HOUSE OF ASSEMBLY

Wednesday 16 August 1989

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

PETITION: MARINELAND

A petition signed by 495 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: GRANITE ISLAND DEVELOPMENT

A petition signed by 2 466 residents of South Australia praying that the House urge the Government to limit the scale of proposed Granite Island development was presented by the Hon. Ted Chapman.

Petition received.

PETITION: HARTLEY LANDFILL

A petition signed by 28 residents of South Australia praying that the House urge the Government to stop the proposed landfill at Hartley was presented by the Hon. D.C. Wotton.

Petition received.

QUESTION ON NOTICE

The SPEAKER: I direct that the written answer to the following question on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* No. 40.

INTERNATIONAL AIRPORT NOTICES

40. **Mr BECKER** (on notice) asked the Minister of Transport representing the Minister of Tourism:

1. Why are notices at Adelaide International Airport in Japanese and Chinese but not in Italian, Greek or German?

2. Will the Minister make representations to the Federal Airports Commission to have notices at Adelaide International Airport in Italian, Greek and German and any other popular language and, if not, why not?

The Hon. FRANK BLEVINS: The replies are as follows:

1. The signs located in the baggage collection area of the Adelaide International Airport's Customs Hall depict the 'Welcome to Adelaide, South Australia' greeting in English, French, German and Japanese. It does not appear in Chinese. These languages reflect the four most internationally used and globally understood languages. Data available at the time the signs were constructed, approximately 3½ years ago, was inconclusive in regard to Italian and Greek visitation to South Australia.

2. The existing signs are considered to be adequate. However, a re-evaluation of additional languages will be considered.

MINISTERIAL STATEMENT: LICENSING, GAMING AND VICE OFFENCES

The Hon. J.H.C. KLUNDER (Minister of Emergency Services): I seek leave to make a statement.

Leave granted

The Hon. J.H.C. KLUNDER: During Question Time yesterday I undertook to obtain certain information from police in response to a question from the Opposition Leader which dealt with an alleged decline in the number of prosecutions for vice, licensing and gaming offences. However, before providing this information, I would like to respond to some of the assertions and claims made both in the Leader's question and in a press statement issued yesterday by the Opposition's legal services spokesman.

Both the Leader and the Liberal spokesman either obliquely or directly touched on the question of the adequacy of police resources being at the bottom of the problems to which they referred. This is the standard Opposition line, but as usual it completely ignores the fact that this Government has consistently maintained the best police to population ratio of any Australian State. The simple fact is that South Australia puts more resources into fighting crime than any other State Government.

The other routine claim by the Opposition concerns police morale and the great concern 'within the department' about its alleged decline. Let me quote the Deputy Commissioner's response to this claim:

> The comments regarding concern within the Police Department about morale being at an all-time low . . . are obviously exaggerated and very subjective. Possibly the comments of a few members. To objectively and validly measure such a dimension would be a very complex exercise. No clearly defined indicators have manifested themselves.

I assume the 'few members' to whom the Deputy Commissioner refers are the source of much of the material quoted by the Leader and his spokesman yesterday. Both the Opposition members to whom I have referred have sought to imply that the disbanding of the licensing, gaming and vice squads are at the root of the problems which they claimed to identify yesterday. In my view, this simply confirms what I have always felt about members of this Opposition: they are yesterday's men who cannot cope with change. The disappearance of some old titles—to which they have become accustomed—causes them discomfort. They do not attempt to analyse the nature of the changes, the reasons for them or the philosophy behind them. They wring their hands in anguish because they can no longer refer to the vice, licensing or gaming squads.

Let me again quote the Deputy Commissioner. He says, 'Policing strategies should be dynamic.' I could not agree more. A police force which is incapable of changing the way it does things and of adjusting to changed circumstances and changed priorities would soon find itself in the same situation as this Opposition—static, stagnant, inflexible and ineffective.

In recognition of the fact that policing strategies should be dynamic, the responsibilities for policing of vice, gaming and licensing laws were transferred on 1 January this year to the respective subdivisional/divisional and regional commanders. This followed further restructuring of the Crime Command in line with departmental strategies dealing with anti-corruption measures, broader management philosophies and the attack on organised crime.

Following the reorganisation, there is no doubt that the early part of the year was less productive in the number of offenders charged. However, following the initial change of procedures, coupled with appropriate training packages, that trend has been reversed, with a higher rate of offenders

being detected for vice, licensing and gaming offences in recent months than for the comparable period of 1988.

I mentioned yesterday that, from 1 January 1988 to 30 June 1988, 29 prostitution and related offences were detected. In the following six months, or the last six months of 1988 and the last six months before the change took place, there were 22 such offences. In the first six months of this year, immediately after the change, 24 such offences were detected, so even the statement that I have made that there was a decrease in the number of offences detected during the early months of this year while there was a retraining situation does not apply to prostitution and related offences.

To a large extent, that has to be the bottom line. The test of a new system really depends on the long-term results it produces and not on what may occur during the few months while the reorganisation is taking place. The rising rate of offences detected (now that the new structure is settling) and the year-on-year figures (when they are produced) are the proper basis on which the changes should be judged.

Let me now address some of the other issues raised by the Leader or his legal services spokesman. Police are aware of the alleged activities at Athol Park referred to yesterday and have certain information, but all that the Opposition really achieved by its performance yesterday was to ensure that police intelligence on this matter was put into the public domain, alerting the alleged offenders.

Mr S.J. Baker: They should have been arrested, you great clown.

The SPEAKER: Order!

The Hon. S.M. Lenehan: You poor little boy.

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: The Deputy Commissioner has commented to me on this issue in the following words:

> ... the fundamental difference between information and relevant and admissible evidence is significant. Efforts are continuing to obtain evidence.

However, I would have thought that the efforts of police in this case have been severely handicapped by the Opposition's efforts and I would urge the Leader, in future, to provide his information to the police rather than attempting to score political points. I could say more on this issue, but I will not, because I would then be guilty of doing what I have just accused the Leader of the Opposition of doing—and that is hampering police in carrying out their work. It is sufficient for me to say that, on the information I have available, the Opposition's numbers in relation to the Athol Park allegations are a gross exaggeration.

While I am on the subject of prostitution, the police commander for the city area disagrees with the comment regarding a reported increase in prostitution for the city area. It is also difficult to reconcile the expressed concern about the alleged proliferation of SP operators with a media report earlier this year indicating that the TAB had reported a record turnover for the year 1988-89.

I turn now to the youth murders, the so-called 'Family' activities, raised yesterday by several members opposite, and advise that arrangements have been made for Mrs Gambardella to be interviewed by Superintendent White on Thursday this week. As regards the question of indemnity for any accessory after the fact, the Deputy Commissioner of Police advises that there is no evidence to support an application for such indemnity at this time. However, this and other matters which could assist the conclusion of these crimes are constantly under review. The police have pursued and will continue vigorously to pursue all avenues of inquiry relating to these youth murders.

This morning I received a telephone call at my electorate office from Mrs Barnes, the mother of the murder victim Alan Barnes. She rang to tell me, 'The police are doing everything possible.' The last thing that she wants is to have the police pressured into acting prematurely, as she does not want to have to go through court proceedings and have everything fall apart. She is appreciative of the work the police are doing and thinks the best thing possible is for people to stop using the murders for either political gain or to sell newspapers.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise the House that questions that would otherwise be directed to the Minister of Housing and Construction will be handled by the Minister of Transport.

FEDERAL BUDGET

Mr OLSEN (Leader of the Opposition): Does the Premier fully support the economic policies of the Federal Government which underpinned last night's budget and which are are forecast to produce a further real growth in taxes on earnings of individuals and companies of 2.6 per cent this financial year, another record current account deficit, a rise in unemployment and inflation rising and running at close to double that of our major trading partners; and, if so, will he predict when these policies will produce a significant and sustained fall in interest rates?

The Hon. J.C. BANNON: First, let me make the point that the Leader of the Opposition is obviously unable to read the Federal budget. He was getting so excited with his references to Dracula being in charge of the blood bank, blood transfusions and so on, that he ignored the facts. He said that the surplus of about $9 billion represents a lot of blood and suffering from Australians.

Members interjecting:

The Hon. J.C. BANNON: Some of us do give blood, in answer to the interjection. I make the point that the Leader was so carried away by this heady rhetoric about the budget that he ignored the facts, and he indicated that in one of the statements he made in his question. He said that the budget posits a rise in unemployment.

Mr Olsen: It does.

The Hon. J.C. BANNON: It does not. Unemployment is to fall—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —in 1989-90 from 6.6 to 6.25 per cent. Those figures are in the budget documents.

Mr Olsen interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order again and ask him to extend the cooperation to the House that he provided yesterday.

The Hon. J.C. BANNON: In relation to the overall thrust of the budget, the answer is 'Yes'. I do not believe that alternative strategies can or should be adopted. I am in very good company on this, because the Federal Leader of the Opposition and his cohorts do not have an alternative strategy to pursue. On the contrary, it has been interesting to see that, for instance, the big shibboleth throughout this past year has been the Federal budget surplus. Every time a new figure was mentioned above $5 billion—the second surplus ever in the history of the Commonwealth after that achieved last year—the Opposition economic leadership, so-called, proceeded to up the ante and add a little more to it. Along with everybody else, they were pretty staggered at the size of the $9.1 billion surplus. Then, of course, the big

somersault occurred. 'It's too big,' said the Opposition. 'You cannot justify that. That is taking money out of the economy.'

Have they not been saying for the past 10 years—certainly for the period during which this present Federal Government has been in power—that the Federal Government has to move into surplus, has to remove its pressure on the capital markets and has to play its part in reducing our international debt? So, when we get a budget delivered with a surplus of that size, where the public sector debt is actually reducing in this country—and the reason for the balance of payments problems we have at the moment is private sector expenditure on imports—do we get some sort of gracious acknowledgement? No; not at all. We turn it on its head and, in fact, make that a source of criticism.

In relation to the question of interest rates, no one—and this was made clear by the Treasurer in his statement—can predict and say precisely when those rates will come down. I wish they could, because it is not in our interest to see such a high rate; quite the contrary. Does any member of the public think for a moment that they would be allowed to stay high if there was any alternative in the present situation? I note that the Leader of the Opposition, whose analysis also lags his information, did not mention the balance of payments figures today.

The fact is that in July a further $1.48 billion was added to our current account deficit in July, certainly, at the lower end of market expectations. We saw a big increase in exports and a drop in imports. Those are good signs, but it is still a big figure. Surely we cannot countenance policy, whether at Federal or State level, which sees our economy plunge into massive recession as a result of some sort of artificial cranking of the economy. However, we can say that interest rates appear to have peaked: they should not go higher. If we are able to put into place mechanisms, as we have done as a State Government, and if further money is provided in this year's budget, at least we should get through this period. The Leader of the Opposition asked about the alternative policies we would press on the Federal Government: I would like to know about the alternative policies at State level and those of the Liberal leadership at Federal level. The answer is 'nil'—a big vacuum. The great benefits of criticism and attack—no positive solutions. It is the carping and nitpicking we have all come to expect for so long.

SOUTH AUSTRALIAN FILM CORPORATION

Mr GROOM (Hartley): My question is directed to the Premier, representing the Minister for the Arts in another place. Will the Premier say what benefits are expected to accrue to South Australia, in particular to the South Australian film industry, should the South Australian Film Corporation's planned joint venture with the Canadian production house go ahead? The South Australian Film Corporation was, of course, the first of such State bodies ever established in Australia.

It was announced recently that the South Australian Film Corporation, which has earned itself an enviable reputation around the world for producing quality feature films, is negotiating with a Canadian production house to enter a joint venture for a planned television mini-series and that, if successful, filming should begin early next year. The corporation has made many fine feature films and is now turning its talents to the production of television mini-series. Mr Watson's experience with the ABC and the plans he has already foreshadowed suggest an exciting time ahead for the Film Corporation, which is probably the most successful of all such State bodies.

The Hon. J.C. BANNON: I am pleased to provide the honourable member with information on this quite exciting development. Incidentally, there are a number of other things which the Film Corporation is working on which will emphasise the success in this case. The four-hour mini series *Golden Fiddles*, which is referred to by the honourable member, is a co-production to be undertaken in the context of a new strategic plan which the Film Corporation has been developing. It has been given formal status as an official co-production between Australia and Canada by the respective governing bodies—the Australian Film Commission in our case and Telefilm Canada in the case of that country.

The arrangement is the first official Australia-Canada co-production. Much negotiation has gone into reaching the point where we have a viable project—and it is a big project, too. The total budget is about $4.5 million, of which $3 million, about 65 per cent, will be spent in Australia and the balance of $1.5 million, about 35 per cent, will be spent in Canada. There is also considerable private investment in the production, excluding the Australian Film Commission funding, of about $2.5 million. The series has been pre-sold to the Nine Network in Australia and to the Canadian broadcaster Selkirk with a further advance being provided by an international distributor. At the moment, the corporation is waiting on the final funding approval from the Australian Film Commission in order to start pre-production, which should begin in November or December. The shooting itself will take place in January and February with post-production to be completed by July. Therefore, this is a solid body of work that will commence towards the end of this year.

In focusing on this, one must look at the particular role of, and benefits for, South Australia, to which the honourable member referred. Through the South Australian Film Corporation we have secured the first official co-production, and others will follow, I would imagine, because of the nature of the industry in Canada and Australia. It certainly strengthens the corporation's reputation in the international film arena.

This series is to be shot entirely at Hendon and at South Australian locations. So, the activity will be taking place here and a very large proportion of the Australian budget will be spent directly within South Australia—about 64 per cent. If one uses the sort of multiplier that one can use for these activities, one finds that the gross benefit for this production will exceed $4.5 million. This is a typical example of the way in which the Film Corporation, by its very activity, can add to the strength of the South Australian economy. My colleague the member for Albert Park has, on occasion, also asked questions on this subject and has drawn attention to this issue. However, members will agree that, if we are able to secure these international arrangements as part of the new diversified strategy, it will benefit not only the film industry in this State but the economy generally.

GRAND PRIX

The Hon. JENNIFER CASHMORE (Coles): Will the Premier immediately exercise his power under section 12 of the Australian Formula One Grand Prix Act which subjects the Grand Prix Board to his general control and direction, and instruct the board to reverse a decision that amounts to an outrageous denial of the rights of the owners of property around the circuit? Over the past few days the Grand Prix Board has been sending letters to the owners of

property around the circuit telling them of the board's intention to charge people who view the event from their properties. I have a copy of one such letter. It reveals that the board will charge them even if they are not themselves imposing a charge for people viewing the event from their properties. The letter reveals that, in the case of the owner of an office who invites friends to a party, there will be a charge on each of the four days, with a maximum of $30 per person on race day. The Opposition has been advised that the board will make the same charge on people who view the race from private homes. I understand there are probably some 100 home owners who will be affected by this.

One home owner who received a letter from the board has been told he will be allowed only 10 people at a time in his house during the event and any additional guests will cost $30 each. And this is not all. The letter that the board is sending out also states:

> Additional signage packages have been contracted at this year's event and it is likely viewing from many properties will be affected this year.

This is in the letter as a threat that, if property owners do not cooperate, signs, shadecloth or other means will be used to block their view. My evidence for this statement is the experience of the private home owner to whom I have just referred. On contact with the Grand Prix Office, he was subjected to the veiled threat that a sign would be put in front of his house if he refused to follow the board's new charging policy.

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: I am not aware of the details of the proposal. I will certainly take it up as a matter of urgency with the Grand Prix Board and ascertain the basis of the letter and what the position is, and report back.

INVESTMENT

Mr DUIGAN (Adelaide): My question is addressed to the Minister of State Development and Technology.

Members interjecting:

The SPEAKER: Order! The honourable member for Adelaide has the call, not the honourable member for Mitcham.

Mr DUIGAN: Are the Minister or the Government alarmed by the current and projected levels of investment in buildings, plant and equipment in South Australia? 'Alarming' was the word used by the Leader of the Opposition to describe the 3 per cent fall to $1.617 billion in private investment to the end of March 1989, as revealed in the Australian Bureau of Statistics figures. The State Bank report on economic activity for the same period had conversely stated that the performance of the South Australian economy in the March quarter was highlighted by a continual strong level of activity and growth. Furthermore, the June quarter report of the State Bank states:

> ... the majority of this increase will occur in manufacturing, where it will continue to make a contribution to economic growth and employment over the longer term.

The report further states that, if expectations for 1989-90 are realised as they have been over the past five years, new capital expenditure in South Australia will increase to $1.9 billion, or by a strong 15 per cent.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I note that he referred to the Leader of the Opposition expressing alarm at the figures on investment for South Australia. It is interesting that the Leader is prepared to use extreme words when anything may be vaguely interpreted as a down or a negative, but one did not hear of his being quoted in the press as being exhilarated about the winning of the frigate contract, which will give so much work to South Australia. That is not consistent with the sort of person he is. He would not want to talk up the State: he would much prefer to create a climate of despair, hence the verbs that he uses—'to be alarmed'.

Naturally, the Government is concerned that we have the highest level of investment possible in South Australia, and we look closely at any fall from a previous figure to see the fundamentals and whether there is a cyclical element or something that indicates the essences of a downturn. A study of the available figures on South Australian investment does not give cause for the conclusion that we should be alarmed: rather, it gives cause for a quiet degree of optimism that there is ongoing productive investment in South Australia. While it is true that overall new private capital expenditure fell by 3 per cent for the year ended March 1989 on a seasonally adjusted and real basis, other evidence suggests that that figure should be interpreted in ways other than the way chosen by the Leader. First, as the member for Adelaide has said, the State Bank sees no sharp fall from present levels of activity (quoting from the quarterly economic report). The Metal Trades Industry Association survey for March 1989—

Mr D.S. Baker interjecting:

The Hon. LYNN ARNOLD: Obviously, the member for Victoria does not want to hear what the MTIA says, whereas I should have thought that what the association said might have interested him.

The SPEAKER: Order! I call the House to order. I ask the Minister to resume his seat. Although *Hansard* obviously would not record it, the gesture made in the direction of the Chair by the honourable member for Victoria was an outrageous defiance and contempt of the Chair, and I require an instant apology or I shall name the honourable member forthwith.

Mr D.S. BAKER: If I offended you, Mr Speaker, I apologise. No such gesture was made to you at all.

Members interjecting:

The SPEAKER: Order! I shall not provide an instant replay for the benefit of the honourable Deputy Leader of the Opposition. The honourable Minister.

The Hon. LYNN ARNOLD: The honourable member's comments indicate that it might have been meant for me. The MTIA, the report of which I started to quote and which upset the member for Victoria, has provided significant useful economic analysis in this country over recent years, based on surveying of its own members. It is interesting to note that its survey in March 1989 indicated that investment in new plant and equipment in South Australia would increase from $36.4 million in 1988 to $43.2 million in 1989. I am waiting for the look of exhilaration on the face of the Leader of the Opposition in relation to these figures.

I point out (and this should exhilarate the Opposition as well) that this is the second highest State increase. The national figures show a 7.4 per cent increase—and the member for Mitcham is stunned in delight at this. It is true that the investment figure for new buildings in South Australia is expected to show a decline from 1988 to 1989. That is confirmed by the MTIA survey, and it is interesting to note that it matches the decline in several other Australian States.

Another matter of interest is the June 1989 survey of industrial trends carried out by the Confederation of Australian Industry and the Westpac Banking Corporation. That survey assesses the positive and negative feelings of those surveyed and comes out with a net balance figure, and it is desirable that that balance figure be positive rather than

negative. That survey of manufacturers carried out by the CAI and Westpac indicated a positive net balance of 41 per cent for South Australia's expenditure on plant and machinery, in other words, the prediction of what would be invested in those areas in the time ahead. I also point out (and, again, delight should be expressed by all members in this place) that that is the highest figure for any State in the Commonwealth, and surely all members should be excited about that. Finally, the quarterly estimates of private new capital expenditure for the manufacturing industry indicate that the June quarter of 1988 was an unusually high peak; therefore, in a cyclical sense it was well above what would normally be expected. Hence, any figures after that have an inbuilt fall factor that is not a real reflection of the economy.

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: The member for Mitcham seems to be upset after our having an extremely good quarter in June last year. It really grieves him that South Australia seems to be making it. I quote the manufacturing expenditure figures: in the March 1988 quarter, $120 million for South Australia; the June quarter, $216 million (a very significant increase indeed); the September quarter, $135 million: December, $169 million; and March of this year, $127 million. So that June 1988 quarter was out of line with the normal trend. Hence, any figures after that naturally show an artificially inflated degree of fall. Likewise, the figure for June last year for the country at large was very significant: $2 031 million. South Australia's total was about 10.6 per cent of that. Any fall in investment is naturally of concern, but the figures I indicate here show that there is a soundness in the investment climate of South Australia, and we are keen to promote that, rather than talk it down.

MARINELAND

Mr BECKER (Hanson): When the Minister of State Development and Technology announced plans for a hotel on the Marineland site on 13 February, he said it would have 300 rooms, and he issued a drawing of the proposed development showing the number of floors and other details. More recently, in a statement he released to the media on 3 August, the Minister said that these plans had taken into account a proposed new runway at Adelaide Airport. However, this statement was not true. The proof for this is a letter dated 3 August from the Federal Airports Corporation to the architects of the project. That letter states quite specifically that current plans for a new runway at Adelaide Airport to meet projected operations to the year 2010 are totally incompatible with the proposed hotel.

The corporation states that the planned hotel infringes airspace required for the additional runway by up to four metres, which would be the equivalent of two storeys of the hotel. The corporation says it is opposed to any form of building development that infringes this airspace, so that either the hotel must be totally redesigned or the additional runway to meet airport requirements cannot proceed.

Why did the Government fail to take air safety issues into account when the Minister announced plans for this hotel; will those plans be reviewed following the opposition of the Federal Airports Corporation; and, if this is necessary, will the Government be exposed to any claims for compensation of damages from the developer?

The Hon. LYNN ARNOLD: I will certainly have the matter thoroughly investigated, but we have received advice from both the FAC and the West Beach Trust which seems to conflict with the information now being shared by the member for Hanson. That does not automatically mean that we should run to accept the veracity of the conclusions drawn by the member for Hanson. The honourable member said that the plans are four metres too high, which equates to two storeys of a hotel. The honourable member acknowledges that. I do not know for whom the hotel is being built, but if one works out how tall four metres is, one doubts that one could fit two storeys into that height. The point that needs to be studied here is exactly what is being quoted—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: Members do not wish to pursue this matter too much further as they are trying to shout down the answer.

The SPEAKER: Order! Will the Minister resume his seat. The members on my left who are shouting down the Minister know that their behaviour is not satisfactory for this Parliament. I ask them to desist.

The Hon. LYNN ARNOLD: It was stated that two storeys are sacrificed by the four metre difference. I draw attention to three of the answers that I gave to questions that the Liberals circulated a couple of weeks ago—questions 36, 37 and 38. Those answers were based upon all the advice that we have on this matter and relate to height limitations placed on the site by the FAC and/or the Civil Aviation Authority. They also deal with whether the FAC would need to resume any land that it reserved between Tapleys Hill Road and Military Road for an additional runway and what impact a new runway would have on a hotel and conference centre.

Mr Becker interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I draw attention to the answers which were given on this matter and which are available to any member of this place. I will not take up the time of the House by reading them, although, if members wish me to read them into *Hansard*, I will do so. On the basis that they are available and have been made available to the press, I reiterate those answers. We will have investigated the claims (I repeat the word 'claims') now being made by the member for Hanson.

WATER MAINS

Mr ROBERTSON (Bright): Will the Minister of Water Resources give details of the annual E&WS Department mains flushing progam currently taking place throughout Adelaide's southern suburbs? Suburbs such as Hallett Cove, despite having relatively new water mains, occasionally experience periods when the turbidity of mains water is unacceptably high. I am advised that that problem can be largely obviated by the mains flushing program.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. I am aware of his interest in this matter as he has raised it in the past. I will give the honourable member an update on procedures in terms of the flushing of mains in some of the southern suburbs. The program started at the end of winter 1988 and the department has undertaken a comprehensive air-scouring program to clean out the mains in badly affected suburbs in the southern areas water supply system including the Karrara estate within the Hallett Cove suburb. To date some 50 per cent of mains in the suburbs affected have been cleaned by the air-scouring process. The suburbs in which this process has not been commenced will have it done from this September onwards.

I make two points for the honourable member: first, any of his constituents whose mains have been flushed but who are still having problems in terms of dirty water coming through the pipes can contact the Thebarton depot at any time and the mains will be flushed. I would be very grateful if the honourable member would pass that information to his constituent.

The other snippet of information that I would like to share with the honourable member and other members is that the long-term solution to this problem is the introduction of the Happy Valley filtration plant which will affect many members in this House. In fact, the commissioning of that plant is only a few months away. Once that plant has been commissioned and the whole process has settled down, I do not believe that we will hear in this House questions, particularly from the member for Bright, about mains flushing.

EDUCATION DISPUTE

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Does the Minister of Education admit that his department has sent letters threatening country service to thousands more teachers than required in an attempt to force more teachers to support the latest curriculum guarantee package offered by the Bannon Government? Education Department sources have indicated that yesterday more than 3 500 teachers received letters dated 9 August, before the Government offer was rejected, advising them that they might be required to go to the country. This letter went to teachers at the same time as they received glossy copies of the latest Education Department offer.

We are told that in a normal year about 400 to 500 teachers are advised and that in the end only up to 200 teachers are required to undertake country service. Many teachers who have contacted the Liberal Party in the past 24 hours are fuming at this tactic—

Members interjecting:

The Hon. E.R. GOLDSWORTHY: At least they take the trouble to contact us; they have given the Government away. They are fuming about the tactics of this Government.

The Hon. G.J. CRAFTER: I thank the honourable member for giving me the opportunity to explain to the House that the Education Department is obliged to provide this notice. I have said publicly for some time that we must commence our staffing process for schools because, if the negotiations are not concluded, it will make that process almost impossible to complete in time for next year. If the negotiations broke down, and if we were not able to reach a conclusion at some later date, we would be accused of withholding that information from those teachers, so the most honest, responsible and legally proper course of action was to issue those notices.

The notices also state very clearly that, should the negotiations with respect to country service be concluded satisfactorily, there will be no need to pursue the matter of compulsion. The reason why these numbers are increasing each year is the very reason why we are trying to negotiate this package. There can then be a new arrangement for the provision of staff for our country schools. It is an urgent matter that we need to conclude in the interests of teachers and of our quality of education in this State.

If we did what the Opposition would have done—that is, keep quiet about it or hide the matter and not bring it into the open—we would not have acted in accordance with the requirements that are clearly established in the Education Department. It also would have done teachers a grave disservice. It is true that some teachers do not want to go to the country and they object to the element of compulsion which has existed for many years under the equitable service scheme. If teachers do not want to do that, they should agree to the package.

YOUTH

Mr De LAINE (Price): Will the Minister of Youth Affairs advise the House what impact the Federal Government initiative for young people will have on South Australian youth?

The Hon. M.K. MAYES: I am delighted to report on the impact of that initiative on South Australian young people. I think it is fair to say that it is welcome news to those young people, particularly the disadvantaged, because the Federal Government's package offers very significant assistance. It addresses some of the basic needs of South Australian young people. Of that package, reported in the press, of $100 million to be committed over the next four years, as Federal Ministers have said, to achieve social justice initiatives for young people, about half will be allocated to assist the young homeless. I am sure that all members who have committed themselves to that issue will be pleased to hear that announcement.

There is to be $5.5 million over the next four years for an innovative adolescent mediation program that will provide significant assistance in our community, and it is timed very well with the initiatives taken by this Government in that area. There will be an extra $10 million in capital funding in 1989-90 which, together with funding under the Commonwealth-State Housing Agreement, will enable a doubling of medium and long-term accommodation capacity by 1991-92. A further $17 million is to be made available over four years under the Supported Accommodation Assistance Program to underpin this expansion of accommodation services and to help link homeless young people with other services in the community. That, again, is a significant announcement.

Particularly pleasing is the announcement about income support and the way in which the Federal Government has come in and reinforced the report initiated by my predecessor through the South Australian Youth Incomes Task Force. Many of these recommendations have been accepted by my Federal colleagues and money has been placed to support those initiatives. I shall run through just a few examples. There is to be an increase of $7.50 a week in the young homeless allowance in January 1990, which will be annually indexed automatically. That will raise the young homeless allowance by $14 to about $95 a week.

There will be abolition of the young homeless allowance six-week waiting period, which causes severe crisis, more so in other cities—for example, Sydney and Melbourne—and which places young people at greater risk because they have no source of funds. There is to be a new independent rate of job search allowance at the higher young homeless allowance level. There is to be a $15 a week living away from home allowance for unemployed 16 and 17-year-olds who leave home to attend short training schemes. I am sure that country members will appreciate that assistance. From January 1990 there is to be annual indexation of the minimum rate job search allowance of $25 a week. There is to be more than $2 million over two years to upgrade hostel facilities for rural secondary school students living away from home. I am sure that the Minister of Education is pleased to hear that announcement, because it fits closely

with initiatives that he has taken to provide assistance to young people in country areas to broaden their capacity to undertake studies and have the opportunities presented to them that their metropolitan peers have in their career and curriculum choices.

A further significant feature of this budget is the upgrading of labour market assistance. This is important. There will be an extra $10 million over four years for a new program to help especially disadvantaged young people to gain access to labour market programs. That is something to which the Government is committed and it will be useful for us to cooperate and talk to the Federal Government about initiating opportunities in that area. There is to be the establishment of innovative community-based health services for homeless young people through Federal funding of $7 million over four years. Again, that is critical to young people who are at risk or in a situation which puts them at risk.

There will be better access for disadvantaged youth to relevant information and services through the establishment of 20 new youth access centres. I wholeheartedly support that, because it will give us an opportunity for development with the Commonwealth Government. As Minister of Youth Affairs I look forward to working with my Federal colleagues in initiating those packages, timed with what we are doing in this State. I thank the honourable member for his question, because the budget contains good news which will be welcomed by all organisations representing young people in South Australia.

EDUCATION DISPUTE

Mr S.J. BAKER (Mitcham): My question is directed to the Minister of Education, following the previous question. If the equitable service scheme were to remain in operation, does the Minister know about how many teachers would be required to undertake forced country service in 1990?

The Hon. G.J. CRAFTER: The Opposition members might like at some stage to explain—although they say very little about education—why they have publicly implored teachers to reject the package being offered to them. It is a $54 million package of improvements to the working conditions of teachers and the quality of education in this State. The Opposition has asked teachers to reject that offer, one part of which is the elimination of the compulsion to serve in country schools in this State. Clearly, from the questions being asked by the Opposition and from its public statements, it is committed to the retention of compulsory country service.

Each year it is becoming more and more difficult to provide teachers to country schools under this current equitable service scheme. That is because the age of our teaching service is such that those teachers who are established and settled in the metropolitan area do not want to uproot their families and go to country schools during a period of low intake of graduate teachers. We have had 45 000 fewer students in our schools in the past decade; therefore we are not embarking on a large recruitment campaign. Each year, as we move through this period of enrolment decline, we are asking more and more teachers to accept service in the country and that will continue to increase.

Mr S.J. Baker interjecting:

The Hon. G.J. CRAFTER: I cannot give the number off the top of my head. I will ascertain the number, but I can tell members the size of the problem we are facing. Last year there was no need to require primary and junior primary teachers to serve in the country by the application of the equitable service scheme; next year, there will be a need. That compounds the problems we have and the need to restructure the conditions of employment in the teaching services to eliminate these problems. The need for reform is urgent, and that is why these negotiations are very important.

Yes, we can set aside the negotiations: we can leave them to another time, but that would mean the continuation of many undesirable practices in the Education Department which, I suggest, not only hurt teachers and their career opportunities but are not in the best interests of students and our overall education system. It is clear that members of the Opposition do not have any solutions to these problems: they simply want to make political mileage and mischief out of these negotiations. Publicly to advocate in this way that this offer should be rejected is simply no more than a disgraceful political act and very petty and base political points scoring.

One would have thought that those members opposite who represent rural electorates and who come to me or write letters constantly asking for more resources and more opportunities for rural students would have thought this issue through a little more carefully. Instead of asking these banal questions in this way, they should have put a little more thought into how they could make responsible public statements that would help resolve the current dispute with the leadership of the South Australian Institute of Teachers.

STOCK FENCE

Mr TYLER (Fisher): Will the Minister of Water Resources investigate the appropriateness of the style and location of the stock fence that was constructed recently by the Engineering and Water Supply Department along Happy Valley Drive, which runs through my electorate? I have been approached by the Happy Valley council, the Happy Valley CFS and a number of residents who are concerned about the location of the fence. The main issue of concern for the CFS is that the fence has been constructed in such a way that the service no longer has access to land previously used for training.

The service tells me that it also restricts the area available in which vehicles may be parked so that when emergencies arise there is congestion. The Happy Valley council and residents are concerned that the fencing is more severe than that which had been agreed. They are also concerned that the siting of the fence does not appear to allow for a four metre wide walking trail on the eastern boundary of the reservoir reserve. It is my understanding and that of the Happy Valley council that there was a commitment from the E&WS Department that this fence would be constructed only after further consultation with the council and that the matter of the walking trail would be considered.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. The short answer is 'Yes'.

Members interjecting.

The SPEAKER: Order! The Minister has the call.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker; I would like to answer the honourable member's question. I would be delighted to initiate further discussions and negotiations between officers of the Engineering and Water Supply Department, the Happy Valley council, the CFS and some local residents. The history of this fence goes back a long way; in fact, it was under discussion during the terms of a number of previous Ministers of Water Resources. I would like briefly to outline to the House the reason why it is important to protect this vegetation. It is intended that

the fence will permit the mature establishment of areas that were revegetated following the realignment of Reservoir Drive. That revegetation can proceed in a natural manner, in accordance with the management plan put forward by the E&WS Department. However, I believe that in recent times there has been some breakdown in communication. I am delighted to tell the honourable member that I will certainly initiate discussions between the interested parties to seek a successful resolution of this matter.

BEVERLEY STADIUM

Mr INGERSON (Bragg): Following his announcement today that the Government will guarantee a loan for the Basketball Association to build a stadium at Beverley, does the Minister of Recreation and Sport dissociate himself from claims that this is a financially risky project? I refer to evidence given to the Public Works Standing Committee by the coordinator of Special Projects in the Premier's Department, Dr Lindner, which made a number of adverse reflections on the Beverley project. He called it a 'second rate' entertainment venue that the industry would be loath to use (transcript of evidence, page 346), evidence which conflicts with advice that the Opposition has received from concert promoters who have said the Beverley stadium will be suitable for a wide range of events at ticket prices which will remain affordable to the majority of concert goers.

Dr Lindner also said the following about the financial viability of the centre (transcript, page 344):

> The enterprise is inherently risky in terms of depending on crowd patronage. With BASA not injecting any money of its own into a $12.7 million project, it is almost self-evidently not a prime investment.

I understand that, if Dr Lindner's evidence were to be accepted, it would mean that the Government, through SAFA, has a policy of funding risky ventures, and that is completely contrary to previous statements that the Premier has made about SAFA's lending practices.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I am very pleased to respond to that series of questions from the shadow spokesperson. I would be interested to know where he stands on this issue in relation to his colleagues, particularly with regard to the entertainment centre, because the member for Alexandra and the Leader of the Opposition appear to be leading a charge to undermine it. Well might the honourable member shrug his shoulders, but the Leader is very much involved in a campaign to deprive the young people of South Australia of the opportunity of having an entertainment centre. I am sure the youth of South Australia will remember that and, if they do not remember it, the Government will remind them of the Opposition's attitude.

I am delighted to reinforce the joint announcement made today at the Apollo Stadium by Mr Mal Simpson and Mr Dick Butler that this Government has joined with the Basketball Association of South Australia to come up with a package that will see the development of a magnificent facility at Woodville with seating for 8 070 people, an international capacity court and a retractable seating arrangement. The facility will provide three courts for, and will assist the development of, basketball.

I am delighted to have the opportunity to answer a question from the Opposition to thank those people from the Government who have been involved in ensuring that this package has been brought together, because it will mean that we now have in place plans for two venues, both of which will cater for objectives that are much needed in our community. Basketball, I am pleased to say, will continue to grow with this support, which will come with a guarantee and with the finance package offered by the South Australian Finance Authority. It will mean for basketball a unique arrangement for its environment, as our association will be the first in Australia to own its own national team and its own venue. That will be significant: it will be the association's patch of dirt, its building, and its management that will have control.

The Hon. D.C. Wotton: There is no credit due to the Government.

The Hon. M.K. MAYES: It is very much to the credit of the Government, whereas Opposition members get no credit for trying to undermine the entertainment centre negotiations by their questioning, carping and criticism. The Opposition has been trying to undermine the whole arrangement for pure political gain. It does not care what happens to sport in this State. Indeed, we know, as do all the sports people in this State, the attitude of the Opposition. Their position is transparent, as is evident from the attitude of the Opposition spokesman on recreation and sport. Opposition members constantly run around behind the scene in a bid to undermine anything that this Government tries to do on behalf of South Australian sport. However, this Government's record on sport is outstanding: it is head and shoulders above anything that the Opposition has done. The score is on the board. The sports people of this State know what we have done.

The Hon. D.C. Wotton interjecting:

The Hon. M.K. MAYES: The member for Heysen chirps up, but I recall what an appalling Minister he was when in office—a second rate runner. Indeed, his staff had difficulty dealing with him. I know that, because I had to sit at the other end of the table and endure his lack of knowledge and lack of capacity as Minister. So, he should mind what he does and says, because we have long memories and we know the lack of capacity and lack of skill exhibited by the Opposition Party when it was in government. The Bannon Government has a great record on sport in this State. It has established sporting facilities and enhanced the development of South Australian sport. Its record is second to none. We have a fine record in the racing industry and, whatever sport we talk about, including hockey and lacrosse, our relationship with the sporting fraternity is the best it has ever been and it will continue to be so.

This basketball stadium will provide the foundation for the sport in this State to grow through the 1990s and into the next century. It will provide a facility and opportunity for this State to make bids for major sporting festivals and other major events. However, we have seen from the Opposition nothing but criticism and its efforts to undermine opportunities for the sporting public of this State. That should go on record clearly. The Liberal Opposition, which has done nothing for the South Australian sporting community, is known as a joke. The shadow Minister whips around in the racing industry and tries to undermine whatever this Government is trying to establish in response to the demands of the industry.

Members interjecting:

The Hon. M.K. MAYES: No, because we are achieving the things that we set out to achieve in that industry. The shadow Minister goes behind the scenes to the clubs and says, 'Don't support this. We'll try to knock it off.' He does not come to the front: he works in the back room dishonestly and under a cloud all the time. We know what is the role of the Opposition spokesman on sport. He has tried to undermine sport in this State and this is yet another attempt to undermine the opportunities for basketball in South Aus-

tralia. However, this Government is proud of the relationship that we have built up with the basketball association. That relationship will grow and, with the other Bannon Government's achievements in other sports, will be something of which in years to come South Australians will be proud.

SALISBURY TAFE FACILITIES

Mr RANN (Briggs): Will the Minister of Employment and Further Education say whether the Government has plans to upgrade and expand TAFE facilities and programs in the Salisbury area?

The Hon. M.K. MAYES: I thank the honourable member for his question about this matter, which is obviously of concern to him in terms of his electorate and the potential for the development of skills and training for constituents in the northern regions.

Mr D.C. Wotton: It's what is happening in the Adelaide Hills. What are you trying to do to private operators?

The Hon. M.K. MAYES: The member for Heysen interjects again. The Hills area will receive appropriate attention and resources, and the honourable member knows that. We have seen significant growth in support for courses in the Salisbury area over the past year. It must be taken into account that we will be looking at improving the physical resources to support courses in that area. I know that my predecessor had already initiated discussions within the department with regard to the development of future physical resources for the TAFE facility in the Salisbury area. If my memory serves me correctly, there was about a 30 per cent growth in participation in TAFE courses in the northern regions last year. That is a positive sign. We should enhance and reinforce that, and I flag that we will be looking at improving the facilities and accommodation in the TAFE area. I hope that in the early 1990s we will see some significant developments for the northern region in that regard. I assure the honourable member that the Government is aware of the need for development in that area, which is servicing exciting technological industries in our community.

Part of the current growth and resurgence in the manufacturing and technological industries is based in the honourable member's electorate and, to service that, we need to provide skilled people who can take up those jobs. TAFE is an important part of that. We will see a further enhancement of those facilities, and I am sure that he will be around for a long time as a local member to ensure that those facilities are developed in his electorate.

RUHE COLLECTION

The Hon. H. ALLISON (Mount Gambier): Will the Premier say what action the Government is taking to support the proposal of the Leader of the Opposition that the unique and valuable Ruhe collection of Aboriginal artefacts be brought back from the United States and, in particular, will the Government approach Canberra to seek its support for this collection to form part of the proposed National Gallery of Aboriginal Australia, and for that gallery to be located in South Australia?

The Hon. J.C. BANNON: When this matter was raised publicly some time ago, my colleague the Minister for the Arts responded to this question and, in doing so, made the point that approaches could be made to Canberra on this issue. It is certainly not something for which the Government has readily available cash at this time. Certainly, it is an opportunity that the Government cannot see slip through its fingers without trying to do something constructive about it. I am sure that the Minister will be very pleased with the honourable member's interest in this matter.

JEREMY CORDEAUX

Mr LEWIS (Murray-Mallee): Will the Minister of Community Welfare explain why the Government is trying to buy Jeremy Cordeaux's silence? Does Mr Jeremy Cordeaux have a handshake agreement or contract with the Department for Community Welfare or any other related Government agency? What period does the agreement or contract cover, and how much does this agreement or contract net him—that is, what is it worth?

The Hon. D.J. HOPGOOD: I will get the details for the honourable member.

SOUTH AUSTRALIAN TIMBER CORPORATION

Mr D.S. BAKER (Victoria): Will the Minister of Forests state what has been the outcome of an investigation ordered by the Attorney-General into a possible breach of the Companies Code by a key figure involved in the negotiations which led to the Timber Corporation's disastrous investment in a New Zealand timber mill? The Attorney-General said in another place on 14 April that the Corporate Affairs Commission would investigate evidence uncovered by the select committee inquiry into the Timber Corporation, relating to Mr Geoffrey Sanderson, and whether Mr Sanderson had properly declared shares that he held at the time of merger negotiations with the New Zealand timber company, which stood to benefit from the merger.

The Hon. J.H.C. KLUNDER: I will get a report from the Attorney-General.

ADELAIDE PRODUCE MARKETS PTY LTD

Mr MEIER (Goyder): My question is to the Minister of Lands. Did the Government advise Adelaide Produce Markets Pty Ltd, before selling that company four parcels of land at Pooraka on which to relocate Adelaide's fruit and vegetable markets, that some of the land had been used over a long period for the burial of carcasses of animals which died before slaughter at the Gepps Cross abattoirs and, if not, why not, and does the Government now intend to assist the company to remove this pollution? In May 1988, the Department of Lands sold a parcel of land known as allotment No. 10 to Adelaide Produce Markets Pty Ltd. It sold three further blocks—allotments Nos 5, 11 and 12—on 3 January this year.

I have been informed that some of this land had been used as a cemetery for the burial of the carcasses of animals which died before slaughter at the abattoirs. Because this practice occurred over a period of many years, there is now extensive land pollution on this site, which must be cleared up before it can be used for its new purpose.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. I cannot answer it off the top of my head, but I would be delighted to obtain a report for the honourable member.

LEAVE OF ABSENCE: MR PLUNKETT

Mrs APPLEBY (Hayward): I move:

That two weeks leave of absence be granted to the member for Peake (Mr Plunkett) on account of ill health.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. FRANK BLEVINS: 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 proposes amendments to two of the provisions of the Motor Vehicles Act 1959, relating to compulsory third party insurance. The Bill proposes an amendment to section 99a of the Act which provides for expiry of the compulsory third party insurance 14 days after the expiry of the registration of the vehicle. Vehicle drivers are thereby afforded 14 days grace as protection against driving an uninsured vehicle after the registration of their vehicle has expired. The onus is on the driver not to drive an unregistered and uninsured motor vehicle.

An extension of the third party insurance grace period to 30 days would provide additional protection for drivers against committing the offence of driving an uninsured motor vehicle. The practice of backdating registration renewal payments for up to 30 days where payment is made late, was adopted in 1986. To provide a grace period of 30 days insurance cover after the registration has expired, is consistent with the current practice of backdating registration and insurance periods. This matter has been discussed with the State Government Insurance Commission and an extension of the grace period is not expected to have an impact on the level of insurance premium rates.

The Bill provides for an amendment to section 102 of the Motor Vehicles Act 1959 regarding the penalty for driving an uninsured vehicle. Section 102 of the Act provides that a person shall not drive a motor vehicle on a road or on a wharf unless a policy of insurance against third party risks is in force. The penalty for breach is a minimum of a Division 11 fine, that is, $100 and disqualification from holding and obtaining a driver's licence for a minimum period of three months. The minimum penalties can be reduced where special reasons are established. The Chief Magistrate has recommended that any decision regarding the length of disqualification should be left to the court and that the provision for the three month minimum disqualification should be repealed. He argues that the minimum disqualification works severe injustice in some cases and wastes court time as a result of the special reason applications.

The main criticism of minimum penalties, is that they fail to take into account the variety of circumstances in which offences are committed and the characteristics of the offender. The minimum penalties for driving an uninsured vehicle attract most crticism in cases where the driver is not aware that the vehicle is unregistered and uninsured—for example where the vehicle has been borrowed or is a work vehicle. The loss of a driving licence for a minimum period of three months for an offence which may have been caused through little or not fault of the offender does not fit well into the category of minor offences suitable for a minimum penalty.

At the time the minimum penalty was introduced a person injured in an accident had no redress if the vehicle which caused the injury was uninsured. This was before the time of the nominal defendant. The main reason for regarding the offence as serious now is that if the practice of not insuring became widespread the third party fund could be seriously depleted. Further, it is questionable if the existing penalty is a serious deterrent—in 1987-88 there were 3 444 prosecutions for driving an uninsured vehicle. The penalty for the offence will not deter a person who has forgotten to insure or is unaware that the vehicle is uninsured. By removal of the minimum penalties, a magistrate will be able to consider the evidence presented and set a penalty consistent with the seriousness of the breach. I commend this Bill to honourable members.

Clause 1 is formal.

Clause 2 amends section 99a of the principal Act which deals with compulsory third party insurance. Subsection (8) of the section presently provides that a third party insurance policy in respect of a vehicle remains in force for the whole of the period for which the registration of the vehicle is granted or renewed and for a further period of grace of 14 days. The clause amends this provision so that the period of grace is increased to 30 days.

Clause 3 amends section 102 of the principal Act which constitutes the offence of driving a motor vehicle for which there is no third party insurance policy in force. The section presently provides that the penalty for such an offence (except in relation to certain vehicles or circumstances) is not more than a division 9 fine ($500) and not less than a division 11 fine ($100) together with a licence disqualification for a period of not more than 12 months and not less than 3 months. The section provides that a court may not reduce or mitigate the minimum fine or disqualification unless, in the case of a first offence, it thinks fit to do so for special reasons. The clause amends that section by removing the minimum fine and minimum disqualification and the related provision governing mitigation of the minimum penalties.

Mr INGERSON secured the adjournment of the debate.

SUPPLY BILL (No. 2)

Adjourned debate on the question:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the whole for consideration of the Bill.

(Continued from 15 August. Page 283.)

The Hon. J.C. BANNON (Premier and Treasurer): This has been an extensive debate, so in reply I do not want to canvass all matters raised. I was a bit surprised by a number of things stated by the Leader of the Opposition, although why after all this time I am surprised by some of his bizarre statements I am not sure. It was interesting, incidentally, that he used the same argument as last year in regard to the Supply Bill and the forthcoming budget being compiled with a view to having an early election. That is what he said about the 1988-89 budget—that it was a budget of high risk, aimed at an early election. As the results I announced a week or so ago indicate, far from being high risk in fact

the budget is very soundly based and we came in much better in all the areas identified.

There is the issue of tax levels. The Leader claimed last week that the additional revenue over estimates in both 1988-89 and 1989-90, some $12.8 million, had not been returned to the people of South Australia. One way of returning revenue is in the services that the people of South Australia enjoy.

Members opposite are very keen on returning extremely large resources to education. At least I think they are. We are not quite sure of their position on this issue, as the Minister pointed out. That is certainly one way; another is to reduce the level of taxes. In fact, I gave back what the Leader of the Opposition calls 'only $55 million'. Certainly, the tax package announced last week comprised something like $55 million, but I remind the House that in 1988-89 we returned $23 million in tax cuts and retired the last $34 million of the Liberal current account deficit of $63 million left in 1982-83.

The Leader of the Opposition says that that deficit was not really the Liberal Party's fault. If we look at the economic planning, or lack of it, that argument is a little hard to sustain. He goes on to say that it was going to be only $19 million, which is much less than the final result. I am not sure from where he gets that figure. In fact, our figuring suggested that it would be closer to $100 million into the next budget unless remedial action was taken, which indeed we took. After a long hard slog, we succeeded in restoring our financial position. Even if it was only $19 million, I make the point that in today's figures that is something like $30 million. That is the first comment we have had on fiscal policies—a $30 million blow-out, at minimum, in the deficit.

Then he went into taxes and charges. We are told that we pay more tax *per capita* than Queensland. There is no mention of the fact that we are well behind all other States. Queensland derives much of its revenue from charges it levies on the rail transport of coal and other minerals. It racks up a nice surplus on that, as it does not have to impose taxes in other areas. That certainly was so until recently, but we know that this has changed sharply in the past 12 months. We hear nothing about our comparatively good situation, only the worst interpretations that can be put on the figures.

Let me remind the House again that I am happy to make comparisons between the period under the former Liberal Government and the period under this Government. If we look at selective State charges, under the Liberals this compounded average annual increase for electricity was 23.5 per cent. Under this Government it has been 7.4 per cent. In respect of the rental on Government-owned dwellings, under the Liberals it was 15.3 per cent and under Labor 10.7 per cent. Under the Liberals the figure for urban transport was 18.2 per cent and under Labor 13.6 per cent. They are the facts. In every category our performance has been superior. One looks in vain for the Leader of the Opposition to tell us about his plans or policies. He was very silent indeed on the ANZAC frigate decision—one of the more important that has been made in this State for generations. I guess the electorate should be grateful for that as he may have been induced to make the same sort of comment he made about the submarine project: that he was disappointed in the decision. I wonder what that disappointment meant.

The fact is that there are no policies, inspiration or vision in anything that the Liberals have put to us in this debate. They have raked over old ground and gone back 30 years, saying nothing about the future. This Supply Bill should not attract a full debate. That will take place in the context of the budget next week. The Government will be delighted to lock horns with the Opposition on the basis of our financial planning and proposals.

Motion carried.

In Committee.

Clauses 1 and 2 and title passed.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 August. Page 142.)

Mr S.J. BAKER (Mitcham): This legislation has been introduced in order to rectify a problem created for the Government by the High Court's recently handing down decisions in the cases of *The Queen v Hoare* and *The Queen v Easton*. We, the Opposition jury, find the Government guilty of incompetence and further charge that this latest amendment to the sentencing provisions has been hastily conceived. It contains elements of retrospectivity which the Opposition has consistently voted against. Thus, it is the Opposition's intention to place its views on the record and to register its opposition to this legislation. Following that, we will allow a fully fledged debate on this important issue to ensue in another place where the proponent of this legislation resides. To do otherwise would be tantamount to allowing the Government to continue papering over the cracks. It would also be a failure on our part to keep the Government honest.

This whole fiasco has arisen as a result of the sheer dishonesty of the ALP Government. Before considering the amendments and the High Court decisions, it is important to consider how this fiasco began. In 1983 the parole legislation was amended significantly. I and my colleagues said at the time that the legislation was totally dishonest. The meaning of the previously understood term of 'non-parole' was changed. It was a deliberate and calculated move by the Government to dispense with the orderly administration of justice. It was motivated by a lack of control of the prisons system. Members may remember that at that time the prisons system suffered riots, and a number of gaols were burnt.

When the Government introduced new legislation at that time, it placed the blame on the existing lottery in relation to whether or not a prisoner would be released at the end of the non-parole period. I was unhappy with some aspects of the system at the time, but I could not condone the Government's actions and the amending legislation which contained specifically an element of retrospectivity that allowed hardened criminals to be released well ahead of time. Remissions were calculated against the non-parole period rather than the head sentence.

The system was subverted because there was never any clear intention that the remission system would operate as it was meant to. Over the ensuing months and years numerous serious offences such as rape and murder were committed by those people who should have remained in gaol, but did not, because of the way that the Government treated the legislation. The legislation did not cater for those cases involving prisoners who should not have been released even after the expiration of the non-parole period. In other words, the nutters and malcontents in the system were released automatically with no checks and balances after serving only two-thirds of the non-parole period.

At the time there were no guarantees about how the remission system would operate, and over the years we heard evidence about automatic remissions being given to prisoners, even though at the same time they were on charges for assault and other offences within the prison system. However, the Minister of the day determined that they should receive automatic remission for good behaviour. I believe that such action was quite disgraceful.

Some doubts were expressed about how the courts would interpret this change in sentencing, because this concept discarded all the rules which normally pertained to sentencing procedures. In 1983, in order to provide a short-term resolution to the problems in the prisons system, this Government introduced the Statutes Amendment (Parole) Bill which allowed criminals to be released well ahead of time. It did not provide any checks or balances in relation to the malcontents within the system and particularly those people with psychiatric problems who should have remained within the system but who were automatically released beause the new laws provided that that should be so. This legislation thus subverted the whole process of criminal justice in this State.

When the legislation which I and my colleagues fought vigorously was before this place, the automatic remission of two-thirds of the non-parole period applied retrospectively, so some people who should have remained in the system suddenly became eligible for parole for which they would not otherwise have been eligible.

In 1986, under pressure from the Opposition and the public, the Government was motivated to take the extraordinary step of legislating on how the courts should interpret the earlier changes. That was a quite extraordinary move. It had to tell the judges how they were to interpret the changed parole system. At that time people had become very irate because serious crime was dealt with very leniently. In fact, it was not unknown for a criminal with a heavy head sentence to spend less than a quarter of that time in gaol.

I refer to page 816 of *Hansard* which contains the second reading explanation in relation to the 1986 Bill. In that contribution this very interesting statement is made:

> The courts have taken the view that the judge is precluded by law from taking into acount the likelihood of good behaviour remissions during the sentencing process.

The Government was well aware at the time that, under normal sentencing procedures which had been accepted throughout the Commonwealth and which relate to British case studies, it was against the accepted practice for judges to take into account possible remissions in their determination of sentence and non-parole periods.

That is a very important point, because it was made in the middle of 1986. In 1986 the Government decided to overcome that provision, because it had wrecked the whole process of sentencing. In remedying the situation, it decided that under that legislation the courts should take account of the remissions which people would receive under normal circumstances, provided that they acted in a proper fashion whilst in the prisons system.

That was the nature of the amendment in 1986. It is important to understand that, because the first piece of legislation was fundamentally wrong and changed the whole procedure of sentencing in this State, the second piece of legislation was meant to subvert the principle of sentencing and the way in which sentencing should be carried out. The legislation had to overcome the time-honoured principles that were accepted for sentencing procedures. The latest legislation goes some way to fixing the problem that we have before us, but it is important to understand that we have gone from one problem to the next because the system was corrupted in 1983 for short-term gain.

Before referring to the High Court decision, which is very interesting, I should like to refer to the Minister's second reading explanation on this Bill. He said:

> The Supreme Court judges proposed that remissions for good behaviour should be abolished.

That was because they recognised the inherent problems that were accumulating. He also makes the point:

> The approach subsequently adopted by both sentencing judges and the Court of Criminal Appeal was generally to increase the level of the head sentences for serious crimes committed on or after 8 December 1986 by up to 50 per cent over the levels applicable to crimes committed before that date.

In effect, in one breath the Government is saying that sentencing became more real after this amendment was introduced, but, in another breath, the Attorney in his 1986 contribution to Parliament said that it was not a great problem but the Government was going to fix it up. He said:

> The Government recognises the community's concerns in this area and has undertaken a review of certain aspects of the existing system. Before the December 1985 election, the Government announced that it would amend the relevant legislation:
>
> (1) to give courts greater power to decline to set a non-parole period;
> (2) to give courts wider powers to extend non-parole periods; and
> (3) to ensure that remissions are lost if prisoners are guilty of other offences or misbehaviour while in prison.

He also mentions the fact that for the most part the judges were playing the game, but there was still some concern. There is an inconsistency between the statements made in this second reading contribution today and the one in 1986. Again, I go back to the second reading explanation:

> The Government believes that those offenders who have been sentenced on the basis of the Court of Criminal Appeal's interpretation of section 302 (or section 12 of the Sentencing Act 1988) in *Dube and Knowles* were, despite the views of the High Court, sentenced as Parliament intended them to be sentenced.

On the one hand, he was saying that the procedures have been followed properly, but, on the other hand, that there is a need for this legislation. In this Bill he notes:

> These provisions will not apply to the sentences of Hoare and Easton, the successful applicants in the High Court case. They will retain the benefit of their successful appeal to the High Court.

He does not want to take on the High Court decision. Further:

> The amendment requires the sentencing authority to inform the offender of the minimum time that he or she will have to serve in prison.

That is how he gets over this problem of how the courts calculate sentences. It also creates further problems, and I will go through those when we get to the legislation, because I and other Opposition members are not satisfied with the latest quick fix solution.

I want now to refer to some matters which have been raised in the High Court decision. They go to the heart of what has occurred and why the Attorney of this State went against accepted practice in the way that he proposed the 1983 and 1986 amendments. The Attorney makes some very interesting observations. As a practitioner in this area would understand, these foundations are well understood and accepted by the legal profession throughout Australia and most of the British Commonwealth. Therefore, he cannot say, 'I did not know.' Therefore, what he did was tantamount to dishonesty or incompetence.

I will read some relevant portions of the rather lengthy decision that was made by the High Court and has been provided to a number of people in this State. The first observation is on page 7:

Indeed, it would be effectively to turn a legislative system of remission such as that contained in Part VII on its head by reading statutory provisions intended to benefit a prisoner by allowing the reduction of the sentence imposed as appropriate to his crime as if they contained an additional clause to the effect that all sentences should be increased by the maximum period of remissions which a prisoner might earn.

That is not to say that, in the absence of some statutory provision such as section 302, a sentencing judge could take no account at all of the availability or unavailability of remissions in determining the appropriate sentence in all the circumstances of the particular case. There could, for example, be no legitimate objection to account being taken of the fact that remissions are available for good behaviour during service of a sentence but not for good behaviour during time in custody before sentence in determining what (if any) allowance should be made in the head sentence in respect of such time.

Even then some of the judgments were in conflict with this provision. It is said that the judge could not take account of good behaviour during the period in custody, but he could take account of possible remissions. However, we cannot have it in the legislation that that will be the method by which the calculation shall take place. That is exactly what we have.

There are a number of quotations and areas which are drawn on the British and Australian case studies. The High Court decision continues:

In that regard, it should be stressed that the general rule referred to in the preceding paragraph is not that a judge must pay no regard whatsoever in the sentencing process to the availability of remissions for good behaviour while a prisoner is in custody. The general rule is that it is not permissible for a sentencing judge to treat the likelihood of remissions for good behaviour as itself constituting a ground for increasing what would otherwise be the appropriate head sentence.

That is an absolutely critical distinction, yet we wrote it into the legislation.

The High Court argued that, if the court is to impose a sentence, do not tell everybody that you have worked out how long someone should stay in gaol and add 50 per cent for good behaviour remission, because there is no guarantee that that person will get that remission. There is an assumption that that remission will be available only if that person behaves properly whilst in prison. I commend the High Court decision to members opposite. It continues:

To approach the fixation of a non-parole period by first determining the period to be spent in prison and by then adding 50 per cent or some other proportion to counteract the reduction of the non-parole period by remissions is wrong in principle.

That is wrong in principle, as every lawyer would understand, yet we tried to subvert that principle with the legislation that was introduced in 1986. The document continues:

Notwithstanding the legislative changes making remissions available to reduce the non-parole period, there are still circumstances in which it is plainly necessary for a trial judge to have regard to the availability of possible remissions in fixing the non-parole period.

It goes on to explain why this is the case. The clear distinction is that one should not have a calculator sitting on the bench and explain that one has calculated the time which a person is to spend in gaol, then added 50 per cent and then, on top of that, added a further period to cover the head sentence. That is the principle we are talking about. Whilst that calculation may well go through the mind of judges, it should not be the principle upon which this matter is addressed.

The High Court has come up with a sensible, simple and sane reason why the procedures that have been followed in this State—and I will say that they have been followed since 1986 because of legislative change, but since 1983, when the system was corrupted—have been inappropriate. This document contains a number of other useful and pertinent comments. It states:

The judgment in *Regina v Dube and Knowles* does not really seek to explain why a direction to 'have regard to' the operation of a remission system should be construed as having the effect of requiring an increase of up to 50 per cent in head sentences for serious criminal offences . . .

Nor does the judgment in *Regina v Dube and Knowles* contain any reference to the basic principle of sentencing law that a sentence of imprisonment should never exceed what represents appropriate or proportionate punishment for the objective offence.

The bottom line is that the Government has done it wrongly. The Government has failed in its responsibility to act under the principles which are time honoured in this nation and in this State. It is fixing up for political purposes something that it got wrong back in 1983. It compounded the error in 1986 in the way in which it amended the legislation. This is a complex issue and, although I have no legal background, I feel that in some cases we may be dealing with semantics. However, at least I understood what the High Court decision was all about, that is, sustaining certain practices that have stood the test of time. Here in South Australia we have failed to do that.

A number of organisations wrote to the Attorney-General concerning his decision to introduce retrospective legislation to correct the error, and all vigorously opposed the proposition. The Attorney would be aware that the Law Society is unhappy, that the Legal Services Commission of South Australia is unhappy and that the South Australian Council for Civil Liberties is unhappy about the proposal. The Opposition members are not happy with the proposal, either, first, from the point of view that we are sick and tired of having to fix up the Government's incompetence and, secondly, because we are not sure in our own minds that this latest set of amendments will actually achieve what the Government says it will achieve.

We have had mixed signals from the Government. The Attorney-General has proclaimed that the system is working well. The 1986 amendment was intended to ensure that everyone knew how to calculate properly the head sentence and the non-parole period. We know that between 1983 and 1986, despite some judges fully understanding what was intended, some of them were not playing the game. Since that time, consistently higher sentences have been handed down.

What about this new piece of legislation? I should like to know how many decisions have been handed down by the courts where the calculation has been made known. That seems to be the critical point that we are trying to assess here today. The High Court has determined, 'You can take it into account; you can consider it; but it must not form the basis of your decision.' The Attorney-General said, in the period 1983 to 1986, that without this legislative change some judges were considering and actually applying the 50 per cent-plus rule. There has been some suggestion that since that time everyone has been complying.

The important question, however, is: how many cases are we dealing with in this situation? Do we really need to change the law, or is the issue only those cases where it has been obvious that the sentencing judge has made known the calculation or, on appeal, the Court of Criminal Appeal has upheld the argument by using that formula? If the formula has not been known or shown in the determination of either the sentencing court or the Court of Criminal Appeal, the argument cannot be sustained. Thus, the Opposition asks whether this legislation is necessary. Is it necessary for us once again to take the Attorney-General out of the mess he has created? Is it necessary, once again, to break the rule of retrospectivity, which we on this side of the House thoroughly abhor?

The Hon. H. Allison interjecting:

Mr S.J. BAKER: Yes, indeed. I am reminded that the Premier said in this House that he did not like retrospectivity. He did not want to help out new home buyers who had not completed their contracts. People who had applied for stamp duty exemption or remission but had put in their application before that Tuesday night were out of the system.

The Hon. H. Allison interjecting:

Mr S.J. BAKER: Even though the contract had not been settled and the documents filed with the Lands Titles Office. The Premier stood up in this House and said, 'We don't like retrospectivity.' I should have thought that in this case equity would provide that, if the contract for sale or purchase of a property had not been settled at the time when the Premier provided a little piece of largesse, these people would be eligible. But they were not eligible. Suddenly, he said, 'I don't like retrospectivity.' Of course, the courts have settled a large number of matters over the past three years since the 1986 amendments (and over the past six years since the 1983 amendments). Now the Premier says, 'I am not too sure about all this. We need another piece of legislation to fix up the perceived problem.' No wonder people in the legal profession are concerned about this measure. First, they are not satisfied that the measure will do everything suggested by the Attorney and, secondly, the Attorney has had to rely on retrospectivity to achieve his goals.

I go back to the question I asked previously: how many cases are we dealing with? I will guarantee that the Minister representing the Attorney-General in this place will not be able to provide that information. How many cases are at risk if we do not pass this piece of legislation? I am particularly critical of clause 3 of the legislation, which, believe it or not, makes famous Messrs Hoare and Easton because they got away with it, but the rest of them can be damned. This legislation implies that all the judges and magistrates who sat on the bench from 1986 to 1989 made the right decisions irrespective of any other matters. As a layman trying to weave my way through this morass called 'the law', I am unhappy with the way in which the Government has operated. I am in no mood whatsoever to assist it unless I know that South Australians will benefit from the change and unless I know that the law, in its current deteriorating form, will somehow be improved by this measure. I am not convinced, and nor are any of my colleagues convinced, that that will be so. I have one or two questions to ask in Committee. I indicate that the Liberal Opposition will not be assisting the Government in this measure.

Mr S.G. EVANS (Davenport): This Bill is an example of the Parliament's having made a mistake, and the Government led the Parliament. The Government introduced legislation and had control of that legislation, and never once did it complain after the legislation had been passed and gazetted. Those in a position to judge whether or not they could implement the legislation took that action, and someone with a knowledge of the law decided to mount a challenge in the High Court. The High Court found that the decisions made in the State court according to this legislation were wrong.

Our whole system is based on Parliament's making laws—the intent of the Parliament does not matter. If the court had to take into account the intent of the Parliament, it would also have to consider the intent of all those who supported the proposition, and that intent would have to be written into the legislation. People might have interpreted differently. The police, and others attempt to enforce the law and the courts interpret the law. If someone wishes to challenge one court's interpretation of the law in a higher court, that higher court will interpret the law as passed by this Parliament or any other Parliament in the country, and it may be found that the intent of the Parliament had not been adhered to or that the lower court's interpretation was incorrect. That is bad luck. There would be hundreds of examples where the Parliament's intent was interpreted differently.

This is an emotional issue because it involves the 'criminal law', which applied to those who have committed criminal offences and been found guilty. That becomes more difficult to front up to. If a person infringed the law in the area of agriculture or the clearing of native vegetation and if, subsequently, a higher court found that the decision in that case was wrong, there would not be a whimper in the community. If the individual suffered, that would be bad luck; if the individual got off, that would be good luck.

There would be no massive, emotional outcry in the community or, as has been attempted, the introduction of retrospective legislation. I know that no-one could argue that any person who is found guilty of an offence would know what the law meant. In fact, it has been proved that none of the 69 parliamentarians who took part in the debate knew what it would mean. If they did know, not one spoke out against it. So either the Government itself or the Parliament collectively passed a law that did not do what at least the Government, and perhaps most members, thought it would do.

I have great difficulty with this, and I will not accept any retrospectivity, because one of us or a member of our family might be on the receiving end. A penalty may appear to be too severe according to the law, but it may accord with the intent of the Parliament. The individual involved would have to carry the can and suffer. We cannot allow that to happen. It is possible for the Parliament to make a mistake. If someone suffers in law as a result of our mistake, we can do nothing about correcting it. All we can do is amend the law to protect others in the future. Likewise, if someone, even a criminal, benefits by our mistake, that must stand. We can amend the legislation so that we or those who follow us are more cautious or, more particularly, so that those who offend against the law pay the penalty that we as a Parliament believe the community would like to see applied for that offence. I believe that is where it begins and ends.

The Hon. G.J. CRAFTER (Minister of Education): I thank members opposite for their contribution. However, I note that they do not intend to support this legislation. I found it quite difficult to understand their reasoning for arriving at that decision or, indeed, what the Opposition proposes should be done with the 200-odd appeals that have been lodged and are awaiting the outcome of this legislation which, I suggest, would result in substantially reduced sentences for those people if their appeals to the High Court are followed. I am not sure whether the Opposition is advancing that as the most satisfactory solution to the dilemma in which the courts currently find themselves as a result of the recent declaration of the High Court.

I can understand the concerns of people in the criminal law section of the Law Society and of the Legal Services Commission, which I understand is acting for many prisoners who are seeking to have the courts reduce their sentences. However, Parliament has expressed a clear intention on the sentencing process and the High Court has chosen to place a different interpretation on that expression as embodied in the legislation of this Parliament.

We believe, with respect, on the advice available to us that the High Court's declaration is clearly a misinterpre-

tation of the intention of this Parliament, and the measures before us seek to reaffirm the will of this Parliament in the matter. In so doing, we have the opportunity to require the sentencing authority to inform the offender of the minimum time that he or she will have to serve in prison.

Listening to the contributions of Opposition members, if there is concern about uncertainty in the law and that is why the Opposition seeks, for example, to abolish the concept of remissions in the sentencing process, this measure makes crystal clear that the offender and indeed the community will know precisely the minimum time that the prisoner will serve. The question of remissions has been argued for some time by various sections of the community as to its merits, but we know that the system of remissions applying in this State has helped considerably in the administration and conduct of our correctional institutions.

It is believed that the current remission system, on the evidence available to us, has been responsibly used by prison managers. It is a formal, legal and accountable system that has been well accepted by staff and prisoners alike. Indeed, I understand that a recent study conducted in South Australia of our parole legislation concluded as follows:

> It should be noted, however, that prisoners spontaneously nominated remissions as the most important factor in promoting good behaviour in prisons, and 71 per cent agreed with the proposition that remissions are an incentive to good behaviour.

So, I suggest that there is a compelling argument in favour of the retention of remissions. Indeed, the role that they play in the sentencing process is an important one indeed. For these reasons we need to reaffirm the law which was passed in this place in 1986 and which commenced operating on 8 December 1986. We believed that that law provided suitable legal and sentencing mechanisms to cover the appropriate sentencing practices and to overcome the difficulties experienced in this area in the past.

The Opposition seeks to cause division in the community and amongst those in the criminal justice system who are seeking to solve this matter. It is not clear from the contributions of members opposite what they would do precisely concerning the dilemma currently facing the courts and how they would justify substantial reductions in the sentences of over 200 prisoners in this State. I suggest that the mechanism embodied in the measure before us is the most responsible and appropriate method of resolving this matter.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Court to inform defendant of reasons, etc., for sentence.'

Mr S.J. BAKER: This clause was not debated during the second reading debate. A judge or magistrate may get the formula wrong and so negate the sentence. For instance, a magistrate may wish the prisoner to serve a minimum of four years, so he says to the prisoner, 'You will serve a minimum sentence of four years in prison. Your maximum parole period shall be six years and your sentence shall be nine or 10 years.' That is fine but, if the court believes that the prisoner deserves a sentence not of four years but of only, say, three years three months, a mistake may be made in the 50 per cent calculation. Does such a mistake negate the sentence?

After all, another principle, that of the minimum sentence, is included in the legislation. That is what we had prior to the 1983 amendments, when the non-parole period was exactly what it said: no person could be released prior to the end of that period, and release beyond that period would be a matter for determination by the Parole Board. Without wishing to discuss the strengths and weaknesses of the previous system, I point out that we did not have three sentencing principles to be considered by the courts, whereas we now have that situation. Will this provision cause have a proliferation of sentences containing complete years (for example, one year, two years or three years) because anything else will be too hard for the court to determine without a calculator?

The Hon. G.J. CRAFTER: The honourable member obviously raises a practical question because errors can be made in calculating the sentence. Minor errors can be remedied administratively but, in the case of more substantial errors, the matter can go back to the sentencing judge for correction. I do not know how many such instances the honourable member can quote, because he did not specify any cases of such miscalculation. However, I remind him that counsel will appear before the judge and also be involved in this process. Such counsel can comment on this matter at the time the sentence is being considered.

There is a right of appeal and formal approaches can be made to remedy matters of that type, but I suggest that our criminal justice system provides for the sentencing judge to supervise the sentence. Therefore, matters do come back to the sentencing judge from time to time with respect to parole matters and so on, so that, if an error occurred in circumstances such as those described by the honourable member, it would be entirely appropriate to bring the matter back to be remedied by the sentencing judge.

Mr S.J. BAKER: The Minister said that he would like to know how many errors have been made in the past. There could not have been too many errors made in the past, because conflicting areas did not exist. A minimum period never had to be prescribed by the judge. The sentencing judge or magistrate had to determine a maximum sentence—and they normally got that right—which would be greater than the non-parole period. There was never a conflict in calculation, because the judges never had to reveal on what basis the minimum sentence was imposed.

We are now in a new ball park. We have a new complication to the system which was made more imperfect than ever before by the changes which were promoted by the Government and which gained acceptance in Parliament in 1983. I raise that as a real problem, because I have a feeling that the judges would not get out their calculators or refer to someone else who would make sure that their calculations were right. We will see a distinct lumping of sentencing, rounding up to full three, four, or five year sentences; life made easier. Strict determinations will not be made on the relative merits of each case. One could see similar cases with different circumstances, and one person may deserve a more lenient sentence. Under the circumstances, the judge might say, 'This person deserves to spend six months less in gaol.'

I know of circumstances where a person who participated in an offence was given a more lenient sentence than the principal offender. What would a judge do under those circumstances? Would he or she take the risk of getting the calculation wrong? I think that there will be some aberrations in the law due to this measure.

The Hon. G.J. CRAFTER: The honourable member has reached new heights in his appreciation of the thinking processes of the judiciary. I do not know what evidence he has to back up his statements this afternoon about what judges would do, should this legislation pass. The fact is that judges had to make calculations in the past to arrive at a non-parole period and, to my knowledge, they have done that quite satisfactorily, accurately and responsibly. I do not see why this situation should change, nor why they

should not continue to make the same calculations and judgments in the future.

Clause passed.

Clause 3—'Court to take account of prospective remission.'

Mr S.J. BAKER: If the Minister believes that the system should be fixed up because of the interpretations and decisions made by the High Court, why has his Government not fixed the situation in respect of prisoners released in 1983? At that time all the murderers, rapists and other malcontents were let out of gaol due to the anomaly in the legislation, or was it deliberate? Further, when judges and magistrates did not take account of the spirit of the law from 1983 to 1986, why was action not taken then? Does the Minister believe that it is fair for this Parliament now to change the rules to suit his own purposes?

The Hon. G.J. CRAFTER: It is hard to tie the honourable member's question to the clauses before us but, in response to the political rhetoric of the honourable member, I ask why the Opposition when in Government prior to 1983 did not amend the law. It chose not to.

Mr S.G. EVANS: I take objection to subclause (3), in particular the word 'before'. Subclause (3) provides:

> The relevant principles must be applied by courts exercising criminal jurisdiction (whether original or appellate) in relation to offences committed before, on or after the commencement date.

That was my only objection right at the beginning, namely, the retrospectivity of this Bill. In answering some of the comments made from this side the Minister went around the bush explaining his Government's position, but I repeat that this Parliament made a mistake. If our system of law had nothing to do with what Parliament intended—nothing to do with it whatsoever—the courts would have an impossible task. They would have to invite previous Premiers and Attorneys-General as well as existing Premiers and Attorneys-General into the court and ask them what Parliament intended when their Government passed legislation.

The Hon. H. Allison: They would have to read all the second readings.

Mr S.G. EVANS: Even if they read all the second readings, as the member for Mount Gambier suggests, it would still not be clear to the courts what Parliament intended. We are all different, do not think exactly the same, do not use exactly the same phraseology or explain ourselves in a precise manner. I have been told many times that that is my problem. I accept that. I am here to represent people in the community and, if Parliament passes a law, until such time that someone proves that the law is not achieving what it was intended to achieve—it is too severe or not severe enough with changing circumstances—then it should stand. We are saying that a law we passed in 1986 (most of us here today were here then) did not do what we intended it to do when it came to the final judgment of a higher court.

The Attorney has virtually said that the law has been written and has the principles embodied in it that he, his Government or Parliament intended. In practice that has been proven to be wrong. We might say that the High Court is wrong and, if so, it is up to somebody else to test another case before the High Court, although precedent usually is the final arbiter in our law. That is something about which I have some concern.

I ask the Committee to think seriously about it. If we pass a law that allows something to occur that we did not intend, it is not the criminal's fault, it is not the court's problem (whether it be a higher or lower court) and it is not the fault of the lawyers who represent either side of the argument—it is our fault. We should be big enough to say that an error has been made and that we will correct it from here on in. If as a result of that error we are going to benefit in respect of something they did and were judged upon in the past, so be it. That has always been the case and that is the way it should stay now.

The Hon. G.J. CRAFTER: The honourable member certainly is entitled to advance that argument. It is a legitimate argument that he puts to the Committee this afternoon, but he has also put the Government's argument in acknowledging that the Government also has a right to reaffirm the intention of Parliament as expressed in the 1986 legislation. If one takes the honourable member's stance with respect to the law—namely, if a court proclaims a different interpretation of the law than Parliament intended, and it is the belief of the Government of the day that Parliament did not intend that consequence—we keep on appealing to the High Court. I suggest that the High Court would send back the matter, as it has made a decision. There is a practical consequence of that decision—quite a substantial consequence for the administration of justice presently and of course for the future. The Government, therefore, must respond.

I argue very strongly that a need exists to reaffirm the law that Parliament intended and the consequences that it intended, to apply those and in this case to express them clearly and succinctly in the legislation before us. The member for Davenport and others who have spoken have not indicated how the Opposition would respond to the practical consequences of simply doing nothing, that is, allowing several hundred appeals to be brought before the courts and presumably for there to be, in the overall majority of those cases, very substantial reductions to the sentence. I suggest that that was not the intention of Parliament at the time, and I doubt very much whether it is the wish of many members of this Parliament presently that that be the consequence of the interpretation that has been placed by the High Court on the construction of section 12. Whilst I accept that the honourable member is entitled to advance his argument, he has not explained to the Committee what will be the practical consequences of his suggestions.

Mr S.G. EVANS: Perhaps I should put it in simpler terms. Parliament made a mistake and all we can do is say that that has happened. If there have to be 100 or 150 appeals, or if the Crown decides that it is no good worrying about the appeals, that the sentences were too long according to the law, so be it—we have to live with it. I know that the vast majority of people in the community would like to see those who have offended pay the penalty that has been applied according to what was intended by Parliament at the time. That would be their personal choice. I know that they would not support Parliament's making a law retrospective simply because it made a mistake. They employed us to do a job and we failed. We did not come up to standard and we are now trying to cover our tracks. That cannot be condoned.

I do not personally believe that offenders should get off more lightly, but it is not their fault—it is our fault. The principle we attempted to implement three years ago was not in fact implemented by us within the law we passed. So be it—we failed. We were not capable of making the correct decision. Now somebody has told us and clearly shown us that we made an error. I suggest that from this point we draft the Bill according to the Government's wishes and implement the intention, which will be the case if we take out of the Bill the retrospectivity.

That is all we want to do. I have a strong personal conviction in that area, because this is how countries have declined when dictators have gained control. One cannot say that the speed limit today is 60 km/h and then, in three years time, decide that we meant it to be 50 km/h and then

book everybody who went through the radar at a speed exceeding 50 km/h during that intervening period. It is the same principle. As a lawyer, the Minister knows in his heart that that principle is paramount to our system. The Attorney-General knows that that is the case, but the Government is embarrassed, because unfortunately the worst section of our society will benefit. However, again, it is not their fault; rather, it is our fault. We should admit that fact and rectify that problem. We should not go backwards, because one cannot always correct all their mistakes in life.

If retrospectivity is included in this case, Parliament will be acting in an extreme fashion which I do not believe the average citizen would support. If a petition were circulated on this topic, I do not believe that people would support retrospectivity. However, if those same people were asked whether they supported the sort of penalties which were applied, they would say 'Yes'. However, we made the mistake and we should admit it.

Mr S.J. BAKER: I believe that, because of the Government's actions in 1983 and its subsequent lack of action until 1986, grave injustices were done to the people of South Australia. Retrospectivity applied to those prisoners who in 1983 were released from gaol long before many were entitled to be released, so obviously there was no concern for the public at large. However, in this Bill, the concern for the public at large appears to be paramount. I will not debate this issue any further, because such a debate will rage in full force in another place between far more competent people than are in this place.

Section 12, which offended the High Court, has been retained unchanged. Has the Minister received a determination? A few new subsections have been added, but that principle is still embodied in the legislation. My reading of the High Court decision indicated that the court adamantly opposed the phrase 'must have regard to'. It was a clear direction to the courts that they had to calculate when they wanted the person to be released from gaol and then add 50 per cent. That was the offending section of the Act, but it still remains. I am aware that it has been modified and that seven additional subsections are proposed, but that provision still remains.

The Government has said to the High Court, 'Stick it. We really don't care what you say. We are still going to continue on our merry way with this proposition, but we will ensure that there is no right of appeal.' Is there any guarantee that the High Court will not suddenly do exactly what it has done in the cases of Hoare and Easton and say, 'South Australia, you have not complied with our wishes.' If the Government was so intent on rectifying this problem by using the minimum sentence provision (which makes the whole matter more complicated), why did it retain section 12 (that is, new subsection 12 (1)?

The Hon. G.J. CRAFTER: When any court interprets legislation that is in dispute, the very first question it asks itself is, 'What is the intention of Parliament with respect to this legislation?' The words 'it is the intention of Parliament' appear in the Bill, so a very clear statement of the intention of Parliament appears in the legislation and not only in *Hansard*. Members must recall that the Opposition opposed *Hansard* being made available to the courts to assist in the interpretation of legislation. I respectfully suggest that any court that is asked to interpret that legislation would heed the words contained in the Bill.

Mr S.J. BAKER: That was an extraordinary contribution. The Minister must have been asleep when I read excerpts from the High Court decision. On at least six occasions it indicated clearly that it was offended by that proposition. How can the Government sustain the proposition when the High Court has said, 'What you are doing is fundamentally wrong'?

Mr S.G. Evans: He's saying that the High Court is no good.

Mr S.J. BAKER: He is saying that the High Court and the Full Court are no good and that they do not know what they are talking about. When a set of procedures for sentencing have been established probably over a period of 100 or 200 years, how can the Government say that it will twist the law again? Is there any guarantee that this little twist will not be treated in exactly the same fashion as the last one? It is quite despicable that when the High Court has made this determination, in the face of reference after reference the Government has decided to retain the same proposition. This legislation has just been strung together in the hope that it will fix the problem. The Government thought that 200 anxious people were lining up to have a whack at it, but it did not change the basic proposition to which the High Court referred and which it resented. I find that absolutely incompetent. It is also a direct reflection on this Government's view of the High Court.

The Hon. G.J. CRAFTER: The honourable member has argued that the supremacy of Parliament is no longer an alternative in our democratic society and that a decision of a court can bind Parliament forever in relation to the application of the law. That is the logical conclusion of the argument presented by the honourable member. The fact is that this Parliament can reaffirm and clearly state its intention with respect to legislation. It is then entitled to expect that that intention will be taken into account when these matters come before the court in future.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. G.J. CRAFTER (Minister of Education): I move:

That the House do now adjourn.

Mr S.G. EVANS (Davenport): I wish to raise matters relating to sport in the limited opportunity that I have in 10 minutes to put my point of view. We are in the process of attempting to establish a basketball stadium in the State. I congratulate those who are associated with the sport on their determination, dedication and business expertise in achieving their objective. I shall be interested to know whether in future that building is used as an entertainment venue or whether anyone has held a gun to their head. Only time will tell.

My main concern is our attitude towards sporting people in the community. As parliamentarians, we are aware that in the Federal budget money is made available to help youth, whether homeless, disadvantaged, or whatever. The Federal Government is trying to remedy a situation, with medicine, after it has gone too far. The Premier (Hon. John Bannon) is President of the ALP. His colleagues govern in Tasmania, Victoria and Western Australia. They have control of most of the Parliaments in this country, including the Federal Parliament. Therefore, he has a position of power within the State but, more particularly, as Federal President of the Party that controls the majority of Parliaments within Australia.

However, we read in the paper today that those who are involved in football have a taxation commissioner breathing down their necks claiming tax on moneys or help that is

given—and usually that is not money—to young footballers who are brought in from the country not just to see how they develop in the sport but to learn a trade, to go to the institute, or to go to university so that they progress and develop in the sport, if they are good enough. More particularly, those young people from country areas have little or no opportunity for further education or to learn a trade unless they come to the big city. The football clubs—others are doing it, too—say to the parents of these young people, 'We will find accommodation for your children in homes where people are prepared to provide a home away from home, if that can be achieved. We will also try to get them into places of learning and to learn a trade.' Other help may also be provided to them as young footballers.

Our Premier, as Federal President of the ALP, has said nothing. If I had been in his position today, once the story was made public through the press—and I believe he would have known about it before—I would have said that we must get the Prime Minister to change the law.

It is a disgrace that we have street kids, about whom we are all concerned; we have homeless youth; and young people also get into trouble within the community. I know that they represent only a minority, but it is enough to cause concern. I know that city councillors and Governments say that they are doing their best, but surely we should be offering encouragement at the beginning so that they never get to that point.

There is one example where that could readily be achieved. We have a cricket academy in South Australia. Young cricketers are sent from all over Australia to develop their potential at the academy. We are proud of them. Some have played for our State and have done very well. Their home States want them back. We are prepared to steer them.

Are those who are helping them to be chased for money by the taxation commissioner because they are offered concession by way of board, job opportunities or the development of skills? Will they be hounded? I ask members on all sides of politics to respond to this sort of pressure from the Australian Taxation Office and to get the system changed. There is no big rip-off by the football clubs or these young people, yet the money involved will affect the prospects of many young sporting people. I said that this occurred not only in football. However, I will not name the other areas because the commissioner might not have caught up with them, but no doubt he will.

Another area to which I wish to refer is the difficulty that I have in attempting to come to terms with the problems faced by other sports, such as netball. In Edwards Park on the Anzac Highway the Netball Association's women and young girls play, and on the opposite side of the highway the Uniting Church groups play. Netball has one of the highest numbers of participants of any sport in this State. Netball is played in the winter months. The association runs a country carnival. Young kids turn up there, having travelled hundreds of miles, proud to have been picked to play for their association. The competition starts at 9 o'clock in the morning on a winter's day and it is still going on at 5 o'clock in the evening—rain, cold, wind—because there are not enough courts.

Immediately behind we have the Parklands. This is where the difficulty is. As soon as one talks of using the Parklands for healthy sport, there is a squeal. A swimming pool was built on the north Parklands, but the land immediately behind the netball courts down towards the railway line was an old rubbish dump. Years ago the City Fathers dumped all the rubbish there from the City of Adelaide. In recent times the fossickers were stopped from going there to collect the old bottles on which they thought they could make a couple of bob.

The Hon. R.G. Payne: It was put there for sport.

Mr S.G. EVANS: That is right. Then it was levelled and grassed. Without affecting the Parklands a lot, a few more courts could be established there. If we are concerned about getting young people to play healthy sport, we must, within reason, provide the opportunities and the facilities.

I have difficulty with this concept of parkland use for competitive sport as against what one might call passive recreation, and I know the difficulty involved. However, the total area of parkland is approximately 350 acres and, although I am not advocating any great intrusion into that, I hope that people on both sides of politics can look at the position. It is no good sending people to the other side of town in the middle of some other sporting venue. They are currently near the railway, buses and the centre of the city, and they have their headquarters there. All I am saying is that the matter should be given some consideration. I do not care whether the Government gets the credit for doing it, because I believe that those kids need all the encouragement they can get.

The ACTING SPEAKER (Mr Tyler): Order! The honourable member's time has expired. The honourable member for Price.

Mr De LAINE (Price): I want to speak about a major problem in my electorate in Port Adelaide. The member for Semaphore referred during the autumn session to this problem of drunkenness on the Semaphore foreshore and in the Port Mall. I want to speak about the Port Mall problem, as it is in my area. I emphasise at the outset that this is not a problem involving only Aboriginal people, but the Aboriginal population makes up about 98 per cent of the problem. A small number of white people are also involved but, by and large, it is an Aboriginal problem.

These Aborigines gather in groups in three areas between the Golden Tavern Hotel, which is situated in St Vincent Street, Port Adelaide, and the fountain at the rear of the State Bank in Marryatt Street. They sit and lie on wooden seats and subject passersby and shoppers to foul language, begging and harassment, and at times they have been seen in broad daylight urinating in drinking fountains in that area. It is disgraceful behaviour.

In line with legislation passed by this Parliament in the previous session, I had talks with the retailers and the local council about a year ago, and a decision was made that the council should apply to the Licensing Court for the declaration of the Port Mall as an alcohol-free, dry zone. The application to the Licensing Court was submitted by the council in November 1988 and, despite repeated approaches by the council, by the local police and by me, the application is still with the court and has not been approved.

The Attorney-General announced in May this year that legislation would be introduced during this session of Parliament to hand back to councils the jurisdiction in this area and that local councils would be given the power to create alcohol-free zones. The Local Government Association will assist in developing a model by-law which councils may adopt according to local needs, subject, of course, to strict agreed guidelines. The by-law will provide members of the Police Force with the authority to enforce any restrictions, for example, power to confiscate liquor, as a means of controlling drink related anti-social behaviour.

I believe that the Licensing Court Commissioner has frozen applications pending the introduction of this new legislation. I, the Port Adelaide police and retailers in Port Adelaide feel that the dry area should have been declared

under the existing legislation and then, if there is a need to make adjustments once the new legislation is introduced, so be it; adjustments could be made then. In the past few weeks the problems have escalated with the arrival of fairly large numbers of Aborigines from Port Augusta and the Northern Territory. The problems with drunkenness in the area are much worse on pension days and immediately after. Recently there was a case where an Aborigine came into a leading men's wear shop, opened his trousers and proceeded to walk around the shop urinating on the carpet and other things in front of shoppers, to the embarrassment of those shoppers.

Of course, the police attended and, that very night, the plate glass windows at the front and rear of that shop were smashed. A shopping trolley was thrown through the rear window of the shop, and after that Aboriginal people were seen walking around Port Adelaide with new clothing, with the price tags still attached. These people walk through shops in the Port Mall area, at times in quite large numbers, and scare the staff and customers. Other disgraceful behaviour of late has been these people in broad daylight and in view of shoppers—women and children—defecating, masturbating and copulating in this Port Mall area.

On one particular day, a young Aboriginal man came into the local chemist shop, picked up a display unit and tossed it out through the shop door, smashing it outside on the footpath. About a week later another individual came in and drop kicked the same display unit. Apart from the terrible mess in the shop, this behaviour terrified staff and customers. Two weeks ago, on a Tuesday, I received a telephone call from a person stating that about 35 drunken Aborigines were almost rioting, with one individual swinging a shovel around and trying to attack people.

One can just imagine the sorts of injuries which could be inflicted with a shovel. This anti-social behaviour has been quoted by local traders as the worst in 30 years, and many shops in the Port Mall area are now empty, forced out of business by this sort of behaviour in the past couple of years. Others who are still in business find that their business is going down, and I believe that the Port's resurgence is under extreme threat because of this behaviour, as shoppers are staying away from the area, and the attraction of tourists to the area is severely threatened by this sort of behaviour.

The traders are very concerned about the situation and are considering obtaining their own security guards, which I feel will do nothing but make the problem worse and inflame the situation. I have spoken to the local police on several occasions to see what the problems are, and they admit that they cannot do very much about the matter until the area is declared a dry zone. Every time they go in and try to restore order they get criticism of police harassment, not only from the local Aboriginal people but also from other white people in the area, local do-gooders and even the Department of Aboriginal Affairs.

I have a letter written recently by the manager of the Port Mall to the chief of police in Port Adelaide, which states:

I wish to formally complain about the behaviour of drunken Aborigines in and about the Port Mall shopping centre. On Tuesday 1 August, in particular, several (about 10) Aborigines were involved in a drunken brawl alongside the Port Mall (rear of State Bank). Fears were held by both shoppers and tenants alike for their safety and, in particular, patrons of the coffee lounge. It would take very little for a flagon to break a window, with the likelihood of a patron being injured by shattering plate glass.

Also, later in the evening at approximately 5-5.30 p.m., a large band of Aborigines paraded through the Mall accosting and abusing customers and tenants alike. My tenants did actually cease trading early for fear of damage to stock and themselves. Damage was also inflicted to the ground floor men's toilets. This damage (vandalism) included: setting alight the toilet paper and dispenser, and removing the wall cistern from the cavity wall.

I will read no further from this letter, as I do not have enough time. The dry area is badly needed in the Port Mall, and this will allow police adequately to deal with this anti-social problem for the benefit of everyone. It will benefit Port Adelaide in general—shoppers, retailers and, above all, the Aborigines themselves.

If the area is declared dry, it will force the problem somewhere else. However, it is better in the short term to keep it out of the public eye for the sake of the Aborigines themselves because witnessing this behaviour will only alienate people from them in the future. I am certainly not a racist, and I am sure that the retailers are not racist. I do not care what nationality or race people may be; behaviour like this is just not on. It is the behaviour, not the people, that is at fault. The long term answer is difficult, but the short term answer is to declare a dry area.

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

Mr GUNN (Eyre): I commend the honourable member for Price for having the courage to bring these concerns to the attention of the House. I entirely endorse the need to have dry areas established in various parts of South Australia, including his electorate. I suggest that the honourable member get the Attorney-General, as well as those do-gooders advising him, off their backsides to take some positive action. Before anything could be done it took literally months to get any sense from the people at Ceduna. We were subjected to insulting reports by people in the Health Commission who on one occasion had the audacity to quote 13 pages of a document from Mr Grassby. It was the greatest load of nonsense. We know what a scoundrel he was. Dry areas are required, and there is an urgent need to appoint more Aboriginal police aides to service all of South Australia. Aboriginal aides are doing an outstanding job in dealing with these groups of people engaged in anti-social activity. It is a very successful scheme and should be supported. The Government should provide a lot more money for this purpose.

There is also an urgent need to get the Commonwealth Government to vet the type of people who are attaching themselves to the coat-tails of the Aborigines and who in many cases are the beneficiaries of the very large amounts of money spent on Aboriginal affairs. Many of those people are doing little or nothing to enhance conditions for Aborigines. The time has long since passed when the community and Governments took some sensible action to deal with these ongoing problems. In the majority of cases, when one speaks to the responsible Aboriginal leaders, one finds that they are very amenable to commonsense. We have recently had a disgraceful case at Port Augusta where a group of well organised manipulators and stirrers were involved in a court case, in which people like Ms Tiddy did not help. Action is long overdue. I suggest that the honourable member put his evidence before the Attorney-General, because he has the full support of members on this side of the House who have had similar problems in their electorates.

The other matter I wish to raise briefly is the continuing problems involving the Country Fires Act and the regulations. Right from the outset, it has been the role and desire of the Opposition to ensure that South Australia has an efficient, effective, well managed and volunteer based country fire service which not only has the involvement, support and cooperation of local government and the Volunteer Fire Fighters Association but which also takes into consideration the views of the Local Government Association, the

UF&S and the brigades. The Opposition believes that protection of the public is not only important but essential, and the only way that that can be carried out adequately is with the support of local brigades. During this ongoing debate we have been concerned to ensure that commonsense prevails and that all who have had concerns have been given the opportunity to voice those concerns.

The Opposition was involved in extensive debate in this Parliament and wished to see a number of amendments made to the Act. Some amendments were made, and when the regulations were circulated the Opposition wanted to ensure that the views of all the people who had expressed concern were considered by the Government, the Country Fire Services Board and the Director, and that everyone had the opportunity to participate. It is the view of the Opposition that it would be a most difficult and unwise course of action if we approached the next fire season with two sets of regulations—the old and the new—and two Acts in operation. That would be unfortunate. First, the Opposition believes that everyone who is still concerned about this issue should be given an opportunity to present evidence to the Joint Committee on Subordinate Legislation, so that all criticisms and concerns can be publicly answered and put on the record.

Secondly, in relation to the undertaking given by the Opposition to the Local Government Association involving its concerns about councils' liability for damages, I would foreshadow introducing a private member's Bill to amend the Act if the Local Government Association could get its legal advisers to draw up a suitable amendment that would meet the criteria that they explained to me, provided it was within Parliament's power to enact legislation of that nature. Further, it is the Opposition's view that after the Act and regulations have operated for one fire season, there should be a review of the operation to ensure that any concerns or difficulties that have arisen can be ironed out so that the Country Fire Services can continue to perform its very important role; that is, to protect the public in the country areas of South Australia.

I believe that the only way we will have an effective firefighting mechanism in country areas is to have the total involvement and support of people in those areas. There have been a number of headlines in local papers, for example, in the *Stock Journal* of 10 August—'Fire Act must not be rushed—UFS', and in the *Advertiser* of 13 July—'Opposition grows to CFS rules'. The *Advertiser* article states:

> The association's president, Mr Malcolm Germein, said he was worried about the implications of the regulations, particularly on the liability of councils. We were very concerned about some aspects of the amendments to the CFS Act and we believe it would be foolish to race through the regulations . . .

The article also refers to the concerns of the Melrose CFS Brigade. Under the heading 'Delegation to seek answers from CFS', a press report appearing on 2 August states:

> A State Opposition delegation will meet the Country Fire Services Director, Mr Don Macarthur . . .

That meeting did take place and a number of amendments have subsequently been made to the regulations. The Opposition has given notice that it intends to introduce a private member's Bill to amend section 75 (2) (*g*) of the Act, and that will happen. I have had correspondence with the Minister in relation to this section. I am aware of the concerns of United Farmers and Stockowners and others. I believe that those concerns are to be considered and that there have been, and will continue to be, ongoing discussions between the Country Fire Service Board and the Director in relation to those matters.

I also believe that the only way to resolve these difficulties is for the Director and his officers to visit all parts of the State where concerns have been expressed—where people are still concerned they should avail themselves of the opportunity to give evidence to the Joint Committee on Subordinate Legislation—and, further, that the debates which took place in this Chamber and in the other place should be read by all concerned people. The Opposition gives an undertaking to the people of this State, particularly those involved, that after the next election, when we are in Government, we will be prepared to have meaningful negotiations and discussions with all groups concerned about these regulations and the Act. However, I believe that everyone who thinks about this matter will acknowledge that the new regulations and the Act will have to operate for the forthcoming fire season. Therefore, it is essential that those discussions proceed as soon as possible, because at the end of the day we must ensure that the public is protected.

I believe that the CFS should immediately be given the authority to take charge of all fires in national parks and on Woods and Forests Department land, especially in the north of the State, because many of the difficulties that have been experienced have arisen because of problems in communication and the failure of certain Government departments to understand clearly the need to accept local control and local knowledge. Therefore, the Opposition supports the need for an effective, well organised and well funded CFS which represents the needs and views of country residents. Indeed, the efforts of Opposition members in this area have been designed to ensure that commonsense prevails and that the views of these people are heard.

Motion carried.

At 5.6 p.m. the House adjourned until Thursday 17 August at 11 a.m.