if money is obtained by dishonest means one of the fraud type offences can be charged. I should mention that the law of larceny and related offences is currently being reviewed and one of the aims of the review is to ensure that there are no gaps in the law in relation to frauds effected by means of a computer.

If the unauthorised use of the computer results in the destruction, erasure or insertion of data in the computer, charges can be laid under the new Part IV of the Criminal Law Consolidation Act 1935 enacted in 1986 relating to offences with respect to property. It will be noted that the new offence is only committed where the operator has taken steps to restrict access to the computer system. The Government places great importance on crime prevention. The best way to stop crime is to prevent it before it happens. In the case of computer crime it is largely up to the operators to ensure that their systems are secure. I commend the Bill to members.

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 inserts section 44 into the principal Act. This new section makes it an offence for a person to operate a computer system without proper authorisation where the operation of that system requires the use of an electronic code and the person who is entitled to control the use of the system has either withheld knowledge of that code (or the means of producing it) from all other persons, or has taken steps to restrict knowledge of the code (or the means of producing it) to a particular authorised person or class. The penalty for an offence against the section is a fine of $2 000 or imprisonment for six months if the person committing the offence did so with an intention of obtaining a benefit from, or causing a detriment to, another person. If there was no such intention, the penalty is a fine of $2 000.

**Mr S.J. BAKER** secured the adjournment of the debate.

## INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 19 to 28 (clause 4)—Leave out subsection (1) and substitute:

(1) Subject to this section, a person is an outworker if—

*(a)* the person is, for the purposes of a trade or business of another, engaged or employed to work on, process or pack articles or materials;

and

*(b)* the person performs that work—

(i) in or about a private residence;

or

(ii) in or about premises of a prescribed kind that are not business or commercial premises.

No. 2. Page 2, lines 33 and 34 (clause 4)—Leave out subparagraph (ii).

No. 3. Page 2, line 40 (clause 4)—Leave out ', about or from' and substitute 'or about'.

No. 4. Page 3, line 1 (clause 4)—Leave out ', about or from' and substitute 'or about'.

No. 5. Page 4, line 16 (clause 10)—After 'subsection (5)' insert 'and substituting the following subsection:

(5) Where an application under this section proceeds to hearing and the Commission is satisfied that a party to the proceedings acted unreasonably in failing to discontinue or settle the matter before it reached the hearing, the Commission may make an order for costs against that party (including any costs incurred by the other party to the application in respect of representation by a legal practitioner or agent up to and including the hearing)'.

No. 6. Page 4, line 20 (clause 10)—Leave out 'a stipendiary' and substitute 'an industrial magistrate or any stipendiary'.
No. 7. Page 4, line 23 (clause 11)—After 'amended' insert '—
*(a)*'.
No. 8. Page 4, line 36 (clause 11)—After '*(b)*' insert '(i)'.
No. 9. Page 4 (clause 11)—After line 37 insert new word and subparagraph (ii) as follows:
or
(ii) another party is to be represented by a person who is legally qualified (not being a legal practitioner);.
No. 10. Page 4, line 38 (clause 11)—After '*(c)*' insert '(i)'.
No. 11. Page 4 (clause 11)—After line 38 insert new word and subparagraph as follows:
or
(ii) another party is legally qualified (not being a legal practitioner);.
No. 12. Page 5 (clause 11)—After line 10 insert new word and paragraph as follows:
and
*(b)* by striking out subsection (3).
No. 13. Page 6, line 3 (clause 12)—Leave out 'or'.
No. 14. Page 6 (clause 12)—After line 5 insert new word and paragraph *(d)* as follows:
or
*(d)* with the leave of the Commission, any other association, being a body corporate, that can show an interest in the dispute,.
No. 15. Page 6 (clause 12)—After line 9 insert new subsection as follows:
(3a) Where the dispute relates to contracts of carriage, the Commission may, if of the opinion that it is desirable to do so, proceed to hear and determine any matter or thing arising out of the conference as if it were acting under section 27 (9).
No. 16. Page 6, lines 17 to 23 (clause 12)—Leave out all words in these lines and insert:
39. (1) If, on application under this section, the Commission is satisfied—
*(a)* that a contract of carriage or a service contract operates harshly, unjustly or unconscionably;
*(b)* that the contract was entered into in circumstances where the parties to the contract were in unequal bargaining positions;
and
*(c)* in a case where the contractor would have been subject to an award of the Commission if he or she had entered into a contract of employment to perform the work—that the contract appears to have been entered into to evade the overall provisions of that award,.
No. 17. Page 6 (clause 12)—After line 40 insert new paragraph as follows:
*(da)* with the leave of the Commission, any other association, being a body corporate, that can show an interest in the matter;.
No. 18. Page 7, line 6 (clause 13)—After 'may' insert ', with the leave of the Court or Commission,'.
No. 19. Page 8, lines 32 to 43 and Page 9, lines 1 to 5 (clause 18)—Leave out paragraphs *(a)*, *(b)* and *(c)*.
No. 20. Page 10, line 3 (clause 22)—Leave out 'that a' and substitute 'in the case of an industrial agreement to which a registered association of employees is a party—that another'.
No. 21. Page 12, line 24 (clause 26)—After 'proceedings before' insert 'the Court,'.
No. 22. Page 12, line 29 (clause 26)—After 'before' insert 'the Court,'.

Consideration in Committee.

*Amendments Nos 1 to 4:*

**The Hon. R.J. GREGORY:** I move:

That the Legislative Council's amendments Nos 1 to 4 be agreed to.

**The Hon. JENNIFER CASHMORE:** The Opposition supports these amendments which modify the objections that we expressed during the debate in this House. However, the amendments do not entirely remove our objections. They relate to outworkers and in fact bring outworkers within the ambit of the commission for the first time. We acknowledged in the earlier debate that the exploitation of outworkers, or of any person, is unacceptable and must be controlled. We had concerns about the way the Government was proposing to do it.

The definition of 'outworker' has been amended in another place and is less unacceptable than it was before, as are amendments Nos 2, 3 and 4. We and contractors generally will closely monitor the operation of this part of the Bill. In particular, we will be looking to ensure that it does not apply to industries that have traditionally relied on subcontractors, notably, the housing industry, which has expressed grave fears about the application of the Bill to the subcontracting system.

Motion carried.

*Amendment No. 5:*

**The Hon. R.J. GREGORY:** I move:

That the Legislative Council's amendment No. 5 be amended as follows:
After the word 'proceedings' insert the word 'clearly'.

**The Hon. JENNIFER CASHMORE:** As with the previous amendments, the Opposition expresses qualified support. The amendment is an improvement on the original clause 10 which provided for unfair dismissal. In our opinion the Bill still gives considerable and unacceptable protection to trade union officials. Therefore, our support is qualified. However, we believe that the clause as amended is an improvement on the original clause.

Motion carried.

*Amendments Nos 6 to 22:*

**The Hon. R.J. GREGORY:** I move:

That the Legislative Council's amendments Nos 6 to 22 be agreed to.

**The Hon. JENNIFER CASHMORE:** These amendments cover a variety of matters including the right of parties to be represented before the commission. Again, the amended clause is a compromise between what the Opposition believes is reasonable (namely, the maintenance of the *status quo*, which has always guaranteed the right of parties to be represented) and what the Government and the unions are choosing. It covers the question of the involvement of the commission in contractual disputes, which we believe is inappropriate. Such disputes ought to be settled in the civil courts.

However, the amendment that is proposed is a modification on that which was in the original Bill and, in our opinion, it is an improvement, although we cannot support the principle. The amendments also cover the right of associations that can show interest in a matter to be represented with the leave of the commission. The qualification that has been included, namely, that they must show interest in the matter, means that the right is not an unfettered right, which is what we objected to when the original clause was before this Committee. The amendment softens slightly the extension of sick leave provisions.

In short, whilst the amendments proposed in another place have modified what we considered to be the harsh strictures of the Bill, nevertheless they are not fully acceptable to the Opposition or industry. We believe that virtually every industry will be affected by these amendments. We will be watching closely to ensure that the subcontract system is not adversely affected. We do not like the idea that almost total immunity should be conferred on all union representatives, regardless of the merits of a case that an employer may present for dismissing an employee.

We believe that the Bill confers special benefits and rights on the United Trades and Labor Council and the union movement and, in that respect, it is not balanced with regard to the rights of employers. We regret that it removes the automatic right of parties to have legal representation before the commission, even though some rights to representation have been included as a result of amendments. We believe that the State cannot afford the extension of sick leave provisions that are included in the Bill.

Probably the most serious concern that the Opposition has is the power that has now been given to the Industrial

Commission to intervene in contractual disputes. That responsibility should belong to the civil courts. It remains to be seen how this legislation will affect both the industrial relations and the economy of this State. The Opposition will have the opportunity to do that monitoring in its role as Government of this State, and we will certainly examine this legislation very closely when in that position.

**Mr S.J. BAKER:** I support the remarks of my colleague, but I go further. I believe that the employers in this State have been very poorly treated in relation to these amendments and this Bill. I believe a number of changes to industrial laws that will take place as a result of this legislation will mitigate against South Australia and employment opportunities generally. I note that the Australian Democrats in another place have not seen fit to take out provisions which I believe are anti-employment and anti-South Australia.

**The CHAIRMAN:** Order! The honourable member must not refer to a debate in another place.

**Mr S.J. BAKER:** What remains in the Bill is somewhat of a travesty. We still have this iniquitous provision that sick leave can be negotiated to any level that is deemed reasonable by the associations concerned. I note that the Minister is smiling. I cannot believe that that provision remains in the Bill. It has not even been amended. There is no change to the discrimination provisions; they really protect officials, shop stewards and those who hold positions within the trade union movement from any action by employers, irrespective of how nefarious the activities of those people are.

**The Hon. R.G. Payne:** You hate unions, don't you?

**Mr S.J. BAKER:** My good friend the member for Mitchell says that I hate unions. Can I say to him that I am a very strong supporter of unions: I always have been and always will be, but I do not believe that the balance of power should be tipped one way or the other to the extent that it will allow unfettered actions by those people. We must have balance in the industrial system and this Bill takes away balance. As soon as there is imbalance, difficulties arise that cannot be resolved. The Minister is well aware that, if an official acts with impropriety or causes damage, that official can claim, as of right, that he has been discriminated against if the employer says anything against that person. That is what the Bill provides, and the Minister knows it.

**The CHAIRMAN:** Order! The honourable member is not presenting his second reading contribution and addressing the Bill. We are now addressing the amendments carried in the Legislative Council and I ask the honourable member to return to the subject.

**Mr S.J. BAKER:** I will make about four further points concerning the amendments that we have before us. The right of legal representation has not been taken away totally. We have an amendment which softens the impact of the original proposition. I believe that our amendment should have survived. The contract situation has been slightly softened by a Party which wishes to be friends to all in the process, and I believe that it has done no-one justice, because intervention in relation to legally enforceable contracts will set a new precedent in the industrial laws in this State and in other areas of commercial law where contracts are undertaken in good faith. Everyone should be aware of that.

I am quite surprised that the provision giving the commission the right to refuse an agreement has been changed radically but in a very strange way. Anyone who reads the amendment must wonder what is going on. Believe it or not, the amendment provides that, if a registered association has reached an agreement, and if other registered associations are not happy with that agreement, it can be knocked out. It is quite different from the original proposition; it is a very strange amendment. I do not know who has taken legal advice on this matter, but on my reading of it, it may not stop some of the agreements which are taken in good faith; but if a union is party to an agreement and another union is not too pleased about it, the commission has the right to refuse the agreement. I am flabbergasted by this amendment. I think Trades Hall will be flabbergasted also.

All in all, I do not believe that these amendments go far enough. The Bill should have been thrown out. We are totally opposed to many of the propositions contained in that legislation. The amendments do not address some of the fundamental issues, including jobs for South Australians. They provide imbalance in power which will be dangerous, because we cannot control certain elements who run off the rails. All members would understand that some of their friends do that on occasions, and we do need balance in the system. I am unhappy with these amendments.

Motion carried.

## LISTENING DEVICES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 4 (clause 5)—After 'State' insert 'or Territory of the Commonwealth'.

No. 2. Page 3, lines 30 and 31 (clause 5)—Strike out 'revocation' twice occurring and substitute, in each case, 'cancellation'.

Consideration in Committee.

**The Hon. R.J. GREGORY:** I move:

That the amendments be agreed to.

**The Hon. B.C. EASTICK:** The Opposition referred to the matter contained in the first amendment when the Bill was before the House previously and I am pleased that the Government has picked up this matter. The second amendment is so earth shattering that I am amazed that it got through: it changes the word 'revocation' to 'cancelled'—it is certainly easier to say. We support the amendments.

Motion carried.

## TRUSTEE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## STANDING ORDERS COMMITTEE

The Legislative Council intimated that it had appointed the Hon. C.A. Pickles to fill the vacancy on the Standing Orders Committee in place of the Hon. J.A.W. Levy, who previously held the office *ex officio.*

## JOINT COMMITTEE ON SUBORDINATE LEGISLATION

The Legislative Council intimated that it had appointed the Hon. G. Weatherill to be one of its representatives on the Joint Committee on Subordinate Legislation in place of the Hon. G.L. Bruce.

## JOINT PARLIAMENTARY SERVICES COMMITTEE

The Legislative Council intimated that it had appointed the Hon. T. Crothers to be one of its representatives on the

Joint Parliamentary Services Committee in place of the Hon. G.L. Bruce.

## CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL (1989)

Returned from the Legislative Council without amendment.

## STRATA TITLES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

**The Hon. FRANK BLEVINS:** Mr Deputy Speaker, I draw your attention to the state of the House.

*A quorum having been formed:*

## PRIVATE MEMBERS' BUSINESS

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

That the Standing Orders be so far suspended as to enable those Orders of the Day (Other Business), where debate has ensued, to be taken into consideration forthwith, and each question to be put forthwith, without debate.

Motion carried.

## FREIGHT COSTS

Adjourned debate on motion of Mr Lewis:

That this House urges the Federal and State Governments to immediately set about removing the onerous cost burden imposed by legislative protection of the inefficient onshore and offshore transport industries on rural export industries and the rural communities which depend upon them in particular, all other export industries and the national economy in general.

(Continued from 6 April. Page 2760.)

Motion negatived.

## YOUTH REPORT

Adjourned debate on motion of Mr Oswald:

That this House notes with concern the findings of the Marion, Brighton and Glenelg Community Health Needs Assessment Youth Report which was publicly released on 1 March 1989, and condemns the economic and social policies of the Sate and Federal Governments which have been responsible for startling inequalities in health and lifestyles amongst young people as well as low income families in the western and south-western suburbs of Adelaide,

which Mrs Appleby had moved to amend by leaving out the words 'with concern' and all words after the words 'Youth Report' and inserting the following:

and commends the Government for its initiative in commissioning the report: and further, this House urges the continuation of the cooperative efforts of both Government and non-government agencies and groups in implementing the recommendations of the report.

(Continued from 16 March. Page 2499.)

Amendment carried; motion as amended carried.

## WHEAT INDUSTRY DEREGULATION

Adjourned debate on motion of Mr Gunn:

That in the opinion of this House the Minister of Agriculture should support the stand taken by the New South Wales and Queensland Ministers of Agriculture not to pass complementary State legislation which would allow the Federal Minister for Primary Industry to commence deregulation of the wheat industry in Australia,

which the Hon. M.K. Mayes had moved to amend by leaving out all the words after the word 'should' and inserting the following:

evaluate the effects of whatever legislation is passed by the Commonwealth on wheat industry deregulation before determining the course of legislative action which will best protect the interests of growers and buyers.

(Continued from 6 April. Page 2762.)

Amendment carried; motion as amended carried.

## DOVER GARDENS PRIMARY SCHOOL

Adjourned debate on motion of Mrs Appleby:

That in the opinion of the House the member for Coles' question of Thursday 23 February 1989 relating to the marijuana crop at Dover Gardens Primary School and the reports on the issue by some sections of the media were deliberately couched in such a way as to misrepresent the facts and, further, the House demands an apology from the member for Coles to the Dover Gardens Primary School community for the resulting consequences.

(Continued from 9 March. Page 2299.)

The House divided on the motion:

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

Noes (16)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, and Oswald (teller).

Majority of 7 for the Ayes.

Motion thus carried.

## SECONDARY SCHOOLS STAFFING

Adjourned debate on motion of Mr Meier:

That this House expresses its concern at the implications for schools and students of the new 'average enrolment' staffing policy and calls on the Government to ensure that the quality of education in our schools is not reduced as a result of its new policy,

which Mr Robertson had moved to amend by leaving out all words after 'House' and inserting the following:

notes the Education Department's proposed staffing strategy for schools in 1989 and applauds its commitment that the quality of education will not be reduced by its implementation.

(Continued from 1 December. Page 1824.)

Amendment carried; motion as amended carried.

## UPPER EYRE PENINSULA

Adjourned debate on motion of Mr Gunn:

That in the opinion of the House:

*(a)* the Government should immediately recognise Upper Eyre Peninsula as a natural disaster area due to the continuing difficult situation facing its rural producers and communities;

*(b)* the Government and financial institutions should provide adequate finances to allow rural producers on Eyre Peninsula the opportunity to sow a crop for the 1989 cereal season;

*(c)* the Federal Government should change its economic policies to immediately bring about a reduction in interest rates; and

*(d)* the Federal Minister of Social Security should amend the criteria for social security benefits so as to allow rural producers the opportunity to qualify,

which the Hon. M.K. Mayes had moved to amend by leaving out all words after 'House' and inserting the following:

*(a)* the Government should be congratulated for recognising the difficult financial situation facing rural producers and communities on Upper Eyre Peninsula and for putting in place a package of financial measures to assist, including the provision of loans at subsidised interest rates to allow viable farmers to sow a crop for the 1989 cereal season and for other purposes; and

*(b)* the Minister of Agriculture should be congratulated for initiating an approach to the Federal Government to amend the criteria for social security benefits so as to allow rural producers the opportunity to qualify.

(Continued from 23 February. Page 2135.)

The House divided on the amendment:

Ayes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes (teller), Payne, Peterson, Rann, Robertson, Slater, and Tyler.

Noes (16)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Meier, and Oswald.

Majority of 9 for the Ayes.

Amendment thus carried; motion as amended carried.

## SCHOOL AND INDUSTRY LINKS PROGRAM

Adjourned debate on motion of Mr Duigan:

That the House notes with approval the establishment of the school and industry links program to provide students with a better appreciation of the workplace and to bring business and industry closer to the educational sector thus ensuring its continuing relevance to the future of South Australia.

(Continued from 23 February. Page 2135.)

Motion carried.

## FIBRO CEMENT ASBESTOS

Adjourned debate on motion of Mr S.J. Baker:

That this House condemns the actions of the Minister of Labour who, in conjunction with the Chairman and Deputy Chairman of the Occupational Health and Safety Commission, is proceeding to require the licensing of contractors involved in the removal of fibro cement asbestos after formal proceedings of the Occupational Health and Safety Commission were circumvented and meeting records falsified to bulldoze the measure through.

(Continued from 17 November. Page 1620.)

Motion negatived.

## CRIME STATISTICS

Adjourned debate on motion of Mr Oswald:

That this House condemns the Government for allowing a dramatic increase in crime since it assumed office in 1982 and calls on the Government to explain why it is that with the reduced numbers of prisoners serving custodial sentences there is still overcrowding in prisons and why it is that police morale has taken a buffeting and the operational resources given to the police to fight crime, bring criminals to justice and prevent crime have not yet had an impact on the crime rates.

(Continued from 17 November. Page 1621.)

The House divided on the motion:

Ayes (16)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, and Oswald (teller).

Noes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Rann, Robertson, Slater, and Tyler.

Majority of 9 for the Noes.

Motion thus negatived.

## POVERTY

Adjourned debate on motion of Mr Robertson.

That this House acknowledges the steps already taken by the Federal Government to eliminate poverty in Australia and urges it to continue its assault on the causes of poverty and inequality in this country.

(Continued from 1 December. Page 1830.)

Motion carried.

## NORTHFIELD RESEARCH CENTRE

Adjourned debate on motion of Mr Gunn:

That this House strongly opposes the Government's decision to disrupt the research program at Northfield Research Centre without adequate consultation with industry including the PSA and, further, calls on the Government to reconsider its hasty and ill-conceived decision immediately,

which the Minister of Agriculture has moved to amend by leaving out all words after 'House' and inserting in lieu thereof the words:

congratulates the Government for its foresight in recognising the opportunities presented by the transfer of the Department of Agriculture's activities to develop new and better co-ordinated approaches to agricultural research and other services.

(Continued from 3 November. Page 1240.)

Amendment carried; motion as amended carried.

## STATUTORY AUTHORITIES REVIEW BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1624.)

Second reading negatived.

## PRIMARY SCHOOL SPORT

Adjourned debate on motion of Mr Ingerson:

That in view of the concerns of parents, teachers and children, this House calls on the Government to review the application of its equal opportunity policy on children's sports programs at primary schools,

which Ms Gayler has moved to amend by leaving out all words after 'That' and inserting in lieu thereof the words:

this House supports the principle of equal opportunity in sport for school children and acknowledges that implementation of the South Australian Primary School Amateur Sports Association's interim policy for sporting competition in primary schools is being monitored and is subject to review.

(Continued from 8 September. Page 733.)

Amendment carried; motion as amended carried.

## DEVELOPMENT INVESTMENT

Adjourned debate on motion of Mr S.J. Baker:

That this House views with concern the performance of the Government in discouraging investment in and development of this State and notes specifically:

*(a)* the enticement of entrepreneurs to spend $2 million on a feasibility study for Jubilee Point;

*(b)* the lack of action taken against building unions which have continually disrupted and damaged major construction projects;

*(c)* the lack of action against dissident elements on the Australian submarine construction site, resulting in multi-million dollar contract losses to this State;

*(d)* *ad hoc* policies on development which have left investors no clear operational guidelines and created a climate of great uncertainty;

*(e)* encouragement of the Myer Remm development despite the likelihood of exorbitant building unions demands;

*(f)* the closure of Beverley and Honeymoon uranium mines;

*(g)* special benefits and assistance provided to enterprises of poor potential to the exclusion of other projects;

*(h)* lack of expertise within the Government tendering system which has resulted in huge outflows of money interstate and overseas to the disadvantage of local firms; and

*(i)* taxation practices which have acted as a disincentive to investment.

(Continued from 6 October. Page 911.)

Motion negatived.

## SEOUL OLYMPIC GAMES

Adjourned debate on motion of Mr Ingerson:

That this House applauds the Australian athletes who participated in the Seoul Olympic Games and—

*(a)* expresses its profound appreciation for the quality of their performances and their outstanding achievements during the 24th Olympiad; and

*(b)* commends the International Olympic Committee for its strong stance against drug abuse in sport and urges all sports administrators in Australia to follow this fine example,

which Mr De Laine has moved to amend by inserting after the word 'Olympic' first occurring the words 'and Paralympic'.

(Continued from 3 November. Page 1240.)

Amendment carried; motion as amended carried.

## WORKCOVER

Adjourned debate on motion of Mr S.J. Baker:

That this House urges the Minister of Labour to lauch an independent investigation into and assessment of WorkCover as a matter of urgency.

(Continued from 6 October. Page 907.)

The House divided on the motion:

Ayes (14)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, and Oswald.

Noes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory (teller), Groom, Hamilton, Hopgood, Keneally, Klunder, and Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Rann, Robertson, Slater, and Tyler.

Majority of 11 for the Noes.

Motion thus negatived.

## IMMIGRATION AND MULTICULTURALISM

Adjourned debate on motion of Mr Duigan:

That this House—

*(a)* affirms the principles of non-discrimination and integration embodied in the politically bipartisan approach to immigration and multiculturalism which has existed in Australia since the Whitlam Government and has been supported by successive Liberal and Labor Governments; and

*(b)* calls upon the Federal Parliamentary Liberal and National Parties to re-affirm their previous commitment to these policies, and further, that copies of this resolution be forwarded to the Prime Minister and the Leader of the Opposition in the Federal Parliament,

which Hon. H. Allison has moved to amend by leaving out the words 'has existed in Australia since the Whitlam Government and' and by leaving out part *(b)*.

(Continued from 6 October. Page 914.)

The House divided on the amendment:

Ayes (14)—Messrs Allison (teller), P.B. Arnold, D.S. Baker, S.J. Baker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, and Oswald.

Noes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, Duigan (teller), M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Rann, Robertson, Slater, and Tyler.

Majority of 11 for the Noes.

Amendment thus negatived; motion carried.

## COORONG CARAVAN PARK

Adjourned debate on the motion of Hon. Jennifer Cashmore:

That this House condemns the Government for its failure to secure the interests of taxpayers in relation to the sale of the Coorong Caravan Park by the Storemen and Packers Union and calls upon the Treasurer to refer the sale of the park to the Auditor-General for investigation and report to Parliament,

which Mrs Appleby has moved to amend by leaving out all words after 'House' and inserting in lieu thereof the words:

notes the referral to the Auditor-General by the Minister of Employment and Further Education of documentation relating to the CEP project at Policeman's Point (known as the Coorong Caravan Park) and requests that the report of the Auditor-General on this matter be tabled by the Minister.

(Continued from 18 August. Page 371.)

Amendment carried; motion as amended carried.

## DROUGHT RELIEF

Adjourned debate on motion of Mr Gunn:

That this House—

*(a)* calls on the Minister of Agriculture to immediately put into effect short term financial assistance to the drought affected areas on upper Eyre Peninsula, including carting water to the Government tanks west of Ceduna;

*(b)* calls on the Government to provide special funds to immediately commence construction of a pipeline west of Ceduna to Penong to provide a reliable supply of water to residents at Koonibba and Denial Bay; and

*(c)* calls on the Department of Social Security to take a more sympathetic attitude towards people on upper Eyre Peninsula facing severe financial difficulties caused by drought conditions with have prevailed in the area,

which the Minister of Agriculture has moved to amend by leaving out all words after House and inserting in lieu thereof:

*(a)* congratulates the Government on the expanded rural assistance loan scheme and the decision to cart water to Government tanks west of Ceduna, both announced this week by the Premier;

*(b)* urges the Government to consider carefully all possible alternatives for the provision of permanent water supplies west of Ceduna; and

*(c)* supports the efforts of the Rural Affairs Unit of the Department of Agriculture to liaise with the Eyre Peninsula offices of the Departments of Social Security and Community Walfare, in order to maximise the benefits of these services to people experiencing financial difficulty on the Peninsula.

(Continued from 1 December. Page 1834.)

Amendment carried; motion as amended carried.

[*Sitting suspended from 5.58 to 7.30 p.m.*]

## MINISTERIAL STATEMENT: SITTINGS AND BUSINESS

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

Leave granted.

**The Hon. D.J. HOPGOOD:** I have adopted this form because the procedural motion that I will subsequently move does not admit of any explanation in support of the motion. Members will know that the House of Assembly has effectively finished its work and is waiting for business from another place, which is unlikely to be in a position to send the necessary message to us which will enable us possibly to set up a conference on one of the Bills until some time after 8 o'clock. I hope that honourable members understand.

[*Sitting suspended for 7.33 to 10.25 p.m.*]

## SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

## STATUTES AMENDMENT (CRIMINAL SITTINGS) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 23 (clause 9)—Leave out 'section' first occurring and insert 'sections'.

No. 2. Page 3 (clause 9)—After line 16 insert the following new section as follows:

**Publication of committal**

156. The Sheriff must, as soon as practicable after the end of each month, cause to be published in the *Gazette* a list of the names of all persons committed for trial or sentence during that month and the offences for which they were committed.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

Amendment No. 1 is consequential on amendment No. 2. As to the matter of the publication of details of committals, the matter has been discussed with the Sheriff. It has been agreed that this is a reasonable amendment, and I press it upon the Committee.

**The Hon. B.C. EASTICK:** This does not correlate exactly with what was discussed when the matter was previously before the House, but it has the same effect. I think the honourable member from this side of the House who spoke on this matter wanted the details of committals published in the *Advertiser*. However, I believe that publication in the *South Australian Government Gazette* is a much better proposition, and it fulfils what the Opposition recognised as being necessary in this respect.

Motion carried.

## BARLEY MARKETING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 6—After line 18 insert new clause 17a. as follows:

'Duty to produce licence

17a. Section 96 of the principal Act is amended by striking out subsection (4) and substituting the following section:

(4) In this section—

'driver' includes—

*(a)* a person sitting next to the holder of a learner's permit in a vehicle being driven by the holder of the permit;

*(b)* a person being carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit:

'member of the police force' includes—

*(a)* an inspector;

*(b)* an inspector as defined in the *Road Traffic Act, 1961*.'

No. 2. Page 6, lines 22 to 28 (clause 18)—Leave out subsection (1) of new section 98aa.

No. 3. Page 6—After line 39 insert new clause 19a. as follows:

'Insertion of s. 135b

19a. The following sections are inserted after section 135a of the principal Act:

Secrecy

135b. A person who is, or has been, engaged in duties relating to the administration of this Act must not divulge or communicate information relating to any person obtained in the administration of this Act except—

*(a)* with the consent of the person to whom the information relates;

*(b)* in the administration or enforcement of this Act or any other Act or law relating to motor vehicles;

*(c)* to an officer of another State or a Territory of the Commonwealth engaged in the administration or enforcement of any law relating to motor vehicles;

or

*(d)* as authorised or required by this Act, any regulations under this Act or any law.

Penalty: Division 7 fine.'

Consideration in Committee.

*Amendments Nos 1 and 2:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 1 and 2 be agreed to.

I point out to the Committee that regulation No. 46 to the Act provides what the Legislative Council has insisted ought to be an amendment to the Act. Whether it be in the Act or in the regulations one could argue about, but nevertheless the intent is the same. If the other place insists that it should be in the Act and not in the regulations, I am not prepared to contest it. It will not change the effect of the legislation; it will change the place in which the provision appears.

Motion carried.

*Amendment No. 3:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 3 be disagreed to.

The reasons for the disagreement are many, but I will concentrate on as few reasons as possible. First, it has nothing to do with the legislation which passed this place and the Legislative Council. The provision of a photo-

graphic licence would not increase the information available on a driver's licence: in fact, in some instances it might reduce the amount of information on the driver's licence. The other place felt that the driver's licence might in some way be used as an ID card, so it has moved a very restrictive amendment indeed. In some circumstances I would have no disagreement at all. I cite one example that would be outside the ambit of the provisions: an individual may be involved in an accident or knocked down by a motor vehicle, and the only identification the injured person would have is the number of the motor vehicle.

There would not be sufficient evidence to warrant a police prosecution, but there would be sufficient evidence to warrant a civil case being taken against the owner or driver of the vehicle. In those circumstances, the victim would normally go to a legal practitioner and seek redress against either the owner or driver of the vehicle. The solicitor would complete the appropriate form and apply to the Motor Registration Office for information about the owner of the vehicle so that the driver could be identified. A search fee would be charged and the information provided.

Under this provision such information would be provided only if the lawyer knew the vehicle owner and was able to contact him or her. For the sake of argument, if the lawyer knew the vehicle owner he might say, 'Do you agree that I search the Motor Registration Office for information to assist me to obtain evidence to mount a prosecution against you?' In those circumstances the individual might say, 'No'. In fact, most individuals would say , 'No'.

There are several reasons in support of my stance. First, the amendment probably creates more problems than it overcomes. Secondly, ever since its introduction the legislation has operated satisfactorily without this provision. Thirdly, this provision might be appropriate if there was any way that one's driver's licence could have information on it that could be fed into information banks around the country and against which the ordinary citizen would need some protection. I do not believe that the proposed driver's licence will contain that information. As I said at the start, the proposed licence is more likely to have less information than exists on the current driver's licence, except that it will have a photograph. Therefore, I believe that this amendment, which is an exercise in overkill, should be rejected.

**The Hon. B.C. EASTICK:** Mr Chairman, I question whether the message delivered to us is complete. I refer to the phrase '19a. The following sections are inserted after section 135'. I believe that—

**The CHAIRMAN:** Order! I can short-circuit the honourable member's comments if I draw the Committee's attention to a clerical error. That line now reads '19a. The following section is inserted:'. That clarifies the situation.

**The Hon. B.C. EASTICK:** I am not unattracted to the provision from another place. I accept the Minister's arguments as being valid in themselves, but this matter has been brought to the attention of the Committee because of the fears that some persons—and it indicates that they need not be employed by the department at the time the misdemeanour is perpetrated—could use information about some individual persons to pass on to other persons for mischievous or illegal purposes.

*Mr Tyler interjecting:*

**The CHAIRMAN:** Order! The member for Light has the floor.

**The Hon. B.C. EASTICK:** I will be interested to hear what the member for Fisher has to say when he has the authority to do so.

**The CHAIRMAN:** Order! The honourable member can contribute to the debate if he wishes, but at the moment the member for Light has the floor.

**The Hon. B.C. EASTICK:** There have been difficulties in respect of persons of poor repute in official positions passing on information relative to young females to other persons whom they should not have done so. If that were the case, I believe the Government would come down very strongly on it. I believe that this provision would make it a felony, and the opportunity would then exist to take action against such a person. This provision is expansive enough to include not only the person who obtains the information today but the person who, in advance, takes information that can subsequently be passed on for some purpose that is not favourable to the owner of the original licence.

On that basis I believe the Government may accept this amendment. Overkill it may be, but at least it provides a clear indication that Parliament does not condone the misuse of any information which is obtained by a servant and which is subsequently used to the detriment of the person whose name and details are reported to another person.

**The Hon. G.F. KENEALLY:** There are a number of approved bodies and organisations to which the Registrar of Motor Vehicles provides information upon request, and these organisations and bodies must be approved as being appropriate. In the main, they are the Police Force, the Crown Solicitor, the Department of Fisheries and the Department of Marine and Harbors. They all have a policing role in their own right. I am happy to have that list reviewed to ensure that, if it contains inappropriate organisations, they are removed.

There is also an instruction with respect to the supply of information, and any breach of that instruction is dealt with very severely in the Motor Registration Department. It is a breach of standard, and anyone who breaches that standard is subject to discipline. I cannot inform the Committee of the extent of that discipline but, as Minister, I am prepared to tighten up this area in respect of the provision of unauthorised information. It would be in contravention of not only existing standards but freedom of information where you are able to obtain information about yourself only. Of course, other people should not have access to your records.

What I am saying here—and I believe that there is substantial legal support for my point of view—is that this provision amounts to overkill. It does not seek to rectify the problem that exists at present; it seeks to rectify a problem that is perceived by the Democrats in another place—a problem that may occur because we are putting photographs on licences. The Democrats feel that, if photographs are put on licences, they will be recognised as a form of identification. The Registrar and the Government say that the photograph can legitimately be used for identification purposes with respect to the licence but that it has no legal standing for any other purpose. So, there is no redress against the Registrar of Motor Vehicles from those who might feel hard done by.

I am happy to undertake to look at the intent of the amendment and, if necessary, strengthen any of the privacy requirements in the Motor Registration Division. Once again, I point out to the Committee that this provision goes much further than that. It is more likely to cause problems for citizens seeking redress under the law than prevent them from having that redress. For that reason I seek the Committee's support to reject the amendment.

**The Hon. B.C. EASTICK:** The Minister has told us what he thinks of the amendment and has given certain guarantees. However, we must come back to the dictum handed down by the Supreme Court—that it is not what a Minister

says during debate but what is in the law. If there is a loophole—and I believe that this amendment may possibly close a loophole that exists—

*The Hon. G.F. Keneally interjecting:*

**The Hon. B.C. EASTICK:** Yes. I refer to instances where people have passed on information gained in an official capacity for mischievous and other purposes.

**Mr TYLER:** I support the Minister. I believe that this is a matter of overkill. It is important to point out to the Committee, as the Minister has already done, that this is not an ID card. It is not compulsory for people to have a driver's licence, nor is it compulsory for people to have to show it if they enter a hotel or any other area where they must show identification. In relation to the point made by the member for Light and the Legislative Council about people needing to be protected, I would have thought that that would be covered under the conditions of employment for public servants in the GME Act which provides that people cannot abuse their position of authority.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 3 was adopted:

Because it adds an unnecessary impediment to the operations of the Motor Vehicles Act.

## CLEAN AIR ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 2, line 35 (clause 4)—After 'period,' insert 'not exceeding two years,'.

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

This matter relates to the exemptions granted by the Minister. The effect of the amendment is that any exemption has to be renewed at the end of that two-year period. That seems to me not to be an impossible administrative burden to place on the Minister and his department. Where there were good and proper reasons for the exemption to continue it would be renewed. In those circumstances, I commend the amendment to the Committee.

**The Hon. B.C. EASTICK:** I concur with the Minister's acceptance. It has not dented the real purpose of the Act, and is certainly a much more acceptable end result than that offered in another place in a number of instances.

Motion carried.

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with the following amendments:

Page 1—After line 16 insert new clause 3a as follows:

Learner's permits

3a. Section 75a of the principal Act is amended by inserting after subsection (3c) the following subsections:

(3d) Where, in the opinion of the Registrar—

*(a)* the only reasonable means that the holder of a learner's permit has of travelling to and from his or her place of employment or a school or other institution that he or she attends as a student is by driving a motor vehicle in contravention of the condition referred to in subsection (3) *(d)* (i);

or

*(b)* the holder of a learner's permit needs the ability to drive a vehicle in contravention of that condition for the purposes of his or her employment,

the Registrar may vary that condition to enable the holder of the permit to drive a motor vehicle without a passenger for that purpose.

(3e) The Registrar must not vary a condition under subsection (3d) unless the holder of the learner's permit has produced to the Registrar a certificate signed by an authorised examiner certifying that the permit holder has passed a practical driving test conducted by that examiner.

(3f) The powers conferred by subsection (3d) may be exercised by a member of the police force under delegation which may be conditional or unconditional and which may be varied or revoked by the Registrar at any time.

Consideration in Committee.

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment be disagreed to.

The reasons for this motion are plain and practical. The amendment seeks to provide that the Registrar could give exemptions to 16-year-old drivers, who hold an L plate, to drive with a P plate if they need to be able to drive by themselves for reasons of work or education. I understand the motivation behind such an amendment: it seeks to provide an opportunity for young people who are in employment or who need access to education facilities (for instance, secondary school, university or TAFE college). However, the fact of life is that it is absolutely impossible to administer. There is just no way that the Government could accept the amendment. It is not the way to address the problem which, again, the Democrats perceived to be in the legislation.

In introducing the Bill we made it clear that some people would be inconvenienced by such a measure. We also pointed out that it brings our legislation into uniformity with that which applies in all other States. When speaking to the Bill when it was before the House before going to the Legislative Council, I was not in possession of information which would be important to this Chamber in its deliberations. Subsequently, this information has been reviewed by the RAA, which believes it is sufficiently robust to be sustainable.

Although the RAA has not told me it is prepared to change its views, it has indicated that this information changes the argument significantly. I indicate to the Committee that the information that has been obtained by the most recent research undertaken by the Road Safety Division (and this does not relate to gross numbers of accidents) shows that, in relation to casualty accidents involving 16-year-olds, the rate is 9.5 casualty accidents per million kilometres travelled, as compared with 4.6 casualty accidents per million kilometres travelled by 17-year-olds, 4.3 accidents per million kilometres travelled by 18-year-olds, and 3.2 casualty accidents per million kilometres travelled by 19-year-olds. Here again, it is clear that, in terms of a million kilometres travelled, 16-year-olds are twice as likely to have accidents as 17 and 18-year-olds and three times more likely to have accidents involving casualties than 19-year-olds.

I am prepared to accept, as has been the case all along, that essentially the debate concerns road safety; it is not a matter involving philosophical commitment. There are no ideological problems involved here. The debate concerns members of Parliament looking seriously at legislation to ensure that we provide for drivers and road users in South Australia the greatest possible degree of safety. It was for that reason that the legislation for graduated licences was introduced in the first place. I apologise that I was not able to provide to the Committee what is quite critical information when the matter was being considered previously. This relates to critical information in relation to road safety.

In any event, the amendment that has come from the other place would be an administrative nightmare. That provision would place on the Registrar of Motor Vehicles the responsibility of determining that one applicant was more entitled to a P plate than another. The Registrar would have to have a myriad of regulations and requirements. He would be constantly under challenge.

For instance, if a 16-year-old driving a vehicle on an P plate were given special dispensation to go to a TAFE college between 7 p.m. and 9 p.m., how would that be policed? Would an exemption be written out indicating that a person could drive under P plate provisions between 7 p.m. and 9 p.m. on Tuesdays and Thursdays each week, or would that person be more likely to drive 24 hours a day with the exemption? I suggest that it would be absolutely impossible to police. Whilst I understand the motivation behind the recommendation in practical terms, the amendment would be impossible to administer. I might point out that it is my very strong view that the members responsible for moving this amendment in the other place are very well aware of these difficulties.

**The Hon. B.C. EASTICK:** Whilst the Opposition stands foursquare with the Government in relation to its belief that the road carnage is unacceptable and that everything that can be done ought to be done to improve that situation, a compensatory situation must be considered in relation to the opportunity for young people who do not have access to public transport to undertake employment and education. The whole motivation relative to this matter, as was outlined in this House when the issue was before us previously, concerns the matter of equal opportunity for young people in their education and employment.

Nightmare it may be. It could well be said that it is a nightmare for the police in respect of the person who, by the courts, is given the right, even though under suspension, to use their licence to get themselves to and from work. That happens today and the Minister would be aware of that. The courts will give consideration to the necessity for a person who is isolated to have the use of a motor vehicle, notwithstanding that they are suspended. They get around that without great difficulty. If the person who gets that concession is caught out, the wrath of the law comes down on them and I would expect the same thing to happen in relation to young people who transgress in respect of this important opportunity to work or to be educated. Let us settle that situation.

The other problem which I believe is absolutely necessary to consider is that, if we are to quote the figures, as the Minister did (and I accept that they are worthwhile having on the slate), I would want to know how many of those accidents occurred after dark or late in the evening compared with other times during the day and how many of them were related to alcohol. I suggest to the Minister that in a large number of cases—

*Mr Tyler interjecting:*

**The Hon. B.C. EASTICK:** For goodness sake, the member for Fisher ought to go back to sleep. He can contribute in his own time if he wants to. Go and find yourself a tree!

**The CHAIRMAN:** Order!

**The Hon. B.C. EASTICK:** The position is that the statistics will show that a tremendous number of younger people who are in involved in motor car accidents and so forth (heaven only knows, more young people wipe themselves off each week than people from other age groups), are influenced by alcohol. The figures the Minister put out are worth having, but they are useful only if they go the further step and provide the other information which I have suggested is necessary. I do not want to delay the debate further as it is obvious that that issue will be bandied around over some time at a conference. We should have both sides of the story and members on this side have a commitment to young people who have a right to be employed and a right to be educated.

**Mr S.J. BAKER:** I thoroughly endorse the statements made by my colleague on this matter. We debated this issue of 16 year old drivers. I am surprised at the statistics that the Minister produces, which are different from those included in the research I did five years ago. As the debate is important, I would have thought that the statistics would be the most critical element.

*The Hon. G.F. Keneally interjecting:*

**Mr S.J. BAKER:** Yes, I know. I suggest that the member for Light is spot on in his analysis. To suggest that people under 18 years do not drink alcohol, as the member for Fisher suggested, is an amazing statement. I do not know where he grew up. The debate is important and, given that safety is a bipartisan issue, I commend the amendment to the House.

I do not commend the amendment in the way that I would have commended our original amendment, had it succeeded, as our amendment was more workable. This amendment imposes a certain amount of extra work on the people who are responsible for the operation of the Act. We have already been through the debate about the requirements of various people in respect of their need to drive a motor vehicle. Rural members in particular referred to those who are driving at 10, 12 or 14 years of age on country properties. Many go to work a lot earlier, even if they were catching the school bus previously. If they are going to work at 16 years of age, they still need transport, which is often not provided in country areas.

A pertinent point was made by my colleague the member for Eyre who said that if a learner's permit lasts for a year, young people would go for a motorcycle in preference to a motor car because they would not need someone to travel with them on a motorcycle. As members appreciate, that is a valid argument. Motorcycle accident statistics are horrific and in practical terms it would be good to ban them altogether. Not all the accidents are the fault of the riders; motorists often do not see them or care about them. Motorcycles are death machines. The amendment is not particularly marvellous. I would have preferred our amendment, which is more workable but, given that we are trying to reach a compromise on the principle, I support the amendment.

**The Hon. G.F. KENEALLY:** I was constrained and reasonable in explaining my original motion to disagree with the Legislative Council's amendment. I understand that the Opposition believes that it has a responsibility to defend the amendments that come from another place. I want to put on the record that we are talking about road safety and safety for 16 year old adults in South Australia. I have already read into the record the statistical information accepted by the RAA.

I indicate that the RAA letter, upon which many members relied, was circulated without those people reading the debate that took place last week and without their having access to more recent information. Since then a meeting has been arranged between RAA officers, officers of my department, the honourable member from another place who moved this amendment and me. It was clear at that meeting that the RAA officers accepted the more recent data (a copy of which has been provided to the shadow Minister of Transport) as being accurate and persuasive. They said that, because they were only officers of the RAA, they could not speak on behalf of the organisation: so they could merely

act on the decision of the RAA. But I have no doubt about the advice they will give their organisation.

Turning to the issues raised, the member for Mitcham said that his Party's amendment would be better than this amendment. Any amendment would be better than this amendment. The Opposition's amendment sought to provide that a learner driver had to have an L plate for at least three months, but that is the *status quo*. It is rare for a person to obtain an L plate, do the practical work and be tested within three months.

The Opposition's amendment merely sought to write into the legislation the existing practice and did nothing in terms of providing a graduated licence. Therefore, it was no amendment at all. What the Opposition sought to achieve already takes place. The Democrat's amendment at least acknowledges that 17 years of age is the appropriate age for a person to obtain a P plate licence. The Democrat who moved this motion was persuaded by the information provided by the Road Safety Division and sought to accept that 17 years was the appropriate age for a person to obtain a P plate licence. He sought to provide exemptions for people seeking work or travelling to school, but every 16-year old worth their salt in South Australia would be able to get around this provision. Members know that.

I remind the Committee once again that in Victoria one must be 18 years of age to obtain a P plate. That must cause inconvenience to the young people of Victoria who cannot drive a vehicle by themselves until they reach 18 years of age, which is 12 months older than our proposal.

On the logic of members opposite, the inconvenience caused to country people in South Australia is minimal compared with that caused to country people in Victoria. In Victoria one cannot obtain a P plate until one is 18 years of age because Victoria has a concern for road safety and the protection of young drivers. In Queensland, New South Wales, Western Australia, Tasmania, and the Australian Capital Territory one has to be 17 years of age before one can obtain a P plate. That is because those jurisdictions put the protection and safety of young drivers before the argument of inconvenience.

Every parent I know, in the country or in the city, would much prefer to put up with 12 months of inconvenience and be certain that at the end of that period they will have their child safe and sound, alive and not seriously injured. That is what this Government seeks to provide in this legislation, and those who oppose it are putting at risk young South Australian drivers. The statistics are clear and uncontestable. People who have had the opportunity to look at these statistics accept them. Given the opportunity and a meeting with the Division of Road Safety, those people who wrote to all members of Parliament would write a different letter. They would accept that the research undertaken by the Division of Road Safety conforms to all the standards, that the findings are robust and within the 5 per cent criteria. All members of Parliament have that evidence before them.

To the Democrats' credit, it accepted evidence and moved away from its original intent of insisting that the age stay at 16 years. The Democrats wanted to put into the legislation exemption provisions, but exemption provisions are unworkable. The Democrats, and these amendments, accept that 17 years of age is the appropriate age for a driver to obtain a P plate.

Members opposite insist that the age should be 16 years, or at least 16 years and three months, which, in all practical purposes, is the earliest anyone can now obtain a licence. Let us put safety first; and let us put the interests of young South Australians first. Let us ensure that young drivers reach the age of 17 years and are skilled, experienced and safe. I have one other important statistic, that is, that in South Australia more people have a licence at 24 years of age than in any other State. That means that from 16 years to 24 years more South Australians are placed at risk, having regard to the accident rates of the particular age groups.

Clearly, by the age of 24 years, fewer Victorian drivers, in percentage terms, are injured or killed in road accidents than in South Australia, and all the evidence shows that that is because South Australia allows drivers full licences at an earlier age. We should be concerned about that. I live in the country. I am aware of inconvenience. How is safety more inconvenient in South Australia than it is in other States?

*An honourable member interjecting:*

**The Hon. G.F. KENEALLY:** South Australia is not as big as Western Australia and Queensland.

**The CHAIRMAN:** Order! I ask the Minister to resume his seat. The Chair will not tolerate interjections from members who are out of their seats. All interjections are out of order.

*Members interjecting:*

**The CHAIRMAN:** Order! I hope that the member for Alexandra is not defying the Chair.

**The Hon. Ted Chapman:** No, Mr Chairman.

**The CHAIRMAN:** Order! I ask those members who are not sitting in their seats to cease interjecting. The honourable Minister.

**The Hon. G.F. KENEALLY:** The fact of life is that South Australia is the most urbanised State in Australia. We are a city State. We have a higher percentage of our people living in the metropolitan area than has any other State in Australia. Probably in excess of 80 per cent of South Australians live in the city. In terms of inconvenience, there would be less inconvenience in South Australia by moving the age limit to 17 years for P plate holders compared with any other State. However, it has been reviewed and they have made that decision as part of the movement to a uniform graduated licence system. They have not only decided that it is appropriate but it has been reviewed in the past year or so and agreed that it is appropriate.

I can do no more than lay before this Committee the statistics that show quite clearly that 16-year-olds driving by themselves are more likely to have a casualty accident than any other driver in the 17 to 19 years age group. By slowing down the process through the licensing system, we ensure that more people come out safe and alive at the end of those young years and, after all, that is what this Parliament should be insisting upon. I suspect that, as the member for Light and the member for Mitchell have said, suddenly they have been confronted with new statistics.

Let me assure the member for Light, as I assured the shadow Minister (and he may have taken the trouble to check with the RAA), that this is not just the Division of Road Safety or the Minister trying to defend this legislation or a position that we have adopted. This is the Division of Road Safety and the Minister showing concern for young people. The major organised opposition to the legislation came from the RAA. I am not saying that the RAA is now in favour of it, because it still expresses some of the concerns that members opposite have expressed. The RAA at least recognises that the primary responsibility of all adults, and all legislators in particular, is road safety.

**The Hon. B.C. EASTICK:** In just three or four words let me refute any impression that the Minister may have wanted to leave that any member on this side would want to see young people, either wittingly or wantonly, added to the road death or road injury statistics. That is not the case. I

clearly indicated earlier that we have a genuine interest in the wellbeing of young people. We also have a genuine interest in their right to be employed and their right to education. Unlike so many larger country areas interstate, where bus or rail services provide them with the opportunity to do both, that opportunity is not available to them.

**Mr TYLER:** The member for Light has a funny way of showing his concern and support for young people and the road safety problems that they face. Quite clearly the Minister demonstrated to this Committee that 16-year-olds are at great risk on the roads. The member for Light talks about the right of young people to be able to drive to their place of education or employment. What about the rights of 15-year olds? They must have an education, and quite a lot of them also work part time. What about 14-year-olds? The argument put up by the member for Light is never ending. He has put forward quite an absurd proposition. The buck has to stop with someone and, quite frankly, the buck must stop with this Parliament. We must make a stand on these issues. We must make sure that our young people are not killed on the roads. This amendment completely negates the whole intention of the Act and we, as a Parliament, would be completely derelict in our duty if we allowed something like this to pass.

**Mr S.J. BAKER:** What an extraordinary contribution! If we followed the obvious argument, no-one should be given a driver's licence at all. When the member for Fisher grows up, he might actually make a decent contribution to this place.

*The Hon. D.J. Hopgood interjecting:*

**Mr S.J. BAKER:** Well, we had this extraordinary argument, if we go down to 16, 15 or 14—

**The CHAIRMAN:** Order! The honourable member for Mitcham must remember that Standing Orders state that he must not cast reflections on any member of this Chamber. I ask him to bear that in mind when he enters the debate.

**Mr S.J. BAKER:** Certainly, Sir. My argument is not with the member for Fisher nor with the Minister of Transport. What we have said in this Chamber quite clearly underlines our concern for road safety. The use of statistics always fascinates me. The Minister said in this place that South Australia is now the second best driving State in Australia per kilometre travelled. However, there are some huge inconsistencies in the argument. We are doing fairly well because we were further down the list before. So, somehow the package we have seems to have got us further up the line.

*Mr Tyler interjecting:*

**Mr S.J. BAKER:** Just hold on a second!

**The CHAIRMAN:** Order! If the member for Fisher wishes to enter the debate I will give him plenty of opportunity to do so.

**Mr S.J. BAKER:** So, we have improved, despite the 16-year-old driving age. Secondly, the Minister said that the under 24s have a higher incidence than in Victoria. Of course they have; they have a lesser time on the road than the Victorians. So, we could say, 'Everybody off the roads,' and nobody would be killed on them. We are talking about what is a reasonable argument.

Thirdly, I asked the Minister about the sample size used to test how many kilometres had been travelled by 16-year-olds, and this is crucial to the argument. A 50 or 100 per cent standard deviation or standard error in the statistics makes a huge difference to the results. If there is a standard error of, say, 5 or 10 per cent on the kilometres travelled, the statistics, if they have been based on a five year study, would seem to be very appropriate, and I would have to reflect seriously on the information that the Minister has given. The statistics that have come before us have come in a bit of a rush, and we have not had time to absorb them. I do not know their validity and, therefore, do contest whether what we are doing here is right. I would like to see what the longitudinal series is. I would like to think that we are doing the right thing, but at this stage I am not convinced that supporting the Minister's case is doing the right thing.

We are concerned for safety. If the evidence is overwhelming that we should take 16 year olds off the roads, I ask whether that will produce another aberration—that we get a very heavy loading in the 17-year-age group. I believe that we will; that the 17 year old accident rate will shoot up as well, because once people go off their learner's permit they will still think they are Stirling Moss or Niki Lauder. If the statistics are right, under this method, the 17 year old accident rate will suddenly shoot up. Then somebody else will say, 'Listen, we have to get the 17 year olds out of driving because their accident rate is high.' So, that leaves the 18 year olds. That is what I found: the lumping together of accident statistics related to driving experience, whereas the Minister has come up with a different set of statistics. I am concerned about young people on the road and that is why I am raising the question.

**The Hon. B.C. EASTICK:** I indicate that, where I live in the country, 14 and 15 year olds are conveyed to school by bus. A transport system is available for them. We are talking about those who are now in the workplace, or looking for tertiary or senior secondary education. They are the people we need to consider. We have complete regard for the importance of the issue and we have indicated quite clearly that those people would not have open go in relation to their licence; it would be for the specific purpose of education or employment. I do not believe that that is an unreasonable request on behalf of young people, who deserve equal rights in employment and education.

The Committee divided on the motion:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs Bannon, Blevins, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (8)—Messrs Allison, S.J. Baker, Becker, Blacker, Eastick (teller), Gunn, Meier, and Oswald.

Pairs—Ayes—Messrs L.M.F. Arnold, Crafter, Hemmings, and Plunkett. Noes—Messrs Goldsworthy, Ingerson, Olsen, and Wotton.

Majority of 16 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendment will make the operation of the legislation unworkable.

## MOTOR VEHICLES ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendment No. 3 to which the House of Assembly had disagreed.

Consideration in Committee.

**The Hon. G.F. KENEALLY:** I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendment No. 3.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be

represented by Messrs Eastick, Ingerson, Keneally, Robertson, and Tyler.

*Later:*

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council Committee Room at 9 a.m. on Friday 14 April.

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

The Legislative Council intimated that it insisted on its amendment to which the House of Assembly had disagreed.

Consideration in Committee.

**The Hon. G.F. KENEALLY:** I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendment.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Eastick, Ingerson, Keneally, Robertson and Tyler.

*Later:*

A message was received from the Legislative Council agreeing to a conference, to be held, at the conclusion of the conference on the Motor Vehicles Act Amendment Bill, in the Legislative Council Committee Room.

[*Sitting suspended from 1.4 to 10.30 a.m.*]

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

At 10.30 a.m. the following recommendations of the conference were reported to the House:

That the Legislative Council do not further insist on its amendment and make the following consequential amendments to the Bill:

Clause 4, page 1, line 22—Leave out '17 years' and insert '16 years and six months'.

Page 1, line 25—Leave out '17 years' and insert '16 years and six months'.

And that the House of Assembly agree thereto.

## MOTOR VEHICLES ACT AMENDMENT BILL

At 10.32 a.m. the following recommendation of the conference was reported to the House:

*As to Amendment No. 3:*

That the Legislative Council do not further insist on this amendment.

[*Sitting suspended from 10.34 to 2 p.m.*]

*Later:*

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

**The Hon. G.F. KENEALLY:** I move:

That the recommendations of the conference be agreed to.

The Legislative Council sought to provide in this legislation penalties for the illegal supply of information that is contained in the Motor Registration Division files and records. The Government has no problem with that concept. It believes that the information, whether on drivers licences, motor vehicle registrations or third party insurance claim forms, is the property of those individuals, except in the circumstances provided for in the procedures of the Motor Registration Division concerning a number of policing agencies, etc., that have been approved as having access to that information.

However, I believe that it is appropriate for access to information stored on Government files to be reviewed periodically. For that reason the Registrar of Motor Vehicles had already instituted a review of procedures to ensure that information was not available where it should not be. This House felt, and quite rightly, that the amendment moved in another place would potentially have caused more problems than it would have cured.

So, at the conference I gave an undertaking that the Government would have the whole matter of access to information that is stored in the Motor Registration Division reviewed and if, as a result of that review, it was necessary to implement an amendment to the Bill or a regulation to ensure that access was limited to those agencies and interests that had a legitimate reason for access, the Government would do something about it.

That process is already in place. I was able to give that assurance freely to the conference, and I am pleased that the conference accepted it. In not agreeing to the amendment, I reinforce again that the concept of what the Legislative Council sought to do is not abhorrent in any way to the Government. What we did have difficulty with was the amendment itself, which we thought needed further consideration and refinement (if required). If the procedures and the penalties that currently exist in the system (the GME Act, etc.) are sufficiently strong enough to ensure that privacy is maintained, the Government may feel that it is not necessary to introduce legislation.

If that is the case, of course, those people in the Upper House who may continue to have concerns about this matter could move a private member's Bill or an amendment to the Motor Vehicles Act which, inevitably, will go before their Chamber. One final point: the Government is preparing privacy legislation, and, when that legislation is before the Parliament, as indicated by the Attorney-General in another place, many of those concerns will have been dealt with. I ask the Committee to support the recommendations of the conference.

**Mr INGERSON:** I support the recommendations of the conference. I note that the Minister assured this House and the new Minister that this position which has been brought to the attention of the House will be carried through. There is no doubt that there is much concern in the community about the transference of information within departments and, as we have all seen regarding the legislation relating to the Australia Card, the community has a signficant concern about the transfer of information.

We hope that the list the Minister produced this morning is totally reviewed, because there is no doubt that we should question whether some departments and some divisions on that list should be involved in transference of information. I note that the Minister said that the Government will proceed with this legislation if the result turns out to be to the advantage of the individual consumers of South Australia.

Motion carried.

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

*Later:*

The Legislative Council intimated that it agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

**The Hon. G.F. KENEALLY:** I move:

That the recommendations of the conference be agreed to.

It is with some sorrow that I do so, because I believe that the recommendations of the conference significantly weaken the graduated licence scheme for which the Government sought the support of Parliament. The conference has recommended to both Houses of Parliament that a learner driver should be 16 years and six months of age before he or she is able to obtain a provisional licence. That is significantly less than the 17 years that the Government sought to have included in the statute book of South Australia. I point out that 17 years is the age at which young people in Queensland, New South Wales, Tasmania, Western Australia and the Australian Capital Territory can obtain a P plate licence.

In Victoria, the minimum age is 18 before a P plate can be obtained. South Australia and the Northern Territory are the only places in Australia where a P plate can be obtained at the age of 16. I repeat that the other States and Territories have agreed on the minimum age of 17, or 18 in the case in Victoria, because they put road safety above convenience. I believe that that is the challenge that this Parliament had to address during this debate. Using the theory that half a loaf is better than no loaf at all, the Government was forced into the unfortunate situation of having to accept a recommendation which significantly weakened this proposal. In doing so, it significantly weakened the protection of young drivers that the Government sought to provide through the graduated licence scheme.

Although the measure is weaker than we had hoped for, it is significantly better than the two amendments that the Parliament has debated over the past week or so. The Opposition's amendment—that a person had to be at least 16 years and 3 months before obtaining a P plate—would consolidate the *status quo*. In effect, that is what happens now although, in fairness, I must say that the Opposition sought to ensure that all persons progressing through the L and P plate graduated scheme would need to remain on L plates for three months. As I said, that is about the time it takes now.

At the conference we dealt with the amendment put forward by the Democrats, that 17 years was the appropriate age for a P plate to be provided. It also sought to provide a wide range of exemptions (for reasons of education and employment) for individuals younger than 17 years who need to be able to drive a vehicle unaccompanied to attend school or work. Everyone agreed, including the movers of the motion, that that would have been an administrative nightmare. I suggest that all young people in South Australia, one way or another, would have been able to evade whatever regulations were drawn up to provide for that system. So, 16 years and 6 months is better than 16 years and 3 months—and it is better than 17 years and all the exemptions that the other Chamber tried to insist upon.

It is important to point out that the Government and I were not prepared to lose this legislation because it at least establishes the principle that the graduated licensing system does mean something. The age at which one can graduate from L to P plates has been increased legislatively from 16 years to 16 years and 6 months. One consolation is that the other place indicated it would be prepared, in a reasonably short time after the commencement of the new system, to have it reviewed and if, as I suspect it will certainly prove, there is still a significantly higher number of casualty accidents involving 16-year-olds (that is, from 16 years and 6 months to 17 years) than it is in the 17 to 19 years age group, it will not oppose an increase from 16 years and 6 months to 17 years. I acknowledge that that could be at any time, and it would be getting to 17 years as the minimum age in two steps.

The Government and I certainly believe that the evidence is overwhelming that young people are more likely to be involved in accidents at age 16 than at age 17, 18 or 19. There is no philosophical or ideological hangup (and I accept that that applies for members opposite, also); it is purely and simply a matter of road safety. The legislature has assumed its responsibility to provide safety for those members of the community who ought to look to this place to provide such safety, and we sought to do that.

Previously I read statistics into the record. I would like to do so again, as people in referring to the debate sometimes do so selectively and therefore miss important data which has appeared in one place and not another. The substantive reason why the Government sought to introduce 17 years as the minimum age that one could obtain a P plate involves two reasons or two sets of data: first, statistics relating to the total accident involvement—that is, the number of accidents per kilometre travelled—shows that 16-year-olds have casualty accidents at a rate of 9.5 per million kilometres travelled, compared with 4.6 accidents per million kilometres travelled for 17-year-olds, 4.3 per million kilometres travelled for 18-year-olds and 3.2 casualty accidents per million kilometres travelled for 19-year-olds. In other words, over the same distance a 16-year-old is twice as likely to be involved in an accident as a 17-year-old or an 18 year old and three times more likely to be involved than a 19 year old. Those statistics are persuasive.

Some people argue that there may be some fault with those statistics. That piece of research was done under the guidance of the Australian Bureau of Statistics which established sample numbers and a criteria which was verified by the Australian Bureau of Statistics. As late as 5 p.m. last evening one of my officers from the Road Safety Division again spoke to the Australian Bureau of Statistics which verified that that piece of research was valid. It has been described in some areas as being robust enough to be taken as valid statistical data. Whatever people might think of individual statistical criteria, it was consistent across each of these groups of young people. So in this research apples were compared with apples, which strengthened the validity of the data.

As the Minister responsible for road safety, I express my unhappiness, sorrow and almost disgust that this Parliament has not been prepared to grapple with our very real problems in respect of driving and young people. We have before us a recommendation with which the Government is not happy. It has been forced upon us by others within the Parliament. The proposed system will not provide the level of protection for young people that we sought to provide in the first instance. I am confident that in time this Parliament will reverse that decision. Having said that, I am prepared to acknowledge, as I have quite freely before, that young people are not terribly enthused by the legislation and one would not expect them to be. We have a responsibility to legislate for young people in their bests interests and not in response to what they consider to be their best interests. If those young people have the opportunity to reach our age, they will agree with the decision we make.

Another group of people unhappy with this legislation is comprised of those parents who may feel inconvenienced by the fact that their son or daughter may not be able to obtain a P plate or provisional licence so that they can drive by themselves earlier than the Government sought to provide (that is earlier than 16 years and six months). I am

absolutely certain that many parents in South Australia, given the opportunity to make a decision as to whether their child should be able to drive by themselves at 16 years of age or whether the law should require them to drive with a licenced driver beside them until they are 17 years of age, would support very strongly the second option.

Many parents in South Australia have lost children through fatalities or have had children in that 16-year-old age group severely injured. These parents would certainly tell all members here that road safety must have priority over convenience. I know it is the case that a lot of young people get through to 17 years of age without having an accident, but how does one judge what might be convenient for 16-year-olds as against the gross inconvenience and tragedy suffered by the families of those 16-year-olds who are no longer with us, because they were involved in a fatal accident, or by those people who suffer severe injuries, whether permanently incapacitated as paraplegics, quadraplegics or brain damaged, etc?

That is the question that Parliament has to consider. That is the sort of criterion with which all members in this place have to grapple at the moment. Above all else, we in this place must ensure that young people are able to live a full and healthy life. In balancing that against the matter of what could be a period of inconvenience—and in some areas it involves more inconvenience than in others—I would say that we should come down on the side of road safety.

I have yet to be convinced, or to see any evidence to indicate that, being unable to obtain a provisional licence—in Queensland, New South Wales, Tasmania, Western Australia, the Northern Territory and the Australian Capital Territory at 17 years of age, or in Victoria at 18 years of age—is more inconvenient than is the case here, where 16-year-olds are able to get a P plate. What is so different about South Australia as to warrant a different standard? South Australia is a city State: the overwhelming majority of South Australians—over 80 per cent—live in the metropolitan area. We are the most city centralised State in Australia. In other States, a much greater percentage of people live in the country, on rural properties, and so on.

*An honourable member interjecting:*

**The Hon. G.F. KENEALLY:** The honourable member opposite says that they have public transport. What absolute and total rubbish. In other States they do not have public transport out in the country areas that can provide a service for people in those areas any more than we have in South Australia. Members opposite are trying to tell me and the people of South Australia that young South Australians are somehow different from those in other parts of Australia, that somehow we should be unique in South Australia with our road safety requirements.

There is nothing different about the situation here in South Australia. If the other Governments of Australia are prepared to ensure the safety of young people, I believe it is incumbent upon this Parliament to provide an equivalent level of safety for the people who look to us to provide sensible legislation, which ensures their protection, their life and their well-being. This is what the Government is on about. I am sad that we have not been able to achieve what we sought to do. However, the legislation is better than it might have been had we accepted the amendments of the Liberals or of the Democrats. Accordingly, I am compelled to ask for the Committee to support the decision of the conference.

**Mr INGERSON:** I support the decision of the conference. In giving that support, there are quite a few areas, just referred to by the Minister, that I must refer to. These matters should be clearly on the record to avoid any confusion. First, the package from the Government involved the 16 to 19-year-old drivers and that situation has not changed. The Government, through the Minister, has implied that Opposition members are not concerned about the 16-year-old and 17-year-old drivers but, if the package put forward by the Government, covering drivers from 16 to 19 years of age, has not been varied, it seems strange that the Minister should argue on behalf of the Government that the Opposition has changed the Bill significantly.

Opposition members have argued all the way through that the L plate period of 12 months is too long: we have not argued that it should be cut out. We have argued our case on the grounds of information that has been put before us and before the Parliament by the professionals who say that that should be the case. They are the members of the Institute of Professional Driving Instructors, the people who teach young people between 16 and 19 years of age every day of their lives. Those people are unanimous in telling the Minister, me and all other members that road safety bears no relationship to age and that it is the length of driving experience that is of major importance when considering road safety, not the age at which people begin to drive. I remind the Committee that members of the institute are the experts: they are the professional driving instructors.

*Ms Gayler interjecting:*

**The CHAIRMAN:** Order! I call the honourable member for Newland to order. If she wishes to enter the debate, I shall give her the call. The honourable member for Bragg.

**Mr INGERSON:** Members of the Institute of Professional Driving Instructors are the people who teach young people to drive according to the laws of the State, and those members are saying clearly that on the evidence put before them they believe that the length of time over which a person drives is far more important than the age of the driver. They have said that time and time again, and they have often written to the Minister telling him that he and his Road Safety Division are wrong in insisting on a long L plate period. They have also said (and this has been strongly supported by the Opposition) that education is another major factor. Interestingly enough, in this regard the Government has totally ignored education, yet Opposition members have said that it is a major component.

It is interesting that the Minister should comment on the statistics. He has given me information on how the Road Safety Division came by its survey results. I do not doubt that the division went to the Australian Bureau of Statistics and discussed with the bureau a sampling method. It is interesting to note that in this paper one procedure commented on is the matter of the question asked. It is important that the Parliament know what question was asked and how it was asked. I do not doubt that that question was asked on the recommendaton of the ABS. I refer to the standards of the ABS and point out that they are different from the ones used in this case.

The question asked by the Road Safety Division is, 'How far in kilometres have you driven since your most recent birthday?' That was the basis of the telephone survey of people aged 16, 17, 18 and 19 years. If the Minister telephoned any young person of that age in a one-off telephone call and asked that question, the answer obtained would be so wide of the mark that it would not be statistically valid.

I raise that point, because the ABS has been used to justify this method, but I understand that the ABS asked people to respond on a daily basis and to log the distance driven.

We should compare that method with the method of asking people how many kilometres they have driven since their last birthday. ABS also does a household check (which was not done in this survey) where it runs through a series of questions, making sure that the questions are asked in such a way that the data collected is valid. I was interested to hear that the ABS does not undertake telephone surveys. We have been told that the ABS figures do not stack up, yet a telephone survey has been involved and I am advised that the ABS does not undertake telephone surveys at all.

I have gone into this detail, because the chart included in the paper simply refers to the number of accidents involved. The RAA, the Road Safety Division and the ABS all agree on that figure. It is the next figure about which questions are asked. This relates to telephone surveys and requests about how many kilometres have been travelled. There is a question mark over this method of surveying.

The ABS and Road Safety Division figures vary so much that one cannot accept any of them as being reasonable figures on which to make such a serious judgment. One must then look for other reasons and the community comment, because we cannot base the decision on these figures. It is not valid for the Minister to put that before the Committee. At page 2 of the paper a comment is made which the Minister a few minutes ago rubbished:

> Young country drivers travel significantly further than young city drivers.

In fact, they travel 40 per cent further. We have argued that if the L plate period was extended to 12 months, there would be a considerable inconvenience factor for young country people. The paper supports our argument: young country people would face difficulties getting to and from work if the L plate period was increased significantly. The L plate permit requires a person driving a motor car to have a licensed driver beside them.

We have argued that on the evidence placed before us the 12 month period would be too long and too inconvenient for that to occur. We have argued that this period should be three months, and the conference has recommended a compromise and accepted a six month period. We support that. We are not saying that the package should be changed; we are purely and simply saying that the L permit period should be changed.

Let us consider this nonsense that has been bandied around that children could be part of the road safety statistics. The only difference between an L plate permit and a P plate permit is the licensed driver sitting alongside. All the other factors—the condition of the road, the alcohol level and the speed limit—are the same. The fact is that the inconvenience argument must be considered.

We do not believe that the statistics that the Government is using show that the 12 month period is justified. What we have said all along and what we support very strongly is the three year total package, and the Opposition has never stated anything else. The Minister has placed much emphasis on road safety. On the two occasions when we requested that this Parliament set up a bipartisan parliamentary road safety committee to look at all road safety issues, that proposal has been rejected outright by the Government. Yet, earlier, the Minister talked about how this State is at variance when compared with all the other States. This Parliament is now the only State Parliament that has not established a bipartisan road safety committee, operating in the best interests of the respective State, to look continuously at these problems.

This Minister and this Government have continually rejected that proposal. That suggests to me that the Minister is not fair dinkum; this is his last opportunity to mouth off and get a few things on the record to try to embarrass the Opposition. We will not accept that. Our road safety standards can be held up to scrutiny in this Parliament at any time. I support the recommendations of the conference.

**Mr TYLER:** It is with some reluctance that I rise—

*Members interjecting:*

**Mr TYLER:** Well, if you would belt up for a minute and pay me the courtesy of listening for a while, you actually might learn something.

**The CHAIRMAN:** Order! I ask the honourable member to resume his seat. The Committee will come to order. I know that the long hours of this parliamentary session have been trying, but that is no reason why this Committee should not be conducted in a proper way. I want to ensure that this Committee is conducted in a way that does not reflect on the Parliament. The member for Fisher.

**Mr TYLER:** As I was saying before I was interrupted, it is with some reluctance that I rise to support the recommendations of the conference. I have always been of the view that the Bill as introduced was correct. I remember when I was 16 years old—not so many years ago—

*The Hon. E.R. Goldsworthy interjecting:*

**Mr TYLER:** The Deputy Leader can interrupt and continue his abuse, but I am talking about the lives of young people. If the Deputy Leader wants to wipe out the 16 year old population, that is fine; he can cop the flak for that. I will not accept that because, as I was saying before the honourable member interrupted me, I remember when I went for my licence at 16. My father told me that I could get a learner's licence at 16—

*Members interjecting:*

**The CHAIRMAN:** Order! The honourable member will take his seat. I have called the honourable member for Bragg to order on two occasions.

*Mr Ingerson interjecting:*

**The CHAIRMAN:** Order! I hope that the honourable member is not being disrespectful to the Chair because, if he is, I will have no hesitation in naming him. If I have to call the honourable member to order again, he will be named. The honourable member for Fisher.

**Mr TYLER:** When I was 16 my father told me that I could use the family car only if accompanied by either my mother or father, and that had to apply for at least 12 months. My father believed quite passionately that a young person needed this experience. At 16 I resented it. I can remember complaining that it 'cramped my style', as all 16-year-olds would say. However, one thing that did happen is that I survived that period and I am here today to be able to talk about it. Quite frankly, my father was right: a 16-year-old should be nurtured through that learning to drive period.

The Liberal Party in this State is quite unique, because no other branch of the Liberal Party in Australia agrees with it. What is so unique about South Australia that 16½ year-olds, as proposed by the conference, can obtain a full licence? The member for Bragg referred to the Road Safety Division's research and tables, talking down their effect, undermining the people in that division who had spent many hours studying this.

Here we have the shadow Minister—an instant expert in this whole area—trying to tell people who are experienced in the area of road safety to suck eggs. That is what he is doing. The Road Safety Division conducted its resarch under the guidance of the Bureau of Statistics. What is the member for Bragg saying? Is he saying that the information held by

the Bureau of Statistics and the way it collates that information is wrong? He is trying to undermine the whole effect of the very powerful arguments which the Minister of Transport put before this Parliament.

Let us look at the information again. It lists the ages of drivers involved. At 16, the number of drivers involved is 1 123, with 19 million kilometres travelled per year and the accident involvement rate is 59. At age 17, there are 2 170 involved, with 77 million kilometres travelled, and the accident involvement rate is 28. It continues to age 19. This document has been tabled in the House before and is on the record, but the member for Bragg chooses to ignore it. For 19-year-olds, 2 473 are involved with 134 million kilometres travelled per year and the accident rate is down to 18. I am amazed that the member for Bragg and the Liberal Party in this State turn their backs on young people. The table clearly shows that 16-year-olds have two to three times the risk of 17 to 19 year olds.

*Mr Gunn interjecting:*

**Mr TYLER:** The member for Eyre says 'What rubbish!'. I am astounded that he would dispute the research conducted by the Road Safety Division. The member for Bragg and the Liberal Party come into this Chamber and start talking about the professional drivers, the people who actually teach young people to drive.

*Members interjecting:*

**Mr TYLER:** I know they do a good job. I went through a driving course so I know that they are excellent at teaching young people to drive. However, they are not road safety experts—far from it. I admit that the road safety experts come from a wide variety of areas. They passionately believe that 17 years should be the minimum age at which people can qualify for a P plate. Every other State believes that. In Queensland, the minimum age is 17 before one can obtain L plates, so what is so unique about South Australia?

As the Minister stated in his contribution, we are the most urbanised State in Australia, except that in this Parliament we have the rural rump of the Liberal Party dictating the terms. The member for Bragg is a smart man, and I acknowledge that. I really do not think that he believes the rhetoric that he comes out with—he just could not believe it. I know how politics works in the Liberal Party in this State. The Liberal Party is controlled by people like the member for Eyre and the member for Victoria in the Party room—

*Members interjecting:*

**Mr TYLER:** That is what happens. It is quite clear from what the member for Bragg said today. It is quite clear that he is looking after the rural rump of the Liberal Party. He said that young people in the country drive 40 per cent more than city folk. That is an argument for exactly what was proposed in the original Bill. They are at great risk, and they need protection. This is what the Government tried to do. I am sorry that we cannot get a bipartisan approach in respect of this matter. It happens in every other State, but not in South Australia. It is an absolute digrace! The Liberal Party stands condemned for its attitude.

The member for Bragg said we obviously need to continue to look at this whole area, and maybe one day the statistics will justify Parliament's having another look at it. By insisting on this amendment, the member for Bragg, the Liberal Party and the Democrats in this Parliament are in effect saying that more 16 year olds have to die on our roads before they will be convinced that what this Government proposed was correct. That really is a scandal. Every decent person in South Australia should be absolutely disgusted and ashamed of the Liberal Party. Quite frankly, the decision that has been forced upon the Government is an indictment on politics and the bipartisan approach that we have in this State. There is no bipartisan approach.

The member for Bragg talks about a parliamentary committee. That would be fine if we could guarantee that there would be a bipartisan approach. Yesterday we saw the Liberal Party throw the bipartisan approach out the window with the scandalous way in which it abused and used a Public Accounts Committee report.

*Members interjecting:*

**Mr TYLER:** That is the reality. The Liberal Party in this State is an opportunist Party. It will grab hold of anything if it furthers its own cause. It is putting convenience above the lives of young South Australians, and it stands condemned for that.

**The Hon. E.R. GOLDSWORTHY:** I thought the Minister was bad enough! The Minister has certainly been one of the Government's better performers and will leave a great hole in its front bench, along with the depature of the Hon. Ron Payne and the Hon. Roy Abbott. There is not really much left. It is a shame that, in his dying hours as a Minister, he delivered that pompous lecture—it does not do him justice.

He has been one of the better performers in the Government, in fact one of the best in my judgment. To trot out this pompous nonsense and lecture us does not do him justice. However, to be followed by the member for Fisher with that great sermon, as though all wisdom comes from that quarter, is completely beyond the pale. He said that he rose with considerable reluctance. I can understand that: he has a lot to be reluctant about. I totally refute the imputations that have been made in relation to the motives of the Liberal Party in seeking to get some sense into this legislation. The members for Chaffey, Eyre and others spoke of the very great difficulty in young people getting around when their parents or a licensed driver simply are not available to accompany them for a year. It is a fact of life.

It is not the Liberal Party that has requested this but our constituents. The two members who have spoken from the Government side—the Minister and the member for Fisher—are attacking the good sense of the parents of these youngsters. One youngster had to go to Mount Barker to work as an apprentice across the hills where there is no public transport system as exists in the city. The member for Fisher has never been out of his own backyard and does not know what happens in the big wide world out there. These people have to get around for employment and for education and do not have the luxury of a transport system, with a deficit of $105 million plus per year to which the taxpayers contribute. We are not listening to 16 year olds but to their parents, who are ultimately responsible for their well-being.

I have the highest regard for the parents of young people who have approached me. I do not think they are idiots, are irresponsible or are neglecting the welfare of their children. If the whole of the adult population who rear children adopted the attitude of these parents to their youngsters, I would be delighted. It was put seriously that a number of them will be forced to ride motor bikes. Whatever the Minister says, motor bikes are not as safe as cars. Let us trot out statistics on the riding of motor bikes. I quoted real life examples (not the airy-fairy nonsence stated by the Member for Fisher) of parents in my electorate who approached me with the real problem of the mobility of their children for whom they are ultimately responsible and for whom they have a great deal of care.

*Mr Rann interjecting:*

**The Hon. E.R. GOLDSWORTHY:** Here is our friendly fabricator from Briggs. Here is the font of all knowledge. What he does not know he makes up. I must not be side-

tracked by the member for Briggs. The parents of these 16 year olds are concerned about this Bill because their youngsters will not have access to employment or education. If the father of the member for Fisher sat with him for 12 months, that is all right, I have no argument. The member for Fisher said that he needed him: I can well understand that. His father felt that he had to drive with him for 12 months. It is a wonder that he did not think he needed to stay longer. These youngsters have a right to mobility in gaining access to education and work.

Having regard to what the Minister has said, if the nanny State considers that it knows better than the parents of these youngsters, well, so be it. All I can say is that I have the highest respect for these parents and for the arguments that they have put to us, involving the alternatives that are available to these young people. If, under the Minister's proposal, these people have to go on the dole queue or get no further education, then he will have to live with that. We believe that we have a responsibility to voice the genuine concerns of the parents of these young people, to put those concerns before Parliament, and we should not be criticised by the Minister for doing so.

The Minister of Transport is soon to depart, and he is one of the better Ministers, incidentally. I would not expect any better from the member for Fisher, so I was not really disappointed in relation to his comments. My expectations of the member for Fisher are not high at the best of times, so I dismissed his remarks, but I was very disappointed indeed with what the Minister had to say. As the member for Bragg has said, it was a political exercise. He sought in his dying moments as Minister to lecture us with a bit of pompous nonsense—and he knows it is nonsense.

*Mr Tyler interjecting:*

**The Hon. E.R. GOLDSWORTHY:** Well, hindsight is really a great teacher, and in hindsight I have really come to realise that these Ministers have been very good.

*Mr Tyler interjecting:*

**The CHAIRMAN:** Order! Will the Deputy Leader resume his seat. I call the member for Fisher to order. This is now the fourth time I have called the honourable member to order, and I would ask him to take notice of my call for order, as I have asked in relation to members on the other side of the House. I expect the honourable member to show the same courtesy that he would expect himself.

**The Hon. E.R. GOLDSWORTHY:** Thank you, Mr Chairman. I was interested in the honourable member's comments in relation to hindsight: he is probably looking at the matter out of the back of his neck, from where he talks most of the time. We have made the comment, but the fact is—

**Mr TYLER:** Mr Chairman, on a point of order, I draw your attention to Standing Order No. 153:

> No member shall use offensive or unbecoming words in reference to any member of the House.

In his contribution the Deputy Leader has used words that were offensive to me on several occasions—and I found his last remark grossly offensive.

**The CHAIRMAN:** I take the point of order that the honourable member has made, and I ask the Deputy Leader to withdraw those words.

**The Hon. E.R. GOLDSWORTHY:** What were the words again, Mr Chairman?

**The CHAIRMAN:** I understand that the Deputy Leader suggested that the member for Fisher was talking out of the back of his neck.

**The Hon. H. Allison:** A little too high!

*Members interjecting:*

**The CHAIRMAN:** Order! I ask the Committee to come to order and I would once more ask the Deputy Leader to withdraw.

**The Hon. E.R. GOLDSWORTHY:** Yes, Mr Chairman, I withdraw. I am sorry that the honourable member is so sensitive. I really did not think that those words were unparliamentary but, if the honourable member is so sensitive, I am prepared to wear it. He has terribly thin skin. Anyway, I am disappointed in the Minister. The points that we raised related to the genuine concerns that our constituents have. The compromise seems to me to be a fair one. It will still cause some inconvenience but, in balancing up the competing arguments—and certainly there are competing arguments—the conference has come up with a compromise, and I think that it is a very sensible one.

**Mr ROBERTSON:** In my contribution this afternoon I want to play it very straight indeed—because I think we are talking about a very serious issue. Indeed, this issue determines whether a number of South Australians currently alive and well will remain that way for the next few years. I want to make it clear also that, because of the mechanism in relation to conferences involving both Houses of Parliament, I think we had very little option in accepting the compromise that was offered to us. However, I take the point made by the Minister that half a loaf is better than no loaf at all, and for that reason I, of course, support the recommendations of the conference.

I must say that I deeply and very seriously regret having had to make a compromise. It sticks in my craw. I also have to confess extreme anger at being forced into the compromise that we had to adopt. I have a vested interest as my daughter, my first child, is about to turn 16 and would be about as gung ho, I suspect, as most 16 year olds. I do not doubt that she would like to wait all of five minutes before becoming a licensed driver. However, like the member for Kavel, I claim some hindsight at this point in my life and regard that as an impracticable and grossly optimistic attitude, and I will discourage her if I can.

I also take the point made by both previous speakers on this side that any rational political analysis of the Opposition's attitude towards this matter would indicate clearly that the Opposition is rump driven, driven by its rural rump, or making compromises to appease country people, although I am sure that sensible members on the other side such as the member for Mitcham who claim a knowledge of statistics will accept what members on this side are saying and the logic of the point of view propounded by this side. I am sure that particularly city members in their hearts know that what we are saying is correct and that the Opposition's attitude is completely wrong.

I pick up the two major arguments used by the Opposition against the point of view of the Government. It has been claimed that this proposal will offer a threat to employment and education in the country, but what is different about South Australian kids? Has it suddenly stopped education and employment in Victoria and the other States where kids cannot drive on their own until they are 17 years old? It is a load of absolute rubbish. As the Minister has said, South Australia is the most urbanised State in the Commonwealth. There are fewer country kids proportionately in this State than in any other State and it has not stopped kids in other States from obtaining education and attending work, and it clearly will not stop kids in this State if they wish to do that.

*An honourable member interjecting:*

**Mr ROBERTSON:** Country towns do not have public transport systems in other States.

**An honourable member:** How would you know?

**Mr ROBERTSON:** Because I come from another State. The second point raised in opposition to the Government's point of view (and on the face of it, it is reasonable) is that the rider of a motorbike cannot have a licensed rider sitting alongside. Therefore, the logic goes, country kids, not being able to drive on their own, will suddenly opt to go out and blow $16 000 or $17 000 on the latest version of a motorcycle.

**An honourable member:** You can buy one for much less than that.

**Mr ROBERTSON:** I am sure that that is correct, but such a motorcycle will not go particularly fast. At present, the top of the range Yamaha road bike costs about $15 000 and an imported machine from America over $20 000. No kid just turning 16 years of age will reach into his piggy bank or shoe box and buy himself a motorcycle without great help from his parents. The reality is that spending on transport options is not a discretionary thing to 16 year olds because 16 year olds, even in the country, depend on their parents to provide the means of transport. If kids in the country are riding motorcycles, it is because their parents allow them to do so, not because they have suddenly lashed out and bought a motorcycle themselves. The choice of what they drive is a choice made by their parents on their behalf, as is the case in the city.

I do not doubt that the belief that Opposition members claim that their constituents have is genuine and heartfelt, but it is based on the premise that 'My kid is okay. It happens to all those silly city kids, but not to my kid. My kid will not die on the road; my kid will not come home drunk at 2 a.m.; my kid will not run up a gum tree.' It seems to me that some country people are happy to countenance the prospect of St John ambulance officers and police picking a kid out of roadside gum trees, provided that it is not their kid, whereas the reality is that in many cases it is their kid.

It is lunacy to suggest that country kids are no more at risk than are city kids. Any statistics quoted show that country kids are four or five times as much at risk as are city kids whether one considers the risk in terms of mileage travelled (and, as the member for Bragg says, they travel 40 per cent more in the country anyway) or in any other terms. Based on mileage travelled, they are far more accident prone as they are also on the basis of accidents per year in the country than in the city.

Every set of statistics indicates that country kids have more accidents than city kids, and the point is that they have them at higher speeds. A crash into a gum tree at 110 km/h, 120 km/h or 130 km/h does great damage. Statistics indicate that country kids die more often; and when they have accidents, they do it properly, because they hit hard. In the second reading debate I illustrated that point. One teaching colleague who graduated from Mount Gambier High School in 1966 highlighted that, of her exit class of 40 or 50 kids, 12 did not see their 21st birthday.

Mount Gambier is a typical country area with big trees, good roads, fast cars and many rich parents who allow their kids to drive far too early. In my exit class at Inverell High School, of about 72 kids, four or five died before they were 21. One of those students was killed in Vietnam and he was the first New South Wales conscript to die in that war—Peter McGarry. By comparison, the number of kids killed on roads was far greater than those killed or injured in Vietnam.

The Deputy Leader suggested that country people have a monopoly on wisdom. Perhaps they do not and are living in the dark, believing that a fatal accident will not befall their kid. What those people are really saying is that their own convenience or the convenience of their family is more important than the life of their kids, but that is a serious mistake. Because country members are political animals, they are prepared to see their constituents' kids killing themselves to make a point and in order to curry favour with their electorates.

In promising to review the legislation in six months when they will then perhaps concede that after all we were right, they are using the 16 year olds who will die between now and then as sacrifices to the great God 'statistics', upon which the member for Mitcham calls every time he gets into difficulty. Opposition members are effectively defending the right of their constituents to kill themselves or to end up in the Julia Farr Centre, the Hampstead Centre or some country hospital. How many more of their constituents will have to die before they can see that they are wrong and before they allow the Government to protect the lives, limbs and heads of South Australian kids?

Progress reported; Committee to sit again.

## EVIDENCE ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

It seeks to advance a number of important amendments to the statute law of this State relating to the power of the courts to make orders to suppress the publication of evidence and other material. The present law on the topic is to be found in Division II of Part VIII of the Evidence Act 1929 and was enacted by the Evidence Act Amendment Act (No. 3) 1984 which came into operation on 20 December 1984. This Bill seeks to substitute a new section 69a of the Evidence Act 1929 which incorporates a number of reforms that are considered by the Government to be desirable.

In recent times there has been increasing media and public interest in, and concern regarding, the powers of the courts to suppress certain materials before them. It should be noted that, since 1984, the actual numbers of suppression orders made have been remarkably consistent and there is no evidence to suggest that their volume will, or is likely to, increase markedly. In the 1985-86 financial year the total number of suppressions made was 215; in 1986-87, 193 and in 1987-88 it was 207.

However, of primary concern to the Government has been the quality of some suppression orders made by the courts and the bases upon which they have been made. For example, there has been an instance of a court not only suppressing all evidence, including the name of a defendant, before it but also suppressing the very reasons for the making of the suppression order itself. To the Government this is quite unacceptable and inconsistent with the notions of open justice, and this Bill seeks to overcome these types of problems. The section 69a now proposed by the Bill has the following new features:

(i) It makes it quite clear that it is no longer merely a matter for the court to 'consider it desirable', upon enumerated grounds, to make a suppression order. Instead, the court must be satisfied on the balance of probabilities that

an order ought to be made. In other words, the existing potential for subjectivity of a court's decision-making processes is to be removed and an objective, proof-based level is to be substituted. This amendment should ensure that the decision-making processes of the court are more readily and accurately assessable and, as a corollary, more open to public scrutiny and accountability. However, at all times, the court is to have regard to the desirability of dealing expeditiously with all applications.

(ii) It imposes a practical limitation on the length of time an interim suppression order will be allowed to operate. At present, interim orders can operate without any such limit, to the great inconvenience of the media and others. Instead, the courts are to regard their making of interim orders as a basis for the urgent final determination of the outcome or position. Wherever practicable, the interim suppression order will only operate for 72 hours, within which time the courts are exhorted to finally determine the application. Such a time constraint is, the Government believes, short enough to ensure deliberations are concluded expeditiously and long enough to ensure that they do not compromise their quality, while enhancing the efficiency of the disposition of relevant matters.

(iii) It recasts the grounds upon which a suppression order (other than an interim suppression order) can be made. At present, the law contemplates two grounds, viz. 'the interests of the administration of justice' or 'in order to prevent undue hardship to any person'.

If this Bill passes, the sole basis for the making of an order will be 'to prevent prejudice to the proper administration of justice' a formula that is similar to, though stronger than, that which obtains in nearly all other Australian (Federal, State and Territory) jurisdictions. The nebulous word 'interests', in the phrase, 'interests of the administration of justice' is to be discarded in favour of a demonstrable prejudice to the administration of justice. This change will ensure that the attention of the courts will be focused almost exclusively upon the assurance and promotion of the integrity, well-being, efficacy and effectiveness of its own processes and procedures. Any considerations that would be extraneous or merely peripheral to that mandate will therefore be excluded.

But there is to be a further assurance that any decision to make a suppression order on this single basis will not lightly be taken. That guarantee is provided by the fact that the court must recognise, as considerations of substantial weight, the public interest in publication of the relevant material and the right of the news media to publish it. For the first time in relevant Australian legislation the right of the news media (that is, a newspaper, radio or television station) to publish relevant material is to be accorded full recognition by the courts. Under the present law no such right is recognised.

Thus, the Full Court of the Supreme Court in *Heading v M* (23.12.87) has held that, having regard to the long history of statutory suppression powers in one form or another, and the terms of the existing law itself:

> There is no fundamental principle of justice favouring publication of the names of [accused] persons and no presumption one way or the other as to whether an order should be made.

This echoes an earlier observation of the present Chief Justice in *G v R* (1984) 35 SASR 349, 350-351:

> It is true, as Bray CJ said in *The Queen v Wilson; Ex parte Jones*, that 'it is the policy of the law that justice should be conducted publicly'. It does not follow, however, that the law has any policy in favour of the dissemination of information by way of publication of an accused's name before conviction.

This Bill will change the emphasis of this situation by a conscious policy, expressed in law, declaring the right of the news media to publish relevant material. Therefore, the courts will only be able to make suppression orders if they are satisfied that grounds exist which justify subordinating the right of the news media (to publish the relevant material) to those grounds. In short, an applicant for a suppression order will need to satisfy two onerous requirements before a court could be moved to make it.

(iv) An appeal will now not merely be available against a variation or revocation of a suppression order (as is presently the case) but also against a decision by a court not to vary or revoke a suppression order. In other words, courts cannot by mere inaction alone escape further scrutiny by an appellate court.

(v) To enhance and assist the public administration of the new provisions, courts will be obliged to forward a copy of any suppression order made (other than an interim order) to a central register. The Registrar will be required to establish and maintain a register of all suppression orders, made by all empowered courts, to which the public (including representatives of the news media) will have a right of access and inspection free of charge during ordinary office hours. It is contemplated that the Registrar will be the Director, Court Services Department.

(vi) Further to enhance the overall supervision of the new provisions, it is made clear by an amendment to section 69b that, regardless of where an initial appeal may lie from a primary court whose decision is subject to appeal, there will always, ultimately, lie an appeal to the Full Court of the Supreme Court. This will ensure that, irrespective of which jurisdiction is seeking to make a suppression order, the Full Court will be the ultimate arbiter of the law on this topic—a position that should encourage greater consistency and uniformity of decision-making throughout all the courts of this State which can invoke the power to suppress.

(vii) When a suppression order is presently made, the court is required to forward to the Attorney-General a report which sets out, among other things, 'a summary stating with reasonable particularity the reasons for which the order was made'. Too often, this summary is inadequate as the court merely repeats the statutory reasons available for making a suppression order (for example, 'interests of the administration of justice' or 'undue hardship'). For the better monitoring of the operation of the provisions by the Attorney-General, it is proposed to require the court to forward 'full particulars of the reasons for which the order was made'. It will not be sufficient merely to reiterate the statutory basis. The court will need to address all relevant reasons specifically.

In nearly all other respects, this Bill restates the wording of the present law. It is only in the above crucial, highlighted areas that major reforms to the law are to be effected.

A proclamation clause has been inserted in the Bill. This will allow some lead time to the Court Services Department to establish the contemplated central register of suppression orders. I am advised that the lead time is not expected to exceed three weeks in duration from the date of assent to the Bill.

The Government believes that this legislative review is both necessary and timely. The present law has been in operation for just over four years during which period inconsistencies and anomalies have been identified. In preparing this Bill the Government has erred on the side of freedom of speech and publication and the right—at last to be the subject of express legal recognition—of the news media to convey relevant information to the public. But, at the same time, the Government believes that the rights of individuals who appear before the courts are not jeopardised

if the courts remain at all times vigilant and endeavour to enhance the quality of the means and ends of their decision-making processes.

In effect this Bill seeks to insert in the equation, where the sensitive balancing of public and private rights occurs, a more clear-sighted recognition of the former without diminishing the vindication of the latter where they are genuine and well founded.

Clause 1 is formal.

Clause 2 amends section 68 of the principal Act which is an interpretation provision by inserting definitions of 'news media' and 'suppression order', being terms used in the new section 69a of the Act substituted by clause 3 of this Bill. 'News media' means those who carry on the business of publishing information by newspaper, radio or television. A 'suppression order' is an order forbidding the publication of specified evidence or of any account or report of specified evidence or the name of a party or witness or a person alluded to in the course of proceedings before the court, and of any other material tending to identify any such person.

Clause 3 repeals section 69a of the principal Act which deals with suppression orders and substitutes a new section.

Subsection (1) provides that where a court is satisfied that a suppression order should be made to prevent prejudice to the proper administration of justice, the court may, subject to the section, make such an order.

Subsection (2) provides that where a court is considering whether to make a suppression order (other than an interim order), the public interest in the publication of information related to court proceedings, and the consequential right of the news media to publish such information, must be recognised as considerations of substantial weight, and the court may only make the suppression order if satisfied that the prejudice to the proper administration of justice that would occur if the order were not made should be accorded greater weight than those considerations.

Subsection (3) empowers the court, where an application is made to it for a suppression order, to make an interim suppression order without inquiring into the merits of the application. An interim suppression order has effect, subject to revocation by the court, until the application is determined. If an interim order is made the court must determine the application as a matter of urgency, whenever practicable within 72 hours after making the interim order. Subsection (4) provides that a suppression order may be made subject to such exceptions and conditions as the court thinks fit.

Subsection (5) sets out who is entitled to make submissions to the court on an application for a suppression order, namely, the applicant, a party to the proceedings in which the order is sought, a representative of a newspaper or a radio or television station and any person who has, in the court's opinion, a proper interest in the question of whether a suppression order should be made. The court may, but is not required to, delay determining the application to make possible or facilitate non-party intervention in the proceedings.

Subsection (6) empowers the court that made a suppression order to vary or revoke it on the application of any of the persons entitled to make submissions by virtue of subsection (5).

Subsection (7) provides that on an application for the making, varying or revocation of a suppression order a matter of fact is sufficiently proved if proved on the balance of probabilities. If there appears to be no serious dispute as to a particular matter of fact, the court (having regard to the desirability of dealing expeditiously with the application) may dispense with the taking of evidence on that matter and accept the relevant fact as proved.

Subsection (8) provides that an appeal lies against a suppression order, a decision by a court not to make a suppression order, the variation or revocation of a suppression order or a decision by a court not to vary or revoke a suppression order.

Subsection (9) sets out who is entitled to institute, or to be heard on, an appeal, namely, the same persons as those referred to in subsection (5). Also a person who did not appear before the primary court but who, in the opinion of the appellate court, has a proper interest in the subject matter of the appeal or proposed appeal may institute and be heard on an appeal with, and only with leave of the appellate court. Leave can only be granted if the appellate court is satisfied that the person's failure to appear before the primary court is not attributable to a lack of proper diligence.

Subsection (10) requires a court that makes a suppression order (other than an interim order) to forward to the Registrar of the court a copy of the order and to forward to the Attorney-General a report setting out the terms of the order, the name of any person whose name is suppressed, a transcript or other record of any evidence suppressed and full particulars of the reasons for which the order was made.

Subsection (11) requires the Registrar to establish and maintain a register of all suppression orders (other than interim orders).

Subsection (12) provides that the register must be made available for inspection by members of the public free of charge during ordinary office hours.

Subsection (13) defines 'Registrar' for the purposes of the section.

Clause 4 amends section 69b of the principal Act to provide a right of appeal to the Full Court from a judgment or order of an appeal court other than the Full Court itself.

**Mr S.J. BAKER** secured the adjournment of the debate.

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the recommendations of the conference (resumed on motion).

(Continued from page 3061.)

**Mr S.G. EVANS:** I am disappointed that the member for Fisher has left the Chamber because if ever a member did not understand the practice of this place, even though he has been here for some time, it is the member for Fisher. He accused members on this side of the Chamber of not doing the right thing when speaking to the Public Accounts Committee report and of not protecting young people by allowing them to drive with a P plate at an earlier age.

There has been a lot of talk about statistics. It may be true that more 16 and 17 year olds have accidents—although not necessarily serious accidents—but this is only because young people begin driving on public roads at 16 years. Whatever the age one begins driving, the first 12 months, as is the case in other States that have a higher starting age for driving on public roads, is always the most accident prone. If one has commonsense, one will come to the conclusion that that has to be the fact.

The member for Fisher said that only a few country people would be inconvenienced. I have been doorknocking in his electorate and I often talk to his constituents about public transport in the area. His constituents tell me that

the public transport is not adequate to cater for those who wish to study or go to trade school to enable them to obtain better jobs and therefore increase their wages. Numerous people have told me that they cannot afford a second motor car because of the high cost of registration, third party insurance and fuel (which is now nearly 60c a litre).

Those who are not academically brilliant—not those who are gifted and can achieve matriculation, as school buses cater for their needs—but who may be good with their hands are the people who have to be catered for and allowed to develop (as the Prime Minister and the Hon. Lynn Arnold said) to get this country out of the mess it is in. The member for Fisher told us that his father sat alongside him when he was learning to drive until he was 17 years of age. That might be handy, but many do not have that opportunity. When I was 16 years I drove overloaded trucks with brakes that did not have the capacity to stop the vehicle. I drove through Glen Osmond, Fullarton and Glenside and pulled up in Hutt Street without cleaning up anyone. Of course, those were different days and there was not so much traffic. One cannot do that today.

The member for Bright suggested that it would cost $15 000 or $16 000 to buy a motorbike. That is hogwash. The reverse argument is that, if one wanted a motor car of the same status, it would cost $50 000 to $100 000. All members know that you can buy a roadworthy motor car for $1 000; or a motorbike that will travel at 130 or 140 kilometres an hour for $500 or so. Motorbikes are the biggest killers, and, if we force people to use them instead of cars, a greater number of the population will die. The member for Bright said that members on this side are animals, that our political motivation is to legislate so that, in this case, people kill themselves. He claims to be an educated person! Anyone who thinks about that would realise that the honourable member is clutching at straws. I ask the member for Bright to show his speech to his constituents and see what they think of a person who makes that sort of allegation.

It will always be the case that 16 year olds will have more accidents. The biggest cause of road accidents is over-confidence, usually brought about by too much alcohol. But, this Parliament is not game to tackle that problem because political Parties think that any legislation to correct this may lose them votes.

Many young people are worried about their mates, and the effect of alcohol on our society. America has proved the case: it put the age back to 21 and reduced the death rate significantly, but it took a Federal authority to do it. I would prefer that we had an amendment which said that, as soon as someone could prove his ability to handle a four-wheel drive vehicle, he could go and get his P plates. Many young people of 16 years and three months may have had some driving instruction on a farm before they were 16 and can prove that they have the capacity to handle a vehicle and use P plates.

I am quite happy to leave the P plate provision at 19, but it is a serious imposition to oblige a parent or other licensed driver to sit alongside a young driver, particularly in the outer suburbs of Adelaide where there is very little or no public transport, to get them to their studies, trade or social functions (and surely they have a right to do that). It is foolish to suggest that some of them will not go for motorbikes. And which of them will go for motorbikes? It will be those with a wild streak in them; those who are prepared to take that extra chance.

Statistics show that where people learn to drive when they are over the age of 20 or 30 they do not have many accidents. Someone will say that that proves that mature age drivers do not have many accidents in the first year of driving. The reason for that under our present law is that those who learn to drive later are those who are the most timid, who lack confidence to go out and have a go at it earlier. Because of their timidity and careful nature, they are the people least likely to drive at high speed and have accidents. The member for Fisher has many constituents who face a serious problem in trying to finish apprenticeships or work in industry. He does not want to keep them alive because he will not tackle this problem.

*Mr Tyler interjecting:*

**Mr S.G. EVANS:** The honourable member interjects for the fifth time, but he will not tackle the problem or even speak out against it. That is how sincere he is about the death or injury of young people. That shows him in his true colours. I support the motion that has come from the conference. It does not go as far as I would have liked but, as the member for Bright said, a little bit of bread is acceptable if one cannot get the whole loaf.

**Mr GUNN:** I am pleased that the conference has agreed to this proposition and rejected the view of the Government. It would appear from the stance taken by the Minister that he is unhappy about accepting the democratic process; that is, he believes that all wisdom flows from the executive and that the will of Parliament should be completely ignored.

**Mr Tyler:** He didn't say that.

**The CHAIRMAN:** Order! The member for Eyre has the floor.

**Mr GUNN:** It would appear from the attitude that the Minister has displayed that he is particularly annoyed that Parliament should exercise its authority. Much has been said on this matter, but one or two fundamental issues cannot be ignored. First, it is a nonsense to suggest that the Opposition does not support this matter purely because we have no regard for road safety—we are concerned about road safety. Further, it is ridiculous to suggest that people on this side do not have experience in driving motor vehicles or experience in training. The member for Fisher, who has been the most vocal critic, in my judgment (based on the contribution he has made), could not drive nails into hot butter.

**Mr Tyler:** What are you talking about?

**Mr GUNN:** You talk a lot of nonsense. There are members on this side who would drive more kilometres in one year than the honourable member has probably driven in his life.

**Mr Tyler:** We are talking about 16 year olds. That is what we are talking about.

**The CHAIRMAN:** Order! I will not ask the member for Fisher to come to order again.

**Mr GUNN:** From my personal experience of having driven large trucks since the age of 16, I find it difficult to understand the basis of the argument the Minister and the member for Fisher have put forward. The first ingredient in this matter is commonsense and the influence that one's parents have on a 16 year old. The other matter that has not been taken into account is that, if one establishes groups of people or public servants to look at problems, they will continue to put forward recommendations to justify their existence. There is no doubt about that.

One has only to examine the record of this Parliament and the reports that come from the large group of public authorities—there is a continued effort to justify their existence. Of course, a considerable amount of activity is contained in these recommendations. The facts speak for themselves. It is not the 16 year olds or 16½ year olds who are most prone to injure themselves on the roads. I do not know whether the honourable member knows anything about flying aeroplanes, but it is a recognised fact that the danger

periods are after 100 hours, after 1 000 hours and after 10 000 hours, because people become complacent and overconfident. When a person first obtains a driver's licence he is normally particularly cautious.

The final point I want to make is that it is a pity that the Minister has misrepresented the statistics and figures, because the interpretation he placed on them does not truly reflect the situation. Some of us represent isolated communities which do not have a public transport system and the advantages of heavily populated areas where arrangements can be made for young people to be picked up. It is hard enough for young people to get a matriculation level education anyway, and the Government is now taking away the school bus. How does the Government expect people to get to school?

I was recently speaking to students, and one matriculation student was driving the others to the high school. If the Government denies them that opportunity, it will put more economic pressure on families who are already facing considerable difficulties. This Government has no regard for isolation or distance. Most of the members have not lived in those areas and have no understanding of the problems. Only a limited number of community buses are available, and they are not to take people to sport or to take students to school. Accordingly, this approach is an improvement on the Government's proposition.

I sincerely hope that commonsense prevails and that for many years young people of 16 will be able to obtain a driver's licence. If one is concerned about the dangers that may befall them, we should have a better system of driver training and education in schools, and still point out to them the dangers of alcohol and excessive speed. The Government should have a bit of courage. At the end of the day, the Minister, after a long period in Parliament, is leaving the ministry and Parliament. For his swan song he appears to want to give the Opposition a whack around the ear. Unfortunately, he has really used a feather duster, because his inaccurate and misguided attack cannot be substantiated by fact.

I make no apology for representing those people who live in isolated communities and who do not have access to public transport. I, for one, will never agree to the age limit being further reduced. Even if I am the only one, I will oppose it, as I would have been on this occasion.

**Mr LEWIS:** The report of the conference affects me in much the same way as it affects other members on this side of the Chamber. My main reason for making a contribution here is to try to help the member for Fisher understand the difference between what appears in data and the valid opinion which can be derived from a consideration of it. No-one disputes the validity of the data to which the honourable member has referred in his remarks to the Committee. His problem is the way in which he has chosen to interpret it.

It is in the first year of holding a licence that people have the greatest exposure to risk from collision with other vehicles or other objects because they are unfamiliar with the environment in which they are operating. Their motor skills are adjusted to cope with slower speeds of movement such as they might experience when walking, running, or riding a pushbike or a skateboard. Because we now have children who for several years have been using skateboards, when they reach the age at which they are able to obtain a licence to drive and take up driving, I suggest they will have fewer difficulties in the first year of that experience because they have become accustomed to occupying space and negotiating the hazards in the form of objects and other people on skateboards.

Would the member for Fisher and the member for Bright suggest to this Committee that children on skateboards are to be regulated in the way in which they use those skateboards by, first, some arbitrary decision about the age at which they should be able to begin riding them and, secondly, the speed at which they should be allowed to ride them once they reach an age considered at law to be appropriate to begin riding, such that there is a gradation? I am sure they would not, yet the logic of the argument they presented to the Committee about the general behaviour of drivers, who at the age of 16 may obtain a learner's permit (and, a month or so after, P plates and, finally, the full licence), and their interpretation of figures relevant to the number of occasions on which such people come to grief, indicates to me that if they were to be consistent they should equally argue that people on skateboards should have their right to use them regulated according to an arbitrary decision on age.

It does not make sense that, just because our data relevant to motor vehicle accidents resulting in injury and/or death are related to age, as is presently the case, we should see some magical significance in that age. I say again: it is relevant to the length of their experience and the extent to which they have developed motor skills with spatial occupation in motion. Further, there is, as has been mentioned by the member for Davenport, the necessity to take into account people's diminished capacity once they have had some alcohol or other drugs.

Consider the situation with alcohol in the first instance. It is widely known that many people below the age of 18 drink alcohol regularly and in many instances their parents are unaware of this practice. Surveys conducted over the past decade clearly show that that is the case. Use of that drug produces dire consequences for these people while driving or attempting to drive. The law in that respect is a good and sensible law. Drivers on L or P plates, detected of driving with any alcohol in their blood, should have their restricted right to drive removed forthwith, so that they learn it is not appropriate even to risk being detected with a blood alcohol level that is likely to impair their capacity to judge.

We know that alcohol is a depressant and the first thing it does is depress our inhibitions. That gives those people who imbibe a feeling that there is less to worry about. Next, it depresses our motor skills response time. Combine the consequences of consuming alcohol and being in control of a moving vehicle, and the result is disaster. I do not need to go through the same argument with the other drugs to which young people are exposed, except to state that, if drugs are taken when in control of a pushbike, skateboard, motor cycle or a motor car, the ability to properly control that vehicle will be impaired and the driver runs the risk of serious injury or death.

Despite the crocodile tears of the member for Bright and the member for Fisher, their capacity for logic is lacking. The Committee ought to know that my position (and that of the Liberal Party) on this question does not presuppose that, at some chronological point in life, all human beings automatically become physically competent, emotionally developed and sufficiently socially responsible to be in control of a motor car.

However, the argument suggested by the member for Fisher and the member for Bright is one of political convenience, both of them feeling themselves now under threat electorally and finding it difficult to caution the anger of young people affected by the position of the Labor Party publicly on the question of when to drive. With the backlash resulting among those people in the electorate when they

first vote at the next election some time in the next few months, we can sympathise with those members about their dilemma, but we are in no way sympathetic with their opportunism or the real ignorance they have displayed in attempting to ply this cheap trick on us and on the public. The public will see it for what it is.

The sooner young people have the opportunity to acquire some experience of controlling a moving vehicle in the course of their development to responsible adult behaviour, the better for all of us: it will not help one jot to make it more difficult or to delay it. It will, indeed, through frustration, probably result in some of them becoming law breakers when otherwise that would not have happened. Any law which promotes a behaviour form likely to result in a greater breach of the law is a bad law and we ought to examine our conscience in passing such a measure. Where such laws currently exist we should amend them to remove that factor.

It is a question not of saying that the individual simply should not break the new law but of recognising whether or not the law will be of any benefit to other people in society (in this case it will not), and whether or not it is fair to the individuals it affects (again, in this case it is not). Our position is quite clear. I know why I believe what I believe and how I have come to that conclusion, and it is in no way for the reasons suggested by the Minister and members of the Government.

**The Hon. TED CHAPMAN:** I share the view expressed by the members for Eyre and Murray-Mallee in explaining to the House the basis for their concern about obliging a person between 16 and 17 years of age to be accompanied in a motor vehicle by an adult person for the first six months after receiving a licence. It would appear that a person needs to be only 12 years of age to qualify for a boat licence after proving capable of handling the craft for which an operator's licence is sought, without the expiry of any given time, and without being accompanied in the boat by an adult (unlike the provision with which we have been dealing here). I cite that inconsistency. I have not checked the Commonwealth Aviation Act as it relates to the operation of aircraft, but it puzzles me why for the first six months of operation the Government should insist on this extreme protection of people in the age group identified before they can be fully licensed and able to legally operate a motor vehicle on land without the company of an adult, when such people may operate aircraft without that proviso.

It seems to me that in both instances the Government has gone off on a tangent—contrary to the safety measures taken by the Commonwealth in respect of aircraft and to the legislation in other States relating to seacraft. I could not quite understand the persistent, almost dramatic, and certainly emotional, outbursts and behaviour by some members opposite in relation to this debate.

As I indicated earlier, I support the views expressed by the members who represent country areas in this State, in which areas people do not have the transport facilities at their disposal that people in the metropolitan area have. It is the case that young people in country areas often have no form of transport other than that which they can provide for themselves or than the vehicles that they can drive themselves. I am disappointed at this restriction imposed by this legislation on the people in the remote and rural areas of this State in relation to their activities involving employment, sport, and so on. Indeed, I think that it is an unnecessary step.

**Mr S.J. BAKER:** I will be brief. I was very disappointed with the contribution by the member for Bright. He may well not be in this House after the next election but, should he survive that experience, I hope that he will grow up and not say, for example, that we are sacrificing young people as a result of measures that we are endeavouring to introduce through our concerns in this area. A fair amount of emotion has been injected into this debate, and there has been considerable argument about the statistics. I point out that it is the statistics that are actually driving us—and I make that quite clear. We are concerned about the young people who are killing themselves or injuring themselves on the roads. There is not much dispute that young people have more accidents than more experienced drivers.

If a series of statistics emerge—and not just a snapshot impression—that indicates some extreme difficulties with 16 year old drivers, I think members on both sides will join in endeavouring to do something about the matter. I well remember that in 1985 we had a little slogan 'Beat 265 in '85'. This was on a little orange sticker that I put on all my envelopes, and it related to the proposition of trying to achieve fewer than that number of deaths on the roads in 1985—the lowest number at that time. We did beat that number, and we got well below 265 that year. However, in 1986 we exceeded it. That is what happens with road accident statistics—they change. Some years are very good, because of a whole range of factors, including the weather, while in other years the statistics are very poor.

When doing a study on road traffic accident statistics in relation to young people, I took a long-term series from 1970 through to 1984. I was really quite relieved to see the trend that had emerged over that period: the fact that there were fewer accidents per kilometre travelled, that there were fewer deaths and fewer serious injuries per kilometre travelled. That indicated to me that we were making good progress. I have already congratulated the Minister and the Government on the action that they have taken on road safety.

From my study—and it was a serious study, on which I spent three months and came up with a document of about 50 pages—it was my considered opinion, after looking at all the variables, that we should retain 16 years of age as the initial driving age. If I was wrong, and if there was a huge lumping of figures in relation to that 16 year old group which necessitated our again addressing the matter—and at this time the matter has certainly been addressed thoroughly—it would certainly be incumbent on me to change my mind. However, at this stage all we have is a survey—which has to be flawed. I would guarantee that the Minister does not even know the confidence level that the 5 per cent standard error rate relates to.

For the Minister's education, a 5 per cent standard error can have a confidence level of 96 per cent, 67 per cent or 50 per cent, depending on how many standard deviations one takes. So, if we have a 5 per cent standard error, which is what is written into the statistic, that can mean a huge variation, because the confidence level may be as low as 33 per cent. So, we can say with 33 per cent confidence that the standard error is plus or minus 5 per cent. Those people who have done statistics will understand the difference.

My reading of the standard error that is being provided by the Minister is that we would have a very low confidence level because the sample size is not large enough. The Australian Bureau of Statistics never indulges in telephone surveys—and for a whole range of reasons we are taking one snapshot, which is quite defective—or it could be defective. It might be entirely accurate, but until we get the necessary information, until the Minister gets his Road Safety Division collecting it as an ongoing series of data, I do not believe that it would be right for this House to make a decision.

As I have said right from the beginning, my study showed remarkable improvements in figures relating to younger drivers, and to drivers right across the board. If this measure is introduced, I do not believe that it will make one iota of difference to the trend lines I have seen so far. Indeed, it could produce its own aberrations. I believe that if the Minister wants further research done and wants to present further statistics, then we can test the system. We can take a long-term series and really look at where we have been and where we are going. It may well be that the driving age is raised further down the track, but at this stage I do not believe that the Parliament is competent to say that. I believe that the improvements that we have made over the past few years in South Australia have been absolutely excellent. There is further room for improvement, but that is not neccesarily guaranteed by the measure that the Minister has brought before Parliament. With those comments, I commend the recommendations to the Committee.

**The Hon. B.C. EASTICK:** The debate in noting the report of the select committee has been much longer than the managerial conference. However, I believe it is necessary to again put on the record that the Government should not think that it has a mortgage on the interests of young people. People in the Labor Party should not think that it is only they who have an interest in maintaining the health and welfare of young people particularly in respect of their use of motor vehicles. This matter is, and should remain, bipartisan. The emotion generated by the debate has not been particularly helpful. All members have a very keen interest in ensuring that the interests of young people are maintained. The proposed amendments in no way dent that very serious concern of members on this side of the House.

Motion carried.

**The Hon. B.C. EASTICK:** Mr Deputy Speaker, I draw your attention to the state of the House.

*A quorum having been formed:*

## SOUTH AUSTRALIAN TIMBER CORPORATION

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

That Standing Orders be so far suspended as to enable the Leader of the Opposition to move a motion without notice forthwith, with each member speaking to the motion being restricted to 15 minutes.

Motion carried.

**Mr OLSEN (Leader of the Opposition):** I move:

That this House notes with serious concern the unanimous conclusions of the all-Party select committee of the Legislative Council relating to the activities of the South Australian Timber Corporation, particularly those conclusions that the corporation's investment in a New Zealand timber venture was based on a lack of accurate, detailed analysis of the proposal and that, after serious financial problems with this investment became apparent, Satco, Treasury and the then Minister 'failed to react quickly enough and unnecessarily large losses occurred as a result', and accordingly, this House calls on the Premier to fully account for these failures and to explain the Government's policy for the future of all the timber corporation's current investments.

Yesterday the Parliament received a select committee report that the Premier did not want members to have. It was the Premier, in this House, on 22 October 1987 who said this of the select committee:

We did not want it formed because we thought it was a complete waste of time.

Now the Parliament knows why the Premier said that. He did not want Parliament and the public to know. He did not want us to be informed about the incompetence, the irresponsibility and the inaction of him and his Government long after gross financial mismanagement was established. He did not want to confront criticism of his Government by his own members. Make no mistake about it. This report contains criticism, unanimous criticism, which is unprecedented in its commentary on the failures of a Government of this State.

The select committee took a great deal of evidence. What it has exposed is a saga of repeated Government failures to respond to warnings from the Auditor-General about the financial problems of the timber corporation; a Government prepared to approve advances of almost $13 million to a New Zealand timber mill on the basis of unaudited accounts; unauthorised use of about $4 million of Government loans by the timber corporation in an attempt to keep this failed venture afloat; and repeated failures of the Government to introduce effective control of the timber corporation's spending so that three years were lost in putting into place a management structure in the timber corporation to control massive losses.

Let the house be under no illusions about the responsibility of the Premier. Under the legislation which governs the activities of the timber corporation, he has the major financial responsibility—not the Minister of Forests. As Treasurer, only he can lend money to the corporation. Since coming to office, he has lent Satco almost $35 million. He guarantees all liabilities incurred by the corporation. Under this Government, Satco's losses have increased six fold. The select committee has made particular criticism of the corporation's investment in New Zealand which continues to keep the corporation in a loss situation.

In the 18 months following Cabinet's decision to make this investment, the Premier, as Treasurer, personally authorised the injection of $12.8 million of State Government money. Even after major problems became apparent, the Premier continued to authorise the injection of hundreds of thousands of dollars. So the Premier cannot evade his own personal and direct responsibility in this matter. He cannot seek to blame officers of the timber corporation, or other people acting on behalf of the corporation, without accepting the ultimate responsibility himself. He cannot place all the blame on the former Minister of Forests, the member for Spence.

It would take much longer than the time for this debate allows to canvass all the issues, the failures, identified by the select committee. In the time remaining, I will concentrate on the New Zealand investment. I first take the House back to the Auditor-General's Report of 1985 and his expression of concern that, unless the timber corporation could significantly increase its revenue from investments, losses would continue to accumulate. At that time, the corporation had accumulated losses of $1.236 million and loans of just under $11 million.

In preparing his 1985 report, the Auditor-General had written to the corporation on 22 April 1985, questioning the lack of audited accounts for companies in which Satco had invested and advising that it should provide in its accounts for losses on those investments. While a loss of $400 000 was provided for, $1.5 million was the loss subsequently recorded on a write-down of the corporation's shareholding in O.R. Beddison and, despite the Auditor-General's concern that the corporation did not have enough revenue to at least cover interest commitments on its borrowings, the Pemier agreed to the IPL and initial Scrimber investments during the 1985-86 financial year which more than doubled Satco's borrowings to just over $23 million and forced its accumulated losses to also double through mounting interest bills.

The precarious nature of the corporation's financial position imposed on the Government a heavy duty to ensure

that these investments were prudent and likely to produce an early generation of revenue to improve Satco's finances. This the Government utterly failed to do. In the process, warnings of the Auditor-General continued to be ignored. The initial investment in IPL (Holdings) was just over $11 million in loans and $3.59 million in shares to give the Government 70 per cent ownership of the plywood operation at Nangwarry and the timber mill at Greymouth on New Zealand's South Island.

In recommending the investment, the timber corporation told Cabinet that the New Zealand operation stood to make an operating profit of more than $2.2 million in its first two years of operation. However, in the first 18 months of operation, under majority South Australian ownership, this projected profit became an actual loss of $2.6 million—a difference of almost $5 million. To the end of June 1988, the Greymouth mill had accumulated losses of more than $5.4 million, and the total IPL operation had lost $7.7 million since the Government's takeover. No doubt, in his reply the Premier will claim that the Government was misled in making the original investment decisions. But just how much credibility does this excuse have? I suggest none at all.

The fundamental question that the House must ask is this: did the Government ensure that it had sufficient reliable information upon which to base this investment decision? The answer must be 'No, the Government failed in this responsibility.' Evidence given to the select committee suggests that even some elementary research would have demonstrated that the Government was on to a loser—a lemon.

During its visit to the South Island, the committee received evidence from Mr Clive Anstey, a regional manager for the New Zealand Ministry of Forests. He told the committee that the Greymouth mill had been 'an historical anomaly'. It was 'located in the wrong place' with the timber supply 290 kilometres away, forcing freight costs to the highest of any incurred in the New Zealand timber industry. Asked about local reaction to the announcement that the South Australian Government was buying into the mill, Mr Anstey replied: 'The immediate question is, why?'—a basic question the Government must now answer.

In April 1986, the then Minister of Forests visited the mill. By then, after only three months of majority South Australian Government ownership, the mill already had made a loss of more than $300 000 (at a rate of $25 000 a week). The New Zealand Forest Service terminated log supplies to the mill on 10 July due to non-compliance with credit terms. In other words, it simply was not paying its bills—a State Government instrumentality no less. All other major suppliers were on the verge of terminating credit. Why did this happen? Why had the Government's decision been so short-sighted? The Premier gave this explanation to the Estimates Committee on 15 September 1987:

> The initial investment received Treasury scrutiny and Cabinet was in receipt of advice across the board when approval was given which was made conditional on a special assessment being made by an independent accountant. A study was made and it transpired subsequently that the accountant was not given some of the material that should have been forthcoming.

This is a statement totally at odds with evidence established by the select committee. That is the Premier's answer to the Estimates Committee but what did the select committee say? Heads of agreement for the investment were in fact signed on 7 August 1985. It was only after this that the highly respected firm of Adelaide chartered accountants, Allert Heard, reported on the proposed investment. And Allert Heard very strongly qualified the advice it gave about the investment. In a letter to the corporation dated 31 October 1985, Allert Heard advised the corporation, as follows:

> We emphasise that we have not verified or checked the validity of accuracy of any of those figures but have merely collated them with the assistance of Mr Bob Cowan (Woods and Forests) and Brian Stanley Jackson.

This letter also referred to other matters 'vital to the success of the joint venture' including availability of timber in New Zealand; future market trends; log quotas and availability of timber in Australia; costs of production, and credibility of the New Zealand joint venture parties. Importantly, the letter continues:

> We emphasise that no work has been performed by us in regard to those types of matters and we seek your written confirmation that no reliance has been placed on the figures submitted on the basis of our investigation.

This is Allert Heard and Co. Documents submitted to the select committee reveal that the Timber Corporation wrote back to Allert Heard on 12 December. This is the date on which Cabinet approved the New Zealand investment. Yet on that very day the Timber Corporation also wrote to Allert Heard asking the chartered accountants to further investigate the viability of the joint venture—the day Cabinet made the decision. I quote as follows from this letter, written by Mr South:

> Certain financial data have been submitted to Satco in connection with the proposed joint venture. It would be appreciated if you could, on behalf of Satco, undertake an investigation of the data including both the balance sheet of AFI and also a physical inspection of the operations in New Zealand; and subsequently advise Satco on the state of the company to the extent you are able from examination of balance sheets and books of account.

Allert Heard made an immediate reply. It is dated the following day, 13 December 1985. It is a reply which condemns the Cabinet decision of 12 December as reckless and irresponsible in the extreme, because at the time Cabinet agreed to make this investment it did not have, contrary to subsequent Government assertions, adequate information about the trading or asset position of the operations in which it was investing.

This Allert Heard letter reveals that a report it had submitted to Satco on 27 November 'expressed concerns on various matters, particularly the method adopted by AFI of revaluing its fixed assets to increase the capitalised value of the company'. Further, 'our letter of 31 October 1985 to you stated that we had not investigated the accuracy of the budgets and that fact is still applicable'. In conclusion, Allert Heard stated:

> We believe it is necessary to reconfirm we have not been asked nor have we reported to you on the viability of the joint venture, or the formulation of budgets other than on the matters referred to above.

Given this evidence obtained by the select committee, it raises serious questions about the statement made by the Premier to the Estimates Committee on 15 September 1987, when he said:

> The final decision by Cabinet to authorise Satco to go ahead was coupled with a proviso that there would be a final assessment by an independent chartered accountant looking at the finances. That being satisfied, the investment was made.

**An honourable member:** That didn't occur.

**Mr OLSEN:** That did not occur. The documents from which I have just quoted show that there was no final assessment by Allert Heard before the Cabinet decision to proceed. Clearly, the advice to the Estimates Committee from the Premier was inaccurate and wrong. I quote from the Auditor-General's evidence to the select committee:

> It is not the sort of information on which one makes an investment decision . . .

This is the Auditor-General, who continued:

I think somebody with a financial background would have seen that the accounting information and records were pretty poor. I think that should have raised a warning bell to get more information.

This is the Auditor-General commenting to the select committee about the Government's procedure. This is exactly what Allert Heard advised and what the Government ignored.

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

**The Hon. J.C. BANNON (Premier and Treasurer):** Once again the Government has been prepared to accommodate the Opposition in a debate on a particular matter, and I am happy to join in the debate and respond to the points that the Leader of the Opposition makes. I reiterate what I have said previously, that at least we can say on this issue that the Opposition is talking about something that is appropriately a subject of debate in this House. It makes a welcome change from the character assassination, smearing, and so on, that we have been subjected to over the past year or so. I am happy in that situation to make time for such a debate to take place and for us to canvass some of the measures. Having said that, I think that there is a degree of shock, horror and excitement over this report that is totally unwarranted. After all, most of the information—

*Members interjecting:*

**The SPEAKER:** Order! The honourable Premier will resume his seat. The honourable Leader of the Opposition was able to make his contribution without interruption and the same courtesy should be extended to the Premier.

**The Hon. J.C. BANNON:** I certainly did extend that courtesy to the Leader of the Opposition because I am aware that interjections in this instance of time limit prevents certain things being said. I allowed the Leader of the Opposition to go ahead completely and I hope that he will afford the same courtesy to me. Let me resume—

*The Hon. E.R. Goldsworthy interjecting:*

**The Hon. J.C. BANNON:** The Deputy Leader does not want to afford me that courtesy. He wants to chop into our time and I know why—because he is embarrassed about that situation, this trumpery that is going on. Let me return to the theme that I was discussing. The select committee report really provides no substantial information that has not already been on record and canvassed in this place as the subject of intensive questioning and detailed information provided as with some of the questions that we have had from the Opposition this session. However, it is as if the Opposition has not been reading the newspapers or not attending to the proceedings in this House.

My colleague the Minister of Forests has made two, I think, full ministerial statements—bringing us up to date on the situation, putting it in perspective and laying it out. It is as if that has not happened. Not only was it said in this place but it was listened to and reported. However, the Opposition acts as if it has just suddenly discovered it because a select committee report has been tabled. All right, I can see that the select committee's report sets out a consolidated statement of the history, structure and various subsidiaries of Satco. It is a useful reference document in that sense, but apart from that I think it is very hard to justify the time, expense and effort that has gone into regurgitating material that was already the province of this House and the public, and those things that were not—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** —would all appear in various consolidated statements and other material. So, let us not get overexcited about the matter. Secondly, the Leader stands up and, ignoring the report on this occasion (having referred to it and said that this is what we are debating), says, 'Now we are going to try to allocate responsibility.' He turns around and says, 'This is where we believe responsibility lies.' Fine: responsibility should lie where it is levelled, but I suggest that that is one of the tasks that the select committee undertook, and it is laid out. If you want to know where the responsibility lies, it is in the report.

The Leader then went on, having made those opening remarks, to say, ' I don't want to talk about Satco.' Let us remember that this report is about Satco, about the reasons for Satco's establishment, about its history and progress, and about its subsidiaries. But, no, the Leader of the Opposition says, 'I am going to concentrate on one aspect—the New Zealand investment.' In other words, 'Because I am not sure of my ground on all the other areas, and it might sound as if in fact some very sensible decisions were being made, I will go for the one area which I think can really be subjected to criticism.' Of course, the criticism of members opposite is the knocking, carping, undermining sort of criticism.

The Leader of the Opposition wanted to concentrate not on the report, not on Satco but on the New Zealand investment which, as has already been conceded, is an investment that did not work. That is on the record—it was conceded long ago. It has been repeated, and the figures have been placed before the House. There is no big deal, and there is nothing new. In doing that, of course, the Leader of the Opposition put it in no context—none whatsoever—with none of the broader parameters or arguments. There was no reference—and this happens in a lot of areas—to the fact that for the first three active years of Satco's existence it was under a Liberal Government (and I will come back to that in a minute). There was no reference to that because that is a bit embarrassing.

Secondly, there was no assessment of the assets of Satco, the reasons why a corporation such as Satco exists, and how the work dovetails into the Woods and Forests operation that we have been carrying out in this Sate for more than 100 years with profit and loss over the years; and there was no analysis of the other activities of Satco. There was a very convenient confining of the debate. All right, I am prepared to take it on those terms. Let us talk about New Zealand and the investment. It is easy to be very wise after the event—the Opposition is very good at that. It is easy to dismiss—

**Mr D.S. Baker:** It's better to be wise before the event!

**The Hon. J.C. BANNON:** Yes, it is better to be wise before the event; I quite agree. But the Leader of the Opposition dismissed with a wave of the hand all the reasons, arguments, figures and statistics that were put into making a decision, and said, 'Aren't we very smart because, after we found some of those things to be deficient, we can show that that was a terrible and outrageous decision.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** That will not wash. There are very sound and solid reasons why that investment was undertaken and, in fact, they are detailed by the select committee. The fact is that although in all those cases it did not work—and I concede that—that does not invalidate the sound and solid reasons why we have to look at this investment and why, when Satco (a corporation of the Government) put these propositions, it deserved a reasonable hearing.

I refer to page 12 of the select committee report. The major reasons—and we heard nothing of this from the Leader of the Opposition because he does not want to let

this into the debate; he wants to be a smarty after the event—seen by Satco for the investment in New Zealand were access to the good supply of high quality logs (especially after the losses in the 1983 bushfires), and the possibility of creating a combined operation that would be a major force in the Australian plywood market.

I take members back to 1983 when 25 per cent of our forests were devastated in the space of about 24 hours. That was probably the most amazing loss of a State asset in our history. We had to try to do something about that, and we did two things. One of them was to try to rescue as much as we could from that loss. Members ought to recall that the log salvage operation undertaken then, with Federal assistance, resulted in the retrieval of burnt and damaged logs—and I think my colleague the now Minister of Health was the Minister in charge of the portfolio at that time—their immersion under water, and their subsequent marketing in various forms. That operation, which resulted in a minimisation of the loss, was of a size and kind that had never been carried out in the world.

Experts from places like California, which is also subject to fire damage, came to observe that operation and marvelled at how successful it was. Many of the same people were involved in this particular operation with Satco. So, they might have got the New Zealand thing wrong but they certainly did not get the forest salvage operation wrong. With respect to the future of the Woods and Forests, what if the salvage operation had not worked? What if it did not get the return it did—and even that, of course, did not totally restore that massive loss? It had mills ready, willing and able to produce; it had employees on its books; it had a South-East economy reliant on sources of timber.

I would have thought that it was with unanimous endorsement from all those involved that the Woods and Forests said, 'Whatever else we do, we must get access to supplies.' And, where could it find these supplies? Satco was the vehicle to do it and Satco went to New Zealand to do just that. I would have thought that that was a pretty sound and sensible decision, because the alternative would have been simply to say, in the aftermath of the Ash Wednesday devastation, 'We give up, we have lost all this timber. We will have to wait 25 years for it to regrow. We will do a bit of planting, and meanwhile all these people will be out of a job.'

If that had occurred, I can tell you who would have been on my doorstep—the member for Mount Gambier and the member for Victoria—with deputations saying, 'What are you doing to the South-East? This will devastate the South-East.' Now, that is the context in which we are debating this matter. Surely any individual with commonsense would understand that, faced with that heavy responsibility in the South-East, naturally we would encourage the search for, and the signing of, contracts for timber resources. That was recognised by the select committee, and there is no embarrassment in that whatsoever.

Did it work? Did we make a mistake? In relation to New Zealand, yes—we have said it, we admit that it happened. There is no ducking; there is no problem in that. It has all been laid out. It is old news. It has been put before the House. What is more important is what we are doing about it. I will have one or two things to say about that, and my colleague the Minister of Forests will have a lot more to say about it. Incidentally, he has already outlined a number of things at least twice in this House, and apparently that has been ignored. It is old news in some senses, but he will bring us up to date.

All right, it turned sour and that happened for a number of reasons. The select committee has reinforced and restated a number of the reasons that have been given. Certainly, it is true that there were over-optimisic forecasts. There were limited resources of management, finance, and a failure to have necessary checks in some areas. But, one aspect was skated over, in my view, by the select committee, and it really deserved much more thorough attention (and perhaps it got it in the course of the inquiry, but it certainly was not reproduced in the report). I refer to the fact that Satco's management was deliberately misled by the directors of the New Zealand firm. Indeed, we had a very strong cause for legal action against the directors of that firm.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** We settled on our legal advice in order to try to clean this up and get our hands on the thing so that we could, in fact, save more money. If we had sued, if we had gone the full path of litigation, at the end those we were suing had no resources to pay us. What do we do responsibly in that situation? We could have come to the House and said, 'Well, we have proved these falsehoods. A court of law has established that this is in fact the situation. We have been defrauded and I am able to report that. They are the facts but, incidentally, there are no resources to compensate for our loss—none whatsoever.' That would have been totally irresponsible. The important thing was to gain control of that asset and try to make it work. That is what we have done.

*Members interjecting:*

**The SPEAKER:** Order! I caution the Leader of the Opposition.

**The Hon. J.C. BANNON:** That is the responsible course of action. I remind members of that. There was, in fact, fraud involved in this situation. It was detailed quite clearly by the former Minister of Forests, and action was taken. A settlement was made on the basis that I have just described, and it would have been irresponsible of us to do otherwise. As I said, what is more important is not to continue to rehash historical material. What is important is what we are going to do to trade our way out of this situation, and what sort of future there is for Satco. The answer to that is 'plenty'. The very reasons for which Satco was formed are still valid today. Various elements of Satco's operations are vital to the future of an adequate return from our important forest resources.

There has been a complete restructuring of management; there have been new appointments, cost economies, business plans, performance monitoring, and an improved equity basis for Satco—and this is one of the criticisms that I find most extraordinary. The Leader of the Opposition wants to have it both ways. Incidentally, he has used some good figures: it was $50 million when it suited him and it has come down to $30 million. Now we find that it might be around $10 million or $12 million—but put that aside. On the one hand, the Auditor-General, whom he is quoting, clearly says that we need to establish an equity base, and the Leader of the Opposition is calling for that and saying 'Outrageous!' That equity base is established and, because it suits his purposes today, the Leader is now saying that that is wrong—that is bad financing.

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

**Mr D.S. BAKER (Victoria):** That is about the most limp wristed performance I have ever seen from a Treasurer of this State. He does not understand the basic financial premise of this State or what has been going on in Satco for the past four or five years. Fancy saying to this House and to us that we have asked all the questions and everything is

fixed because we asked the questions! Every time we asked questions during the Estimates Committees we were stopped on the ground of commercial confidentiality. But we asked the questions. We asked everything that needed to be asked to fix this up. And what did this Government do? What did the Treasurer of this State and the Minister do? Nothing! They did not do one single thing about it. This disaster—not only in New Zealand but also in other investments—has continued since we started asking questions in 1985.

**An honourable member:** What other investments?

**Mr D.S. BAKER:** I am coming to the other investments. The Premier was on about the New Zealand timber venture. Do not worry: there are seven or eight just as bad as that which have been going on for ages but which he does not want to mention. We will forget that one, because there are plenty of others. He then gets on to Ash Wednesday. The greatest myth ever perpetrated in this Parliament is that because of Ash Wednesday no timber was available. That is not right.

*Members interjecting:*

**The SPEAKER:** Order! The member for Newland is out of order.

**Mr D.S. BAKER:** After Ash Wednesday more timber of better quality and the best sawlog ever in the history of the timber industry was available. They filled up Lake Bonney; they filled up timber reserves all round the place; and the timber was available. It was available from the commercial operators in South Australia and Victoria if it was needed. There was no need to buy a defunct, virtually bankrupt company in New Zealand to get extra timber supplies when they could have got a timber lease from the New Zealand Government—but they did not do it. They were out there trying to get their sticky little fingers into private enterprise—about which they know nothing.

Let me get back to the report and what it really says. It shows the financial incompetence of the Treasurer and shows that two Ministers, the Treasurer and the Cabinet have continued over succeeding years to try to cover up exactly what was going on in Satco. They have tried to cover up the extent of their debts which today, as we see quite clearly from the report, stand at $48.7 million. Do members think that because this report has been handed down it is going to be fixed? It is not. They have not done one thing yet to curb the losses in this venture.

We have not even come to the scrimber operation, which is an unmitigated disaster. I put on record in this Parliament that the scrimber operation in Mount Gambier will never pay a return on capital as long as it operates. They have already tried to doctor the balance sheets by trying to write off losses. The Minister thinks that he knows a little bit about finance. That is a fairly big challenge. I challenge him to keep bringing that up in this Parliament, because that is a fact. He will have to admit that some time during the life of the next Parliament.

They are trying to hide not only the debts of Satco but also the inept way in which this Treasurer and Minister have made their financial decisions. They made those decisions against the advice of the Auditor-General on many occasions, as the Leader has enunciated. They made the decisions against the advice of all the experts whom they hired to give them advice. Can members imagine people in business, after getting financial advice from experts and paying taxpayers' dollars for it, going ahead with the ventures and ignoring the advice?

Not only did they do that but also, against the advice of Allert Heard, they bought a company with unaudited financial statements. A schoolboy would not do that, but the Treasurer of South Australia and the Minister of Forests did. Fancy going ahead and buying a company when it said in the heads of agreement that the financial statements had to be audited! They went ahead and paid out the money on unaudited accounts.

*Members interjecting:*

**Mr D.S. BAKER:** That is because they did not have a case to fly with.

**An honourable member:** John Friedrich was the last one to use unaudited accounts, wasn't he?

**Mr D.S. BAKER:** I think he was, and I think Geoff Sanderson might have been having a bit of a go at it, too. This is an absolutely classic case of a Government trying to build a bureaucratic empire in the blind philosophical belief that it could compete with private enterprise. Once again, this Government has shown that it cannot compete with private enterprise and that it is absolutely inept in its handling of taxpayers' dollars.

Getting back to the report, the Premier said that we were only dealing with the New Zealand timber venture. We will look at how this matter started. Satco started because of an overseas jaunt by the Minister and the Director to look at overseas investment opportunities. An Act was brought in—

*Members interjecting:*

**Mr D.S. BAKER:** The Premier brought up the matter. He said that they had adhered to the investment guidelines of Satco. Let me put before the House a few of those guidelines, which make quite interesting reading. One is 'Potential'. The operation should provide a satisfactory return on the funds invested. That is a good one! It states that the level might currently be set at 15 per cent if the corporation is exempt from company tax. If not, this will need to be reviewed. Never has the South Australian Timber Corporation started to return anything satisfactory on funds, and that is why, as is noted in this report, the amount of taxpayers' funds at risk at present amounts to some $49 million.

Further down is another guideline, which should hit home to the former Minister and the present Minister. Under the heading of 'Partners' it states that partners considered for a joint venture should be financially sound and of good repute. They are the guidelines under which Satco had to make its investment. Where was the Minister? Where was the Treasurer? Where were these people who were supposed to be running it? They must have put this under the bench and forgotten it. That is how we got the New Zealand timber venture going, and that is how we got Stanley-Jackson.

The next guideline, under the heading 'Special circumstances', states that an equity holder may be considered for expertise. That is how we got Sanderson. Sanderson is the key as we go through this whole thing—the one who has contravened company codes and who is shown to be the instrumental person, along with the Treasurer and Minister, in this disaster. The next guideline, under 'Financial structure', states:

> The financial gearing of the venture should be such that fluctuations in interest rates charged to the operating company do not jeopardise its financial liquidity.

Never has interest been charged into the books of the South Australian Timber Corporation because that would only make the losses much greater. I will run through some of the South Australian Timber Corporation investments which the Premier says included only one bad one. The first is Shepherdson and Mewett Pty Ltd, and the report states:

> The mill equipment was known to be in poor condition and the business was obviously under capitalised. . . The equipment is in very poor condition and in May 1987 a second-hand mill was purchased for about $600 000.

That sat on the wharf for two years. Nothing was done, and we were told at the Estimates Committee that it sat on the

wharf because there was a bit of a squeeze at Satco—it did not have any money. The Auditor-General now tells us that, if that second-hand plant rusting away on the wharf were to be installed, it would cost a further $3 million. This is another one of those good investments—an absolute disgrace. Zeds Pty Ltd was bought by Satco and was finally wound up with a capital loss of $128 000 in addition to accumulated trading losses—another one of these prime investments. Turning to Ecology Management Pty Ltd, the report states:

> The 1987-88 Satco annual report indicated that the level of activity no longer justified the maintenance of a separate operating company.

The company was subsequently sold. Mount Gambier Pine Industries Pty Ltd, another investment, was bought, as stated in the report:

> . . . to assist a small but regular customer of the department's forest material.

That was looking after one of their mates. Look what is happening to Mount Gambier Pine Industries—another disaster. Then we turn to O.R. Beddison Pty Ltd, and we note now that Mr G.A. Sanderson's name starts to appear in these investments. Mr Sanderson was long known to the department, a long time friend of the ex-Director, and once he became involved he must also have had an influence because the losses started to escalate. The report indicates that Mr Sanderson was very big on forests and timber. He really should get into business with Mr Cameron, because he was a bit of a builder. It is amazing that Satco did not employ Mr Cameron, the Premier's mate. They could have gone in on some of these building operations, because that is the incompetence level that they have shown. They are looking after their little mates. That is what the Director of Forests did when they got into some of these investments.

*Mr Becker interjecting:*

**Mr D.S. BAKER:** The fabricator? No, he would have torn off the back page of the report and we would not have seen what actually happened.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr D.S. BAKER:** When we look at Mr Sanderson's involvement, we see that not only was he a mate of the Director but he was also a Director of Wincorp Australia Pty Ltd, as well as being a Director of O.R. Beddison Pty Ltd, G.A. Sanderson Pty Ltd and International Panel and Lumber (Holdings) Pty Ltd; indeed he was instrumental in putting both the Beddison and Sanderson companies together and forming International Panel and Lumber Pty Ltd.

When we look at the shareholdings that he failed to declare—and the report clearly states this—we find that he was also a shareholder in Westland Industrial Corporation, and that report states that he is liable, under the Companies Code 228, for his non-disclosure of that matter to this Government. Why would the Government want to know about it? If Government members knew about their little mate doing these things, they may have had to stop him from advising them on these ventures and mergers. It is very pertinent to note that Mr Sanderson is still employed by the South Australian Timber Corporation at $1 000 per day. We brought up his name in this Parliament about three years ago and said that his situation should be examined. We referred to his operations in Melbourne about three years ago and said that he was operating out of the same office as the South Australian Timber Corporation. But what was done about it—nothing! Here we find that this gentleman has committed an offence against the Companies Code, is receiving $1 000 a day from this Government, and nothing has been done about it. It is absolutely scandalous and time someone acted on it.

One thing this report has done is that it has shown up the Premier for what he is. When the heat is on, he will not act, even when it involves taxpayers' money. This report has shown us that the Premier has failed dismally to exercise his duties as Premier and Treasurer of this State. He has failed to act on and remedy the matters that we have raised in the Estimates Committees, and he has failed to act on the questions we have repeatedly asked in the House. Nothing whatsoever has been done. The Premier has had the gall today to go on radio and say that no taxpayers' dollars are at risk. That is an absolute unmitigated lie, and he knows it, because they are at risk.

**The Hon. R.G. PAYNE:** On a point of order, Mr Speaker, I consider that term 'unmitigated lie' just used by the member for Victoria is offensive and a reflection on members on this side, including the Premier, and I ask for a withdrawal.

**The SPEAKER:** If the honourable member used words which reflected on a member's veracity, they are clearly unparliamentary and I direct him to withdraw them.

**Mr D.S. Baker:** My time is up—I can't do anything; I'm sorry.

**The SPEAKER:** Order! The honourable member will rise to his feet.

**Mr D.S. Baker:** What for?

**The SPEAKER:** Because the honourable member is being called to order by the Speaker.

**Mr D.S. Baker:** But my time is up.

**The SPEAKER:** The honourable member will rise to his feet. The honourable member will withdraw the term referring to 'lie'.

**Mr D.S. BAKER:** I will substitute 'an unmitigated untruth'.

*Members interjecting:*

**The SPEAKER:** Order! In cases of this nature, contrary to public folklore, no substitution is permitted. Would the honourable member resume his seat for just a moment. Parliamentary tradition is very strong in not permitting the use of words such as 'lie' or 'liar' or in substituting words which have the same meaning, because they directly reflect on the veracity of a member. Regardless of how members may or may not feel, they are not permitted to use words of that nature. I therefore direct the honourable member for Victoria to withdraw those words without attempting to substitute anything for them.

**Mr D.S. BAKER:** I withdraw.

**The Hon. J.H.C. KLUNDER (Minister of Forests):** It is interesting that the Leader has obviously instructed all his crew to make sure that the Premier and the Cabinet are tied to this situation in every single speech they have made. There is a very good reason for that, because the report itself does not mention the Premier and/or the Cabinet in its conclusions. Very clearly, the Leader, as usual, is trying to be not constructive but destructive and is trying to use the vehicle of the report as an attack on the Premier. It is the usual smear tactic of the Opposition, and this time is not really different from any other time.

It is a politcal response to a situation, and that is all the Opposition has ever been able to think of. The member for Victoria made a number of statements so outrageous that it is really quite difficult to know where to start. The statement that Ash Wednesday is the greatest myth perpetuated in this Parliament sits rather badly with the statement made by my colleague the Minister of Health on 3 December 1986 in which he said that the honourable member for Victoria would be happy for the House to know of his dealings with the Government. Dale and Margaret Anne

Baker got a $70 000 bushfire loan in 1983. It is a myth! Only on certain occasions—

**An honourable member:** At 4 per cent?

**The Hon. J.H.C. KLUNDER:** At 4 per cent.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.H.C. KLUNDER:** My colleague tells me that it was at 4 per cent—

*Members interjecting:*

**The SPEAKER:** Order! I ask members on both sides to come to order. The honourable Minister.

**The Hon. J.H.C. KLUNDER:** There is a difficulty there. There is a situation—

*The Hon. Jennifer Cashmore interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! Will the Minister resume his seat.

*Mr Olsen interjecting:*

**The SPEAKER:** Order! It would be a most unfortunate situation if the Chair had to name somebody during a sitting such as today. The Chair is torn between two responsibilities: the responsibility to continue the proceedings of the House—

*The Hon. H. Allison interjecting:*

**The SPEAKER:** —and the other alternative, which the honourable member for Mount Gambier seems to wish to push the Chair towards, of maintaining the authority of the Chair by naming a member and having that member suspended, regardless of the inconvenience it may cause the House. The honourable Minister.

**The Hon. J.H.C. KLUNDER:** The member for Victoria then goes on to say that more sawlog was available after the fire than before it. That might have been true at that immediate time, but who on the Opposition benches would have the guts to say now that at that time he was prepared to get up and say that the resource would last in the lake? How many people would be prepared to get up and say that now, because at the time not a single person got up and said that. Not a single person anywhere in the State knew how long it would take for blue stain to appear and to ruin the log for usage. The problem is quite simple: all members opposite appear to have enormous hindsight. They can look back on a situation and clearly determine what it was. There is no problem at all with hindsight. I am sure that they could tell me without any doubt the winners in the last eight races last Saturday. That is the benefit of hindsight. Try telling me the winners for next Saturday!

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The Hon. J.H.C. KLUNDER:** I will come back to that. The honourable member attacked Scrimber. The member for Victoria makes a habit of attacking the industries being set up in his neck of the woods whereby employment is given to people in his electorate. I do not know his qualifications in business, but if I have the choice of listening to Mr Higginson (the CEO and Chairman of Satco) or listening to the member for Victoria, I am in no doubt as to which of those two people I will listen to. The member for Victoria need not even think about first place. Mr Higginson is full of confidence in the Scrimber product. He believes that it will produce not only profits but also income from licences so that other people in the world will begin to use that product. The only really true thing that the member for Victoria said in his statement is that I will have to answer for Scrimber in the next Parliament. He knows clearly who will be in government after the next election.

The attack on Mr Sanderson is something with which the member for Victoria will have to live. I carry no brief for Mr Sanderson. I know that he is currently employed as a consultant and is being paid for each piece of work that he does. That work is then being analysed. Because it is good work, he is taken on as a consultant next time. One cannot ask for a fairer system than that. If we applied that system to members of the Opposition in this Parliament, I wonder how many would still be here?

I say at the outset that not one cent of taxpayers' funds has been lost as a result of Satco's investment in New Zealand.

*Members interjecting:*

**The SPEAKER:** Order! The Minister has the call.

*Members interjecting:*

**The SPEAKER:** Order! I suggest that members consider how their behaviour would appear to their constituents.

**The Hon. J.H.C. KLUNDER:** Not one cent of taxpayers' funds has been lost as a result of the Satco investment in New Zealand. If the brain capacity of honourable members opposite was as high as their lung capacity, we would probably have a reasonable Opposition in this Parliament. The Leader has been taking figures from right, left and centre, as the Premier said—$50 million, $30 million, and $15 million—whatever happens to be a reasonable figure at the time. Let me assume that the latest figure of $35 million is one to which he intends to stick. Clearly he has demonstrated how incredibly incompetent he is in matters of accounting and finance.

I fully agree that the honourable member's background before he came here no more fits him to look at accountancy problems than my background before I came here. Whether one is a second-hand tractor salesman or a physics teacher, one has a lot to learn about accounting. What is so incredible is that the Leader has made no effort to learn anything since coming into this place. To count $15.7 million of SAFA advances as well as $16.8 million of accumulated losses and $21 million of equity shows that he does not have a single clue about accounting. He is supposed to be leading a Party that represents business. If this information got through to the business community, the Leader's reputation would be shredded indeed.

*Mr Olsen interjecting:*

**The SPEAKER:** Order! The Leader has had his opportunity.

**The Hon. J.H.C. KLUNDER:** It is interesting, as the Premier said, to note what the unanimous report of the select committee stated in relation to the funding base for Satco; it admonishes the Government for being slow to address the provision of a suitable equity base for Satco, a situation which, by the way, as the Premier said, was not addressed in the three years of Liberal Government during the lifetime of Satco. On the one hand we have a select committee saying that there should be an equity base and, on the other hand, the Leader of the Opposition criticising us for bringing an equity base into the situation.

The issue of prime importance for Satco today is not the history of past mistakes—a mistake which I acknowledged freely in this place on two separate occasions, one being a week and a half after I became Minister. I came into this House and said, 'In retrospect, with the benefit of hindsight, anyone can tell that a mistake was made.' I repeated that statement, I think, in February of this year. The real issue is how we go about making sure that we improve the potential of profitability in Satco. I will go through some of the actions that the previous Minister and I have taken, first, with regard to the New Zealand operation and, secondly, with regard to Satco generally.

In the New Zealand situation, action has been taken to successfully reduce labour costs (and that is acknowledged by the select committee) and to increase productivity. In fact, when I was there a couple of weeks ago I was told that productivity had gone up by 20 per cent, even though the labour force had gone down from what the figure cited in the select committee report—from about 180 to about 110. That is not a bad effort on behalf of the management down there.

We have ensured greater cooperation between New Zealand and the Australian subsidiaries, to the point where a lot of New Zealand material is now being sold through the Australian subsidiaries. I have personally managed to do something about the log supply arrangements, which were drawn to the attention of the House by one of the previous speakers. Clearly, a lot of work had been done by the people who in fact undertook the negotiations with the New Zealand Government.

Fortunately, while I was inspecting the mill down there some weeks ago, the Timberlands executives were there also, and so I gave them lunch—and I suppose I ought to let members know how much lunch I gave them and what it was, so that they cannot put a 'Timbergate' element into this situation. They had sandwiches and orange juice—just to make sure that we do not get an attack on that basis. However, on that occasion I was able to ensure not only that there would be no limits to the percentage of timber that would come from the nearer forest rather than the farther forest, so cutting back on the amount of transport costs, but also that it would start as from 1 April this year, as distinct from when the negotiations were actually concluded. That will reduce the cost of transport at the gate by some 40 per cent to 50 per cent. There has also been a technical staff interchange. In fact, one of the mechanics from Nangwarry has gone over to New Zealand, and apparently that has made an enormous difference to the reliability of the equipment over there through his knowledge of equipment here.

Satco generally is already reaping the benefit of a number of changes that have been made. There has been a total management restructure of Satco, resulting in an entire layer of management being taken out, leading to a greater efficiency and closer communication. A restructuring of the Satco board has put Mr Graham Higginson in charge, and I presume that he is well known to all members here for his knowledge and experience as a South Australian businessman. The appointment of a marketing manager, which is pending, will lead to a greater marketing expertise, and the provision of the better funding base has already been referred to by the Premier and me.

As always, the proof of the pudding is in the eating. Probably the quickest way is to again tell members opposite what the situation was at the end of the first half of the current financial year. Satco, Victoria is in the black, to the tune of $373 000. Mount Gambier Pine Industries recorded a profit of $402 000 and IPL(Aus) recorded a profit of $520 000, IPL(NZ) had a loss of $2 million in the operating situation last year; it recorded a profit of $1 million in the operating situation in the first six months of this year. That is a turnaround to which no member opposite has referred. In fact, they are trying very hard not to listen to this. Shepherdson and Mewett made a profit of $33 000. The contribution to Satco from its subsidiaries was $2.384 million. If one counts the operating profit of IPL(NZ), one then has to make a provision for the dividend on preference shares of $1.3 million, the corporation overheads of $383 000, and the corporation net profit for the first six months of this year was $701 000.

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

**The Hon. D.J. HOPGOOD** secured the adjournment of the debate.

## EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3063.)

**Mr S.J. BAKER (Mitcham):** The Evidence Act Amendment Bill contains some far reaching changes to the law relating to suppression orders. This subject is charged with a great deal of emotion, and there are differing points of view about whether the measure before us now is competent or whether it should be rejected. What is it that the Attorney-General of this State is doing with this measure? The reason I ask that question is that it seems to involve a heartland issue for the Labor Party.

The Bill provides that there shall be a prior right in relation to the form of publication of information as far as the public interest is concerned and consequential publication by the news media. This is a quite far reaching step for the Australian Labor Party. I have before me a proposition that was put to the Parliament in 1965 by the then Attorney-General, the Hon. Don Dunstan, who wanted the law to be changed to suppress all names until conviction.

So, it seems that the views of the Labor Party have changed quite radically. Have the resolutions of the Labor Party changed quite radically without anyone on this side of the House noticing or is the Attorney breaching one of the great tenets of his own Party? I think it is important to raise this question, because it does reflect on the reasons why this legislation has been introduced. I might refer to that proposition in more detail later.

No member could be satisfied with this measure in the form in which it has been put to the Parliament; however, I note that some relief is in sight and that some changes have been proposed. The debate in relation to suppression orders involves two basic points. On the one hand, there is the right of the public to know, while, on the other hand, there is the matter of protection of the rights of an accused person. This involves a point of balance between those two elements. No matter what the law is, there will always be someone who argues that the rights of neither of those parties have been adequately protected or that either one or the other has unfortunately been trampled on.

There has been considerable discussion about the right of the press to publish names and details of proceedings before the courts. The point about this leading to undue hardship has been made, as indeed has the point of prejudicing the right of an accused to receive a fair trial. One notes that in South Australia a considerable number of suppression orders are granted on the grounds of undue hardship. There seem to be far more of these in South Australia than in other States. One asks why justice in South Australia demands a higher level of suppression orders than it does in, say, Victoria or New South Wales. What is so intrinsically different here in South Australia to require so many more suppression orders?

I have heard statements about there having been a push by the media; that the media wants to make headlines. I suppose that, if I had shares in a company, I would want the company to be successful: I do not know why people denigrate the media for wanting changes made that will assist their cause. It is their right, just as it is our right to

express an opinion in this Parliament. However, it is the right of Parliament to determine whether changes made to the law are in the best interests of the people of this State. As I have said, we are concerned about the way this Bill has come before us, but changes are proposed to alter the balance of the proposition.

When considering such a Bill as this, I reflect on changes in the law over the past 20 years or so. Although not a lawyer, I have kept abreast of the law and the changes that have taken place ever since I was at university from 1963 onwards. I could say that I have a genuine love of the law, but over the past 20 years or so I have become cynical about it. The law has somehow been degraded not only by the manipulations of the Parliament but also by the way in which it has been interpreted and by the way in which technicalities seem to get in the way of facts.

Like most members, I have had a number of people coming through my doors who have been affected by the law and by justice as it is administered in this State. About 18 months ago I had an important case drawn to my attention when a lady came to me and said she was concerned about her safety. She related her story, a very sorry case, because the person who had murdered her *de facto* husband had been found not guilty by the courts. The man who had been acquitted had had a history of extreme violence and had, by telephone, threatened both her life and that of her *de facto* husband. Yet, when the case came to court the most serious evidence against the accused was declared inadmissible on a technicality.

I wonder how we can get more involved in technicalities than in the facts of the case. There was no doubt in my mind, nor in the mind of the policemen to whom I spoke, that the man was guilty: he had deliberately lain in wait for some hours to shoot his victim. Yet, the law saw fit to rule out the case on a technicality. Therefore, when people talk to me about the special preserve of the law, I would like them to reflect how the law has changed over the past 20 years for what I believe is the worse.

Many people have questioned the making of suppression orders and the reasons for those orders, because on the one hand such orders seem to be made out in favour of those people who have good legal representation and flimsy excuses. We get back to the question that is always asked: What is the balance? What is the right of the public to know? Had the information been completely suppressed until trial committal or, more importantly as some people would wish, even until someone was found guilty, how many cases would have succeeded without the full facts being known?

In response to the Labor Lawyers, the Attorney-General, when he was on a sticky pitch, said that the Malvaso case had seriously affected him. Indeed, that seemed to be one of the major arguments for amending the law. How did that case seriously affect the Attorney-General? Was it the suppression of names that prevented further evidence from coming before the court?

On the other hand, let us consider the sensational case where a wellknown person is accused of a serious crime. The media say that the story must be told and they tell that story without giving the name, even though everyone around Adelaide knows the name. If that person is innocent, he cannot say that he is innocent: he cannot declare to the world that he is innocent of the charges laid against him. So, that person goes through agony because he has been accused of a crime and everyone knows that he has been accused because the Adelaide network works so well. Everyone assumes some element of guilt and the person charged cannot refute that assumption.

So, it is not clearcut; it is not black and white. It is a matter of the balance that must be achieved between the public's right to know and the right of the accused ultimately to receive a fair trial. Even if that person is ultimately found not guilty, the case has been on the front page of the newspaper and the family has suffered great anguish. So, we would all wish that the not guilty verdict be published in as large type as the print that has been used to publicise the case on the front page.

I believe it is important that we get that balance right and see that the criminals preying on our society do not get protection because their grandmother is sick or because they have a good excuse or a good lawyer. The law should have the facility whereby everyone having evidence to offer on a case can provide it. On the other hand, how does that affect the accused person who has received media coverage? So, we are always in this situation of balance. Although the Bill itself goes much further than anyone on the other side could accept, I understand that its provisions are now more reasonable than those of the Bill that was originally introduced in another place.

The Law Society has presented submissions on this legislation, and in this regard I especially commend Mrs Marie Shaw, Mr M.A. Griffin, and Mr D.W. Smith for communicating their point of view on the changes proposed to this legislation. It would be fair to say that those persons have extreme reservations about the provisions of the Bill as it was introduced in another place. I assume that those persons would have severe reservations about the amended Bill that is before members of this place, but at the end of the day it is Parliament that must vote on the amended Bill, which may be even further amended so as to placate some of the fears that existed on the original Bill. In its general summary of the Bill, the Law Society's submission states:

> The fair trial of an accused at the trial stage can be greatly assisted by openness and public talk about the proceedings. If the courts are open, the conduct of all court officials is open to public scrutiny and this means that they are less likely to arbitrarily abuse their powers. If a witness knows his evidence is to be given in public and subject to press comment, then he is less likely to perjure himself against an accused. On the other hand, if the public is so outraged by the crime, or the accused is unpopular, public discussion of the trial fuelled by media coverage can result in prejudice likely to influence the feelings of a jury.
>
> Of course, if allegations reach the jury or potential jurors which are not the subject of admissable evidence, then the whole purpose of the law of evidence is subverted.

If that is known, the case will be reheard. The submission continues:

> The public would be left with a lack of confidence in the ability of the courts to decide cases impartially and on the basis of admissable evidence.

The Law Society is saying that, if it became a trial by media, the whole process of justice in this State would be put at risk. It has said that, if someone has been found guilty in the minds of the people of the State, the jury chosen from the populace would bear some of the prejudices and that those prejudices would filter into the courtroom and, as a result, the person would not receive a fair trial.

The next logical step would be that jurors would have to be tested for their competence and impartiality. Each developed country has its own checks and balances in the system. The United States has free publication but also a stringent testing procedure of the jury in the hope that the 12 just men and women are impartial. That is a long, involved and expensive process, and we would not want to get involved in it.

The British justice system is different and far better because I understand that in the UK there is the right to publish the name and the charge but not the details. In each jurisdiction we have differences in what is and what is not

allowed to be published. In all jurisdictions Governments attempt to achieve a balance whereby the rights of the accused are protected, yet the public interest is also protected. Unless publicity is given to certain circumstances, the ability of the law to operate effectively will be reduced.

The Law Society made a number of other observations about the operation of the proposed amendments. I commend the submission to members, because it bears a great deal of thought. At page 4 of the submission reference is made to the practical effect of the new legislation. It states:

> 1. Undue Hardship
>
> People, whether as defendants or otherwise, will no longer have their names suppressed on the ground of undue hardship. Consequently, many people will experience undue hardship on the basis of unproven allegations. The new provisions do not contain any indemnity or compensation for damage suffered by innocent people as a result of publicity. For many, a penalty will have already been imposed by the time of a finding of no case to answer, or the acquittal at trial.

That is a serious concern. On the other hand, I note that our suppression orders concerning undue hardship seem to apply more frequently than in any other State, and I question that.

The second concern relates to the practical effect of the new legislation and is headed 'Proof of Sufficient Prejudice to Outweigh the Media's Right to Publish'. Here they say that the prejudice to the proper administration of justice which has been placed in the Act is not sufficient protection, as follows:

> Prejudice to the proper administration of justice must be established, and be shown to be of greater weight than the right of the news media to publish that information. In my opinion, anything which prejudices the proper administration of justice must necessarily have more weight than the right of the media to publish. How is the court expected to do this balancing act? How much prejudice does the Attorney expect an accused person to endure before he can be said to have displaced the 'substantial weight' of the media rights?

It is very critical. Paragraph 3 relates to the cost of suppression orders. Observations are made about the cost of the litigation that will flow under the new provisions, the attempt to suppress a name under the new provisions. The submission makes for essential reading. That contribution was made by M.A. Griffin and most of the other contributions were put forward by Mrs Marie Shaw.

I hope that Parliament really appreciates that we are not dealing with a case of black and white—we are talking about areas of grey where we believe that the rights of the accused have to be balanced against the rights of the public to be protected from those individuals who would do them harm. That right can be protected only if the people who have committed serious acts, the more sensational acts, are given publicity to ensure that people who may have evidence can come forward. If we refer to other propositions that have been canvassed with me, we would never publish a name until a person is found guilty. I wonder how much essential information will be lost in the process. As members well understand, I have my own view on this subject which is different from that of many members. This question goes back to the matter of balance.

This Bill is unbalanced and does not provide any checks, it does not allow someone who has been quite wrongly placed in a difficult situation by media publicity any real opportunity to gain redress and, in some cases, regain their self-respect. The Bill was unbalanced, but I understand that it has been modified because of the strenuous efforts of my colleague the shadow Attorney (Hon. K.T. Griffin) in another place, and I congratulate him.

Let us be clear: there have been substantial changes to the original proposition due to the efforts of my colleague in another place. We know that the variations and revocations of suppression order laws that were not canvassed under this legislation have been fixed up by amendment (albeit a handwritten amendment in the Bill before us). We know of the strong representation made on behalf of protecting witnesses and that now the alleged victims have been catered for.

Why did not the Attorney cater for them before? Why did he say that he would leave them without a lifeboat? Why was the Attorney in such a rush to bring the legislation before Parliament, forgetting about the fundamental rights of people who in many instances are innocent victims? They are the people who are required to provide evidence, and those who allege that they have been harmed by the accused.

In his rush to get this legislation before the Parliament the Attorney-General forgot about many people; and for that he must stand condemned. He was not interested in the victims of crime. Because of the strenuous representations of my colleague, we are pleased that that matter has now been addressed. It is a pity that the Attorney-General did not think about that aspect before he introduced this Bill.

A critical area of the Bill is clause 4. I refer to the removal of undue hardship as a means of obtaining a suppression order. The media has a right to publish, provided that it does not prejudice the proper administration of justice. The Liberal Party is pleased to see that there has been a pulling back from this position. When amended, the Bill will leave this place in a far better condition than when it was introduced. We cannot change the Government's direction on this matter because the Opposition does not have the numbers. However, I am relieved that victims and witnesses have been considered in the amendments.

As I said at the outset, this subject inflames the passions. I do not know whether or not members opposite will speak in this debate. I am interested to know whether those members opposite with a legal background will address the Bill. Perhaps the member for Adelaide or the Minister of Education will address the Bill. Perhaps even the Premier, who I understand has some faint relationship with the law, will support this Bill. I know that some members opposite passionately believe that until such time as a person is found guilty no name should be published. I wonder whether there will be passionate speeches from members opposite—

*Mr Duigan interjecting:*

**The SPEAKER:** Order! The honourable member for Adelaide is out of order.

**Mr S.J. BAKER:** —on a matter that I would have thought was the very soul of the Labor Party. But, I think there will be utter silence.

*The Hon. Frank Blevins interjecting:*

**Mr S.J. BAKER:** The Minister says that he will tell us. I will be very interersted in his comments. One or two areas of the Bill still concern me. I cannot effect this type of legislation because I am not a member of the Government but, if one considers the amendments to be made to this Bill, it will be infinitely improved.

**The Hon. E.R. Goldsworthy:** Not yet.

**Mr S.J. BAKER:** Well, it will be. I commend the Bill to the House.

**Mr PETERSON (Semaphore):** The member for Mitcham touched on the point I want to raise, that is, the right to publish. The second reading explanation states:

> Therefore, the courts will only be able to make suppression orders if they are satisfied that grounds exist which justify subordinating the right of the news media (to publish the relevant material) to those grounds.

I am worried about the word 'right'. I do not believe that newspapers have a right to do this. The member for Mit-

cham also spoke about the different systems in other countries. Rights are implied in the American system under the Constitution; they are not in the Australian system because we do not have a Constitution that implies the same rights.

**The Hon. Frank Blevins:** We do have a Constitution.

**Mr PETERSON:** But we don't have the same constitutional rights as the Americans. We must look at the word 'right'.

**Mr S.G. Evans:** It is a privilege.

**Mr PETERSON:** Yes, it is a privilege, and that is the point I want to make. In relation to rights under the British law, I refer to *Legal System and Lawyers' Reasonings* by Julius Stone who is a recognised authority in relation to the law. Page 139 looks at the comparison of rights, and item 3 concerns the 'Jural Correlatives and Jural Opposites'. Page 140 talks about the 'Relation of Hohfeld's Work to Earlier Analysis of a "Right" ' and Austin's 'Undifferentiated Legal "Right".' The next page talks about '"Powers" and "Liberties" Distinguished From "Rights": Windscheid and Salmond'. In the comparison between the studies, the book states:

> The 'privilege' of Hohfeld is, as has been seen, the 'liberty' of Salmond more closely defined. It is that kind of 'liberty' which the law tolerates but does not support by imposing a duty on anyone else.

That is why I worry about the word 'right'. I also refer to Mitchell's *Consolidated Law,* which, under the heading 'Freedom of Speech', states:

> If a choice had to be made of the most important among fundamental liberties in a modern society perhaps freedom of speech and opinion would be chosen, for upon that depends the ventilation of grievances and the exposure of abuses. Of necessity the freedom is qualified. It is limited by the law of defamation, which in itself demonstrates the impossibility of absolutes in this area of law. Where other necessities, such as the administration of justice, require it, statements are absolutely privileged. Where the weight of other considerations is not so great qualified privilege may be granted by the law, or no privilege may be given at all. The public interest in the dissemination of news, granted the conditions of publishing newspapers today, may require special rules to be applicable to the press, and these are provided.

The experts see it not as a right but as a privilege. We must carefully look at words like 'right' in relation to suppression orders and the supplying of information through the media. I ask the Minister to take this on board when he responds.

**The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition):** I find this Bill very interesting because it shows just how far the Labor Party has travelled in the short space of a bit over two years. I have a concern about the way our whole system of justice operates and the cost to the citizen of obtaining justice.

I have been more than a little concerned about what it has cost some people I know. We heard recently of a case where a person was charged—and I have forgotten the details although I know the principles involved—and had to go to the not inconsiderable expense of the initial committal hearing, and was then sent off to court where the case was thrown out without any evidence at all being called. I find that very puzzling. There must be something wrong with the judgments made in our court system when someone within the system can send a person for trial and the trial is aborted and, in some cases, thrown out at the direction of the judge before any defence material at all is called on. I find that puzzling and disturbing.

I know that that has happened in a number of cases. It involves the person who is sent for trial in very considerable personal expense. It can cost people years and years of earnings and all their savings. I know of one case where people had to mortgage their property to cover their legal expenses. If people are fortunate enough to be totally impecunious with no assets to liquidate, they qualify for legal aid and can finish up with the best lawyers in town. If they get the bit between their teeth and want to prove a legal point, they can finish up with an appeal in the High Court at Lord knows what expense to the community.

However, for a person within that group who are neither wealthy nor poor, the cost of justice can be very high indeed. That disturbs me, and the other thing which disturbs me is that the fallibility of people who administer justice becomes all too evident. One of our members was up on a charge of libel, found guilty and took the case on appeal. The appeal was unanimously upheld, and I find all that pretty puzzling. It was touch and go whether the honourable member would recover his costs in the matter, involving an enormous sum of money. So, the whole system concerns me.

It is with that sort of querying attitude that I come to look at the Bill. One of the fundamental tenets of British justice, on which our whole system is based, is that an accused shall have a fair trial. If we are prepared to throw that tenet out the window, we are prepared to throw anything out the window. I make no bones about it: I was concerned on reading the Bill as to what had happened to the principle of the right of a person to a fair trial. I know we cannot talk about amendments, but the Attorney-General must have had some second thoughts in relation to that, in view of what is envisaged. We had a heavy lobby from the Law Society and from individual lawyers: we know what their stance is.

The thing in which I was interested first and foremost was the fundamental right of an Australian citizen to a fair trial. Any Government prepared to limit that right has a fair bit to answer for. It was put to me by some of the people who lobbied me in relation to the legislation and that common law right (which is inherent in our system, which itself is built on the system of British justice) that any statute law can override common law, and that this legislation would jeopardise the right to a fair trial. There seems to be some argument about that point. I am not a lawyer, thank goodness, and I hope I do not get into the unfortunate situation where I need a lawyer in circumstances such as I outlined earlier, where people who are not wealthy have to answer charges, or they can get into situations where they are up for enormous expense and, even if acquitted, can still be well and truly impoverished.

Quite rightly, I think, I and my colleagues looked at this legislation and said 'Does this in any way inhibit the possibility of a fair trial?' Our advice from some of the lawyers was, 'Yes, it does.' Now, we have to set that against the assurance of the Government that it will not. I have a couple of other concerns. It seems that we need to separate criminal from civil litigation. It seems that the media, at whom this legislation is largely directed, are more interested in criminal than in civil proceedings, and it seemed to me that a different set of ground rules ought to apply.

I was certainly concerned about the question of a fair trial, which is the basic tenet of Australian justice, based on the British system, and if common law rights were being abrogated by statute law I would be concerned.

The other area was that of hardship, which can envelop all the people concerned intimately with the accused. But the most puzzling aspect of the legislation was the obvious change of heart by the Labor Party in these 2½ years. At their conference only two years ago a motion was moved by the Minister, who has just taken his place on the front seat, and was carried.

*Members interjecting:*

**The Hon. E.R. GOLDSWORTHY:** I am just showing what a metamorphosis the Labor Party has gone through.

It has come a very long way in a very short space of time. This was stated at the 1987 convention:

Convention believes in the principle—'A person is innocent until proven guilty'. Therefore, we call on the Attorney-General—

who is the same Attorney-General as now—

to investigate the following steps to ensure this principle is upheld:

The with-holding and suppression of details which would identify persons accused of a criminal or cruel offence from the time they are taken into custody until such time as they are found guilty unless it is the wish of the accused otherwise:

That the publication of broadcasting of an accused's name be made an offence i.e. contempt of court, carrying a severe penalty, and;

The automatic publication of the names and details of persons found guilty unless it can be proved that such actions will be harmful to the victim(s).

That motion was successfully moved by the Minister now occupying the front bench, R. Gregory, and seconded by J. Rau. That stance was modified somewhat at the following convention when the Minister who has just left the Chamber intervened, as the report tells us:

Before Mr Blevins intervened, the original motion said Labor would 'prohibit the publication of the name, or material which may lead to the identification of any person charged with any offence until that person has been found guilty or, in the case of an indictable offence, has been committed for trial.'

However, Mr Blevins successfully changed the policy which was first enunciated by Mr Gregory and accepted by the Party. The report continues:

However, Mr Blevins successfully changed the policy so that Labor would 'allow for a system prohibiting the publication of the name. . .' This effectively endorsed the present system which allows courts to decide on the suppression of a defendant's name after hearing legal argument.

Mr Blevins told the convention there was an important point to be made by deleting the word 'prohibit' and inserting the words 'allow for a system prohibiting'.

It was incongruous to have total prohibition as part of the Labor platform when almost every day the Government went into court arguing for a defendant's name to be released.

That is as a result of the Government, through the Attorney-General, doing just that. The article continues:

'There is no question that some prohibitions, in the Government's view, have been inappropriate,' he said. Prohibition had, in the main, been a grave disservice to the victims.

I find that a bit hard to understand, but the article continues:

Mr Blevins said his amendment could be seen as softening the Labor platform on suppression of names, but he made no apology for that.

In another amendment, leading Adelaide industrial lawyer, Mr Tim Stanley, a delegate from the Adelaide sub-branch, urged additional power for the courts on the suppression issue.

He added to the original motion the words 'subject to the right of the prosecution to apply to the court for the lifting of the said prohibition where the court is satisfied good and proper reasons exist for publication'. . .

The shadow Attorney-General, Mr Griffin, said Labor was in a mess over suppression orders.

I think the shadow Attorney-General's comments were pretty well spot on in relation to what the Labor Party was up to at that time. I am puzzled, to say the least, at this sudden decision by the Labor Party to throw out the window the motion moved successfully by the Hon. Mr Gregory not even two years ago and come up with this Bill.

If I was cynical, I would suggest that the Labor Party was prepared to sacrifice its principles for some slightly obscure reason. I would suggest that this is Labor Party pragmatism, where its principles have gone out the window. We have seen it happen many times before. We have heard its members say things before elections but, when the election is over, it is all promptly forgotten. Our system of justice is probably one of the most important areas when we talk about principles, but it appears to me that the Labor Party has had very severely to compromise its principles considering its declaration of total suppression. I will be very surprised if the ALP convention enthusiastically endorses this new Bill. As has been pointed out by my colleague, the Government intends to do something about the Bill, and I will be interested in the outcome.

[*Sitting suspended from 5.58 to 7.30 p.m.*]

**The Hon. E.R. GOLDSWORTHY:** Mr Speaker, I draw your attention to the state of the House.

*A quorum having been formed:*

**Mr GUNN (Eyre):** This Bill is a clear example of a Government's trading its principles in a misguided belief that it will curry favour with the media. Where are the principles that the Labor Party stand upon: the right of an accused to be presumed innocent until proven guilty. Where is the Labor Party that claimed it stood for the underdog, the under-privileged, the people without the opportunity or ability to defend themselves adequately? Those principles have been traded because it believes it can curry favour with the editor of the *Advertiser*. In this State we have a one media monopoly. Let us face facts: both newspapers are run from the one building—printed with the same printing press.

The Attorney-General, Her Majesty's chief law officer, is prepared to trade those principles in the hope of currying favour with the editors of the media. What a disgraceful situation! What happened to the Bill that the Labor Party brought to the Parliament in 1965 which would have made it an offence to publish any person's name? Where is the Minister for Marine—the person who moved at the ALP convention that a person's name should not be released to the public until convicted? What has happened to all those principles? Anyone knows that any unfortunate person in this State who is charged and brought before the courts is at a considerable disadvantage if not of substantial means. Anyone who is served with a summons is at a disadvantage. One virtually has to plead guilty. Where will it end? If this Parliament agrees to this legislation, what will be the next step that this or any future Government will take to appease the media?

*Ms Gayler interjecting:*

**Mr GUNN:** I am totally opposed to it.

**Ms Gayler:** What is your policy?

**Mr GUNN:** I am totally opposed. The honourable member wants to be quiet and listen. She will have every opportunity to make a contribution.

*Ms Gayler interjecting:*

**The SPEAKER:** Order! The honourable member obviously does not want to be quiet and listen but she should be quiet and listen. The member for Eyre.

**Mr GUNN:** The honourable member will have an opportunity. I do not stand alone in my views. What did the Chief Justice have to say? At one time he occupied the third seat in this Chamber. I recall from the speeches he made in the Parliament that he always supported the right of the accused not only to have representation but also to have no trial by media. A few lousy amendments have been moved to the legislation and it is similar to giving someone a mini umbrella in a thunderstorm. This legislation is a sell-out to the media barons.

If there was ever an occasion when it has been demonstrated that a need exists for a third newspaper in this city it is now in relation to this legislation. The public would then be confident that they are getting fair and accurate legislation. The media barons want headlines. They have no regard for the welfare of people who are dragged before

the courts. I have no quarter for wrongdoers. If they are convicted, the public is entitled to know. If people break the law they should be punished. I am normally a conservative person by nature and I believe in law and order. But I also believe in justice and a fair go for all.

Where are the Labor lawyers tonight? Where is the member for Hartley? He has been admitted to the Bar. Where is the member for Playford? He is not in the Chamber. Where are the Left-wingers, the people who supposedly stand for civil liberties? Where do they stand tonight? They are quiet, because they are all so concerned that the newspapers may turn upon them at the next election and may influence the public. So, you sell your soul and your principles for the chance to get a headline. What a disgraceful set of circumstances!

What about the case a few weeks ago where a person was alleged to have been producing illegal material? It turned out that he was producing fuel for motor cars. What about other cases where people have been proven innocent but their reputations have been destroyed? There is no guarantee that the newspapers will print on the front or second page that a person is innocent. What happens to people who rely on their reputation to earn their living, such as doctors, schoolteachers, nurses or physiotherapists? If they are charged with a serious offence and if that is printed on the front page of the newspaper, their reputations are destroyed. They have no opportunity to defend themselves. Further, prosecution counsel can go to the court and make the wildest allegations without any substantiation.

*Mr Duigan interjecting:*

**The SPEAKER:** Order!

**The Hon. R.K. Abbott:** The newspapers will do exactly what the Liberal Party tells them to do.

**Mr GUNN:** I am amazed that someone who has been a Minister and who sat where the member for Briggs now sits says that the Opposition has no rights. We know what sort of democrat he is. I make no apology for the stand I take. Let us look at what the Chief Justice had to say in the *Advertiser* of 1 April 1989 under the heading 'Trials Made More Difficult by Media, says Chief Justice,' as follows:

> The attitudes of some sections of the media are making it increasingly difficult for courts to secure fair trials, says the Chief Justice, Justice King. The criticism is contained in a judgment rejecting an appeal by Joseph Carbone 38, as trotting home owner.

He goes on to detail his concerns. At least the Government should take note of the Chief Justice. His views and mine are not similar on many occasions. What about the report of the Chief Justice a few years ago in referring to difficulties in the law? He came into considerable conflict with the Attorney-General on that matter, clearly again highlighting the difficulties people face in getting a fair trial. As to what the Criminal Law Section of the Law Society has to say, I refer to a letter to me, dated 16 March:

> Dear Sir,
>
> The foundation of the criminal law is that a person who is charged with an offence and brought before a court is presumed innocent and that presumption remains with that person unless and until the charge is proved against him beyond reasonable doubt.
>
> Therefore, it follows that no-one should suffer any penalty until an offence is proved against him. The serious penalty is the publication of his name not only to him but often times to his family.
>
> If you publish a person's name before a verdict is delivered by a jury or a judge, you could be punishing a man for a crime in respect of which he may be innocent.
>
> The presumption of innocence is considered to be fundamental to the preservation of freedom and the individual rights of a citizen.
>
> Therefore, a person's name should not be published unless his guilt is proved beyond reasonable doubt.

I have had considerable discussions with the people in the Criminal Law Section, and they are appalled. As to what the *Adelaide Review* had to say, the headline in its editorial on this matter was 'An unjust outcome—The clamour of the press is at last to have its say'. I am pleased to see the Minister of Labour coming into the Chamber. I look forward to his contribution. Will it weigh up with the eloquent speech that I understand he made at the Labor Party convention when he was supporting a stand similar to that which I am taking tonight. That will be interesting, or will he be prevented from speaking because of the so-called time constrictions?

I ask the Minister of Labour: what benefits does the Government believe that this proposal will have for the average law-abiding citizen of this State? Will it help prevent crime? I think not. Will it make sure that criminals receive adequate sentences? Not to my knowledge. Will it deter other people? What compensation will be available to those people whose names are printed but who are then proved innocent? I believe that the Minister and the Attorney-General have a responsibility to this House and to the people of South Australia to indicate clearly what redress and compensation will be available to people in those circumstances.

A considerable amount of material has been circulated in relation to this matter. I shall now quote briefly from some of the material that the Law Society has provided, as follows:

> The rights to be considered.
>
> This legislation represents a serious inroad into the guarantees built into our system of justice, intended to ensure that no person's liberty should be jeopardised without due process of law including the right to a fair, unprejudiced trial.
>
> By recognising and according substantial weight to the right of the media to publish, the legislation has effectively subordinated the undermentioned rights crucial to individual freedom.
>
> 1. The right of an accused to a fair impartial trial in accordance with the due process of law.
> 2. The right of an accused to be presumed innocent and not to be penalised unless and until his guilt has been proved beyond reasonable doubt.
> 3. The right of an accused to retain his good name and reputation, his personal and family privacy unless and until a charge has been proved against him.

We want to know why it is now suddenly necessary at this late hour to bring this measure before Parliament. Why is it so important that this legislation should now go on the statute book? It will not make any difference to preventing criminal acts—none whatsoever. Why is it so important? It is obvious to all and sundry that this is purely a political stunt. This is a political act—and the rights of the individual mean nothing in those circumstances.

I have had some research carried out in relation to this proposal about burden of proof and one's rights to legal representation. I think it is worth referring briefly to some of these matters. The information that I have indicates:

> At a criminal trial where the defendant pleads not guilty, the general principle of common law is that the prosecution must provide guilt to the satisfaction of the jury beyond reasonable doubt.
>
> The High Court has on more than one occasion stressed that the jury must be given to understand in judge's directions that a defendant must be acquitted if the Crown case has not been proved beyond reasonable doubt.
>
> The best known English statement of the principle is the celebrated case of *Woolmington v DPP* (1935 All ERI). There the cases and statements by learned writers on the burden of proof were reveiwed. Some old writers notably Foster in his 'Introduction to the Discourse of Homicide' published in 1762 had declared that every pulling was presumed to be murder until the contrary was shown. The statement was repeated in Archbold, Criminal Pleading Evidence and Practice.
>
> This contention was decisively rejected by the House of Lords who asserted the fundamental presumption of innocence in criminal cases. Viscount Sankey said (in a sentence that is familiar to

viewers or readers of the Rumpole series) 'throughout the web of English Criminal Law one golden thread is always to be seen that it is the duty of the prosecution to provide the prisoner's guilt, subject to the defence of insanity and subject also to any statutory exception'. He continued stating that 'No matter what the charge or where the trial the principle that the prosecution must provide the guilt of the prisoner is part of the Law of England'.

This common law rule has been accepted in Australia. In an 1868 case, the New South Wales Supreme Court Judge Hargrave stated that 'the prisoner is presumed to be innocent until he is proved to be guilty and he is entitled to every reasonable doubt that is raised in the case'... The High Court has endorsed the rule and as I have indicated has held that it is the duty of a judge to direct in accordance with the above common law principles.

Once we depart on even one occasion from that fundamental principle, there will be no turning back. Once this Parliament surrenders its sovereignty to the news media, then we will have destroyed one of the most fundamental democratic principles. We are not elected to appease the media barons. We are elected to elect the South Australian community, and to represent those people we must make sure that when this Parliament enacts laws it is done with the best will and intention, and that the laws are not put to the Parliament to appease minority pressure groups who have a commercial motivation. I believe that a commercial motive is involved in this legislation. As I said earlier, I will give no quarter to criminals, but I certainly insist that the rights and the integrity of an individual must be upheld at all costs. I am appalled that the Parliament should be considering at this late hour a measure of this nature. I wonder what other legislation the Government will put to the Parliament in an attempt to buy publicity. That is all it is.

I have a lot of other material at my disposal, but at this stage I will refer to the 1965 proposal that the Labor Party put before Parliament. This is the information that I have in relation to this:

In 1965 the then Attorney-General introduced in Parliament a proposed amendment to the Evidence Act, 1929-1960 to add the following section:

69a (1) Subject to the provisions of subsection (4) of this section, no person shall publish the name of any party or intended party in any proceedings for an offence before any court either before or during the course of the proceedings or thereafter, unless that party consents to the publication of his name or the party is, at the conclusion of the proceedings, convicted of the offence with which he is charged or such other offence as the court may substitute therefor.

(2) No person shall publish any evidence in any preliminary investigation into an indictable offence unless the court by order under subsection (4) of this section permits the publication of such evidence.

It is even more disgraceful to allow the person's name to be published at the preliminary stage because the accused at that stage has not had the right to defend himself. I am informed that the prosecution often makes wild allegations that are not proceeded with, merely for the purpose of denying the accused bail. However, allegations are not supported by evidence because at that stage the defence would not want to provide all the defence evidence that is available because that would probably jeopardise the defendant's case.

I have been told of that practice by people who have a long and colourful history in the criminal courts and who have taken a leading defence role in some of the most significant trials in this State. I therefore believe that this Parliament should lay aside this legislation until these matters have received a more thorough consideration because, once we start enshrining in legislation the opportunity for the courts to consider the rights of the media, what other similar amendments will we be putting into the legislation?

In conclusion, this Bill will not go down in history as one of the greatest pieces of legislation. It will not enhance the reputation of the Attorney-General with the legal profession; it will not enhance his standing as a true democrat or the standing of those other people who have supported it; and it will certainly not enhance their standing with people who believe that every citizen is equal before the law, is entitled to a fair trial, and is entitled to the presumption of innocence. All those principles have taken hundreds of years to be enshrined in legislation.

*Ms Gayler interjecting:*

**Mr GUNN:** I am making my own speech and look forward to the honourable member's contribution. Those of us in the political arena understand those judicial principles quite clearly.

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

**The Hon. R.G. Payne:** Not the member for Davenport again!

**Mr S.G. EVANS (Davenport):** The member for Mitchell can either stay or go and I shall not be offended either way. I oppose the Bill. In the past I have tried to amend this legislation. I praise the Attorney-General of 1965 (a man with whom I did not agree often, although we did agree on some matters) for setting out to change this law. Don Dunstan was a Labor man and he made the point in his speech at that time that he had the support of the Chief Justice, who was not a Labor man and who would have been violently opposed to the then Attorney-General on general philosophy. However, Sir Mellis Napier agreed, as did the Crown Law Office in those days. It is only fair that I record again what the Hon. Don Dunstan said at that time concerning this matter. His remarks, made on 19 October 1965 and recorded at page 2215 of *Hansard*, are as follows:

The purpose of this last provision is, first, to avoid what is so often now an injustice to a man accused before the courts but later acquitted.

I apologise because the then Attorney-General referred to the masculine gender all the time. Although I shall not try to change his references, I make the point that I do not want people with strong views on this matter to get irate at this stage. The then Attorney-General continued:

A man may be accused of a serious crime before the courts. He is presumed to be innocent until proved guilty but, even though in due course he is acquitted, the publication of his name in relation to the offence may do him untold harm, because so often some of the mud sticks. We ought not to publish a man's name to the world until it is found by the court that he is guilty, unless the non-publication of the name unduly interferes with the proper administration of the court in gaining knowledge of the truth of the question before it.

The second point is that it is grossly unfair (and this has been often raised by counsel before in our courts) that we should have preliminary investigations into serious crimes and allegations of indictable offences where the whole of the prosecution's case is put at a preliminary inquiry. In the past, as that has been published to the world, everyone knows the full nature of the prosecution's case. However, they do not get the defence case in a preliminary inquiry—normally a man reserves his defence. The jury is almost inevitably apprised of the details of the prosecution's allegations about a crime which it is to investigate before it enters the jury box.

Members of the jury are then asked to dismiss from their minds all this background and all the newspaper reportage of what has gone on before and asked to come to the thing completely fresh and unprejudiced. It is asking a bit much of the average fallible human being to ask him to do that, and it is proper, if we are to have a completely unbiased investigation by a jury, that its members should come to this inquiry fresh, without a pre-knowledge or speculation or discussion of the events that have taken place in the preliminary inquiry.

Sometimes the allegations that are made by prosecution witnesses and the somewhat argumentative course of proceedings in preliminary inquiries ought not to be put before jurymen before they come to make their investigation and the accused puts himself upon his country, as he does when he pleads 'Not Guilty' to the arraignment. I may say that in these two pioneering provisions I have the support of the Law Society of South Australia and of the Chief Justice. The Chief Justice and the Law Society

were both consulted before this Bill was prepared, and they indicated their assent in principle to the latter proposals.

I could say that that sums up the position, but I go further. Although I shall not talk about some of the feelings concerning things that have happened in either the medium or the distant past, I say that this Bill, if it passes, will give an even greater right to the media to identify people who have not had the opportunity to put a defence to the alleged crime with which they are charged.

For what purpose does the media wish to identify the individual? Is it to help the court? The answer must be 'No'. Is it to help the alleged victims? The answer must be 'No'. Is it to help ensure a fair trial? The answer must be 'No'. Is it to help achieve justice? Unless we accept that the media is to be judge and jury, the answer must be 'No'. Is it to feed the quidnuncs? The answer to some degree is 'Yes, it is to feed them.'

Is the genuine reason to inform the public? The answer must be 'No'. Is it to help keep and/or increase the ratings overseas as a result of the public acceptance of the publication or broadcast? Of course, it is the latter point. Buildings, street corners and signs are virtually knocked down by media representatives wishing to get to the scene of an allegation to gain the first headline because they know that such a headline may get more people to buy newspapers, because there are quidnuncs within our society.

The same organisation will take a story about someone in the community who has been disadvantaged—perhaps someone who has been swindled by a business operation or unfairly sacked and has lost their livelihood—and create headlines such as 'Family deprived of living: wife, man and three kids', and so on. However, media broadcasting organisations can destroy the opportunity of someone to earn a living by publishing information.

True, they use the word 'accused', but they include all the other information. They include the word 'accused' only once and give the impression that the police have apprehended the right person, or they infer that an offence has been committed. The media does not care one iota whether the person identified is a woman with a schoolteacher husband or *vice versa*, whether the family is in close contact with customers, or whether members of the family are at a critical stage in their medical or legal studies.

The media blasts the name of the accused and the offence all over the community even though the person involved may say that they are not guilty. What chance does that person have of obtaining a fair result if they are sitting for exams? What if there is a child attending secondary school? They might go to school and find written on the board that their mother or father has been arrested. Where is the justice in that? That is what results from identifying people in the media? Members know what happens.

I understand the delicacy of the situation. The *Advertiser*, the *News*, the *Messenger Press* and the South Australian edition of the *Australian* are all printed at the one office, the television stations are controlled by a few people, and the situation with respect to radio stations is not much different. Members of this place belong to political Parties and the media can destroy any one of us either individually or collectively. The media is more powerful in our society than anyone else. The media would not have the courage or the decency to carry out a survey and ask people to respond to this issue. They would not say that the Government of the day should run a referendum on this issue.

I know that members on both sides believe that no identification of an individual should take place before the committal stage, and perhaps a majority would say that there should be no identification until a conviction is recorded. That is my stand, unless it is proved in court that it is in the public interest that an accused person should be identified in order to achieve justice for that individual, or if it is the wish of the accused that their name is published and the victim agrees to that action. In other words, we reverse the process. I believe that that is the way we should go.

The political Parties are bluffed, and minority groups such as the Democrats are no different. If they want to, the media can destroy any of us—even before the next election. That shows their power. Would the media have the courage to print what we say and keep it going? Would the media give us a corner of editorial space and say that it was public opinion? Public opinion has never been tested on this. If the electronic media says that it has, I would claim that they speak a gross untruth for which they should be condemned. The media has absolute power.

Because of my philosophy I have never believed in State-run papers, State radio or television, but we have now reached a point where we must consider giving individuals, political Parties and minority groups the opportunity to express their views in a publication or to buy time so that information can be provided to the public. If we asked the public to vote on my suggestion, there is no doubt that average Australians (one of the most fair-minded races on earth) would support me. Last week 85 secondary students visited Parliament. Not one of those matriculation students (and most of them will be voting next year) believed other than we should not identify people until they are convicted—neither by name, address, occupation, sex or whatever. In members' hearts, we all have a soft spot for that view, but we are locked in.

**The Hon. Ted Chapman:** Not yet.

**Mr S.G. EVANS:** We are, because the media can destroy us. People are appointed to key positions for, say, five years and then they are gone—they are nothing but a bird of passage, but they leave an impact on everyone in the community. It is easy for us to pass a law like this—it is a simple process, because it does not affect many people at any one time. The power of the people who feel motivated to vote differently at elections is not great, because such matters do not surface in people's lives. But, if we asked people, there is no doubt how they would vote. For the media it is part of their livelihood. Many media groups are struggling to get sufficient advertising. Business is tight and they are struggling, so they want to increase circulation. They will meet whatever price is necessary to get us to change the law.

If a person is found to be not guilty, I ask the media how they would feel if it was one of their family, a friend or associate who was involved? Can a teacher accused of a serious crime return to teaching in the classroom if their name has been spread around even before they have a chance to have a committal hearing? Of course not. We have a court system that takes weeks and sometimes months to hear committal proceedings, and sometimes it is two years before a court finally decides whether or not a person is guilty. How do people accused and those around them function in that situation? What if the accused is a lonely person without many relatives or close friends? What if they are a loner from somewhere far away or, even worse, what if it is someone who has their roots and job in the local community? I do not mind if the media does not believe me, but I ask members of the media how such a situation would impact on their lives.

We all know someone who has been through it. Surely both Parties should have agreed on a position whereby a person would be presumed innocent until proven guilty, at least—and this is the position I favour—or until a com-

mittal hearing. It is frightening that this Bill should give such absolute rights to the media. It could destroy a person professionally and take away one's livelihood—but it does not cost the media a cent. Under this Bill, if an accused tried to have their name suppressed until the committal hearing it would cost thousands of dollars. As our Deputy said, money is no problem for the rich; the State will pay for the poor; and those in the middle, with the high cost of living today, will end up on queer street.

I hope that members will shelve this matter. I have sympathy for the Attorney-General's position, but I think we should all stand up and be counted. Dunstan was right—

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

**The Hon. TED CHAPMAN (Alexandra):** Principally, this Bill seeks to repeal section 69a of the Act which deals with suppression orders and proposes to insert a new interpretation of suppression orders, a definition of the news media and the parties that are to be involved in suppression orders. I agree with the member for Davenport in so far as his remarks related to what occurred in 1965. Indeed, on page 2215 of *Hansard* of 19 October 1965 the Hon. Robin Millhouse debated an Evidence Act Amendment Bill that was introduced on the same date by the then Attorney-General, the Hon. Don Dunstan.

I will not repeat the *Hansard* report of that day, but clearly both political parties at that time held the firm view that the rights of the parties involved in court proceedings (that is, the accused and the victim) were paramount to the rights of any other parties, including the media. In my view that principle ought not to have changed.

I now turn my attention to the second reading explanation and the reasons why the Attorney-General believes that a change is justified. The Attorney-General said:

> In recent times there has been increasing media and public interest in, and concern regarding, the powers of the courts to suppress certain materials before them.

**The SPEAKER:** Order! The honourable member cannot refer to debates in another place. He cannot, *in absentia,* debate with the Attorney-General in another place. He can only refer to contributions made in this Chamber.

**The Hon. TED CHAPMAN:** I appreciate that, but I am referring to the second reading explanation given when the Bill was introduced in this House. Although it happens to have the same wording as the explanation given in another place, it has nothing whatsoever to do with any reflection that you, Mr Speaker, may think I am making on the Attorney-General.

**The SPEAKER:** Order! The Chair's construction was because of the introductory words that the honourable member made regarding the explanation.

**The Hon. TED CHAPMAN:** I meant no discredit. It was only to identify the Bill with its author and not with the representative of the author who introduced it in this place. The second reading explanation cites the numbers of suppression orders that have been issued for 1985-86, 1986-87 and 1987-88 as being 215, 193 and 207 respectively, and then states:

> However, of primary concern to the Government has been the quality of some suppression orders made by the court and the bases upon which they have been made.

Then, wait for it—

> For example, there has been an instance—

that is, one occasion—

of a court —

that is, in one court—

> not only suppressing all evidence, including the name of the defendant, before it but also suppressing the very reasons for the making of the suppression order itself.

So, it would appear from the second reading explanation that on one instance in one court one suppression order has justified the action that has been taken.

Time and time again in this place members of all political persuasions have referred to the importance of the role of Parliament in legislating for the people and not enacting laws such as the much celebrated Warming Bill, for example, in an attempt to remedy a particular situation. We do not fulfil that purpose. To try to disrupt a publicly accepted law of this State by citing but one example that apparently has occurred and caused the Government to take this action is, I believe, unjustified, if not outrageous. Let us look at the way in which the Government proposes to amend the current Act. Clause 4 repeals section 69a of the principal Act and substitutes a new section which, under subsection (2), provides:

> Where the question of making a suppression order (other than an interim suppression order) is under consideration by a court—
>
> *(a)* the public interest in publication of information related to court proceedings, and the consequential right of the news media to publish such information, must be recognised as considerations of substantial weight;
>
> and
>
> *(b)* the court may only make the order if satisfied that the prejudice to the proper administration of justice that would occur if the order were not made should be accorded greater weight than the considerations referred to above.

I understand that 'substantial weight' will involve that which, in the opinion of the court, cannot or should not be ignored: in other words, something significant. Be that as it may, it is my view that, if substantial weight is to be the measuring factor, it should be that which protects the rights of the accused, of witnesses and, last but not least, the victims of any such incident under consideration. I do not share the view that the media should be left out. Indeed, I recognise that the media have a role to play in the community. Equally, they have a responsibility to uphold, and they ought not to be precluded, from the outset, from publishing the facts of crimes committed.

In other words, immediately a report is made, the facts surrounding the case ought to be available to the media and for publication, but there should be no publication and no public utterance or identification by any section of the media of names of persons or families concerned. It is that objection which I hold and seek to have upheld in this State, at least until a matter is committed for trial, after which time the court has had the opportunity to study the allegations made and establish whether a *prima facie* case has been made to commit the person concerned for trial.

I do not know anything about the technical side of the law and do not profess to. I am too old and too busy in other areas to be bothered about learning a great deal more about it, but I am very conscious of the public feeling about this general issue. However, the people I represent generally share my view with respect to people's rights being paramount over the rights of the media.

Some of my colleagues hold the view that suppression ought to apply to all the detail surrounding a case until an accused has been proven guilty. I do not share that extreme view and never have, but the view I hold is that which protects the name or names of those involved in a case involving an alleged crime until a committal for trial has been announced. It disturbs me that, in what has been described as a pre-election climate, Parliamentarians should be so jumpy about the media and so sensitive as to suggest that the principles that they and the public at large hold so

dear may be, albeit temporarily, set aside so as to placate or attract the attention of the media.

There is no point in hiding this: the subject has been canvassed in the open forum of the Parliament along those lines by a number of speakers already. There is nothing new about the understanding of what is currently taking place nor, for that matter, the degree of pressure being directly or indirectly applied with respect to the media and their attempt to control, dictate or manipulate parliamentary representatives. I do not share the view that that alleged practice should be recognised, and I certainly do not propose to recognise that when expressing my views in this instance.

My views are not going to be inhibited by such alleged pressures as occur out in the corridors and beyond, in the community. As I understand it, the Government has not denied so far that those pressures apply. I look forward to the Minister handling the Bill in this House clarifying that matter and putting his view on record, bearing in mind that his view, if supportive of that expressed in the other place (a matter about which we cannot speak here—nor is there any need), has dramatically changed from the view he apparently expressed at the Labor Party conference a few years ago. Unless I have misread the situation, it was his colleague the Minister of Labour who was so sensitive about protecting the people's rights over and above everyone else's.

*The Hon. Frank Blevins interjecting:*

**The Hon. TED CHAPMAN:** The Minister of Health, albeit in a jocular tone, tells us that he 'rolled' his colleague. Whether he meant that he rolled him at that level or rolled him somewhere else I am not sure. However, the situation is clear on the Labor Party side—and full credit to them for this—that they have recognised the rights of people up to date, but now the pressure is being put on them, and it may well be that the Attorney-General, with the support of the current Minister of Health, has gathered sufficient muscle to be able, in the Minister's term, to 'roll' his colleagues on this issue.

I suppose it is tit for tat: they rolled him and one or two of his colleagues in relation to uranium a few years ago, so we are all subject to being rolled one way or another from time to time. I do not propose to be rolled away from my view on this subject which I believe to be the view of many people in the community. It is in that context and with the obligation to give those people fair protection that I oppose the measure currently before us.

I look forward to what has been rumoured to be somewhat of a modification to that position a little later in the debate. If it is not modified with respect to the paramount consideration being given to the victims, witnesses and accused persons and their respective families over and above that of the media and/or any other curious or rumour distribution activity, I will be opposing the Bill in the last round.

**Mr OSWALD (Morphett):** I, like most members in this place, am not a lawyer, but the views I will be expressing tonight will, I hope, coincide with what the public is thinking. Having had representations from lawyers and members of the public in my district I have taken the time to canvass people. Whilst I know that it is the view of the Attorney-General, in bringing this Bill before us, that the present legislation is bringing the law into disrepute, I find it very difficult to obtain evidence of that. Criminal lawyers say that it is nonsense, but talks in private with individual members of the Labor Party reveal that they do not hold that view.

I do not really believe that the public holds that point of view. I can find only the second reading explanation of the Attorney to support it and a few Labor members with whom I have spoken in the corridors also support it. I do not believe that the public generally, other than the media, support this legislation. It is a fundamental principle in our justice system that a person is innocent until proven guilty beyond any reasonable doubt. I am sure the Attorney would agree with that. If that is the basis of belief, I do not see why we cannot retain the *status quo.*

I note that the Attorney believes that suppression orders give rise to unnecessary gossip and rumour. I imagine there would be some circumstances in, say, a small country town where if a prominent bank manager was quoted in the media as 'a bank manager', the rumour mill would run, and it would not be long before the people in that small country town worked out who that person was, but it would be confined to that small area and it would be difficult for it to be known elsewhere. If that man is innocent, he has every right to be protected from the extension of that rumour mongering.

I also note that the Attorney believes that suppression orders are made in inappropriate cases. I believe, and the public would agree with me, that that is why we have judges—so they can decide whether the issuing of a suppression order is inappropriate. I do not believe it is up to Parliament to change that system. It is working well and has worked well. I note that the Attorney believes it is not working well and it is bringing the law into disrepute. I have taken advice from many criminal lawyers and it is difficult to find any who agree with the Attorney. Criminal lawyers are in that jurisdiction each day of their life. So where is this weight of evidence for a change?

The Attorney also believes that the terms of some suppression orders are too wide. I am not qualified to comment on that, but from my inquiries of criminal lawyers working in that jurisdiction, that is not correct. I understand that the Attorney believes that the suppressed names and evidence, whilst not obtainable in South Australia, can be circulated freely in other States. That matter raises interesting questions. If a person's name is circulated in other States, many people in the community would not find out that person's identity. For instance, the names of the parties involved in the recent prominent drug case were circulated in other States and, even though I am in a fairly high profile position, I did not know who was involved for some time. If I did not know, surely other members of the community would not have known.

*The Hon. Frank Blevins interjecting:*

**Mr OSWALD:** The Minister on the front bench laughs, but it took quite some time and many questions before I found out. If someone who is ultimately innocent can be protected, there are no problems. I return to the fundamental principle of justice. I understand that the Attorney believes that the community has a right to know, for example, whether the head of the Drug Squad has been charged with a serious drug related offence. I suppose we all believed that at the time but, if he had been innocent and was acquitted, there would have been a miscarriage of justice. Most fair minded people in the community agree that they would not like to see a man or woman condemned and have their careers and finances ruined, having been put through the media and the public's displeasure, and eventually found innocent. Each one of us in this Chamber would know of someone who has been in that position.

We live in a society that has grown up over 150 years and a system has developed with which the vast majority of the community are quite happy. But the media is putting pressure on the Government at the moment. I spoke with a couple of members in the corridor this evening and I

smiled at their response, because it indicated that Government members are not all united on this matter. Obviously it has been a political decision to introduce this Bill. I am not too sure that it will turn out to be a wise decision in the long term.

However, it will be a decision with which we will be stuck, because the legislation will be passed and I can do nothing tonight, by talking for another 10 minutes, to stop its passage. However, I want it recorded that the views I have expressed have come to me from my constituents and those solicitors whom I have contacted and who have contacted me. They are all quite happy with the *status quo* and do not agree with the second reading explanation of the Attorney that the present system is bringing the law into disrepute. They have urged me to vote against this legislation when the time comes. I understand that an amendment is on file. I will certainly be considering that amendment to see whether it helps me in coming to a decision. I look forward to the Committee stage.

**Mr INGERSON (Bragg):** I do not intend to take up much time in this debate. I have some concerns. Several very good friends of mine have been dramatically affected by the denial of suppression orders and were unable, I believe, to get fair treatment. There are four main issues of concern. Society continues to recognise that everyone should be given a fair trial. My understanding of that is based on a fundamental principle in our system of justice that a person is innocent until proven guilty beyond any reasonable doubt. That is a fundamental right of individuals, a basic freedom in which I believe very strongly.

The other three issues relate to the position of the accused person, the victim and the witnesses. On many occasions (and we have seen it in the past couple of weeks) innocent people have had their name bandied all over the front page of the newspaper, only to find out in a very short period of time that the accusations made against them were not proven beyond any reasonable doubt. That concerns me, because individuals can be set up by others in the community and there is no protection for them.

Sometimes the media can create an impossible situation. I do not support the notion that the media should not have a fair go in these matters but, with each single right lies a responsibility. There have been several recent examples where the media have not shown the appropriate responsibility. The provision removes the right of the accused to appeal on the grounds of undue hardship. That concerns me greatly, because I believe that the three people who are normally involved in these trials—the accused, the victim and the witnesses—should all be treated on an equal basis.

So, if a case for undue hardship is put forward on behalf of the victims and witnesses, the same position ought to apply to the accused. There is no doubt that the Bill recognises the media; the media has been given statutory recognition of its right to public information relating to court proceedings. As I said earlier, along with that right must go responsibility. It concerns me that in the future two things will have to occur. I refer to a document I received from Mr M.A. Griffin recently, which puts my concerns clearly, as follows:

> An applicant must establish two things to succeed in an applicaiton for suppression, namely:
>
> 1. that the order should be made to prevent prejudice to the proper administration of justice; and
>
> 2. that the prejudice outweighs the other considerations ... which are declared to be of substantial weight.

We can at least agree with the Attorney-General when he says in his second reading speech that 'an applicant for a suppression order will need to satisfy two onerous requirements before a court could be moved to made it'.

It is that concern to which I refer now. I am concerned that, from now on, if this Bill passes, every person who goes before the court—whether the accused, the victim or the witness—will have to jump a hurdle before they start. That hurdle is having to prove that their argument has a substantial weighting above that of the media. That is an impossible position and one which I do not support. In a fair trial a person should never have to jump a hurdle before they start. That is my major area of concern with the Bill.

I am not greatly concerned that the media should not have more rights, but I am concerned that they have responsibilities with it. It does not seem that this Bill puts a great deal of emphasis on the responsibility of the media. The Minister may be able to spell out how he sees the responsibility of the media in relation to suppression orders. Clearly, the three groups of people involved in a trial—the victims, the accused and the witnesses—have to get over the hurdle of substantial weighting being given to publication by the media.

I go back to the fundamental point. An individual has the fundamental right to a fair trial and the justice system should recognise that a person is innocent until proven guilty beyond reasonable doubt. Personally I believe that the name, address and occupation of an individual and any other details that may identify him or her should be suppressed at least to the committal stage. I feel strongly about that not only because I have some personal contact with people who have been caught up in this mix and were proven innocent but also because many people from my electorate over the past couple of weeks have come up to me and said, 'Graham, you believe in the freedom and rights of the individual, and you have believed that for a long time, yet we are having that right supposedly taken away or a hurdle being put before people.' That hurdle is a substantial weighting which has not been put forward previously in this place. I am opposed to the Bill in principle and I look forward in Committee to discussing with the Minister why an accused person should not be given rights under the undue hardship clause.

**Mr MEIER (Goyder):** Many of my reservations concerning this Bill have already been expressed by other members on this side of the House. I do not intend to dwell on them unnecessarily. I am no expert in legal matters and look for advice and guidance in determining a course of action. However, I do know the Government has mishandled this session of Parliament totally and completely. We are here, on the extended last day of sitting, dealing with one of the most important Bills to come before the Parliament for a long time. Many members look as if they are half asleep and many seem to be disinterested. It is a serious reflection on the Government, which has not organised its time properly to ensure that this Bill receives due consideration and is subject to full and proper debate. It is a disgrace to the Government that such a situation has developed. We must debate not only this Bill but also other Bills. How long we will continue to sit here, I do not know.

I recall this situation occurring previously, but this time it was obvious that this would happen. When the program came out we could see that it would be a short session. Maybe the Government had planned to go to the people in March or April—one will never know. It is clear that it has been caught out and the people of South Australia may be the ones to suffer.

It is so important that an accused person be presumed innocent and not be penalised unless and until guilt has been proven beyond reasonable doubt. I have a lingering

doubt whether this Bill will guarantee such. An amendment by the Opposition in another place could easily have sorted that out, ensuring that the right to a fair trial was paramount. Why it was not accepted, I do not know. Such an amendment would have alleviated my concerns and fears.

I acknowledge the arguments for greater accessibility to the facts and details of certain crimes. In some cases that call is quite justified. I appreciate the arguments. However, it would be disturbing if innocent people were subject to the abuse of the media, only to be found innocent when the damage was done. It has been said that the prosecutor may consider the first appearance of the accused to be a good opportunity to enhance the case against the accused, to stimulate community revulsion of the allegations and to prejudice potential jurors by making allegations that might never be the subject of evidence, certainly admissible evidence at the trial. I will be interested to hear the Minister's comments regarding my concerns and the many concerns that other members have expressed. If the Government believes that this is the way to go, it is probably worth saying, 'Let us give it a trial period to see what abuse occurs.'

The alternative to that argument concerns the person whose life is ruined or severely affected by this legislation—when it could have been stopped. That is what all of us as legislators must weigh up in our minds—and I have certainly done that. I have reservations about this measure, as I have indicated. I am certainly very disappointed that limited time has been made available to debate this Bill and that the Government has not been able to amend the program so that we could have a full and proper debate on this very important subject.

**The Hon. FRANK BLEVINS (Minister of Health):** I thank all members who have contributed to the debate. I make no apologies for saying that I have enjoyed the debate. Those members opposite who spoke put their case well, and the case has some legitimacy; there is no question about that. With some minor exceptions, which I will refer to, I think it has been a very useful debate. The debate was quite far ranging, and I know that members opposite will forgive me if I do not deal individually with their contributions. They were pretty much of the same mind and it would be unnecessarily repetitious if I referred to what each member said on an individual basis. However, I will attempt to canvass in a few minutes the issues that members raised and to deal with them from the Government's point of view.

I suppose that the essence of the debate is that this matter involves legitimately competing interests. First, there is the view—which I happen to hold—that the courts, including the Children's Court, ought to be as open as it is practicable to make them. I think the onus must always be on those people who wish to close the court, or any part of it, or to suppress any part of the evidence or names, or anything at all, to put their case, and we must ensure that only the strongest possible cases that can be made succeed. As to the matter of viewpoints held by people in my own Party (and I will come to what I call the fun and games part of the Opposition's contribution, where members opposite seemed to think that there were some divisions in the Labor Party on this issue), certainly within my Party—

**Mr Ingerson:** You know I am right, Frank.

**The Hon. FRANK BLEVINS:** Just let me finish. Certainly, within my Party there are people who hold a view quite the opposite to mine, and one in particular has been referred to here today, and that is the Minister of Labour.

**Mr Ingerson:** Has your view changed?

**The Hon. FRANK BLEVINS:** I will come to that in a moment. The making of Labor Party policy is conducted completely in the open. There are no suppresions at all, and the press is free to observe and to report. That is how we make our policy in the ALP. It is an approach which from time to time creates some discomfort, but overall it is, I believe, the only approach in a democratic Party. The comment by some members opposite that people have not held to their views since Premier Dunstan made some remarks on this subject in 1965 is probably quite wrong. I believe that most of the people who held those views in 1965 still hold them today. On an issue like this, by and large, people hold strong views and the strength of those views is maintained.

However, the ALP policy evolves, and at our last convention the policy in this respect was changed. I make no apology for being one of the architects of that change. That change was reported in the *Advertiser*. The article in the *Advertiser* of 28 November referring to this matter has been brandished about from time to time and quoted from. I have it here now. It is headed 'Suppression stand softened' and goes on to quote me—although not totally accurately, but that is one of the trials and tribulations of the press. However, it refers to my quite open statement to the convention that I believed that the Party policy was wrong and needed amending. After a certain amount of debate, my proposition was agreed to, and that is all thus reported in this article.

So, the Party policy has changed. There is no question about that. The ALP does evolve, unlike the Liberal Party, which seems, from where we sit here, anyway, to be going backwards. It is more like the old LCL. I see the Hon. Bruce Eastick sitting on the front bench there: it is like the old LCL days. But the ALP is not like that. It was interesting that the question of the ALP not abiding by its principles (as some honourable members quite unkindly put it) was raised. While I was looking at the report of our last convention, where the Party policy was changed, in an open and democratic forum, I noticed that the article contains a quote from the shadow Attorney-General, Mr Griffin. I am pleased that this was drawn to my attention because in this article, from the *Advertiser* of 28 November, Mr Griffin is quoted as saying:

> I believe names should be released, except in special cases where a suppression order is necessary to protect the victim or ensure the administration of justice is not prejudiced and in some instances, which are fairly special, where it is appropriate for persons who might suffer undue hardship.

I find that very hard to disagree with. However, what relationship does that quote from Mr Griffin have to what we have heard here this evening? There is none whatsoever. In the main, members opposite have spoken about total suppression at least until the committal proceedings. Some have gone even further in calling for total suppression until a person is found guilty. Although I disagree with it, that is a legimate point of view. I wonder who is in confusion here. It is certainly not the ALP, which thrashed out its policy in public and changed it.

According to Mr Griffin, the Liberal Party's view coincides almost word for word with what is provided for in the Bill that we are now considering, although all the Liberal Party members who spoke in the debate have said something quite contrary to what Mr Griffin said (but that is something of an aside). The majority of members of the present Liberal Opposition were in Government between 1979 and 1982, but they gave no indication at that time that they felt so strongly about this issue. When they were in Government there was no indication whatsoever that they wanted suppressions at least to the committal stage, or

even further. Liberal members had three years to do that and, if it was such a fundamental principle of the Liberal Party, I cannot understand why they did not do it.

One of the large issues that got a hammering from members opposite in this debate was the objection by the media to the level of suppression orders in this State and the idea that, because the Labor Government happens to agree with the media on this occasion, there is something wrong with that agreement. However, it does not mean anything of the kind. I was almost going to say that I did not care two hoots about what the media thinks on this issue, but that is not true: the media has a legitimate role in our society, so I suppose that I take some notice of what they think.

However, the media do not persuade me on issues of civil liberties, because I do not believe for one moment that the media come to this debate with totally clean hands. Indeed, the media come to this debate, at least in part, with profits in mind and with a commercial motive. Again, I suppose that in our society that approach has some legitimacy: it is not illegal to have a commercial motive. However, I am not persuaded that all of a sudden the media have become the standard bearers for civil liberties. If a newspaper proprietor chooses to use his newspaper in a certain way, he will trample on any civil liberties that get in his way, so I am not carrying a torch for the media nor, I believe, is anyone in the Australian Labor Party.

My Party has no reason to love the media. The number of times the media have supported the ALP could be counted on the fingers of one hand. I certainly cannot remember too many such occasions. From my experience of reading the press for 40 years, I remember perhaps only one editorial before an election (Murdoch's support for the Federal Labor Party in 1972) where the media have supported us.

**The Hon. E.R. Goldsworthy:** They didn't do a bad job last time when Bond supported the Labor Party with $3.5 million at the recent Western Australian election.

**The Hon. FRANK BLEVINS:** I do not know whether that is so but, if it was, good luck to the Western Australian Labor Party. I suggest that, if a media proprietor gave the Labor Party $3.5 million then, it would not be even 1 per cent of what the media have given to the Liberal Party and that, if they give the Labor Party $3.5 million a year for the next 20 years, we will still be behind.

Members opposite, especially the member for Morphett, referred to our place in a federation, although they dismissed the point. Suppression orders do not work in Australia, anyway. How absolutely laughable! The interstate press can publish details of a trial here and anything that is suppressed here can be published there, carried back here and circulated. Therefore, for the member for Morphett to say that he did not know that Barry Moyse was the person who had his name suppressed in the recent well publicised charges absolutely astounds me.

**An honourable member:** He said that he didn't know the name for two weeks.

**The Hon. FRANK BLEVINS:** Then the honourable member must have been the only person in South Australia who did not know and he could not have spoken to anyone else in South Australia for those two weeks. I found the comments of the member for Morphett a little difficult to believe. There is no doubt that the power of the media is enormous, with the result that from time to time they abuse that power gravely. The media themselves have something to answer for in the present strong debate between the media and the courts, because the media have occasionally abused their power. Some people may argue that the courts have abused their power in making suppression orders and I have a great deal of sympathy for that argument. However, the media do not come to this debate with clean hands on a number of aspects. Members opposite made great play of their defending the innocent and the Deputy Leader of the Opposition talked about British justice.

**The Hon. E.R. Goldsworthy:** A fair trial.

**The Hon. FRANK BLEVINS:** Protecting the innocent. Well, I have sat in this place and in another place for almost 14 years, and for the past two or three years at least I have seen more abuse of parliamentary privilege and more maligning of innocent people by members opposite who now purport to be great defenders of the innocent, saying that a man is presumed innocent until found guilty. I shall instance a few of those examples, because the Opposition does not come to this debate with clean hands, either.

Let me give a few examples of the abuse of parliamentary privilege that has gone on in this place from members opposite. A fairly minor but nevertheless factual example of their abuse concerns the allegations about my obtaining a cheap home loan. The members for Mitcham and Hanson were involved in that.

**Mr S.J. Baker:** I wasn't.

**The Hon. FRANK BLEVINS:** Yes, the honourable member was. Again, the Premier was accused by the member for Morphett of getting the Department of Housing and Construction or someone else to fix his broken window. Then, the Minister of Agriculture was accused by the member for Bragg of fraudulent conversion or some other criminal offence.

**Mr Ingerson:** I was proved to be right.

**The Hon. FRANK BLEVINS:** The member for Bragg was totally wrong, but my point is that the Parliament has a similar privilege to the privilege of the courts which is under debate today. The member for Bragg and other members opposite want the right to stand up in this place and to malign innocent people. They do it because the press is here and has the right to publish their remarks.

I do not want the members for Bragg and Morphett and the shadow Attorney-General, who in all fairness has not been vocal on this Bill, to stand up in this place and say how awful it is to malign innocent people and that everyone must be presumed innocent until found guilty when day after day, almost weekly, in this place they abuse parliamentary privilege only because the press is here and can publish. I for one strongly support the press being in this place and publishing even the canards of members opposite, the same as I support it in the courts.

When members opposite stood up here piously stating their defence of the innocent, the charge could have been hypocrisy. Also before Parliament over the past week has been the name of someone who is not answerable to Parliament or the Government. Whatever their wrongdoing, it has been processed through the courts and they have paid the appropriate price. That person has been dragged through this Parliament for one reason alone: allegations have been made under privilege so that the press can publish them.

While that is a gross abuse of parliamentary privilege, I still support the system that allows us to abuse it. I hope the Opposition does not—it does of course—but I still support the system. The system is better than the people who abuse it. As to the Minister of Tourism, her reputation has been dragged through this Parliament by members opposite for no other reason than they hope to get a cheap headline. There was absolutely nothing in the insinuations that they made—and they will continue to make them. There is no question about the Minister of Tourism being presumed innocent. What about the names and the dirt raised under parliamentary privilege? They gave it to the press to get a headline. The Opposition is entitled to do

that, but it should not prattle on in here about people being presumed innocent before they are found guilty.

Certainly, the worst abuse that I have seen in my 14 years—it is probably the worst abuse of parliamentary privilege that anyone will see as long as they are in this Parliament; there will never be another case as bad—is what happened to the Attorney-General. This was done deliberately by the Liberal Party through the member for Murray-Mallee who asked a question which to everyone in South Australia was clearly an attempt to link the Attorney-General with the mafia. There was no other reason for putting that question on notice.

The member for Davenport described how awful it was for children to find the names of their parents written on the school blackboard as being associated with alleged criminal action. What did the Liberal Party and the member for Murray-Mallee think or care when the Attorney's children were in exactly the same position at school—being accused of an association with the mafia?

I do not know what went on in the Liberal Party room, but every member who was there and who was part of that decision stands condemned for what they did and they will pay for it at the appropriate time. Certainly, I object to the member for Davenport and anyone else standing up and hypocritically bleating about some children who have seen their parents' reputation traduced through a court case. The argument of the Opposition is legitimate, but it is the hypocrisy that I cannot stand.

The Deputy Leader spoke about British justice. I want to tell the House why I do not support, other than in the most extreme circumstances, suppression orders and why I believe that this Bill goes some way towards the position that I hold. While the press can abuse its power and sometimes we can all be scared about the power of the press—which is enormous—I am much more fearful of the use and misuse of the power of the State and the power of the courts. That is why I believe that, other than in the most extreme circumstances, the courts should be open and, for practical purposes, the media should have the right to publish, to protect the citizens of the State from the possible abuse of the power by the State and the courts.

That is not an original thought by any means. In respect of the question of open courts, that is its basis and its genesis in British justice. The British system is so open because of the abuses of hundreds of years ago. I do not know whether members know of the history of the star chambers, which were closed courts where the State had the power to accuse people and find them guilty without the rest of the population having any right to access. That was the genesis of the hard fought for right of people, when they are accused by the Crown, to be heard in an open court.

Whilst I appreciate the points made by members opposite, they should go back further into the history of open and closed courts. I want to quote briefly and put in more elegant phraseology the philosophy that I have just espoused in my own somewhat inadequate way. I refer to the Law Reform Commission Report, No. 35, page 132, chapter 243 under the heading 'Open justice'. The preamble states:

It is also recognised within the system of justice in Australia that the proceedings of courts and other bodies exercising judicial or quasi-judicial power should be open to public scrutiny and criticism:

The quote used to support that assertion is this:

If the way that courts behave cannot be hidden from the public ear and eye this provides a safeguard against judicial arbitrariness or idiocyncrasy and maintains the public confidence in the administration of justice. The application of this principle of open justice has two aspects: with respect to proceedings in the court itself it requires . . . that, in criminal cases at any rate, all evidence communicated to the court is communicated publicly. With respect to the publication to a wider public of fair and accurate reports of proceedings that have taken place in court the principle requires that nothing should be done to discourage this.

They are the words of Lord Diplock, a distinguished British jurist. Although his words are more elegant than mine, substantially Lord Diplock was saying the same thing. Beside supporting the Bill as a member of Government, I have a strong personal view on this matter. Some members hold the contrary view, but I believe that courts to the maximum extent ought to be open despite the occasional abuses of the press because the abuse of the power of the State is so much greater and we should not put temptation in its path.

I suppose that the contributions of members opposite can be summed up by using a word that was used by the member for Mitcham—and I thank him for his contribution—and that word is 'balance'. There are legitimate, competing views on both sides of this argument. While I disagree with them, I acknowledge that the views of members opposite are legitimate. When one has extremes of views one has to find a balance. There is no doubt, under the way in which the parliamentary system works, a balance has to be found between these legitimate, competing interests.

I believe that this Bill finds that balance. It allows for suppression under certain circumstances, but that case has to be made. That case will not be easy, nor should it be. Nevertheless, it can be made and a court can apply a suppression order in the framework of the legislation if it so chooses. I believe that this Bill contains sufficient protections for the various parties before a court—the accused, witnesses, victims, and so on. I also believe that the principle of open court is protected in this Bill. It is important that all the Parliament support the principle of open courts and open justice, despite the difficulties encountered at times.

I believe that the second reading, supplemented by my brief response to the second reading contributions of members opposite, has made a case for this Bill, and I am sure that we will again go through some of the arguments in Committee. I will move a couple of amendments that will, in some way, allay some of the genuine fears held by members opposite. I am sure that these amendments will not go as far as members opposite would like, but nevertheless I believe that they will achieve the balance for which all of us in this place are working.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

**Mr S.G. EVANS:** This clause defines 'news media' and 'suppression order'. It is important that the point be made that if a person's identification is suppressed from publication it does not mean that that court is closed, because poeople who later read this debate—and I will ensure that many do—might not have a clear understanding of that. If a suppression order is granted any member of the public can still enter the court, hear the evidence, the name of the person and be aware of the particular offence.

Last year the chief executive officer of the journalists association said that if suppression orders were granted, except where it could be proven that in the public interest the name should be published, the media would not bother to publish anything about the alleged crime; and that is a form of blackmail. It could then be argued that the public might not know that a particular case was on and then, I suppose, it would be the responsibility of the State to advertise that the case was to be heard on a particular day but not to identify the accused. A newspaper can outline a particular case without identifying the accused, and if people wish they can go to the court and hear that evidence. If

people wish to know an accused's name it takes only 10 minutes to obtain that from the court, or they can send a family member along to note it.

There is no uniformity in what the media wants (and when I talk about the media I am talking about how it is defined in the Bill—as newspapers, radio and television). I understand the point that has been made, that South Australian legislation does not prohibit the media of other States identifying a person, but if one State enacts just legislation the others will follow. I believe that the Parliament of this State was the first Parliament to allow women the vote, and no-one at that time said that women should not have a vote; it was hailed as being justice. I cite that case as an example because, when members say that this legislation will not have an effect, it will—the other States will follow.

Previously this State has passed legislation that others have followed, such as that relating to the Ombudsman. The definition of 'news media' in this Bill is not a true definition in relation to what it thinks its role is in the community. I know that parliamentarians can be crucified, created or left in the wilderness by the media.

I also know that those around me who vote have a greater sense of justice than most of the people who push the argument in the media that suppression, as defined in the Bill, is wrong, is a terrible thing and an attack on justice. However, many of those employed in the media believe the same as I. They have a sense of justice and are not really at the end of the line waiting to see what the profits are. They do it because they like reporting: it is their vocation, but they also know quite often when they put pen to paper what they are being forced to do, because what those above want to highlight in order to get better ratings is injustice. As much as I support the definitions of 'suppression' and 'news media' in this clause, I have a different definition of the way the media operate in this country at the moment.

**The Hon. FRANK BLEVINS:** If I understand the member for Davenport, he is not saying that he wants the courts closed but that he does not want the media used to broadcast, in the widest sense of the word, in any form they wish. The courts are still open courts and the principle is upheld. However, that is a bit of sophistry, because the courts may as well be closed if the media are not allowed to publish—even, in some cases, in a disastrously twisted form—what is occurring inside the courts. To ninety-nine per cent of the population the courts may as well be closed. If the courts in Adelaide are open, for people who live in Whyalla or farther away they might as well be closed unless we use the modern tools of communication.

It certainly would be sophistry to suggest that we maintain the principle of open courts yet do not permit the media to publish and broadcast what occurs, even in their own occasionally twisted way. If I have misunderstood the member for Davenport, I apologise.

**The Hon. E.R. GOLDSWORTHY:** Under this clause we have the definition of 'suppression order', which provides:

*(b)* forbidding the publication of the name of—

...

(ii) a person alluded to in the course of proceedings before the court.

The Minister sought to draw a parallel with what happens in this court which is Parliament. He sought to promote the canard that the Liberal Party is the source of the smears about people who are not in a position to protect themselves. I totally refute that suggestion. Labor Party members are past masters at this art. If we want to talk about dirty tactics and dirty politics. I totally refute the Minister's suggestion that the Liberal Party is guilty of these tactics.

He quoted some examples. I think it is unfortunate that he introduced this note into what is a fairly serious debate. However, I well recall in this House the now Federal Minister, Hon. Peter Duncan, naming individuals and companies quite maliciously and falsely in an attempt to make a political point. I well remember the now Minister of Agriculture naming a building company and the people associated with it in a quite malicious and unfounded attack. I well remember the Attorney-General suggesting publicly that I was drunk every night before 6 o'clock and you could not get a sober word out of me—which found its way onto the first page of the *Advertiser.*

I also remember from the same source the suggestion that Liberal Party members were associated with the Nugan Hand Bank. I remember those unfortunate instances where Labor Party members have sought to smear people in this place and elsewhere on numerous occasions, and I remember the same gentleman stating that a Liberal member of Parliament was guilty of repeated rape. If he had suggested that outside this House, the Attorney-General would have been on the losing side of a libel case, of that I am absolutely certain. I cannot think of a more foul accusation than the Chief Law Officer of this State accusing a Liberal member of Parliament of not just one rape but repeated rapes.

We had the charade last year of his children being spat on at school. I know people who go to that school, and I do not believe it for a minute, but it made good newsprint. Do not let us get down into the gutter and suggest that Liberal members are the fountain of all the dirty tactics associated with politics. It is an unfortunate aspect of political life, but if the Liberal Party want teachers, if they want to go to the best people in the land to teach us that, we would not need to go far from this place.

So, let that note not intrude too far into this debate. I totally refute what the Minister suggested. He was trying to make a political point, but if he wants to bring the debate down to that level I will trot out all the dirty washing—and there are drawers of it which have come from the Labor Party quite unfairly, quite maliciously, quite falsely, and which would have led to some of our members being a fair bit better off financially if it had been said outside this place, particularly the matter I referred to earlier.

Let us forget all that nonsense and get on with the Bill. As far as I am concerned, this Bill is about the conversion of the Labor Party in about 18 months from a position of supporting total suppression of names until the time of conviction (which was moved by the Hon. Mr Gregory and carried by the conference) to the persuasive powers of the Minister on the front bench, and to what is now the *status quo,* the position where we have this almost unfettered right of the media to publish. As I said earlier this evening, I have to be a bit cynical about this exercise.

For the Minister to suggest that the Labor Party has never enjoyed the support of the media, and that the Labor Party is the Party of the poor people and the Liberal Party always outspends it at election time, is another canard which they have sought to sell for as long as I have been here—and which is quite false. The Labor Party during the recent Western Australian election outspent the Liberal Party sevenfold.

**The CHAIRMAN:** I must ask the honourable Deputy Leader to come back to the matter before the Chair.

**The Hon. E.R. GOLDSWORTHY:** I think members opposite got the drift of my remarks.

**The Hon. FRANK BLEVINS:** I certainly got the drift—

**Mr OSWALD:** On a point of order Sir: in reference to the comments you made to the Deputy Leader, I submit that every subject raised—

**The CHAIRMAN:** Order! Is the honourable member taking a point of order or continuing the debate? If he has

a point of order, we have a green book here with all the rules in it, and if he thinks the Chair has transgressed any of those rules I ask him to put that point to me. If the honourable member is merely joining the debate, I will give him the opportunity to do so.

**Mr OSWALD:** I believe that the Chair has transgressed some of those rules and allowed Government members to raise every one of the subjects the Deputy Leader has canvassed.

**The CHAIRMAN:** There is no point of order. Please resume your seat. The honourable Minister.

**The Hon. FRANK BLEVINS:** The Deputy Leader made some very good points and was certainly not pulled up by the Chair, so they were totally in order and I will respond to them. I want to clarify—

*Members interjecting:*

**The CHAIRMAN:** Order! I call the Committee to order.

**The Hon. FRANK BLEVINS:** I want to clarify the previous point I was making. To a great extent I agree with what the Deputy Leader was saying. There have been members on each side of the Parliament who have abused parliamentary privilege. It may well be that the Minister of Agriculture ought not to have named a building company in this place.

**The Hon. TED CHAPMAN:** On a point of order, Mr Chairman, the Minister has totally transgressed from the Bill and, if any other member in the House were to do so, one would quite properly expect that member to be called to order by the Chair. I call on you in this instance—

**The CHAIRMAN:** I ask the honourable member to take his seat. I do not accept the point of order. I have heard sufficient from him to understand the point he is making, and I do not accept it.

**The Hon. Ted Chapman:** So you are going to let him go? You are just going to let him go on hammering the question—

**The CHAIRMAN:** Order! I warn the honourable member for Alexandra.

**The Hon. Ted Chapman:** What for? I rose on a point of order. On what basis are you reporting me—

**The CHAIRMAN:** I warn the honourable member for Alexandra for the second time.

**The Hon. Ted Chapman:** What for, I ask? Is it reasonable that I ask what for?

**The CHAIRMAN:** I am trying to rule.

**The Hon. Ted Chapman:** You are being as big a personality knocker now as the Minister is guilty of.

**The CHAIRMAN:** Order!

**The Hon. Ted Chapman:** For Christ's sake, come clean! Tell us what the point of order is about that you are warning me about.

**The CHAIRMAN:** I am trying to rule on this point of order. I ask the honourable gentleman to be quiet. The reason why I asked the Deputy Leader to come back to the amendment before us was that the remarks made by the Minister were made in the second reading debate. We then moved into Committee and I asked the Deputy Leader (and he complied) to come back to the Committee discussion before us. I allowed the Deputy Leader, before that time, a certain latitude and, once having allowed that latitude and on the province of being even handed, I must allow the Minister to answer the propositions put by the Deputy Leader, given the latitude I allowed him. I will not allow this debate to drift away from the Committee. The honourable Minister.

**The Hon. FRANK BLEVINS:** I will be very brief. I appreciate your ruling. I agree with a great deal of what the Deputy Leader said. There has been an abuse of parliamentary privilege on both sides. It may well have been that the examples he gave were abuses of parliamentary privilege. With respect to the matter concerning the Attorney-General, if the honourable member feels that his reputation was traduced, he has had full retribution. I have always counselled members, including one backbencher who is present, not to use a company's name in Parliament until a case has been made, and I will not be part of a dorothy dixer in that regard. Make the case first; do not name the company, because there are always two sides to these questions. That proved to be correct.

I will repeat the point I was making. Despite the abuse of parliamentary privilege, I still support the openness and the right of the media to report this Parliament, as I do with respect to the courts. The point I was making in the second reading debate was that most Liberal Party members want to restrict the courts but maintain the *status quo* on the basis that everyone is innocent until proven guilty. They still want the right in Parliament to use a similar privilege to traduce the reputation of the innocent.

**The Hon. E.R. GOLDSWORTHY:** I just cannot let that go. That is absolute nonsense. The Minister is trying to promote the proposition that two wrongs make a right. He is suggesting that the Liberal Party has double standards. He is condemning the Liberal Party for what he calls unacceptable behaviour in Parliament. He has fortunately toned down his remarks from the second reading speech where he now accepts that the Labor Party is equally guilty of breaches. I could push that point further, but I will not do so because I do not want to dwell on it. The Minister raised it in this unfortunate fashion and I certainly will not let it go unchallenged. His description of our attitude to this Bill was likewise equally inaccurate.

The point made by members on this side of the House has been centred around one basic proposition: accused people, under our system of justice, are entitled to a fair trial. That is where it begins and ends. The question of suppression orders is ancillary and subject to that fundamental tenet of what justice is all about. For the Minister to try by some abstruse, obtuse, elaborate, mental process to seek to accuse us of something more or less than that by talking about dirty tactics in politics has not helped this debate at all. I simply make that point.

**The Hon. TED CHAPMAN:** Now that both the Deputy Leader and the Minister have canvassed again the details referred to in the Minister's second reading speach, I will come back to the Bill and deal specifically with the background to the claim embodied in that clause, that the media have the opportunity to report matters pertaining to an alleged crime before the processes of the court have taken their course. I understand from several sources that the basic reason for the inclusion of this clause is an instance where a court suppressed not only all evidence including the name of the defendant but also the very reason for the making of the suppression order. I ask the Minister: which occasion and which case have caused the introduction of the Bill and the inclusion of this clause.

**The Hon. FRANK BLEVINS:** That was given as only one example. There are any number of others that can be researched and trotted out. The country doctor case is one that has been used, and used widely.

**The Hon. TED CHAPMAN:** The Minister has said that there was a case, and I simply ask which one was it. Whether it was one of many examples or the only example is irrelevant to me. The fact is that the Minister in his own words to the Parliament (already on the record) indicated that there was but one.

**The Hon. FRANK BLEVINS:** It was the country doctor case.

**Mr. S.G. EVANS:** I could not have been plain enough when I first spoke, considering the Minister's response. I want to make sure that the Minister understands another aspect. I realise that I can only attempt to have the rules changed but, if I had the opportunity to rewrite them, they would state that, if a person was charged with a criminal offence, the media would be able to publish, in essence, that that person was charged with X, which might be a triple murder in some part of the State, and they could provide some detail of the condition in which the victims were found.

It may explain some details as known to the media, but none of the detail that would, in essence, prejudice the trial, either against the accused or against the prosecution case. That would be the situation until committal. In that statement the media would say that the accused will appear before a certain court at a certain time, so the public would know. If the media believe that their responsibility is to inform the public, the public would know that the committal hearing would be held in a certain court at a certain time, subject to an adjournment (as usually occurs in the first instance). If there was a successful committal, once the case started, the media would be entitled to publish the evidence without identifying the individual, witnesses or victim. That situation would continue right through the case, unless the court was convinced, by application from the media, other indiviuals or the police, that it was in the public interest to have the name published in order to obtain more evidence to support the prosecution case.

If the person was found guilty, it could be blasted all over the papers and everyone would race out and buy it. On the argument of the media and the Minister, that would be the case. Those who want to know who was involved would have the opportunity to go to the court and find out or even to send a messenger. I am not saying that the media cannot give an indication of when a case will be heard or what is the charge. The courts are open. I see that as a fair system.

I accept the historical argument that the Minister used on this point, but history changes as does society, and the media has more power now—it is in fewer hands, there are not as many little local papers, more people can read and write than ever before and more people receive information in their car, at their workplace, at home or wherever through the radio. Broadcasting is much broader and more damaging. One cannot move anywhere, if one is tainted badly enough, in this country or even around the world without being identified. That is the basis of my argument.

**The Hon. FRANK BLEVINS:** I appreciate the point made by the member for Davenport. I also concede that it is a legitimate viewpoint. The Government disagrees with it, but recognises it as a legitimate viewpoint. In essence, the honourable member is saying that there has been a qualitative change, not just a quantitative change. The sheer ability of the media to get out this message has meant a total change of circumstances, and the original premise on which the present open court system was based is no longer as strong because of this counterveiling power of abuse. I appreciate that the point is legitimate, whilst I disagree with it.

**The Hon. TED CHAPMAN:** This is the first occasion that I recall on which the Minister of Health has been in charge of a Bill, the debate on which I have been able or competent to participate in. I am having difficulty understanding what he is on about when, in replying to the previous speaker, he stated that he appreciates what is being said, recognises it as a legitimate viewpoint but the Government disagrees with it. Does that mean that the Government does not have a legitimate viewpoint? Either he agrees or disagrees.

*The Hon. D.J. Hopgood interjecting:*

**The Hon. TED CHAPMAN:** There are no worries about that, but a legitimate and a non-legitimate viewpoint seem to conflict. Be that as it may. I am concerned about the reasoning for altering the suppression order element of the Evidence Act to the extent proposed in the Bill, particularly in clause 3. I am concerned that the Minister is accordingly and apparently so reluctant to cite the example to which he alluded in support for this proposition. If there is something improper about identifying the doctor (if it was a country doctor that he mentioned), I do not expect the name to be given necessarily. However, I asked in an earlier question for the occasion and date of the incident referred to. If the Minister does not want to give sensitive details, why have it there? It seems that it is not there simply for packaging but for a real reason. It is appropriate to follow it up and ascertain the date and the occasion, if not the name.

I note that the opportunity for the Attorney or any other person to appeal against a suppression order is maintained. Having preserved that provision of the principal, not seeking to interfere with it, why is the Government so concerned? Does the Government believe, for example, that its efforts or the efforts of its predecessors to exercise that appeal have been not properly heard, addressed or considered by the courts, or indeed that it has not had a fair response from the courts to its efforts to appeal in a case or cases which it has drawn to the attention of the courts?

It is important to obtain a proper understanding of this. If ultimately we are to wear a situation where suppression orders are remote (which will be the result if the Bill passes) and where greater prominence and rights are to be granted to the media by the Parliament with respect to people's private affairs (in some cases whilst still only being accused), we are running the risk of people being not only cited by the media but trialled by the media, if not virtually committed by the media. We know what can happen in those circumstances.

We are talking in this instance of the suppression provisions, particularly in alleged acts of crime cases rather than civil cases. However, in the latter instance I can personally refer (as did the Deputy Leader earlier today) to a situation of great embarrassment and, potentially great cost. I went through such an experience with the Minister's own colleague but a few years ago. I know the sort of attack (not so much on me in that instance but on the rest of my family) that can occur as a result of peddling rumour, speculation, innuendo and reports of opinion about whether one has done the wrong or right thing in a civil case.

Of course, that was the libel case involving the Hon. Brian Chatterton. I know the sort of expense, apart from all the other things involved, that an individual or a family can incur. Without canvassing the detail of the case, in order to clear up the matter and in the process of clearing my name and clearing the responsibilities that were alleged to have been associated with my conduct, I was led to the situation of putting the value of the family farm on the line. A lot of this emanated from the action taken by the person I have mentioned, but it was aggravated, to say the least, by the media coverage, involving print media, radio and television, in the time leading up to the first hearing in the court and in the time between that hearing and the next one. It was by innuendo, of course, because of the need to observe the *sub judice* element.

However, that is now all over, but I understand with some real feeling what the concern is within the community at large in relation to the action that the Government is taking, and I know where this can lead if the media abuses its position—as, clearly, it has been guilty of doing on many occasions in the past. Against this background, and given the concern that people have in relation to the media doing the right thing, I wonder why the Minister seems to be so uneasy (if that is the right term) about the effectiveness of the appeals provision, which has been in the Act since it was introduced initially and which, as I understand it, is still there, unchanged.

**The Hon. FRANK BLEVINS:** Some of the questions raised by the member for Alexandra, particularly in relation to his own brush with the laws of defamation, do raise broader issues, issues not necessarily specific to suppression orders. There are many problems in society and lots of problems with the law, and this Bill does not pretend to attempt to solve them all. I take the honourable member's point; these days it is very difficult for people to afford access to the law. It is a major problem. I am not quite sure how that can be worked out in a free enterprise society, when barristers, for example, can earn up to $3 000 a day to defend one's honour.

*Mr S.G. Evans interjecting:*

**The Hon. FRANK BLEVINS:** Well, it depends—if they get you off, you might think that they earnt it and that it was worth it. Suffice to say, I cannot deal with all these problems here and now, but I can see that they are very real problems. The reason for the country doctor case being mentioned in the second reading explanation was that it is a very extreme example, a unique example, of suppression not only of name but also on top of that suppression of anything that would tend to identify, like occupation or address. The fact that it was a 'country' doctor was referred to, so that much was allowed, or I hope so. However, even more than that was the fact that there was a suppression of any reason for the suppression order. That is a 'closed court' with a vengeance.

*The Hon. Ted Chapman interjecting:*

**The Hon. FRANK BLEVINS:** Well, that was just to quote an extreme example, I suppose, of suppression orders gone mad.

**The Hon. Ted Chapman:** What is wrong with that?

**The Hon. FRANK BLEVINS:** I will tell the honourable member. As he has said, the appeal provisions have not been changed. They are still there in the principal Act, unchanged. The problem is not with the appeal provisions. The appeal was properly taken, and properly heard, and a proper decision (one with which we disagreed) was handed down by the courts. It was the law that was at fault, not the appeal provision. One could appeal for ever and a day, but the law permitted that particular action to take place. That is why we are amending the law.

Clause passed.

Clause 4—'Suppression orders.'

**The Hon. FRANK BLEVINS:** I move:

Page 2, lines 4 to 6—Leave out subsection (1) and substitute:

(1) Where a court is satisfied that a suppression order should be made—

*(a)* to prevent prejudice to the proper administration of justice;

or

*(b)* to prevent undue hardship—

(i) to a victim of crime;

or

(ii) to a witness or potential witness in civil or criminal proceedings who is not a party to the proceedings,

the court may, subject to this section, make such an order.

This amendment to proposed section 69a (1) is designed to make clear that where undue hardship may occur in respect of a witness, a potential witness, other than the accused (which expression may include a victim of a crime in criminal proceedings), then the court may make a suppression order, subject, of course, to other provisions of the section. This ground of undue hardship to witnesses and victims is, clearly, in addition to the general ground of the prevention of prejudice to the proper administration of justice. The Government believes that such persons deserve special consideration given their vital position in the administration of justice (whether civil or criminal).

A simple example is the offence of blackmail. Unless this type of special protection can be afforded to a victim of blackmail, it is doubtful whether such an offence would ever be reported to, or come to the attention of, the relevant authorities. Nor should ordinary witnesses (that is, innocent bystanders) be subject to unnecessary and undesirable, but avoidable, pressures beyond those expected of them in fulfilling their lawful duty in giving evidence to a court.

**Mr S.J. BAKER:** The Opposition is disappointed with the amendment. I must admit that, in canvassing during my second reading contribution the matter of the potential softening of some areas and of putting more balance into the Act, I had misread this clause. This illustrates the fact that there is always a problem, when reading these things, of reading more into them than is actually there.

The clause provides that the protection of witnesses and the protection of victims is still subject to a right of publication (and this is despite the court saying that these people should be protected), provided that the media can prove that the weight in favour of public knowledge is greater than the need of the victim or the witness. This causes me concern, because I understood that the original proposition was somewhat different from that.

Victims and witnesses are indeed the innocent parties to an offence, one would presume at first principle. Therefore, the court should decide to suppress their names almost as of right. These people have already been injured or are subject to potential injury. I thought that the Attorney, in the other place, had come to grips with this question, which was raised by my colleague the shadow Attorney-General, namely, that under the prescriptions in this legislation there is no protection whatsoever for victims and witnesses. We believe that it is very important that these people have ultimate protection: witnesses, because they can be put at risk if their names and details are supplied and are openly available through the media, and victims, because one would presume that they have already been traumatised in various ways.

Many suppression orders occur in sexual offence cases, and many people in the world still believe that women who get raped have asked for it. Publication of those names just compounds the injury. My first reading of the amendment led me to believe that the Attorney had come to grips with the proposition. However, he has not done that because he has still said that it can be subject to media interest. That is not good enough. The Bill still has to go back to another place, where I hope the numbers are sufficient to alter this provision.

My second thought relates to the second amendment (the amendments are linked) and the hope that 'undue hardship' would soften in some way the proper administration of justice. This would mean that undue hardship, which has a priority under the Act today, remains the pre-eminent position. In fact, it means that the media has a particular interest—its interest is specified above all others. It has a special weighting in the system and in those circumstances

it was not unreasonable, because it turned the whole thing around, that we would have a softening of the provision.

However, that is not the case because the following provision relates only to the victims and the witnesses. Tonight I have tried to indicate that there are two sides to every story. There are many casualties in the world. No matter what we do someone will be wronged or be a victim of the system. If we provide total suppression until guilt is proved, it will let off infinitely more people than would apply if certain cases received publicity. It is essential that some cases receive publicity.

**Mr S.G. Evans:** The name or the evidence?

**Mr S.J. BAKER:** I understand that. The member for Davenport raises a valid point about what details should be published, about whether any details should be supplied and whether there should be publication of any remarks made at pre-committal proceedings, and so on. There will be enormous arguments, and if the media exceeds its authority in this area there will be some cases where, because of prejudice, the prosecution will be forced to enter *nolle prosequi*. That will be a test for us all. If there have been breaches that place people in an untenable position, the whole provision might have to be rethought.

I am sure that the media understands that as well, although members might believe that on occasions the media exceeds its authority. It is important that we keep the system open. The Opposition will obviously support the amendment. Previously there was no protection at all for witnesses or victims. The law was totally deficient in that area, so we are proceeding along the track. However, I question whether through this amendment we are crossing over a common law right of protection for victims and witnesses. I have not been able to answer that question. When the Act was silent on this matter, it may be that common law rights applied, anyway.

*The Hon. Frank Blevins interjecting:*

**Mr S.J. BAKER:** I do not know—perhaps I have been watching the wrong kind of television programs. I would have thought that as a matter of first principle the court would be interested in protecting those appearing before it, whether they be victims, the accused or witnesses, whereas the amendment writes into the law that protection will be subject to certain qualifications. I hope the provision can be fixed up in another place. We have gone a long way down the track in removing some anomalies in the system, the dying grandmother or the sick aunty syndrome which seems to have afflicted South Australia more than any other jurisdiction.

**Mr S.G. EVANS:** As an individual, I do not support the amendment because we are building into the legislation another injustice. In respect of victims, I point out that it is very easy for one to lie and allege that they have been assaulted. So, I believe that the word 'alleged' should be used. One is not a victim until the accused is proven guilty of having committed an offence.

I refer now to the injustice that I see being built into the system. We are saying that the victim or witness can have their identity suppressed if certain matters are proven, say, if it is in the interest of stopping any prejudice or if there is some undue hardship likely to result by the publication or identification of their name.

It is possible to have a case where the potential witnesses and alleged victim have their names suppressed and the accused is found not guilty, yet the accused had been set up through conspiracy. The accused might be identified, yet he is more innocent than the witnesses or the alleged victim. I do not understand how this Parliament can claim that this is a great change, because we are creating a series of injustices.

If the amendment referred to the 'alleged accused' and the 'alleged victim', it would be a step in the right direction. At the moment we are making it even tougher for innocent people who are charged and found not guilty. Of course, not everyone who is found not guilty is innocent. I always thought that under our system of democracy it was safer to have the law written and practised so that we did everything possible not to penalise innocent people on the understanding that we might have more guilty people found innocent and that it would be better to have five or six people get off than have one innocent person carry the can. I thought that was the basis of how we made the law, and that is how it should be. Anyone can be entrapped and face a committal hearing.

Earlier a member made the point that, some time in the past fortnight during the hearing of a certain case (and it was a serious crime) the judge instructed the jury, after hearing only the prosecution's case, to consider its verdict—the jury had not even heard the evidence in defence of the accused. The jury came back and said that it found the accused not guilty. Of course, in that case the accused's identity was known. Under this amendment, that person would have to carry that accusation for the rest of their life. I do not support the amendment because we are only putting more impediments in the Act, and that would be to the detriment of justice in our courts.

**Mr INGERSON:** In relation to the point I made about what appears to be the unfair weighting given to victims of crime and witnesses compared to that of the accused, it seems that this whole clause places a hurdle that one has to jump before any consideration is given to undue hardship. I think that this clause contains a weighting for the media in terms of publication which has a higher rating that needs to be satisfied before the weighting in relation to undue hardship for victims of crime and witnesses. I understand that unless undue hardship is weighted at a higher level than the weighting given in relation to media publication, the accused is in a difficult position. Why have accuseds been left out of this undue hardship provision? Is my impression, that there is a significantly higher rating given to the weight of publication by the media, correct?

**The Hon. FRANK BLEVINS:** I am happy to allay the fears of the member for Bragg. Proposed new section 69 (2) *(a)* contains the words 'considerations of substantial weight'. The definition of 'substantial', according to the Oxford English dictionary, is that it is weighty and not readily displaced; it does not mean paramount, predominant or overriding. In fact, proposed new section 69 (2) *(b)* makes clear that the court may make the order only if it is satisfied that prejudice to the proper administration of justice, or of undue hardship, would occur if the order were not made and should be accorded greater weight than the considerations referred to.

**Mr Ingerson:** It means you have to jump the hurdle.

**The Hon. FRANK BLEVINS:** Well, you are certainly in a contest. The honourable member's argument is that, if one is a victim or a witness, one is accorded greater weight than the argument referred to in paragraph *(a)*.

**Mr INGERSON:** There is a deliberate move to leave an accused out of the undue hardship clause. What is the reason for that?

**The Hon. FRANK BLEVINS:** We believe that special provisions prevail for witnesses and victims who do not know the accused. The example I gave when I moved this amendment concerned blackmail cases. A witness who is just passing by and happens to see something does their

duty as a citizen when giving evidence, and we believe that they have a stronger right to a suppression order than the accused. Fewer people will come forward as witnesses if they know that their names will be plastered all over the newspapers. It is an added protection for those classifications.

Amendment carried.

**The Hon. FRANK BLEVINS:** I move:

Page 3—
Line 27—After '*(a)*' insert 'immediately'.
Line 29—After '*(b)*' insert 'within 30 days'.

These amendments impose time constraints on courts to get suppression orders to the Registrar and the Attorney-General respectively. They were suggested by the Chief Magistrate. At present there are no constraints and their imposition is considered desirable in order to enhance the public administration of the law on this topic.

**Mr S.J. BAKER:** The Opposition has not proceeded with the amendments raised in another place relating to our belief in a fair trial being the prime requirement which should be placed within the Bill. We have not done so because, first, it is 10.30 on a Friday night (and this is unprecedented in the time I have been in the House) and we have a lot more business to transact; and, secondly, there is no point if the Government is not going to listen, because the matter was well and truly debated in another place.

We firmly believe that a fair trial should be the criterion unequivocally placed in the Bill. We also believe that there should be fairness in reporting, and the amendments placed on record in another place provide exactly that. Unfortunately, they have been rejected. We do not intend to pursue them here as we would be wasting time, but they are important to us on this side of politics and I hope they are important to everyone in this House.

Amendments carried.

**Mr S.G. EVANS:** As the clause now stands, I oppose it more strongly than I opposed it in its original form. I believe the individual is important. I know that it becomes difficult within a Party structure; I have been in and out, and I know that it is difficult for individuals to act as individuals in that sort of structure. However, in developing and writing our laws we should do our best to give the individual the opportunity to obtain justice. There are people in society who can be vindictive and make allegations for the purpose of nothing more than putting someone to a lot of expense.

Under this clause, we are saying quite clearly that the media has a much stronger right than ever before to publicise matters and identify individuals. Their first motive is profit—and I believe in the profit motive, but not at the unfair expense of others, especially by using what is happening in courts to achieve it. What we say now is that if an individual can set the scene for allegations, even knowing that the matter may not go beyond a committal hearing, the person against whom the allegations are made is put to huge expense.

I might have sympathy with what is being attempted under this clause if we had a system under which the State would pay the costs if a person were found not guilty. If we look at it fairly, it is a grave injustice that it does not cost the person who makes the allegation one cent. I would like people to think about that. The Minister handling the Bill says that a Queen's Counsel can cost $3 000 a day plus junior counsel and others, so it is a pretty expensive exercise.

If an individual's income is derived from being a doctor or being in business where there is direct contact with a customer, and the income is $100 000 or so a year (which is highly probable), that is the sort of person who will be identified by those who want to be nasty, and it is fairly important that that person attempts to fight to protect his name or anything that identifies him and tries to have his identity suppressed. To do that under the provisions of this clause can be a very expensive exercise. It can go on for a couple of days, and on one side we have the media, with the huge media magnates who can find millions of dollars in the country (and others who have taken it outside) paying the best of lawyers to argue the case and we strengthen their opportunity through this clause.

They do not care how long the argument goes on, because they can afford it. The longer it goes on, the more publicity they get for it and the more sales they engender, so they are reaping a benefit greater than the amount it is costing them while the argument goes on. When it is all over, whichever way it goes, if the person wins the suppression it has cost him a lot of money although it may have saved him something in the end, but if he loses he has not only lost his income for the future (or some of it), even if he is found not guilty, but he has lost what it cost to try to win something which should be a right under our law: that one is not guilty until found guilty in court by one's fellow man.

What we are doing now if we leave this Bill as it stands is giving the media a greater opportunity for trial by media. No-one can deny that that is the truth. When it comes to bloodthirstiness for profits, they will pander to Governments, particularly Federal. They are not worried about a bit of blood if a few individuals are hurt; if the taint is there they will make it as hard as they can for the accused, and they would like the public to believe that the story is correct, while the individual does not have the opportunity to prove differently.

A reporter can put an inference on words that very few of us could. Even knowing as much as I know, under the present circumstances I would not win the argument, no matter how long I spoke on this subject. However, with my limited capacity, I am prepared to participate in a public forum and debate this matter with the smartest lawyers and news media people, with an invited, but not selected audience, because I know where their hearts lie. A vast majority of the audience would have never been associated with anyone who has been before the courts, but they believe in justice.

I give credit to those people on both sides of politics who have tried to fight this cause but have had to fall by the wayside. I will not name them: they know who they are. Some are here; some are gone. I give credit to those journalists who believe in not having a trial by media, and I hope they will rise up within their own associations and win the argument—

**The Hon. Frank Blevins:** They would have no hope.

**Mr S.G. EVANS:** I believe the Minister is correct when he says they would have no hope. The Minister feels in his heart as I do about that, but somebody has to encourage them. I am not likely to be much help from my position. Moral courage is needed, and we do not have enough people of that type to fight for this. I oppose the clause.

Clause as amended passed.

Clause 5 and title passed.

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

*That this Bill be now read a third time.*

**Mr S.G. EVANS (Davenport):** We have now given the media, by our actions in this House, a greater power than they have ever had before to destroy individuals, and they will use it. As this Bill comes out of the third reading stage,

I hope that judges of the future, whenever they believe that the media has transgressed in only the slightest respect in trial by media, rather than by jury, will either throw out the case or ask for a retrial with a different jury, because that is the only method the courts will have to counter the power that we are now giving the media. I have said previously that I understand political Parties cannot take on the media: the media would destroy them, whether Liberal or Labor. The media hold the reins; they can develop community attitudes, so we are told, but on this matter they cannot, if they are honest.

As much as I hope that no-one takes their own life because one of their family has been accused, if ever that happens (even though it is a cruel thing to say) I hope that the journalist who runs the the trial by media has the body placed in their backyards so that only they see it (and not their family) and thus realise the consequences. That is the sort of power we are giving people to destroy not just the credibility of an accused person who may be proven innocent but others who have difficulty living close to someone accused of a crime and subjected to trial by media long before they have an opportunity to appear in court.

I am disappointed, because I know in my own heart that if the 69 politicians in this Parliament had sat around a table, forgot that they belonged to a Party and realised that the media had the power to destroy us, and had we taken a particularly hard line on this issue, a secret ballot would had resulted in a Bill coming before this Parliament providing for all names or identification to be suppressed, if not until conviction, at least until committal. I oppose the Bill in the strongest possible terms.

Bill read a third time and passed.

## COUNTRY FIRES BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, line 20 (clause 3)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 2. Page 3, line 22 (clause 3)—After 'Act' insert—

—

*(a)*

No. 3. Page 3 (clause 3)—After line 23 insert—

and

*(b)* must seek to achieve a proper balance between bushfire prevention and proper land management in the country.

No. 4. Page 4, line 29 (clause 9)—Leave out 'seven' and substitute 'five'.

No. 5. Page 4, line 30 (clause 9)—Leave out 'seven' and substitute 'five'.

No. 6. Page 4, lines 33 to 39 (clause 9)—Leave out subparagraph (iii) and substitute:

(iii) two will be nominated by the Minister, one being a person with experience in financial administration and the other being a person with experience in land management.

No. 7. Page 5, line 9 (clause 9)—After 'Board' insert ', other than the Chief Executive Officer,'.

No. 8. Page 8, line 12 (clause 16)—Leave out 'until approved by the Board' and substitute:

*(a)* in the case of the election of a group officer or brigade captain—until after consultation with the council or councils (if any) for the area or areas where the group or brigade operates;

and

*(b)* in any case—until approved by the Board.

No. 9. Page 11, lines 13 and 14 (clause 22)—Leave out subclause (3) and substitute:

(3) A council may appeal to the District Court against any such requirement.

(3a) An appeal must be instituted within 6 weeks of the requirement being imposed unless the District Court, in its discretion, allows an extension of time for instituting the appeal.

(3b) Subject to a determination of the District Court, where an appeal is instituted, the requirement being appealed against is suspended until the appeal is determined or withdrawn.

(3c) On hearing an appeal, the District Court may—

*(a)* confirm, vary or cancel the requirement, and make any incidental or other order that may be appropriate in the circumstances;

*(b)* refer the matter back to the Board for further consideration;

*(c)* make any order as to costs.

No. 10. Page 11, line 16 (clause 22)—Leave out 'by the Minister' and substitute 'on an appeal'.

No. 11. Page 11, line 44 (clause 24)—After 'Treasurer' insert 'after consultation with the Local Government Association'.

No. 12. Page 12, lines 20 to 29 (clause 27)—Leave out this clause.

No. 13. Heading, page 13, line 13—Leave out 'COUNCIL' and substitute 'ADVISORY COMMITTEE'.

No. 14. Page 13, line 15 (clause 29)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 15. Page 13, line 16 (clause 29)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 16. Page 13, line 36 (clause 29)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 17. Page 13, line 37 (clause 29)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 18. Page 14, line 2 (clause 30)—Leave out 'Council's' and substitute 'Advisory Committees's'.

No. 19. Page 14, line 5 (clause 30)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 20. Page 14, line 6 (clause 30)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 21. Page 14, line 39 (clause 32)—Leave out 'prepare plans for, and to'.

No. 22. Page 15, line 3 (clause 32)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 23. Page 15, line 4 (clause 32)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 24. Page 15, lines 11 to 28 (clause 33)—Leave out subclauses (1) and (2) and substitute:

(1) A rural council, or two or more rural councils acting together, must, by notice in the *Gazette*, establish a district bushfire prevention committee in relation to its area, or their areas.

(2) A district bushfire prevention committee will conisit of—

*(a)* the fire prevention officer or officers of the council or councils;

and

*(b)* the following persons appointed by the council or councils—

(i) one representative of each C.F.S. brigade operating in the area or areas, selected in accordance with the regulations;

(ii) two representatives of the council, or of each council;

(iii) if there is a reserve (or part of a reserve) administered under the National Parks and Wildlife Act 1972 within the area or areas—an officer of the National Parks and Wildlife Service nominated by the Minister for Environment and Planning,

(iv) if there is a forest reserve (or part of a forest reserve) within the area of areas—a nominee of the Minister of Forests,

and

(v) any person nominated under subsection (3).

No. 25. Page 15, line 29 (clause 33)—Leave out 'The Board may, at the request of a' and substitute 'The council or councils may, at the request of the'.

No. 26. Page 15, line 32 (clause 33)—Leave out 'The Board' and substitute 'The council or councils'.

No. 27. Page 15, line 32 (clause 33)—Leave out 'a district' and substitute 'the district'.

No. 28. Page 15, line 34 (clause 33)—Leave out 'The Board' and substitute 'The council or councils'.

No. 29. Page 15, line 35 (clause 33)—After 'established under this section' insert '(but in that event the council must undertake, or participate in, the establishment of a new committee)'.

No. 30. Page 15 (clause 33)—After line 35 insert new subclause (6) as follows:

(6) The Board may, after consultation with a rural council, exempt a council from a requirement of this section.

No. 31. Page 16, line 1 (clause 34)—After 'to advise' insert 'the council or councils,'.

No. 32. Page 16, line 1 (clause 34)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 33. Page 20, lines 20 to 23 (clause 41)—Leave out all words in these lines.

No. 34. Page 20, lines 25 and 26 (clause 41)—Leave out ', or the spread of fire through the land'.

No. 35. Page 20 (clause 41)—After line 27 insert new subclause (2a) as follows:

(2a) An owner of private land must, in acting under subsection (2), take into account proper land management principles.

No. 36. Page 21, lines 13 to 15 (clause 41)—Leave out subclause (11) and substitute:

(11) An appeal under subsection (10) must be made to the District Court.

No. 37. Page 21, line 20 (clause 41)—Leave out 'appellates authority' and substitute 'District Court'.

No. 38. Page 21, line 24 (clause 41)—Leave out 'appellate authority' and substitute 'District Court'.

No. 39. Page 21, line 27 (clause 41)—Leave out 'appellate authority' and substitute 'District Court'.

No. 40. Page 21, line 29 (clause 41)—Leave out 'appellate authority' and substitute 'District Court'.

No. 41. Page 21, line 36 (clause 41)—Leave out 'appallate authority' and substitute 'District Court'.

No. 42. Page 21, line 38 (clause 41)—Leave out 'appellate authority' and substitute 'District Court'.

No. 43. Page 21, line 43 (clause 42)—Leave out ', or the spread of fire through the land'.

No. 44. Page 21 (clause 42)—After line 43 insert new subclause (2) as follows:

(2) A rural council must, in acting under subsection (1), take into account proper land management principles.

No. 45. Page 22, lines 4 and 5 (clause 43)—Leave out ', or the spread of fire through the land'.

No. 46. Page 22 (Clause 43)—After line 5 insert new subclause (1a) as follows:

(1a) A Minister, agency or instrumentality of the Crown must, in acting under subsection (1), take into account proper land management principles.

No. 47. Page 23, lines 27 to 42 and Page 24, lines 1 to 4 (clause 51)—Leave out this clause and insert new clause 51 as follows:

Failure by a council to exercise statutory powers

51. (1) If, in the opinion of the Board, a council fails to exercise or discharge any of its powers or functions under this Part, the Board may, by notice in writing, require the council to take specified action to remedy the default within such time as may be specified in the notice.

(2) A council may appeal to the District Court against any such requirement.

(3) An appeal must be instituted within six weeks of the requirement being imposed unless the District Court, in its discretion, allows an extension of time for instituting the appeal.

(4) Subject to a determination of the District Court, where an appeal is instituted, the requirement being appealed against is suspended until the appeal is determined or withdrawn.

(5) On hearing an appeal, the District Court may—

*(a)* confirm, vary or cancel the requirement, and make any incidental or other order that may be appropriate in the circumstances;

*(b)* refer the matter back to the Board for further consideration,

*(c)* make any order as to costs.

(6) A council must comply with a requirement made under this section (or with any such requirement as varied on an appeal) within such time as is stipulated in the requirement.

(7) If a council fails to comply with a requirement under this section, the Board may proceed to carry out the requirement and may recover the expenses incurred, as a debt due to the C.F.S. from the council.'

No. 48. Page 26 (clause 56)—After line 19 insert new subclause (3) as follows:

(3) A C.F.S officer, an authorised officer or a member of the the police force exercising a power under this section must, at the request of a person affected by the exercise of the power, produce his or her certificate of identity or other authority to exercise the power.

No. 49. Page 26, line 22 (clause 57)—After 'any reasonable time' insert ', after giving reasonable notice to the occupier of the land or premises,'.

No. 50. Page 26, (clause 57)—After line 25 insert new subclause (2) as follows:

(2) A C.F.S. officer, an authorised officer, a fire prevention officer or a fire control officer exercising a power under this section must, at the request of a person affected by the exercise of the power, produce his or her certificate of identity or other authority to exercise the power.

No. 51. Page 27, line 22 (clause 63)—After 'may' insert ', on its initiative or at the request of a council,'.

No. 52. Page 27 (clause 63)—After line 23 insert new subclause (1a) as follows:

(1a) Before the Board on its own initiative appoints a person as a fire control officer for a designated area of the State that is inside (or partially inside) a council area, the Board must consult with the council in relation to the proposed appointment.

No. 53. Page 28, line 6 (clause 66)—Leave out 'council' and substitute 'Advisory Committee'.

No. 54. Page 30—After line 31 insert new clause 78 as follows:

Certain sections to expire

78. The following sections will expire on the second anniversary of the commencement of this Act:

Section 18
Section 19
Section 20
Section 22
Section 27
Section 28.

No. 55. Page 31, Schedule 1, heading—Leave out 'COUNCIL' and substitute 'ADVISORY COMMITTEE'.

No. 56. Page 31, Schedule 1 (clause 2 (2))—Leave out 'Council' and substitute 'Advisory Committee'

No. 57. Page 31, Schedule 1 (clause 2 (4))—Leave out 'Council' twice occurring and substitute, in each case, 'Advisory Committee'.

No. 58. Page 31, Schedule 1 (clause 2 (6))—Leave out 'Council' twice occurring and substitute, in each case, 'Advisory Committee'.

No. 59. Page 31, Schedule 1 (clause 3)—Leave out 'Council' and substitute 'Advisory Committee'.

No. 60. Page 31, Schedule 1 (clause 4 (1))—Leave out 'or Council' twice occurring.

No. 61. Page 31, Schedule 1 (clause 4 (1) (6))—Leave out 'or Council'.

No. 62. Page 31, Schedule 1 (clause 4 (2))—Leave out 'or Council (as the case may be)'.

No. 63. Page 32, Schedule 2—Before clause 1 insert new clause as follows:

Interpretation

(al) In this schedule—

'the responsibility authority' means—

*(a)* in relation to a regional bushfire prevention committee—the Board;

*(b)* in relation to a district bushfire prevention committee—the council, or councils, that established the committee.

No. 64. Page 32, Schedule (clause 1 (1))—

Leave out 'A member of a committee appointed by the Board' and substitute 'A person appointed to a committee'.

Leave out 'the Board' and substitute 'the responsible authority'.

No. 65. Page 32, Schedule 2 (clause 1 (2))—Leave out 'The Board' and substitute 'The responsible authority'.

No. 66. Page 32, Schedule 2 (clause 1 (3))—Leave out 'The Board' and substitute 'The responsible authority'.

No. 67. Page 32, Schedule 2 (clause 2)—Leave out 'Board' twice occurring and substitute, in each case, 'responsible authority'.

No. 68. Page 32, Schedule 2 (clause 3 (9))—Leave out 'Board' twice occurring and substitute, in each case, 'The responsible authority'.

Consideration in Committee.

*Amendments Nos 1 to 5:*

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

That the Legislative Council's amendments Nos 1 to 5 be agreed to.

**Mr GUNN:** These amendments, and those that will be substituted later for amendments that will be disagreed to, have resulted from a considerable amount of discussion and negotiation.

**An honourable member:** And are an improvement.

**Mr GUNN:** Yes, and improve the Bill. The Opposition wants to see this improved legislation enacted. The amendments and rearrangement of certain clauses are in many cases in line with the position taken by the Opposition. Therefore, we are prepared to support them.

Motion carried.

*Amendments Nos 6 to 8:*

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

That the Legislative Council's amendments Nos 6 to 8 be disagreed to.

Motion carried.

*Amendments Nos 9 and 10:*

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

That the Legislative Council's amendments Nos 9 and 10 be disagreed to and the following amendments be made in lieu thereof:

Clause 22, page 11, lines 13 and 14—Leave out 'and the Minister may vary requirements'.

After line 14—Insert new subclause as follows:

(3a) If a council appeals under subsection (3)—

*(a)* the Minister must give the council a reasonable opportunity to make written submissions to the Minister in relation to the matter;

and

*(b)* if the council so requests—the Minister must discuss the matter with a delegation representing the council.

(3b) After complying with subsection (3a), the Minister may—

*(a)* confirm the requirement;

*(b)* vary the requirement in such manner as the Minister thinks fit;

*(c)* cancel the requirement;

or

*(d)* refer the matter back to the board for further consideration.

Line 16—After 'such requirement as' insert 'confirmed or'.

Motion carried.

*Amendments Nos 11 to 32:*

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

That the Legislative Council's amendments Nos 11 to 32 be agreed to.

Motion carried.

*Amendments Nos 33 and 34:*

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

That the Legislative Council's amendments Nos 33 and 34 be disagreed to.

Motion carried.

*Amendment No. 35:*

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

That the Legislative Council's amendment No. 35 be agreed to.

Motion carried.

*Amendments Nos 36 to 43:*

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

That the Legislative Council's amendments Nos 36 to 43 be disagreed to.

Motion carried.

*Amendment No. 44:*

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

That the Legislative Council's amendment No. 44 be agreed to.

Motion carried.

*Amendment No. 45:*

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

That the Legislative Council's amendment No. 45 be disagreed to.

Motion carried.

*Amendment No. 46:*

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

That the Legislative Council's amendment No. 46 be agreed to.

Motion carried.

*Amendment No. 47:*

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

That the Legislative Council's amendment No. 47 be disagreed to and that the following amendment be made in lieu thereof:

Clause 51, page 23, lines 35 to 38—Leave out subclause (4) and insert new subclauses as follows:

(4) If the board makes a recommendation to the Minister under subsection (2)—

*(a)* the Minister must give the council a reasonable opportunity to make written submissions to the Minister in relation to the matter;

and

*(b)* if the council so requests at the time that it makes such written submissions—the Minister must discuss the matter with a delegation representing the council.

(4a) If, after complying with subsection (4), the Minister is satisfied that it is appropriate to do so, the Minister may, by notice in the *Gazette*, withdraw the powers and functions of the council and vest them in an officer of the CFS nominated by the board.

(4b) The Minister must, within 14 days of publishing a notice under subsection (4a), furnish the council with written reasons for his or her decision.

Motion carried.

*Amendments Nos 48 to 53:*

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

That the Legislative Council's amendments Nos 48 to 53 be agreed to.

Motion carried.

*Amendment No. 54:*

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

That the Legislative council's amendment No. 54 be disagreed to.

Motion carried.

*Amendments Nos 55 to 68:*

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

That the Legislative Council's amendments Nos 55 to 68 be agreed to.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments make the Act unworkable.

## INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

## STATUTE LAW REVISION BILL

Received from the Legislative Council and read a first time.

Ordered that second reading be made an order of the day for 16 May.

## TAXATION (RECIPROCAL POWERS) BILL

Returned from the Legislative Council without amendment.

## AUSTRALIAN AIRLINES (INTRASTATE SERVICES) BILL

Returned from the Legislative Council without amendment.

## EVIDENCE ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

## STATUTE LAW REVISION BILL

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

That the vote taken earlier today on the Bill be rescinded.

Motion carried.

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

*That this Bill be now read a second time.*

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

Leave granted.

**Explanation of Bill**

The object of this Bill is to make sundry minor amendments to the Correctional Services Act 1982, the South Australian Heritage Act 1975 and the State Transport Authority Act 1974, preparatory to their reprinting by the Commissioner of Statute Revision. Most of the amendments relate to converting penalties to the new divisional penalties that were enacted in 1988. It is the Government's intention that all reprinted Acts should be so expressed. It is the view of the Commissioner of Statute Revision that the Commissioner's powers under the Acts Republication Act to alter text in certain limited ways for the purposes of republication do not extend to converting penalties to divisional penalties. The penalties in the schedules to this Bill are direct conversions where possible and, where not possible, are taken up to the nearest division.

Clause 1 is formal.

Clause 2 provides for operation of the Act by proclamation.

Clause 3 provides for the amendment of the relevant Acts by way of the schedules.

Schedule 1 amends the Correctional Services Act. The amendment to section 36 overcomes the problem that the section currently contains two subsections (7).

Schedule 2 amends the South Australian Heritage Act only in relation to penalties.

Schedule 3 amends the State Transport Authority Act only in relation to penalties.

**The Hon. B.C. EASTICK (Light):** The Opposition supports the Bill. Those of us who have been here for some time can recall the great difficulty we had when we first came here in dealing with Statutes that were last consolidated in 1938. We had to go through pages and pages of statutes to try to get a handle on the various Bills with which we were dealing. Subsequently, with Mr Edward Ludowici as Commissioner of Statute Revision and a closing off date of 31 December 1985, the statutes were reconsolidated. Since that time we have been undertaking a little less research than was originally the case. During this session a large number of Bills have contained statutes amendment clauses or schedules associated with them. The vast majority of the schedules have dealt with the penalty clauses, referring to the figures that apply and simply including divisions whilst giving an indication of the changes to be effected.

This document relates to the Correctional Services Act 1982, the South Australian Heritage Act 1975 and the State Transport Authority Act 1974. There are five variations for the last Bill, five for the heritage legislation and nine for the Correctional Services Act. One variation to the Correctional Services Act deals with a matter other than penalty but it is a reorganisation of the verbiage. We believe that it is supported. My colleague in another place has given it his blessing. So that we can have a better set of consolidated Acts for the public to utilise, I indicate our support for the Bill.

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

## COUNTRY FIRES BILL

The Legislative Council intimated that it did not insist on its amendments Nos 6 to 8, 33, 34, 36 to 43, 45 and 54 to which the House of Assembly had disagreed, and did not insist on its amendments Nos 9, 10 and 47, and had agreed to the House of Assembly's alternative agreements in lieu thereof.

## EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## ADJOURNMENT

At 1.33 a.m. the House adjourned until Tuesday 16 May at 2 p.m.