HOUSE OF ASSEMBLY

Wednesday 4 May 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Guardianship and Administration (Approved Treatment Centres) Amendment,

Mental Health (Transitional Provision) Amendment,

Wills (Miscellaneous) Amendment.

MURRAY RIVER

A petition signed by 231 residents of South Australia requesting that the House urge the Government to ensure that water to consumers drawn from the River Murray is filtered was presented by Mr Lewis.

Petition received.

NURIOOTPA TRAFFIC LIGHTS

A petition signed by 1925 residents of South Australia requesting that the House urge the Government to install traffic lights at the intersection of Gawler and Murray Streets in Nuriootpa was presented by Mr Venning.

Petition received.

RURAL DEBT

The Hon. DEAN BROWN (PREMIER): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: In doing so, I table: Rural Debt in South Australia—Report, 1994. Mr Speaker, more than three-quarters of South Australian farmers are viable, despite adverse seasonal conditions in parts of the State and poor returns from the growing of wheat and wool. That is the key finding of the inquiry into the nature and size of the rural debt in this State. The Government is reassured to learn that the gross South Australian rural debt is quite viable when measured against net rural income. At the same time, this audit has identified specific areas where serious difficulties are being experienced. This audit will enable the Government to ensure that its programs effectively target these areas.

The audit was commissioned on 14 January to honour a commitment made by the Liberal Party before the State election. The two consultants who conducted the examination of rural debt, Robert Kidman and Lindsay Durham, have found that 77 per cent of all farm businesses are viable at the present time. Other major findings include:

- 26 per cent or 3 623 of all the State's 14 000 farmers have no borrowings or no appreciable borrowings;
- 51 per cent or 7 222 farmers are considered to be financially sound and viable under most or all circumstances. They have equity—assets less liabilities, of 65 per cent to 70 per cent or more.
- 18 per cent or 2 498 farmers are shown to be experiencing varying degrees of debt servicing difficulty and debt deterioration, with equity generally within the range of between 30 per cent and 65 per cent.
- 5 per cent or 657 farm businesses are not viable, with generally less than 30 per cent equity.
- The audit established that 74 per cent or 10 377 out of the total 14 000 farm businesses were borrowers.

Whilst it is not for the Government to determine whether farmers considered to be non-viable or who are otherwise experiencing difficulties should leave the land, those who choose to do so should be able to leave with dignity. As of 31 December 1993 the total South Australian gross rural debt with financial institutions was $1.4 billion. This represents 9 per cent of Australia's rural debt and compares with actual net indebtedness of $730 million in 1991-92. Debt levels by commodity reveal that two major industries—cereals and wheat/sheep—comprise 57 of total borrowers and hold 59 per cent of the State's rural indebtedness.

The regional results reveal an interesting but not unexpected pattern, with four problem areas identified: the Upper Eyre Peninsula and West Coast, the Riverland, the Mallee, the Murraylands and Kangaroo Island. The Government is taking a number of initiatives and has already introduced a number of initiatives to address the financial difficulties being faced by some of those farmers. These initiatives, together with further measures now being announced, have been developed in order to provide a family farm package that takes account of the findings of the audit. These initiatives include: the Young Farmers' Incentive Scheme; the exemption from stamp duties for inter-generational farm transfers, subject to certain criteria being satisfied; exemption from mortgage stamp duties for rural debt refinancing in defined circumstances for purposes of rural debt refinancing; exemption from stamp duty for the registration of tractors and farm machinery; and the financial management advice scheme.

The current scheme will be revamped; under the revised scheme applications can be made either direct or through a financial institution to rural finance and development. This is for a Government grant of up to a total of $3 000 to prepare a property management plan incorporating land care initiatives of which up to $1 500 may be spent on the property management plan component and the reminder then on financial management advice. Then there is the rural access program for training. The South Australian Rural Industry Training Committee has been provided with funding under the rural adjustment scheme to appoint RAPT coordinators to identify, promote and facilitate community-based rural training. Initially, three coordinator appointments have been made to Kangaroo Island, Murray-Mallee and the Fleurieu Peninsula. The South Australian Rural Industry Training Committee estimates that, once fully operational, the annual cost of the RAPT will be some $500 000 per year. Initially the scheme will be funded for three years and will then be subject to review.

Another initiative is 'The Country Book'. Funding will be provided for a dedicated resource in rural financing development to update and reprint 'The Country Book', which is a directory of services for rural people. Another initiative is the family farm seminars. A number of these seminars will be held around the State, particularly in areas identified as having a disproportionate share of the rural debt. Rural counsellors will be urged to give greater emphasis to the benefits of their clients preparing a financial plan for the farm.

Another initiative is the rural finance and development review, whereby a complete review of the Rural Finance and

Development Group of the Department of Primary Industries will be undertaken. There is then the Rural Adjustment Scheme. Discussions are already under way between the State and the Federal Government on the future direction of RAS.

There is likely to be increased emphasis on such areas as financial management, education and training and regional adjustment. A Senate inquiry on the adequacies of current RAS initiatives has also commenced and is due to be completed by October this year. Current RAS initiatives include an interest rate subsidy to help increase farm productivity, re-establishment support to alleviate personal hardship for displaced persons and financial and management advice grants to obtain independent, detailed financial and management advice. I referred earlier to the revamping of the farm management advice scheme, which currently provides for a grant of $2 000 to enable a financial management plan to be prepared by registered consultants. More than 1300 farms have been accepted for this grant, but only 400 of them have taken it up.

The Department of Primary Industries will direct mail those farmers who have been offered but have not taken up their FMA grants advising that, unless they do so by 31 October this year, the offer will lapse. No new applications for the current FMA scheme will be accepted after 31 May. Under the revamped scheme the Rural Industry Adjustment and Development Fund will have improved land management loans to provide an incentive for land-holders to use sustainable land management practices. Commercial rural loans are available for property purchase debt refinancing, stock and equipment purchase and any worthwhile agricultural purpose.

In other initiatives, the Government will seek an early meeting with Mr Brian Howe, Federal Minister for Housing and Regional Development, to request an early implementation of one of the key regional development initiatives in the Kelty report. Indeed, I understand that later this afternoon we may be hearing more from Canberra about that regional development program. The introduction of a more efficient system of income equalisation deposits administered by the Federal Government would be another important incentive in farm financial management.

At present farmers can deposit up to $300 000 but are paid interest on only 61 per cent of their deposit and pay a 20 per cent withholding tax when it is withdrawn. The Government will join with rural organisations in pressing for a more effective IED scheme. The rural debt audit creates a basis from which the Government will continue to work in partnership with the rural community in helping to rebuild the South Australian economy.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Primary Industries (Hon. D.S. Baker)—

VF&S Carry-on Finance Survey—ministerial file

SOCIAL DEVELOPMENT COMMITTEE

Mr LEGGETT (Hanson): I bring up the fourth report of the committee, an interim report on rural poverty in South Australia, and move:

That the report be received.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the thirteenth report of the committee and move:

That the report be received and read.

Motion carried.

Mr CUMMINS: I bring up the fourteenth report of the committee and move:

That the report be received.

Motion carried.

Mr CUMMINS: I bring up the minutes of evidence of the committee on the City of Tea Tree Gully by-laws Nos 1-9.

QUESTION TIME

HOUSING TRUST RENTS

The Hon. LYNN ARNOLD (Leader of the Opposition): Does the Minister for Housing, Urban Development and Local Government Relations accept the finding of the Audit Commission that Housing Trust rents are some 20 per cent less than the comparable rents payable in the private housing sector of the market? Will he confirm that increasing Housing Trust rents to general market levels, as recommended by the Audit Commission, would result in rent increases of up to $21 per week for the average semi-detached Housing Trust dwelling and up to $30 per week for a detached house?

The Hon. J.K.G. OSWALD: I am very surprised that the Opposition brings up any question about housing in this House when we look back over the past 10 years and see what the former Government did in this area. It was an area that produced in this State—

Mr Becker: There were 43 000 waiting.

The Hon. J.K.G. OSWALD: Yes, 43 000—the honourable member is correct.

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: There were 43 000 people on the Housing Trust waiting list. The maintenance program of the Housing Trust had ground to a halt, and there is no question about that. What else can we talk about? We talk about the $1.3 billion worth of debt incorporated within the Housing Trust. The Housing Trust is in a state of crisis, and there is no question about that. This was brought about by the actions of the former Government. There is $1.3 billion worth of debt within the Housing Trust structure which adds to the State debt. I am surprised that the Government would even contemplate another question on housing.

Members interjecting:

The Hon. J.K.G. OSWALD: Yes, I meant the Opposition.

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith.

The Hon. J.K.G. OSWALD: Yesterday I referred—

Mr Foley interjecting:

The SPEAKER: Order! The Member for Hart.

The Hon. J.K.G. OSWALD:—in great detail to the state of the Housing Trust, and I refer members to the lengthy reply I gave yesterday when I put on record very carefully, chapter and verse, some of the problems that have been highlighted by the Audit Commission. Those problems, which were created by the former Government, will have to be addressed. I will address those problems in due course. I will look at all the recommendations of the commission very carefully. We have a responsibility to do that. Tenants do not

have to panic, because there are various areas of this report which we will go through in detail. The main objective is to correct what was wrong when I took over the portfolio, and those areas include the massive debt and the waiting lists. There are people out in the Torrens area—and I know the motivation of the honourable member—as in every other electorate who are part of the list of 43 000 people waiting to get into public housing. They are looking to us, as the current Government, to see that happen.

We will look at the evidence as put up in the inquiry. Everyone will do that through the 900 pages that are there. At the end of the day the people of South Australia will be considered, and I will address the issues that are in there. The issues, which are very real, were created by the former Government. Internally, the Housing Trust is in a very difficult position which was created by the former Government. That will be addressed, as will the long waiting lists which are of concern to the people of South Australia.

PUBLIC SECTOR SUPERANNUATION

Mr BECKER (Peake): Can the Premier reveal to the House what advice has been available to the Government about the rising cost of public sector superannuation?

The Hon. DEAN BROWN: I bring to the attention of the House two classic contrasts. Yesterday the State Government tabled the Audit Commission report which was given to the Government a few days ago. We took decisive action immediately to cut off new entrants coming into the State superannuation scheme. Why? Because the biggest area of unfunded liability threatening the finances of South Australia is in the superannuation area. We took decisive action there. I hope that the Opposition and the Democrats would support that measure in another place, because it is part of the rebuilding of the finances of South Australia, and it is a very important initiative. I ask people to compare that with what the previous Labor Government did when it was given advice. It has come to the attention of the Government that it was given advice. I have here a minute, dated 3 March 1992, from the Under Treasurer to the Treasurer and the Minister of Finance which highlighted the following fact:

> First, superannuation is a major item of Government expenditure. Given the crisis situation in our State's public finances, a fresh look at this area of expenditure with a view to minimising costs would be warranted, even apart from the specific issues referred to below.

I ask members to think back to the situation in which that was given. We had formally announced at the beginning of 1991 the collapse of the State Bank. I think there is clear evidence that the Government knew that the bank was about to collapse well before that but it sat on its hands and deliberately hid that information. More than 12 months after the collapse of the State Bank (and we must remember that in the initial collapse of the State Bank only $900 million of taxpayers' money had to be put into the bank), when the Government secretly found out that the problems with the State Bank were much greater than the original $900 million and would eventually probably blow out to something like the $3 100 million—three times worse than the original announcement—this advice was given to the Treasurer and the Minister of Finance. I repeat those crucial words at the beginning of 1992: 'Given the crisis situation in our State's public finances. . . '.

So, almost two years before the ultimate removal of the Labor Government, it knew that the State's finances were in crisis, yet the Leader of the Opposition had the hide, the gall, to stand in the House last year and say that he had our State debt under control. He had the gall to bring in his Meeting the Challenge statement, which has now been totally discredited. But in fact the advice they were given in 1992 went even further. In a minute of 19 March 1992 to the then Premier, the following advice was given:

> Treasury believes that because of the poor financial state of our budget for the next few years, the Government should consider announcing the closure of the lump sum scheme established in 1988 to new entrants. Closure of the scheme will assist in minimising the future accruing costs of superannuation.

The minute went on further and pointed out that the cost of not closing off that scheme to new entrants would be at least $240 million over a 10 year period—an additional $240 million. It is clear now that the former Government sat on its hands, withheld information about the serious financial position that South Australia faced, and withheld information about the extent of Government guarantees, and that is one of the reasons why we now have a $10 billion black hole in our State's finances. They sat on their hands and did absolutely nothing.

Members of the former Government had the gall to sit there, whilst remaining dishonest to this Parliament and to the South Australian people, and specifically reject action recommended to the Government by the head of its finances, the Under Treasurer. I find it absolutely astounding that the new Government of South Australia has had to pick up the mess left to us by former Labor Governments through 11 years of maladministration but, more importantly, through deliberately not acting on advice given to them so that our State's finances and all South Australians now face this financial predicament.

HOUSING TRUST MEANS TEST

The Hon. M.D. RANN (Deputy Leader of the Opposition): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Would the proposed means test for Housing Trust applicants apply to those people now on the waiting list, which was just mentioned by the Minister in response to a question from the Leader of the Opposition? The report of the Audit Commission recommends the introduction of a means test for applicants to qualify for Housing Trust accommodation. However, the recommendation does not indicate whether such a test should apply to the 43 000 applicants currently on the waiting list as a way of clearing that list. The Minister will be aware of the Liberals' election policy for streamlining the processing of the Housing Trust waiting list. Will that means test help him?

The Hon. J.K.G. OSWALD: Once again, I know the motives behind the honourable member's question.

The Hon. M.D. Rann: Is this your Alan Bond defence?

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: I know the motives—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Deputy Leader for the first time.

The Hon. D.S. Baker: I reckon it was your Grand Prix question.

The Hon. J.K.G. OSWALD: I know the motives behind the honourable member's question. I refer him to my replies yesterday and to my reply to the previous question. I will just

add some further information for him, because by the time we have finished this series of questions I will have had the opportunity of canvassing all the problems created within the South Australian Housing Trust.

Let us talk about the maintenance problems this Government inherited and the number of housing starts which no longer happen in this State. Several years ago 3 000 new starts occurred in this State. We are now down to about 500. In my last discussion with the Deputy Prime Minister, he said, 'I thought you were starting only 250 over there because of some sleight of hand, creative accounting that went on within the Housing Trust.' I think about 450 to 550 starts can be achieved, but all this does not auger well for Housing Trust tenants.

We have inherited a disastrous situation within the Housing Trust. One of my prime objectives, as the Minister for Housing, is to look after people in the public housing sector to see that they are not disadvantaged. It is and will remain one of my prime objectives in government. I will not have members opposite using Question Time to try to get forms of words into *Hansard* so that they can trot them out in their grubby little newsletters around the electorate of Torrens. Over the years I have watched the honourable member fabricate. The honourable member is well known as a fabricator in this place.

I have a vested interest in looking after the disadvantaged people in our public housing sector. I remain committed to that.

Members interjecting:

The Hon. J.K.G. OSWALD: And you can laugh. The honourable member can laugh as much as he likes. There happens to be some sincerity on this side of the House and, if members have not picked it up by now, they are blind. We would not have received the mandate to govern if it had not been for the fact that the public accept that there is some sincerity on this side of the House. We are interested in looking after those in the public housing sector.

The sooner that gets through to the Opposition and it realises that this Party has as one of its prime objectives the preservation of the public housing stock and the welfare of the people in it, the sooner the Opposition will get away from this grubby attempt to distribute cheap newsletters into the electorate of Torrens and realise that public housing tenants will be looked after by this Government.

INSTITUTE OF TEACHERS

Mr SCALZI (Hartley): Is the Premier aware of the threats by the Institute of Teachers to take strike action following the report of the Audit Commission?

The Hon. DEAN BROWN: Yes, I am aware of that. I was amazed to hear on radio last night the South Australian Institute of Teachers threatening—

Members interjecting:

The SPEAKER: I warn the Deputy Leader for the second time. The honourable Premier.

The Hon. DEAN BROWN: —to take industrial action, when in fact quite clearly the Government has not made a decision about the Audit Commission report: threatening to take industrial action, when only yesterday I invited that same organisation to make a submission to Government on the recommendations of the Audit Commission. One has to ask what is the real agenda of the institute at this time.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The Minister for Industrial Affairs has just pointed out that the South Australian Institute of Teachers was invited to meet with the Minister at 4 o'clock yesterday afternoon to discuss the Audit Commission report and go through its recommendations but it did not bother to turn up at the meeting. However, at 6 o'clock it was having its little meeting threatening to take industrial action. I happened to be at a radio station yesterday afternoon with the institute's President, and there she was threatening to take industrial action even before the meeting. I wonder who is pulling the strings for the institute. It would appear that these things are decided before they even get to the relevant meeting.

What has really concerned me is the extent to which the Institute of Teachers is deliberately out there misrepresenting the recommendations of the Audit Commission. It is saying publicly that the Audit Commission's report states that 180 schools should close, which it does not say all: all it says is that, based on comparative floor area, there is a surplus of 150 schools in South Australia. The institute is also claiming that 1 700 teachers are to go, and on top of that up to 2 700 staff (I think is the figure it is using). In other words, the institute is out there falsifying the recommendations in the Audit Commission report.

I highlight yet another key issue it is out there deliberately pushing by saying that South Australia's standard of education will suffer if there is any reduction in expenditure, and the only reason that we have better education in South Australia than the other States have is the fact that we spend more money. What did the Audit Commission find? It found that we spend more money but that the standard of education in South Australia is no better than in any other State of Australia.

So it is about time the Institute of Teachers, helped a great deal by the Labor Opposition of South Australia, stopped fabricating the recommendations in the report and also withdrew the threat of industrial action when it has been invited to make a submission to Government. It is about time the Labor Party in South Australia came to grips with the facts regarding both the financial position it has left for South Australia and other matters.

For instance, one evening a couple of weeks ago I dropped in for a meal at Hungry Jack's on the Main North Road and asked for a 'whopper', which is what the Hungry Jack's hamburger is called.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I asked for a 'whopper', and got as good as some of those we get from across the House. The staff very politely and efficiently served me and, when I was just about to sit down and eat it, along came one of the young assistants, who said to me, 'Mr Brown, I want to put a question to you about the Grand Prix', to which I replied, 'Yes, certainly', and she then asked, 'Could you tell me what really happened with the Grand Prix? When was the contract signed for it to go to Victoria?' I said, 'On 16 September last year, 1993.' She then said, 'I'm surprised. You know, I'm a real petrol head. I love the Grand Prix and I want it to be kept here. I went to Lynn Arnold's electorate office and asked his staff why the Grand Prix had been lost from South Australia, and the staff of his electorate office told me that the contract had been signed under the new Liberal Government.'

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: There was another 'whopper' yet to come, because the assistant said that she lived in the northern suburbs so she went to the electorate office of the Deputy Leader of the Opposition. If ever there was an office that should know the history of the Grand Prix, it is the electorate office of the Deputy Leader.

Members interjecting:

The SPEAKER: Order! There are too many interjections, and the Minister will not interject on the Premier.

The Hon. DEAN BROWN: This young assistant at Hungry Jack's on Main North Road—and other people witnessed this whole conversation—said, 'I went to the Deputy Leader's electorate office and they told me that the contract had been signed under the new Liberal Government, which was the same as I was told by Mr Arnold's office.' The Labor Party in South Australia is having the same difficulty in coming to the truth about our State finances. All I ask is that they stop telling 'whoppers' and face the reality that the rest of South Australia is now trying to face.

HOUSING TRUST RENTS

Mr QUIRKE (Playford): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Will he give an assurance to the tens of thousands—

Members interjecting:

The SPEAKER: Order! The member for Playford has the call.

Mr Venning interjecting:

Mr QUIRKE: It is better than being an anus.

The SPEAKER: Order! The member for Custance will come to order.

Mr QUIRKE: Thank you, Mr Speaker. Will the Minister give an assurance to the tens of thousands of Housing Trust tenants who receive age pensions and unemployment benefits that the longstanding practice of restricting rent increases to no more than the CPI is not under threat?

Mr Caudell interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: Well said. Perhaps I could use this opportunity of the third programmed question which has been put to me to provide for their grubby little newsletters in Torrens some information just put forward by the member for Mitchell. I presume there will be a fourth question for this newsletter to go out in the electorate. I refer back to my replies yesterday and the replies to the two previous questions I have been asked. Again, I will be making decisions which are always in the best interests of Housing Trust tenants. Every decision that has already been made has been made public. I will make decisions based on the best interests of Housing Trust tenants.

An honourable member interjecting:

The Hon. J.K.G. OSWALD: I do not want a fourth member getting up and asking me another lot of questions about the Housing Trust, although they are welcome to do so. I repeat, I will make decisions in the best interests of Housing Trust tenants and, in particular, those on subsidised rents and those who are disadvantaged, because our method of government is to make decisions in their best interests. I have not made any other decisions. There is nothing else that I am about to announce in the next 24 hours which will excite the Opposition. As decisions are made, they will be announced. I say to those in the public housing sector that a primary objective of this Government is to ensure that their welfare is looked after. Let it be well known that it is a primary objective of this Government to look after those people in the public housing sector and those who are on subsidised rents in the private sector, because we recognise that we have a responsibility in that area.

I am sorry to disappoint Opposition members if they want quotes for their newsletters. It may be that the fourth member who asks a programmed question to go in the newsletter will make another attempt. However, we will always legislate in the interests of all people in the public housing sector. If the honourable member tries to suggest for one minute that we have ratted on the pensioners, I would say that is an absolute lie.

The SPEAKER: Order! The Minister cannot imply that members are telling lies. There are other words that he can use.

Members interjecting:

The SPEAKER: Order! The Minister will withdraw the comment 'lie' and substitute it with a better turn of phrase.

The Hon. J.K.G. OSWALD: Thank you, Sir. In deference to your instructions, I withdraw the word 'lie' and quite willingly substitute the word 'whopper', which I thought aptly described the situation in the previous question. The fact of the matter is that the Opposition seems hell bent on providing misinformation on Government policy. I do not intend to help them with their obvious exercise of spreading misinformation in the public arena.

PUBLIC SECTOR FINANCIAL MANAGEMENT

Mr BASS (Florey): My question is directed to the Treasurer. What action will the Government be taking to improve the standard of financial management in the public sector? I note from the Audit Commission report that a number of concerns are expressed about the quality of financial information provided to the commission and, in particular, inconsistencies in the application of accounting principles.

The Hon. S.J. BAKER: The first step has been taken: we got rid of the previous Government. That is the most fundamental step. This is a very important question and I wish to reflect on the fact that yesterday the Opposition got a hell of a belting and today they have reverted to type: porno politics, get down in the gutter, poison pill stuff, Torrens by-election propaganda and all the other grubby little things they get involved in rather than concentrating their attention on the future of this State. It is about time that they grew up.

The financial management of the public sector is of prime importance. It should be remembered that the Audit Commission report is very critical of the lack of financial management expertise within the public sector. In fact, it drew the conclusion from the statistics presented that only 17 per cent of staff employed in financial management actually had formal qualifications in that area. That is against a background of the Auditor-General in three successive reports saying that we had to increase the level of expertise in this vital area. We have budgets worth millions upon millions of dollars—some of the biggest businesses in this State—and we do not have the financial accounting expertise to run them.

Even more important than the Auditor-General's commenting on this deficiency is the fact that in 1989 the Government of the day withdrew the requirement for formal qualifications. I do not know what they were on about; I do not know whether they wanted all their lacklustre mates to be put into positions of importance and decision making. The

fact of life is that in this increasingly complex world, when we would have expected the Government to employ proficient and qualified people, in 1989 the Government withdrew that directive and said, 'You don't have to worry about formal qualifications when you are running budgets'—in some cases worth hundreds of millions of dollars. That is the quality of Government that we had previously under Labor.

Despite the Auditor-General's concerns, we now have only 17 per cent of our financial managers and accountants with formal qualifications, and that is a matter of extreme concern. We must have properly qualified accountants in those positions and, as a matter of priority, we will institute a system which will enable replacements to occur. It is absolutely intolerable that we should have huge budgets being run by people who have no capacity.

LONG SERVICE LEAVE

Mr CLARKE (Ross Smith): My question is directed to the Minister for Industrial Affairs. Will he reject the recommendation of the Audit Commission to cut the long service leave entitlement of all employees in South Australia? Recommendation 3.13 of the Audit Commission report calls on the Government to amend legislation to reduce the long service leave entitlement of all employees so that they will be entitled to 13 weeks leave only after 15 years service rather than after 10 years as currently exists.

The Hon. G.A. INGERSON: The Government has announced in the past 24 hours that we will look at all the recommendations of the Audit Commission. They will all be considered in the light of what the Government believes ought to be the long-term policy of this State and, more particularly, they will be looked at in the general industrial environment that we will attempt to create when the industrial relations and the workers compensation legislation go through this House. One of the most important things for this State, clearly supported by the public of South Australia, was the need to change the industrial relations scene in South Australia and make it more competitive with the rest of the nation. The Government's policy and direction will be to do that and to consider all the positions of the Audit Commission in the time that we believe to be necessary.

STATE ASSETS

Mr KERIN (Frome): My question is directed to the Treasurer. What action is the Government taking to establish asset registries in Government departments and agencies?

The Hon. S.J. BAKER: Importantly, the Audit Commission produced a startling and horrifying result for South Australia; that is, rather than having $27.4 billion worth of assets and a net asset base of $13.5 billion, our net asset base is some $3.9 billion. We heard the Leader of the Opposition fumbling around in front of the newspapers, on the radio and the TV saying, 'Look, there is not a black hole; they have got it all wrong.' Somehow the Audit Commission got it all wrong. The Leader is such a financial genius that he would know, too. Importantly, what was said by the Audit Commission is what we have been saying for years: there are no data on this stuff.

The previous Government could not find its cars, its blocks of land or anything, because its asset register was quite incomplete and not up to date, and there were some major problems with the valuations. If the Leader of the Opposition had bothered to read the report (and he should have had time by now), he would know that on page 228 it states:

> The data submitted by budget sector agencies appeared to be incomplete and the value placed on fixed assets unreliable.

We have been trying to get an asset register in place, because we know just how deficient the previous Government's register was.

A Treasury instruction requiring basic information has been in effect for two years, but the information is still not in place. As a result, we have to put in extra resources to accomplish the simple task of discovering what we have, where it is and how much it is worth. This is again reflective of the previous Government's decay. We are committed to the process of not only getting an asset register in place which is up to date and which does reflect the current valuations but importantly also to using it as a major vehicle for assessing performance. We said before the election that if assets cannot perform and we are not getting a return on them we must quit them; that is simple and straightforward, but at this stage we do not have the information. The Audit Commission has reflected on that. In fact, it said that the information is incomplete; and it made its own valuations because of the lack of data. However, the Leader of the Opposition said, 'The financial statement we made last year was correct: we have $13.5 billion worth of net assets.'

As we know, a major problem is that we do not have the information and we are still working for it. For the Leader of the Opposition to say there is not a $10 billion black hole in those circumstances is indefensible. It is an important issue, and one that we are addressing. It is taking far more time than I ever envisaged just to do the simple things in Government, and they are the matters that have to be addressed by this Government; I expect a bit of support from the Opposition.

Mr QUIRKE (Playford): Does the Treasurer agree with the Audit Commission that assets should be valued on the basis of current accounting standards rather than historical costs, and can he advise on what basis physical assets were valued by the commission in determining the net worth of the State and whether Treasury in future will employ current or historical costs in valuing assets?

The Hon. S.J. BAKER: The answer is quite complex, as the honourable member would well recognise. There are certain assets upon which you expect a return. If all the public trading enterprises are utilising assets, we must have one set of valuations. There are other assets which do not play a part in the income stream and which are there as a public service, and examples are the museums, art galleries and so on—even Parliament House is an asset. How can you value Parliament House at a particular price? It has no return value. There are some distinct deficiencies in the accounting standard laid down by the Federal Government. It is a matter that we will discuss with the Federal Government in terms of getting some common accounting standards across all States so that we can all be measured equally.

One of the problems is how those assets are used and how they should be valued under those circumstances. It is ludicrous to suggest that the current replacement price, which was used by the previous Government, is a proper basis of valuation. It is also hard to draw the conclusion that the assets should be based fully on historical cost. Somewhere in the middle we must have an accounting standard which is reflective of the use of those assets by the public sector. We will be battling the Federal Government on this matter,

because it is a major deficiency in the area of financing, and I will be taking up this matter with the Federal Government and attempting to get agreement across the States on valuation methods so that we can all be judged equally.

RURAL DEBT

Mr VENNING (Custance): My question is directed to the Minister for Primary Industries. Following the Premier's statement today on the results of the rural debt audit, can the Minister please explain how these findings relate to a survey undertaken by the South Australian Farmers Federation in 1991 to assess levels of debt in rural South Australia?

The Hon. D.S. BAKER: I thank the honourable member for his question and interest. When I looked at the farm debt results that came out I wondered whether any survey had been carried out previously, so I asked for some files to be brought up and I found that a farm debt survey was carried out in 1991. A letter from Mr Tim Scholz, the President of the UF&S, details the results of that survey, as follows:

> My dear Minister, we are now in a position to provide you with the results of our survey of members conducted during June and July. We understand that some preliminary figures were provided to you via Mr Graham Broughton...

The letter goes on to describe the farm debt problems found by the UF&S in 1991. For example, it found that some 1 285 farms were in financial difficulty, and I might say that that is very close to the findings of the recent in-depth audit. It further states:

> . . . in which case, 10 per cent of the South Australian farming community are in considerable financial difficulty. . .

The assumption of the UF&S is absolutely correct. The letter continues:

> You know only too well the importance of the income generated by agriculture to our State. It is essential that we keep farmers producing efficiently on their land. . . In response to your undertaking to assist financially with this survey, an account for $5 000 is enclosed.

On further investigation I found that in 1991 the previous Government under the then Minister told the Farmers Federation it would give it $5 000 if it produced a farm debt survey. It did that very well indeed, and I compliment it, because it comes out very near the farm debt survey tabled by the Premier today. Then I looked at the file to see the response to that.

The Hon. LYNN ARNOLD: I rise on a point of order, Mr Speaker. The Minister is reading from a docket; will he table that docket?

The SPEAKER: I must direct that if the Minister is using a docket he must table it.

The Hon. D.S. BAKER: Yes, Mr Speaker: I will very happily table the document.

Mr BECKER: Who was the Minister?

The Hon. D.S. BAKER: I haven't said who the Minister was—yet. The Minister's reply takes the federation to task. He states:

> I regret that I must express some disappointment with the way the survey has been conducted, the written information provided to me, and the interpretation made of the results. . . I feel that the way in which the results of the survey have been written up is not commensurate with the time or money expended. I should have expected a far more rigorous and scholarly report.

It goes on and on, and under 'Interpreting the results' it states:

> The interpretation of the results is made difficult by the lack of detail about the methodology, covered above.

The letter was never sent.

Mr Venning: Is there more?

The Hon. D.S. BAKER: There is more. On the front of the docket is a big yellow sticker. I have not told the House who the Minister was or who the ministerial adviser was, and I am not going to.

Members interjecting:

The Hon. D.S. BAKER: I will read out the yellow sticker comment, as follows:

> Lynn, I agree with the sentiments of this letter but strongly advise it is not sent. We have achieved our political agenda by funding the survey, i.e. to prove the figures of the UF&S wrong. We should not now get stuck into them in this manner. I think we got our $5 000 worth and will get more value next time they throw the figures at us. Perhaps a little expression of disappointment is warranted. (Signed) Kevin.

Members interjecting:

The SPEAKER: Order!

The Hon. D.S. BAKER: This was in 1991. I do not know who the Minister was or who the ministerial adviser was, but written on the bottom—true, it is very hard to read, but I am tabling the document—it says, 'Agreed; letter to be redrafted', and I think it says, 'Lynn.' That three page letter was not sent but an innocuous letter of four paragraphs was sent instead. This file just shows the cynicism the previous Government had toward the farming community in South Australia. However, this Government will stand side by side with the United Farmers and Stockowners to help South Australian farmers through their problem. They will not be treated like dirt, as they were by the previous Government.

The SPEAKER: Order! Will the Minister please table the document.

The Hon. D.S. BAKER: Yes, Sir.

PUBLIC SECTOR SUPERANNUATION

Mr QUIRKE (Playford): Can the Treasurer—

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: Can the Treasurer advise the House—

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: —when work began on drafting legislation to close the voluntary superannuation schemes? Did the Government seek legal advice before drafting any changes to superannuation provisions? If so, when was that advice first sought?

The Hon. S.J. BAKER: This is an important question. The Audit Commission came down with a set of 336 recommendations. One of them suggested strongly that in order to somehow contain our financial plight we should close off the voluntary contribution schemes. It was my intention as soon as we received the report to present a ministerial statement to the House to clearly state the Government's intention to freeze those schemes whilst the whole report was assessed. That was the Government's immediate inclination. We sought legal advice on that matter because we wanted to treat the report in totality over the six month time frame set by the commission. We wanted time to look at the report in its totality and not just take one recommendation.

We received advice after I was given the report, and I suggested that that was the approach to be taken. The advice was that similar circumstances had arisen in New South Wales when it closed off further contributions—remembering that we are closing the scheme to new entrants and the Bill

will be introduced into Parliament today. The legal advice we received was that in New South Wales a ministerial statement had been made in the same context whereby the Government declared its intention to close off the scheme. In this case, we want to freeze it. In New South Wales, following a legal challenge, the court ruled that the Government could not make a ministerial declaration and then backdate legislation to cover that contingency. Active work was done by the union in New South Wales, as we understand it, and about 15 000 new members joined the superannuation scheme. That defeated the purpose of the original intention. Our way was to say that the scheme must be frozen, but it has to be looked at in the total context of what we are trying to achieve. Therefore, in conjunction with my colleagues I decided that we should introduce the legislation, and we are doing that today.

PUBLIC ENTERPRISES

Mr WADE (Elder): My question is directed to the Premier. Has the Audit Commission reported about the performance of the Government's business enterprises?

The Hon. DEAN BROWN: In general the Audit Commission has reported poorly on our trading enterprises. It said that they were less efficient than similar enterprises elsewhere in Australia, and for ETSA and the Ports Authority it said that our ports and our power generating authority were the least productive of any in Australia. The commission's report highlights the need for fundamental reform of those trading enterprises, and there is a range of them: ETSA, E&WS and what was the old Marine and Harbors. However, the new Government of South Australia has moved quickly to rectify that problem and others.

As I pointed out to the House just a few weeks ago, the action we have taken at Port Adelaide with the container berth will mean that very quickly we will go from 41 000 containers per year to 61 000 containers per year. We have signed a new agreement with Sealand and we have sold our equipment on the container berth to Sealand, that is, the two container cranes and the sling carriers—there are four new carriers and two old ones—for more than $12 million, which will be used to help reduce the debt. I believe that the Port Adelaide container berth will quickly become one of the most efficient intermodel container handling facilities in the whole of Australia. In fact, Sealand believes that that will be achieved within 12 months, and that is an incredible turnaround in the space of five months, particularly as we carried out the review, sold the equipment and signed the agreement and in just the past month or so the number of containers has increased dramatically.

The Government realises that we have a long way to go to ensure that ETSA is competitive with other power authorities as we link into the national grid system, which is due to occur on 1 July 1995 and which will force South Australia to become competitive—otherwise we will lose a significant share of our large consumers of power and we will be highly embarrassed because our South Australian power authority is losing market share with its infrastructure already there. If for no other purpose than for the sake of stabilising the existing employment base and the whole viability of ETSA, we need to make sure that that becomes nationally competitive within the 12 month period. That is why, through the Minister, we have already invited a number of people to take targeted separation packages as part of the scaling down of the very large employment base. I stress that it was previous mismanagement which allowed ETSA to get into this position. I assure the honourable member that we are moving quickly across a whole range of trading enterprises to make sure that it is nationally, if not eventually internationally, competitive.

PUBLIC SECTOR SUPERANNUATION

Mr QUIRKE (Playford): Given the Treasurer's answer to my previous question, can he explain to the House when a superannuation working party, drawn together by Mr Matthew O'Callaghan, was formed and when it reported its options to the Government, including proposals to close the schemes for new members? A minute from Mr O'Callaghan to the Under Treasurer indicates that a working party was formed to investigate options for the future of State superannuation schemes so that:

> . . . suitable alternatives can be tested and presented to Government in anticipation of the findings of the Commission of Audit.

The minute refers to hiring a consultant for one to two weeks. On 21 April the Treasurer advised the Public Service Association that there was no intention to change current superannuation arrangements. I quote from a letter:

> I refer to your letter of 13 April—

this is to Jan McMahon of the PSA—

> on the matter of superannuation for public sector employees. I am well aware that superannuation is an extremely important part of public sector employment and there is an expectation that the current scheme will continue, largely unaltered. There is no intention to change current arrangements. (Signed Stephen Baker).

The Hon. S.J. BAKER: I take up a number of issues. The options were no different from the options that were presented to the previous Government. You can go back into the files when the bottom lines were presented to the previous Government, which simply said we had a huge and massive problem arising and some action was required by the previous Government. I also point out that, in terms of superannuation in the future, obviously this is a matter that the Audit Commission may or may not address. In all probability it would address it, because it talked about liabilities, so superannuation was going to be high on the agenda. We have asked people for potential options.

The Hon. Frank Blevins: Why did you say that to the PSA?

The Hon. S.J. BAKER: I said there was no current intention. There was no current intention at that stage.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: Let me be quite clear. The PSA sent a letter out and I said there was no current intention. It is quite simple and straight forward. That does not mean to say that we are going to face a crisis in a number of areas and we have to look at the options. If you are saying there is no intention but I am going to bury my head in the sand like the previous Labor Government did, that is where our State finances finished under Labor's administration. Under Labor's administration they sat on their hands. I can say in a number of areas I have no current intention to change things but I will certainly look at options for improvement in just about every area of Government. If I say there is no current intention, that stands. That does not mean to say I will not canvass the issue regarding asset management, superannuation or any other matter that comes under my portfolio.

SCHOOLS, SELF-MANAGING

Ms STEVENS (Elizabeth): My question is directed to the Minister for Employment, Further Education and Training representing the Minister for Education and Children's Services. What responsibilities and liabilities would be passed on to school councils by the recommendation of the Audit Commission to implement a self-managing school model that requires schools to operate as business entities? The Audit Commission report recommends the implementation of a self-managing school model with as much responsibility as possible devolved to schools. This could include responsibility for the hiring and firing of teachers, maintenance, security, insurance, occupational health and safety and the control of all school finances.

The Hon. R.B. SUCH: I thank the honourable member for her question. I realise that she was not part of the gang of 13 that wrecked the economy of this State.

The Hon. Frank Blevins: What do you mean 'she'?

The SPEAKER: Order! The member for Giles.

The Hon. R.B. SUCH: I am amazed that anyone—

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Giles has a point of order.

The Hon. FRANK BLEVINS: I have been very quiet this afternoon, Sir.

Members interjecting:

The SPEAKER: Order! The chair cannot hear the point of order.

An honourable member interjecting:

The SPEAKER: The honourable member will not interject.

The Hon. FRANK BLEVINS: The Minister referred to the member for Elizabeth as 'she'. That is clearly against Standing Orders. I ask that you correct the Minister.

The SPEAKER: I uphold the point of order. The Minister should refer to members by their district.

The Hon. R.B. SUCH: I refer to the honourable member. I am amazed that we are getting any questions from the Opposition relating to the Audit Commission. In fact you people, the group opposite, the Opposition, should be out there apologising to the people of South Australia.

The SPEAKER: There is a point of order. The honourable member for Giles.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Mr Speaker, all members of Parliament are to be referred to as honourable members or by their electorates, not as 'you'.

The SPEAKER: I suggest to the Minister that he clearly understands the Standing Orders and he should not continue to refer to members in the manner he has.

The Hon. R.B. SUCH: I will refer to the group opposite as the gang of 10. I would think that the gang of 10 would have been out there apologising to the people of South Australia for what it has done to the economy over the past 11 years. Their audacity in standing in here asking questions about the Audit Commission without apologising to the people of South Australia I find staggering. What you have done is put a tremendous burden upon the people of South Australia, upon the children. What this Government is in the process of doing is restoring hope, creating jobs and giving the people of South Australia a future which you tried to destroy. You should be out there apologising.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the member for Ross Smith. This is the second time.

Members interjecting:

The SPEAKER: Order! I do not want any further interjections.

The Hon. R.B. SUCH: You should be apologising and hanging your heads in shame with your tails between your legs, not standing in here trying to score a cheap point.

MILK TESTING

Ms HURLEY (Napier): My question is directed to the Minister for Primary Industries—

Members interjecting:

The SPEAKER: Order!

Ms HURLEY: —and it is not about the Audit Commission. Following concern about antibiotic resistant bacteria and the link with antibiotics used for farm animals, will the Minister consult with the Minister for Health to review the allowed antibiotic levels and the methods of testing milk producers? In the 1992 annual report of the Milk Board, it was reported that there were three instances of temporary suspensions of producer's licences due to failure to comply with antibiotic levels. Questions are now being asked about the levels of antibiotic which could be deemed safe, and there is concern they might be producing resistant bacteria in milk drinkers. The current level of testing of milk for the frequency and range of antibiotic has been questioned, and it has been suggested that it may pose a health danger to South Australians.

The Hon. D.S. BAKER: Yes.

AUDIT COMMISSION REPORT

The Hon. LYNN ARNOLD (Leader of the Opposition): Will the Premier table tomorrow all consultants' reports prepared as part of the Commission of Audit as promised by the Government? On 24 February the Treasurer gave an undertaking in this House, as follows:

> I assume that as the reports by the consultants are made available to the Government they will be made available to the wider community. I would have thought that anything less would not be proper.

The Chairman of the Commission of Audit has advised that all consultants' reports and files have been handed over to the Premier's Department.

The Hon. DEAN BROWN: The claim that those consultants' reports have come to me is not quite correct. In fact, I understand that the consultants' reports have gone to the Crown Solicitor at this stage and certainly I understand that those reports will be made available. They are not ready to be printed or copied yet, but I can assure the honourable member, to my understanding at least, that the Crown Solicitor is intending to pass them on to the Government and they will be made available. Because of the enormous volume of material—I have not physically seen it, but I understand it is enough to occupy a reasonable size room—I think it is reasonable, as there will be a large number of people wanting access to it, that it might be best to make it available in a particular room somewhere in Government—a secure room—so that people can come in and go through that information.

There is no attempt by the Government to sit, hide or withhold that information. We will make that information available to people. It is a matter of working through that process. I understand that all the consultants' reports at this stage have gone to the Crown Solicitor, who is looking at the legality of certain matters. It is the intention to make all that information of the Audit Commission available that freely can be. There may be one or two relatively minor points which for various reasons the Crown Solicitor says could not be made available—it may be that the information is libellous, for instance, or something like that. I will raise those matters with the Leader of the Opposition if that should arise. It is not that we are attempting to use any mechanism whatsoever to withhold information. If by exposing it to the public we should acutely embarrass an individual in terms of any personal information about that individual, or if we should defame any particular person, we would not wish to do so. As I said, I assure the Leader that we will highlight those matters when they arise.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Ms HURLEY (Napier): I want to elaborate on the problems associated with antibiotic resistant drugs that I mentioned in my question today. Members may be aware or may have heard of the presence of golden staff, as it is called, which is a significant problem in hospitals. Patients contract the bacterium after they are admitted to hospital, not prior to their admission, and patients often need to be quarantined for long periods. The bacterium can cause significant problems in these patients, such as ulceration. It is a problem specifically because it is resistant to antibiotic treatment. Golden staff is *staphylococcus aureus*, a common bacterium present in daily lives. It is the bacterium present in minor infections, such as an infected cut finger, pimples and boils.

My concern is that the number of bacteria which are antibiotic resistant has increased greatly over the past decade, and this is an escalating problem. As new antibiotics are created, bacteria are increasingly acquiring a resistance to them, and it is a never ending spiral.

Members interjecting:

The SPEAKER: Order! There is too much audible conversation. It is difficult for the honourable member and it is difficult for the Chair to hear. The honourable member for Napier.

Ms HURLEY: Thank you, Mr Speaker. The increase in the resistance of bacteria is due to a number of reasons, including the wider use, and in fact the abuse, of antibiotics in the human population. Further, the use of antibiotics has become more and more widespread for animals on farms producing meat and milk. Antibiotics in farm areas are used for a dual purpose. The first is anti-bacterial, that is, they are used for killing bacteria that infect animals; and, secondly, they are used to fatten up animals because, for whatever reason, the administration of antibiotics results in farm animals—

Members interjecting:

The SPEAKER: Order! There is still too much conversation. The honourable member for Napier.

Ms HURLEY: The use of antibiotics results, for whatever reason, in animals putting on more weight for the same amount of food in comparison with animals not on antibiotics. Their use is becoming widespread. Antibiotic resistant bacteria grow up in these animals and generally are eliminated in the cooking or heating process for, say, milk. Generally, it is not the bacteria present in animals that becomes a problem: the problem lies in the fact that there are still some antibiotics present in the flesh or, as I said, in the milk of animals.

Farm animals in America receive 30 times more antibiotics, mostly penicillins and tetracyclines, than people. This is a huge amount of antibiotic. It probably is not as great a problem in Australia as it is in the United States of America, because we do not use the same intensive farming techniques that are used in America, but it is a particular problem in dairy cattle that are susceptible to infections of the udder. It is a common, routine treatment to give these dairy cows antibiotics. This is the way in which these antibiotics reach human beings. Progressively, infections which are now easily treated by bacteria will become problem infections and may cause deaths in children and the elderly. For example, we will find that TB and pneumonia will become fatal diseases.

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

Mr CAUDELL (Mitchell): My grievance contribution today is on behalf of all the constituents of Mitchell.

Mr Atkinson: All of them?

Mr CAUDELL: All of them—100 per cent of the constituents of Mitchell. We are talking about the alarm bells that should have been ringing not this year but last year and the year before that with the variety of Auditor-General's Reports that have been tabled in this House.

Mr Clarke interjecting:

Mr CAUDELL: If the member for Ross Smith would be prepared to sit and listen for a change, he might learn something, but then I doubt it. Past management of the Public Service by the previous Government leaves a lot to be desired. It lacked direction and was totally culpable for the errors it made with regard to this State's finances.

I refer to a subject that is particularly associated with the Opposition, and that is the South Australian Housing Trust. From the Housing Trust's documents, we find that there are 63 000 tenants in South Australia, with a rental income after rebates of $188.5 million. That is equal to an average income of $57.50 per week out of rental income associated with those properties. Then we talk to the Housing Trust, and we are told that its tenants basically pay their rent in advance: when they start up, they pay one weeks rent in advance and sometimes up to two weeks rent in advance.

Then we look at the book of accounts of the trust, and we see that amongst the current assets are tenant debtors and receivables. If we break down those receivables, we find that after allowance for a provision for doubtful debts, we have $8.2 million associated with rental income. If we divide the $8.2 million—and I am sure the member for Ross Smith can do that with the help of a calculator—we come up with $130 per tenant in rent arrears or rents receivable. That is equivalent to 2.3 weeks rent.

Yet tenants in South Australia are supposed to be paying between one and two weeks rent in advance. What the actual figure might be is unknown as yet. This sort of information

should have been known by the Minister for Housing over the previous 10 years but for some unknown reason it did not ring alarm bells in the past. We see that $11 million of the $16 million is associated with Housing Trust tenant debtors, including nearly $7 million associated with ex-tenants—people who are no longer occupiers of South Australian Housing Trust stock but who are still listed under current assets in the books of accounts.

With my very brief accounting knowledge and the information that has been passed on to me in a variety of text books and tutorials, 'current assets' normally means that a particular asset can be turned over into cash within 30 days, yet $7 million is listed here involving ex-tenants. The report refers to ex-tenants and states:

> In respect of this category the report indicates that some 67 per cent is attributable to the ex-tenants. In this regard the trust advised that, since the introduction of the Commonwealth Privacy Act in 1988, in mid-1992 information on the whereabouts of ex-tenants who abscond is no longer obtainable. In addition, changes made in July 1992 to the Local Court Rules for the Debtors Court have prolonged the debt collection process.

Yet, these are still accounted for in the current assets. This was another alarm bell that should have been ringing for the Minister in the previous Government, but, unfortunately, it did not.

Mr Ashenden interjecting:

Mr CAUDELL: They would not have a clue what current assets are. I wonder whether they know a liability from an asset. Their biggest liability, obviously, was the previous Minister and everyone in that Government. Everyone who was a part of the previous Government was the biggest liability for this State.

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

Mr QUIRKE (Playford): It is very interesting that the last speaker talked about the Housing Trust and in particular alarm bells ringing, because there are a few ringing today in a number of Housing Trust households occupied by pensioners, welfare recipients, the unemployed and those who cannot afford market based rents. The honourable member can go on about who has not paid rent, and all the rest of it, including alarm bells ringing, but let me be quite blunt to the honourable member: no-one in his constituency—and Mitchell Park, I understand, is in there with a large number of Housing Trust tenants—is weeping crocodile tears for the Housing Trust and how much it is owed. No-one is tearful because they think that someone else is not doing the right thing by the Housing Trust.

An awful lot of those people will be watching the record of the honourable member's Government. They will be watching very closely to see whether rents increase. I asked a question today of the Minister for Housing, who is looking more and more uncomfortable as questioning continues. Well might he look uncomfortable, because what he said today was that pensioners, the unemployed, welfare recipients and the poor are under the microscope of this Government to make a much greater contribution to the rental income of the South Australian Housing Trust.

He looked very uncomfortable, and he talked about Torrens. He is right: we will be using that as an issue in Torrens, because that is our job as an Opposition. It is also our job as the Labor Party to point out what are the real policies of the Liberal Party in South Australia. However, we will not just be doing that in Torrens: I can tell the member for Lee, the member for Mitchell and others in this place who have a large number of Housing Trust tenants in their electorates that those people will all be told who put the rents up. We will let the honourable member's tenants in Mitchell Park know that it was his side that put the rents up.

Mr Caudell interjecting:

The DEPUTY SPEAKER: The member for Mitchell will come to order.

Mr QUIRKE: Indeed—

Mr Caudell interjecting:

The DEPUTY SPEAKER: The member for Mitchell will not display material in the House.

Mr Brokenshire interjecting:

Mr QUIRKE: What the member on the other side is talking about is waiting lists.

Mr Caudell interjecting:

The DEPUTY SPEAKER: I caution the member for Mitchell. He has already made his speech. I ask him to give the member for Playford a chance to air his views.

Mr QUIRKE: I make it quite clear to the member for Mawson—who should also be cautioned—

The DEPUTY SPEAKER: The honourable member for Playford—

Mr QUIRKE: I will caution him and say this: he may not have the enormous number of Housing Trust properties in his electorate that other members opposite have in theirs but he ought to take note of the document that the member for Mitchell was waving around a short while ago. He ought to take note of it, because it affects every pensioner and welfare recipient not only in Torrens but across the whole of South Australia. It also affects those people who have transport requirements, including people who travel on a bus or train. Members can call a quorum on me; that is no problem. I am quite happy for that to happen, if that is the current plan of a member opposite; I have only a minute left.

At the end of the day, Government members will be held responsible by their electorates for their actions. This document, tabled yesterday, is the Thatcher document of South Australia. If it is adopted by this Government I can say that the back benchers of the Liberal Party ought to be very concerned about their futures and, in particular, a few of them on this side.

Mr ASHENDEN (Wright): I want to address a problem confronting some of my constituents in Wynn Vale, and it involves a large area of open space land in Shearwater Place which to all intents and purposes any reasonable person, either living in the area or passing through it, would think was intended to be open space or reserve. However, that land—although it is not in any way built on at the moment—is zoned for community use, and it is within the area that has been developed by the Delfin Property Group. That organisation usually ensures that signs are erected indicating the proposed purpose of any open space land.

The inference one may draw where there is no such sign is that the land will be reserve. In plans originally developed by Delfin and provided to residents in this area, the word 'reserve' is shown quite clearly. Any reasonable person looking at the plan would have said, 'Yes, this area, lot 62 Shearwater Place, Wynn Vale, is intended to be a reserve.' A large number of residents living in this area of Wynn Vale purchased their properties expecting the land to be reserve space. It was a tremendous shock to them some months ago to learn that Delfin intended to erect buildings on that land for community use.

At the time I was a councillor for the City of Tea Tree Gully I was approached by the residents who sought my help to have the proposal of Delfin stopped. I will not go through all the details; suffice to say that we had meetings with Delfin and with the residents in an attempt to come to an arrangement that would enable that land to be retained as open space. This matter is now coming to a head and the council is, unfortunately, attempting to pass the buck on this matter to the South Australian Government. At the meeting of council held on Tuesday of last week, a motion was passed that council resolve that the State Government be asked to purchase this land as part of the metropolitan open space plan program.

I was really quite angry when I was told that the council had taken this step, because it is clearly passing the buck, and I have written to the Chief Executive of the council, as follows:

> I believe that council's motion is a complete abrogation of its responsibilities in relation to the provision and maintenance of local reserves.

What it says is that this is an area that looks like, and to all intents and purposes is, a reserve area; it is the sort of area councils are responsible for. Not all councillors were in favour of passing the buck, and I commend the two councillors for the Pedare Ward who moved and seconded that council purchase this land for the residents. Unfortunately too many councillors thought otherwise and said, 'Let's flick-pass the buck to the Government and ask the Government to buy it, and then when they don't we can blame the Government rather than council.'

I am disappointed that a leading council such as Tea Tree Gully has taken that step. As I indicated in my letter to residents and the Chief Executive, I will support the approach of the residents to try to have this area retained as open space. I point out, as I have done to the council, that at the moment council is entering into at least two joint ventures that I am aware of with Delfin.

Surely this will provide an opportunity for council to transfer some of its land to Delfin so that a *quid pro quo* can be arrived at so that Delfin will not lose income that is rightfully theirs, and at the same time, by exchange, land (the land I am referring to in Shearwater Place) could be retained as open space and reserve for the local residents. I strongly urge the council to reconsider its stance, to look at a land swap between it and Delfin and to meet the needs of the residents of this area. This is a local government matter and it ill-behoves the council to attempt to farm this off to the State Government as it has attempted to do.

The Hon. M.D. RANN (Deputy Leader of the Opposition): I note that tomorrow the Leader of the Opposition will move a motion about the establishment of democracy in South Africa, and I will certainly be supporting that motion. I want to inform the House of some activities of mine in relation to my portfolio of shadow Minister for Further Education. Late last year and again last month I met with the South African Ambassador to Australia, His Excellency Mr Naude Steyn. Our discussions focused on how Australia and our own State could assist South Africa during its historic but difficult transition to democracy. I suggested to Ambassador Steyn that we should try to develop a range of exchanges between Australia and South Africa, and between South Australia and South Africa.

As a result, I have written to Ambassador Steyn, the three Vice-Chancellors of our universities in South Australia and Mr Andrew Strickland, the Chief Executive Officer of our technical and further education system, suggesting formalising closer links between our State and further education—higher education—in South Africa. I believe that it would be of considerable assistance if South Australia's three universities and our vocational education system could look at offering scholarships to disadvantaged South African students. In my letter to Ambassador Steyn I suggested that business and Government studies would seem appropriate. However, if other areas of studies such as engineering or information technology are considered to be of special importance, we would need to take the advice of the new South African Government on this matter.

I have asked the Vice-Chancellors and Mr Strickland to advise me if there are any direct links involving scholarships or student and staff exchanges, at lecture level or higher, between our universities and the universities in South Africa, or whether there are any plans to pursue links similar to those which have been forged by the three universities, with some considerable success, with their counterparts in both the United States and Asia.

I am aware, having been a former Minister of Education and having travelled to Indonesia, of the very strong links that bind our universities and the TAFE system here with their counterparts in that nation. I had also been seeking the advice of the Vice Chancellors on their views on how we could foster closer links with South African universities and assist disadvantaged students. Obviously, we could look at some formalised sister university links with staff, teacher and student exchanges not only at the university and TAFE college level but also at schools.

One of the things that I mentioned to Ambassador Steyn was the idea of a political exchange scheme along the lines of but more focused on the Commonwealth Parliamentary Association. I had been developing this idea since my discussions with the ambassador, and I believe that before the end of the year some work should be done to progress a South African-Australian political exchange program that would involve elected members from around Australia and political staffers. At the parliamentary level it could involve several elected members from Federal, State and Province politics in South Africa spending two or three weeks in each other's country each year and, rather than being ceremonial, friendship or courtesy call missions, I suggest that parliamentarians should have detailed programs built around specific policy areas. I think it would assist MPs from both nations to spend a week specifically attached to and perhaps billeted with an MP or Minister from the other country.

I think it would also be useful to arrange for several young political staffers to be swapped for a period each year. The United States Government has for many years arranged for young Australian future political leaders to visit the United States each year and spend time at the Congress, State Legislatures and party organisations in order to strengthen links and understanding and lay the ground work for enduring relationships between the United States and Australia. A similar reciprocal scheme has been arranged for a group of young United States staffers and party activists to visit Australia each year. It has the very strong bipartisan support of the Liberal Party, the Labor Party and the Australian Democrats. I believe that young staffers in South Africa and Australia could benefit substantially from a period on the staffs of Ministers or Opposition Leaders in our respective countries.

I have also written to the Minister for Foreign Affairs, Gareth Evans, along similar lines with the added suggestion that bilateral talks should begin to establish initiatives similar to the US Peace Corps involving young Australian professional volunteers.

Mr ROSSI (Lee): I want to talk about the former US President Richard Milhouse Nixon who was buried last week near his home in Yorba Linda, California. The current President, Bill Clinton, spoke warmly of a man who had devoted his life to the service of his country and to the securing of peace. Richard Nixon once wrote, 'I was born in a house my father built.' He was the second son of Frank and Hannah Nixon. They owned a lemon grove and his father did odd jobs for extra money for the family. His mother was a devout Quaker and had a great influence on her son.

Nixon attended Whittier College in California followed by Duke Law School in North Carolina. He served as a Lieutenant Commander in the United States Navy during the Second World War, where he learned to play a pretty mean game of poker. I understand that his winnings helped to fund his first campaign back home in America. He was first elected to the American House of Representatives in 1946, defeating the left wing Democrat, Jerry Voorhis. In 1950 he was elected to the Senate, defeating another left wing Democrat and Hollywood actress Helen Gahagan Douglas. Nixon was often criticised for his rough campaign style, yet in both of these campaigns he concentrated on his opponents' voting records and used this to embarrass them.

John F. Kennedy, the young Massachusetts Democrat who would one day go on to defeat Nixon in a Presidential race, visited Nixon just before his Senate campaign against Helen Douglas. Sitting in Nixon's office, Kennedy handed him an envelope containing $1 000—a campaign contribution from his father Joe Kennedy—and then departed, urging Nixon to 'turn the Senate's loss into Hollywood's gain.'

Nixon never got a fair run with the press. It is not unusual to find a politician complaining about unfair treatment from a particular journalist, but in Nixon's case very few journalists ever gave him a fair go. Much of the reason for this can be traced back to his role in what became known as the Hiss-Chambers case. Whittaker Chambers, an editor with *Time Magazine*, made the startling revelation that he had once been a communist and a spy for the Soviets. Of even more concern was that he implicated the highly ranked civil servant, Alger Hiss, adviser to President Roosevelt at Yalta and assistant to the Assistant Secretary of State. For anyone who has not read the book later written by Whittaker Chambers, entitled *Witness*, I highly recommend that they do so.

Nixon was a member of the congressional committee that investigated the claims made by Chambers. He believed that Chambers was telling the truth, but it took a lot of anguish and hardship and two trials before Alger Hiss was sent to prison for perjury. President Eisenhower later told his Vice President, Nixon, that he had been impressed by his handling of the case, because he not only got Hiss but he got him fairly. From that time on Nixon was hated by the left wing establishment. He had taken them on and destroyed one of their brightest stars. They would not forget him.

Nixon was elected Vice President on the Eisenhower ticket in 1952. He soon started a busy schedule of overseas tours, including Australia, where he spoke highly of our Prime Minister, Robert Menzies. Writing of Sir Robert in his memoirs, he said:

His extraordinary intelligence and profound understanding of issues, not only in the Pacific but throughout the world, made an indelible impression on me.

Contrary to popular opinion, Nixon had a very good relationship with most Australian leaders and their Governments.

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

CONSTITUTION (ELECTORAL DISTRICTS BOUNDARIES COMMISSION) AMENDMENT BILL

The Hon. S.J. BAKER (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the *Constitution Act 1934* to require the Electoral Districts Boundaries Commission to publish a draft order of its proposals for electoral redistribution, to receive representations in writing on the draft proposals and, at its discretion, to hear and consider any evidence or argument submitted to it on those representations by or on behalf of any person.

The Government's election Voluntary Voting and Fair Elections Policy provided, in relation to the Electoral Boundaries Commission, that a Liberal Government will:

- require that, before the final order is made, the Commission publish a draft of the proposed redistribution, allowing one month for submissions for any changes;
- allow the parties a reasonable opportunity to make oral comments to the Commission on those further submissions before it makes a final order.

This Bill requires the Electoral Districts Boundaries Commission to publish a draft of its proposals for electoral redistribution. A provision of this nature is found in the Commonwealth Electoral Act and in practice has been found to be helpful in ironing out potential problems and correcting errors.

As any person can make written representations to the Commission initially it is logical that he or she should also be able to do so at the time the draft proposals are made. This Bill provides for a period of at least one month in which persons may make representations in writing on the draft proposals of the Commission.

Section 85(3) of the *Constitution Act* provides that the Commission shall consider representations made to it in relation to the proposed electoral redistribution, and may, at its discretion, hear and consider any evidence or argument submitted to it in support of those representations by or on behalf of any person. It is appropriate that the Commission should have a similar discretion to take oral evidence in relation to representations on the draft report.

This Bill is expressed to apply to the proceedings of the current Electoral Districts Boundaries Commission.

This Bill implements a stated election policy of the Liberal Government and makes a sensible reform to the process of electoral redistribution in this State.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 85—Representations to the Commission

Section 85 of the Act is to be amended to include a requirement that the Electoral Districts Boundaries Commission prepare a draft order for electoral redistribution and then send a copy to each person who made a representation to the Commission, and give public notice of the availability of the draft order. Interested persons will be able to make written submissions on the draft. The Commissions will have a discretion to take oral evidence in relation to those submissions. The Commission will then be able to finalise its order.

Clause 3: Operation of amendment
This clause specifically provides that the amendments extend to proceedings before the Commission on the commencement of the measure.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Superannuation Act 1988 and the Police Superannuation Act 1990. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

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

Leave granted.

The Government is concerned about the size of its accruing superannuation liability. Under present arrangements the total public sector employer liability for superannuation is currently around $4.4 billion.

In respect of the main State schemes, that is the State pension, State lump sum and superannuation guarantee scheme, the Government's unfunded superannuation liability is projected to more than double in real value over the next 28 years from $3.4 billion in June 1994 to $7.1 billion by June 2021.

Clearly, the Government must at least take steps to slow the spiral in this accruing superannuation liability, which is a debt to be met by the taxpayers of this State.

This Bill which I now introduce, is a positive step to slow the increase in the debt accruing to taxpayers.

The Bill seeks to close the contributory superannuation schemes established for Government employees, including police officers, to new entrants. In particular it is proposed to have the contributory lump sum scheme established under the Superannuation Act 1988 closed to new entrants as from 4 May 1994.

Those persons who have recently commenced employment or may commence employment shortly on the basis of a written offer, are provided with special transitional provisions under which they may still apply for membership.

The Bill also provides for those persons who become members of the Police Force following a period of cadetship that commences before 1 June 1994. These cadets will still be able to become members of the police superannuation scheme.

It is important to note that employees who are not members of the contributory schemes will still be accruing superannuation benefits. These employees are automatically members of the State superannuation benefits scheme which provides the superannuation guarantee benefits required under Commonwealth law. This superannuation guarantee scheme will continue and provide the Government's main superannuation arrangement for future employees. Furthermore, the Government will be giving consideration over the next few weeks as to whether the state superannuation benefits scheme should be expanded to accept voluntary contributions made by employees. Obviously such an expansion of the State superannuation benefits scheme will be on a non additional cost basis to Government.

Explanation of clauses

The provisions of the Bill are as follows:

Clause 1: Short title
Clause 1 is formal.

Clause 2: Commencement
Clause 2 provides for the commencement of the Bill on 3 May 1994.

Clause 3: Interpretation
Clause 3 is an interpretative provision.

Clause 4: Amendment of s. 7—Functions of the Board
Clause 4 makes a consequential amendment to section 7 of the *Superannuation Act 1988*.

Clause 5: Amendment of s. 22—Entry of contributors to the scheme
Clause 5 inserts new subsections into section 22 of the principal Act. Subsection (10) closes the scheme to persons who have not applied for acceptance before 4 May 1994. Subsection (11) is a transitional provision that allows a person who has received a written offer of employment but has not commenced employment before 3 February 1994 at least three months to apply for acceptance into the scheme.

Clause 6: Amendment of s. 16—Contributors
Clause 6 adds new subsections to section 16 of the *Police Superannuation Act 1990*. Subsection (1a) closes the scheme and subsection (1b) is a transitional provision. Up until now the Police scheme has been a compulsory scheme which explains the difference between this provision and the transitional provision inserted into the State scheme by clause 5.

Clause 7: Amendment of s. 20—Application of this Part
Clause 7 makes consequential amendments to section 20 of the principal Act. A group will commence their police cadetship near the end of May 1994. Paragraph *(a)* of this clause and paragraph *(b)* of subsection (1b) inserted by clause 6 are drawn with this in mind.

Mr ATKINSON secured the adjournment of the debate.

CONTROLLED SUBSTANCES (DESTRUCTION OF CANNABIS) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Health) obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this short Bill is to clarify the powers of the police in relation to destruction of cannabis.

In a recent decision in the matter of R. v Sincovich, His Honour Judge Lunn held that, although police could seize an item for the purpose of preserving and retaining that property as evidence until a trial was concluded, it was unlawful for them to destroy it prior to any order for forfeiture being made in favour of the Crown.

Section 46 of the Controlled Substances Act provides that:

> A court before which a person is convicted of an offence against this Act may, by order, forfeit to the Crown any substance, equipment or device the subject of the offence.

This Section confers a discretion upon the court to order the forfeiture of cannabis plants, but by implication, only after the defendant has been convicted. His Honour went on to conclude that, if the police were to be entitled to destroy cannabis plants before they had obtained an order for forfeiture under Section 46 of the Act, they needed a statutory authority for it. Further, if the police hereafter destroyed plants without lawful authority, they risked the Courts exercising their powers to discourage such unlawful activities in accordance with Bunning v Cross.

As Hon. Members will appreciate, the only practical course available to police, once a sample has been taken for analysis, is to destroy the plants. It is impractical for them to store the large number of cannabis plants which come into their possession in such a way that they do not quickly decompose. Were they to attempt to dry and package them, they would encounter problems in keeping large numbers of plants secure while they were being dried.

The Bill therefore seeks to recognise the practicalities of the situation by providing the police with statutory powers to destroy cannabis. The interests of the defendant are also protected by the sampling requirements built in to the amendment.

Explanation of Clauses

Clause 1: Short title
This clause is formal.

Clause 2: Commencement
This clause provides for bringing the Act into operation by proclamation.

Clause 3: Insertion of s. 52A—Power to destroy cannabis
This clause inserts a new section into the Act that empowers the Commissioner of Police to destroy cannabis (i.e. cannabis plants, whether dried or alive—see definition of "cannabis"). Before cannabis is destroyed, sufficient samples must be taken for evidentiary purposes. The regulations will set out the rules for the taking of samples. A defendant must be given written notice of his or her right to have part of the samples analysed under section 53 of the Act. All samples will, however, remain under the control of the Commissioner of Police, or his or her nominee.

Clause 4: Amendment of s. 53—Analysis

This clause makes a minor amendment to section 53 of the Act, to make it clear that a defendant can initiate an analysis of any substance for any evidentiary purpose.

Mr ATKINSON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (CHILD SEXUAL ABUSE) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): 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.

In 1989, the High Court decided the case of S. The accused was charged with three counts of incest with his daughter. She gave evidence that he had engaged in a course of conduct of sexual abuse from the time she turned 9 or 10 to the time she was 17. This amounted to an allegation of sexual abuse between about 1975 and 1983. Her evidence was that sexual intercourse began when she was 14 (1979) and took place "every couple of months for a year". The charges specified intercourse on a date unknown between 1 January, 1980 and 31 December, 1980; 1 January 1981 and 31 December 1981; and 8 November, 1981 and 8 November 1982 (respectively). A defence request for particulars was refused and the trial judge declined to make any order. On appeal from conviction, the High Court (Brennan J dissenting) ordered a new trial.

The decision of the High Court poses great difficulty in charging defendants where the allegations involve a long period of multiple offending. In some cases, like S, the child—or the adult recalling events which took place when he or she was a child—cannot specify particular dates or occasions when the offence is alleged to have taken place. The result is that defendants are being acquitted even where juries clearly indicate that they accept the evidence that abuse took place at some time.

Legislation has been introduced in all Australian jurisdictions except the Northern Territory to deal with this problem. The Directors of Public Prosecutions in all jurisdictions have agreed that such legislation is necessary. In late 1993, the South Australian Director of Public Prosecutions had requested that legislation be introduced as a matter of urgency, and the former Government did so, just before the election.

After the election, the Opposition reintroduced the measure as a Private Member's Bill. Due credit must be paid to the Opposition for their commitment to making sure that the law against child sexual abuse is effective. But the Government is also committed to making sure that those who commit these dreadful acts exploiting children should be held responsible to the law. That is why the Government supports the measure in principle and has introduced amendments in another place in order to make sure that it effectively targets the problem area and does not unduly trespass on the traditional rights of a person accused of a serious criminal offence to make full answer and defence.

While the various models differ in detail, the essence of the legislation in other jurisdictions is, in general, the creation of a new offence of having a sexual relationship with a child or, as is proposed here, persistent sexual abuse of a child. That offence is proved by proving that the defendant commits a sexual offence against a child on three or more separate occasions. The effect is that it is not necessary to specify the dates, or in any other way to particularise the circumstances, of the alleged acts.

The Bill follows these models. It is a necessary reform to the way in which the criminal law copes with these particularly difficult cases.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Insertion of s. 74

Clause 3 amends the principal Act by creating an offence of persistent sexual abuse of a child.

The offence consists of a course of conduct involving the commission of a sexual offence against a child on at least three separate occasions on at least three days. A charge under this section must specify with reasonable particularity when the course of conduct began and when it ended and must describe the general nature of the conduct and the nature of the sexual offences alleged to have been committed in the course of that conduct. The charge need not state the dates on which the sexual offences were committed, the order in which the offences were committed, or differentiate the circumstances of each offence.

To find the defendant guilty of persistent sexual abuse of a child the jury must be satisfied beyond reasonable doubt that the evidence establishes at least three separate incidents, falling on separate days, between the time when the course of conduct is alleged to have begun and when it is alleged to have ended in which the defendant committed a sexual offence against the child. The jury must be agreed on the material facts of three such incidents in which the defendant committed a sexual offence of a nature described in the charge. The judge must warn the jury that this is what they have to find before the defendant can be guilty of a charge of persistent sexual abuse of a child.

A person convicted of persistent sexual abuse of a child is liable to a term of imprisonment proportionate to the seriousness of the offender's conduct which may, in the most serious of cases, be imprisonment for life.

A charge of persistent sexual abuse of a child subsumes all sexual offences committed by the same person against the same child during the period of the alleged sexual abuse. Hence, a person cannot be simultaneously charged with persistent sexual abuse of a child and a sexual offence alleged to have been committed against the same child during the period of the alleged persistent sexual abuse.

A person who has been tried and convicted or acquitted on a charge of persistent sexual abuse of a child may not be charged with a sexual offence against the same child alleged to have been committed during the period the defendant was alleged to have committed persistent sexual abuse of the child.

A prosecution on behalf of the Crown for persistent sexual abuse of a child cannot be commenced without the consent of the Director of Public Prosecutions.

For the purposes of this section a child is a person under the age of sixteen.

Mr ATKINSON secured the adjournment of the debate.

FORESTRY (ABOLITION OF BOARD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 921.)

Mr CLARKE (Ross Smith): The Opposition has had an opportunity to study this Bill, and no doubt the Opposition spokesperson for primary industries in another place will have more to say on this when it finally reaches there. However, from my study of the Bill to date, the Opposition feels that it is largely uncontroversial in that it corrects a few problems that occurred in 1992 when the Woods and Forests Department was amalgamated with the South Australian Timber Corporation. The Opposition has a number of questions and potential concerns with respect to clause 4, which amends section 3 of the existing Act by deleting subsection (4) and inserting a new subsection. It deals with native forest reserves, and naturally that is an area of some concern for the general public.

I have had an opportunity to discuss this matter with the Minister's advisers, for which I thank him, and hopefully our concerns will be allayed. However, I know that the Minister is affectionately referred to by some members of the environmental movement as Chainsaw Baker, so, when I see anything to do with native forest reserves coming under the purview of the Minister, I believe we should look at it with a fair degree of scrutiny. I support the second reading of the Bill to allow it to progress to the Committee stage.

The Hon. D.S. BAKER (Minister for Primary Industries): I thank the honourable member for his contribution, and I think it is probably best that we deal with his concerns during the Committee stage of the Bill. Quite simply, this Bill covers some anomalies that were found by the Crown Solicitor when the Woods and Forests Department was split up in 1992. What had been the Woods and Forests Department had contained not only forests but also the value adding or the sawmilling side of forests. Splitting that had the support of the then Opposition, and I agreed with the Hon. Terry Groom at the time that that was the way to go to ensure that our value adding or sawmilling side was totally accountable for its actions. Unfortunately, there were some anomalies then, and they are now being corrected by this Bill. Some other amendments were thought necessary; these were ready for introduction through most of last year but did not get on the Notice Paper. Now at the end of this session I am seeking to clean it up, and I will be very happy to answer any questions that the honourable member has uppermost in his mind during the Committee stage of the Bill. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr CLARKE: My question relates to the absence of the word 'commercial' within the definition. As I understand it, the Government's intention is that those forest reserves which are not native forest reserves and which it no longer wishes to be proclaimed as a forest reserve are to be available for commercial purposes. I can find no definition of the word 'commercial' in either the original Act or the amendment. My concern is that, if that is the intention, it ought to be written into the amendment so that it is quite clear as to what will be preserved and so that it can be subject to disallowance by resolution of either House of Parliament, and in terms of those that can be disposed of and dealt with on a commercial basis.

The Hon. D.S. BAKER: Having had a very good look at the forests in the South-East and the Adelaide Hills in the past couple of months, I can say that most of the land has been planted down and is treated as commercial forests. The native forest area which is under the control of Woods and Forests is also subject to the Native Vegetation Act and cannot be touched without its permission. So, it is well protected, and I give the honourable member an undertaking that we will ensure that that happens. Discussions are being held at present with the Native Vegetation Branch to protect not only those areas of native forests under the Act but also areas of considerable regrowth where forests have died out.

These areas are also protected by the Native Vegetation Branch, which determines whether it is commercial to replant or whether some regrowth areas should be kept. In some of those areas it has been too wet to grow trees. So, I give the honourable member an undertaking that native forests will be protected. They are protected not only under this Act, where the matter must lie on the table for 14 sitting days, but also under the Native Vegetation Act.

The purpose of the Bill is to allow whatever is necessary regarding that area of land which is designated commercial forest and which is under the care, control and management of the Woods and Forests Department. That allows those commercial forest areas to be handled in a businesslike manner without the matter laying on the table for 14 sitting days, as is the case for native forests. I can assure the honourable member that the protection will be in place.

Clause passed.

Clause 4—'Forest reserves and native forest reserves.'

Mr CLARKE: My question partly relates to my first question. If an area is proclaimed a native forest reserve and ceases to be such, the proclamation has to be laid before both Houses of Parliament. On page two of the second reading explanation the second paragraph states:

> Officers of the Forestry Group of Primary Industries are currently preparing management plans for a number of areas which are to be declared as native forest reserves.

No areas under the existing Act are proclaimed as native forest reserves, so how do we know that we will end up with the same level of native forest area as we currently enjoy under these amendments? There is no definition or description saying that these are currently native forest reserves, identifying all of them and enshrining them in this legislation in order that they can be kept. I am concerned that a less scrupulous Minister than the present Minister could use the legislation to reduce the total amount of area of native forest reserve because at this time native forest reserves are not defined or enshrined in the legislation. If that is to be done after the Bill is enacted, we could end up with less area as native forest reserve than we now have. As I am sure that that is not the Minister's or the Government's intention and as there is no time to deal with the matter today, perhaps in another place the Government might contemplate a suitable amendment to preserve those areas that we now enjoy.

The Hon. D.S. BAKER: The honourable member does not understand the position. All areas of native vegetation are protected under the Native Vegetation Act. Those areas of native vegetation held by the Woods and Forests or the Crown are protected, as is any other forest area in South Australia if on private property. In addition to the management plan, there are extra areas—and I have viewed them in the past couple of month—where there has been considerable regrowth perhaps after forests have died out. The management plan has been drawn up in conjunction with the Native Vegetation Branch to put additional areas out of commercial forests and into native forests. I support that absolutely as does the Woods and Forests Department. Those discussions are going on, and that refers to the management plan. While the department prepares the management plan, consultations are going on in this area. I can assure the honourable member that under the Native Vegetation Act all areas of native forest (native scrub, as some of us rurals call it) are adequately protected—by an Act outside the control of the department. It cannot do anything unless there is an adequate management plan or unless adequate consultation takes place with the Native Vegetation Branch.

Mr CLARKE: Out of a super abundance of caution, does the Minister guarantee that those areas now recognised as native forest reserve will be no less in acreage protected than is presently enjoyed under the existing legislation?

The Hon. D.S. BAKER: I give the honourable member that guarantee.

Clause passed.

Remaining clauses (5 to 22), schedule and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL

The Hon. J.W. OLSEN (Minister for Infrastructure) obtained leave and introduced a Bill for an Act to amend the Waterworks Act 1932 and the Sewerage Act 1929. Read a first time.

The Hon. J.W. OLSEN: I move:

That this Bill be now read a second time.

This Bill ratifies charges made to developers for the cost of augmenting the capacity of the water supply and sewerage infrastructure, where specific proposed development makes that necessary.The Development Act provides (and previously the Real Property Act provided) that developers must meet the requirements of the relevant Minister with respect to water supply and sewerage services.

This usually means a requirement to pay for the cost of extending the reticulation system to service the new allotments. In some cases the development cannot proceed without building extra capacity into part of the existing infrastructure. This could mean building a new pumping station or tank, or merely enlarging existing infrastructure. Where this is required, the augmentation costs attributable to the particular development are included in the conditions of approval of that development.

In 1987 the Waterworks Act and the Sewerage Act were amended to allow developers to construct the extension of the reticulation system by private contract. Augmentation costs became a separate item, costed separately and charged separately. The development industry generally accepts the validity of the charge; however, there is some doubt about the legality of the charge. This amendment cures any perceived defect. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the retrospective commencement of the Bill. Retrospectivity is necessary to put beyond doubt that charges for increasing the capacity of the infrastructure in the past were validly made. As mentioned earlier the development industry accepts that charges for this purpose are warranted. The need to increase capacity occurs because of additional demands resulting from division of land and it is generally accepted that this cost should be a cost of the division of the land. Section 109a of the *Waterworks Act 1932* and section 46 of the *Sewerage Act 1929* were inserted into their respective Acts on 1 July 1987. These sections allow developers to carry out infrastructure work at their own expense instead of paying the prescribed fee. They are both consequentially amended by the Bill and the Bill is made retrospective to the date from which they operated.

Clause 3: Interpretation

Clause 3 is an interpretative provision.

Clause 4: Amendment of s. 109a—Certain work may be carried out by owner

Clause 4 makes the consequential amendment to section 109a of the *Waterworks Act 1932* already mentioned.

Clause 5: Insertion of s. 109b

Clause 5 inserts new section 109b which allows the Minister to require a contribution towards the cost of increasingthe capacity of the waterworks. If a developer pays the contribution but the division does not proceed because the application lapses or is withdrawn or because development authorisation is refused or conditional the amount of the contribution must be refunded.

Clause 6: Amendment of s. 46—Certain work may be carried out by owner

Clause 6 makes the consequential amendment to section 46 of the *Sewerage Act 1929* already mentioned.

Clause 7: Insertion of s. 47

Clause 7 inserts new section 47 in the *Sewerage Act 1929*. This section is equivalent to proposed section 109b of the *Waterworks Act 1932*.

Mr FOLEY secured the adjournment of the debate.

IRRIGATION BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 920.)

Mr FOLEY (Hart): The Opposition will support the Bill, although we will ask questions in Committee. My understanding is that the bulk of this Bill is the same as the provisions of the Bill that was introduced on two previous occasions by the former Government. I take this opportunity to give any political advisers of the Government who are currently in their offices listening to the debate a bit of advice from someone who has been there: do not use yellow stickers on dockets or, if you use them, take them off.

Members interjecting:

Mr FOLEY: I stand by the quality of that advice. Our understanding is that this Bill has a number of very important elements. It deals with necessary reform in the management of irrigation areas. It will allow the broadening of options that growers have for the variety of crops they may wish to plant. This Bill endeavours to increase the productivity of irrigation areas and will allow for improvement in the environmental management of what is a very delicate area—the Murray—and the level of salinity within the Murray.

Mr Brindal: Have you worked in irrigation?

Mr FOLEY: I have not worked in irrigation but, as a keen user of the Murray River, as a water skier, I have some appreciation of the problems. I must admit that I am not as good as the Minister and one day perhaps I could be both as good as he is politically and as a water skier.

Mr Brindal interjecting:

Mr FOLEY: Many years ago I saw the Minister walk on water behind the speedboat. I will ignore the distractions of the member for Unley who is a born distracter. Somebody from an urban electorate would know little of those sorts of issues. I will ignore his ignorant interjections. This Bill provides for a significant amount of uniformity between irrigation districts. It attempts to bring in some necessary reform in an area that has gone untouched for some time, and the Opposition welcomes these moves. Improved irrigation practices will lead to a reasonable reduction in the level of river salinity, but the areas that are coming under more control and have been reformed by the Government are only a small portion of the irrigated land along the river. I foreshadow one or two questions in Committee to ascertain what else the Government is doing in the greater part of the river. Those questions may have to be taken on notice, given another Minister's responsibility in that area.

One of the most pleasing aspects of this Bill is that it achieves a major injection of much needed capital into the whole area of Government owned irrigation areas along the Murray. I understand $40 million will be injected into the upgrading and refurbishment of Government owned irrigation systems. It should be acknowledged that this deal involves a contribution of 40 per cent from the State of South Australia and 40 per cent from the Commonwealth Government, with a further 20 per cent coming from the growers themselves. What we have here is both State and Federal Governments working together with local growers to enhance the viability,

efficiency and environmental impact of not only an important economic area but also an environmentally sensitive area.

Mr Brindal interjecting:

Mr FOLEY: To minimise the environmental impact—I am sorry. It is very handy to have the member for Unley in the Chamber. With the member for Spence not here, it is important that I get corrected on important aspects of poor grammar.

Mr Brindal interjecting:

Mr FOLEY: It does. I admit that my grammar is appalling. You should see my spelling.

Mr Brindal interjecting:

Mr FOLEY: I always check my spelling on yellow stickers, because the Minister for whom I worked was extremely vigilant on poor spelling. You can be sure that anything on a yellow sticker will have been checked in a dictionary before I wrote the words. At least in that respect I am confident about the quality. Obviously, restructuring of any area of the economy does have some pain. It does not come easy and there will no doubt be some growers adversely affected by the procedures being put in place. That should not discourage the Government. As I said, restructuring reform does not come easy, and I believe that every attempt is being made under this Bill to be as fair as possible to growers. Some could even argue that the Government has been too fair.

Mr Caudell interjecting:

Mr FOLEY: Very constructive. As I said earlier, this Bill was drafted under the former Government.

Members interjecting:

Mr FOLEY:I could make some comment about that, but I will not. These comments are very distracting. Whilst I am enjoying the banter, I am missing my spot. I need a yellow sticker to mark where I am up to.

Mr Brindal interjecting:

Mr FOLEY: This is not a read speech: it is with dot points done late last night, so they are a little bit scrawly.

An honourable member interjecting:

Mr FOLEY: After the member for Murray-Mallee destroyed our evening by giving us a score halfway through the game, I gave up. As I said, restructuring does not come easy and there has been every attempt in this Bill to minimise the impact on local growers. There is a very fair and equitable approach in terms of what has to be done to get agreement to convert Government owned and controlled irrigation areas to private irrigation areas: 51 per cent of landowners must apply and the Minister must give notice.

An honourable member interjecting:

Mr FOLEY: I now have double barrels on my grammar. The Minister must give notice and contact the other 49 per cent of growers: 51 per cent must consent to the terms and conditions of the conversion and the Minister himself or herself may initiate proposals for self-management, but 51 per cent must accept. I think every attempt is being made to consult and to give people the opportunity to agree or not to agree. I have no problem with that.

Regarding those growers who will be adversely affected during this process, another line of questioning I will pursue is the rural assistance scheme and whether it will be able to provide some form of assistance, whether to assist some farmers off the land through the rural adjustment scheme. Under that scheme there are provisions for farmers who are no longer viable in a particular area to be adjusted off the property. Given that a lot of growers will be taking over responsibility for managing these whole areas, there may be an opportunity for farmers to access some of these schemes which the Premier talked about today and which were initiated under the former Government.

I refer to small grants to assist with the preparation of business plans or to obtain some financial management advice so that farmers are not taking over the control, ownership and responsibility of these irrigation areas without having some sort of business plan or financial expertise. Again, I will raise that in the Committee stage, but I would ask the Minister to give some consideration and perhaps talk to his very close colleague the Minister for Primary Industries about whether the rural assistance scheme could offer some financial assistance. I know that the Minister is hanging on every word and has all that noted down for the Committee stage.

The Hon. J.W. Olsen interjecting:

Mr FOLEY: The advisers have been forewarned, at least. The other area is that of compensation. The Government is attempting to provide adequate compensation. There is perhaps another line of questioning to ascertain the level of compensation and perhaps where the money is coming from for this purpose. I foreshadow possibly one or two questions along those lines. As I have said, this seems to be a very well constructed Bill. It must be: it was constructed by the former Minister for Infrastructure, who is no longer with us, and slightly enhanced by the current Minister, but essentially it is the work of the former Labor Government.

Mr Caudell: Significantly enhanced.

Mr FOLEY: Somewhat enhanced. Sufficient appeal mechanisms through the Environment Court are included in the Bill for growers who feel aggrieved that they have been harshly treated by the Government. I have examined that area and agree that there is sufficient opportunity for growers to appeal against any decision of the Government. There are some other matters that I will raise in the Committee stage, requesting the Minister to expand on some of the clauses. I must compliment the Minister for the advice provided to me by his staff. It was very concise and very good.

His advisers are very patient, because I was very distracted last Friday whilst I was alerting South Australians, and particularly those South Australians working in the E&WS, to the very great dangers awaiting them with the release of the Audit Commission report. I must admit that the Minister's advisers had to be very patient whilst I was dealing with that issue. I was proven to be totally correct on that matter—if anything, I underestimated the impact—

Mr Brindal: Very conservative.

Mr FOLEY: Very conservative, exactly. I underestimated the number of staff who would go. It should be noted in the House that I am not one for embellishing. If anything, I am one for being a little conservative.

The DEPUTY SPEAKER: The Chair is really having difficulty in following the thread of this second reading speech. I had thought it was the Irritation Bill rather than the Irrigation Bill.

Mr FOLEY: On that note, I will conclude my remarks. I have clearly been chastised by the Chair for wandering a little. Perhaps that has more to do with the member for Unley's presence in the Chamber.

The DEPUTY SPEAKER: I am not suggesting that the fault is all on the honourable member's side. I was reflecting generally upon the assistance he had been given during his second reading speech.

Mr FOLEY: On that point, Mr Deputy Speaker, I will conclude.

Mr ANDREW (Chaffey): I rise to give some attention to this Bill for a number of reasons. As a third generation irrigator in the Riverland, I particularly feel conscious of the impact, value and importance of this Bill as it affects my electorate and irrigators in the Riverland.

Mr Brindal interjecting:

Mr ANDREW: I thank the member for Unley for that compliment. I guess the House will judge that accordingly. My interest is due also to my direct involvement in the irrigation industry and to my involvement in the varying spectrum of irrigation schemes, including the private irrigation developments and their operation and my own personal involvement as an irrigator under the Government scheme. Although a large section of this Bill was designed and engineered, if you excuse the pun, in the last Parliament, with significant general bipartisan support, I hope that the fact that I have been able to give some useful input to the fine tuning of this Bill has ultimately been reflected therein .

In the broadest sense, I believe that this Bill provides for the basis of both the responsible and efficient administration, management and distribution of irrigation water from the River Murray by existing or future irrigation bodies. This Bill does this by providing the mechanism for such a constituted irrigation trust to be more businesslike, more accountable and more versatile in the options it has available to operate irrigation areas under its control. The Bill, importantly, also addresses the issues of rehabilitation in Government irrigation areas, and I will come to that matter a little later.

The Bill is extensive, and time will not allow me to go into all its aspects. Therefore, initially I desire to focus on a number of the broad principles of the improvements proposed and then on some of the areas that will directly or specifically affect individual irrigators. First, however, it is more than appropriate that I remind the House that without doubt water is South Australia's most limited and fundamental resource. Water from the River Murray is the fundamental backbone of this resource.

Therefore, in the process of this Bill, not only must we provide for the most efficient control and management of irrigation water to maintain the current rural productivity for which it provides, not only must we provide similarly for the sustainable development of future primary production, but in doing so I believe that ultimately this will directly assist the Murray River's ability to continue as a resource for the available supply to Adelaide, provincial cities and the future industrial requirements in this State.

I return to some of the specific areas in the Bill, which addresses a number of principles. First, the Bill provides for the establishment and management of both Government and private irrigation districts, this being the basis for applying standard provisions across a whole ambit of irrigation areas to enable such areas to be managed in both similar and consistent ways. Such Government irrigation districts will be made up of land used to carry on the business of primary production—and that is a significant aspect of the principle involved here—connected to the irrigation systems in operation under the original Irrigation Act 1930. More importantly, the Bill provides for the establishment of new Government irrigation districts, if need be, and for the extension of existing districts, for extending existing systems and for the connecting of land to new or extended systems.

This is important because there may be existing infrastructure, including pumping and pipeline facilities, headworks, etc. I cite the current example at Loveday, where the existing headworks has the capacity to be used to extend the irrigation area. In addition, soil areas may be suitable for such expansion, while alternatively there may be a significant and achievable cost benefit by extending existing irrigation schemes, anyway, or by the development of current or future irrigation technology. I cite the example of drip irrigation and particularly the extensive technology implemented by Yandilla Park Limited at Renmark over the past four or five years, where historically many perennial horticultural crops in the Riverland have been assumed to be unsuitable for drip irrigation. Technological advances have since proved this not to be the case. Significant progress in terms of growing perennial horticultural crops has been achieved over the past few years with drip irrigation.

This serves to illustrate the example that, in the case of existing headworks whose historic capacity may have been designed, for example, for hydraulic or pressure requirements, the fact that technology has advanced this in itself will provide the additional facility whereby extensions of irrigation districts or irrigation areas can take place under existing headwork capacity. The second principle is that the Bill specifically addresses the land tenure concept, whereby there will be a separation of land tenure provisions from water management operation.

I endorse the principle operating in the Bill that no longer is land tenure—and in many cases it has been historically referenced by irrigation—perpetual leasehold land, with its implied irrigation rights. That is no longer directly relevant to water usage and drainage management. The way that land is now held does not encourage or control the efficient or effective management of irrigation or drainage waters. This Bill will provide the means by which both irrigation trusts and individual irrigators can be encouraged to be more accountable and more responsible as irrigators, both in irrigation and in their drainage practices, particularly as part of an overall irrigation district.

The third principle relates to the legislative framework provided in the Bill for the conversion of Government irrigation districts to private irrigation districts. This is an aspect for which I have some conviction and, I guess, a little passion. It has been brought about because of my involvement in irrigation districts, both Government and private, as I indicated initially. While these comments are not in any sense intended to denigrate the personnel involved in the operation of the Government areas, I suggest that particularly over the past decade or so mechanisms have not been available within the Government irrigation systems nor in the legislation.

Additionally, there has not been the will on behalf of the Government in office over the past 11 years to proceed with efficiency improvements that many of us would have assumed could be possible under the operation of the Government schemes. Notwithstanding that, the history and evidence speak for themselves in terms of a direct comparison between the operation of Government and private irrigation schemes. I will not dwell on this fact but I will quote the types of figures that can be used to compare the current operation of the Renmark Irrigation Trust to a private irrigation operation.

I understand that its irrigation rate for 1993-94 amounts to 4.26¢ a kilolitre, whereas the rate set for the Government schemes this year is in the order of 4.87¢ a kilolitre, and I recognise that it includes the contribution of .58¢ a kilolitre for the rehabilitation of the Government schemes. By comparison, the RIT still reflects a 12½ per cent cheaper cost of operation. The Renmark Irrigation Trust can stand on its

proud record of providing within that current charge the equivalent or better rehabilitation of the operation over the past decade. In a similar way there is a comparison with existing irrigation boards currently operating, and I cite as an example the Golden Heights, Ramco Heights and Sunlands irrigation schemes.

Although it is not possible to directly compare the formal irrigation rates in those schemes (because water is supplied under a different pressure and a different hydraulic regime) with the Government schemes, it is readily accepted by growers operating in those types of schemes—and many of them operate in a Government scheme as well—that by choice they would prefer to operate under a scheme where they have control.

Irrigators having control and management of their own schemes is well reflected in terms of the perceptive observation of those schemes, with adaptation to new technology—for example, the monitoring of water use or drainage water or monitoring the implementation of new irrigation technology in the form of sprinklers and irrigation management technology—being more readily taken up by operators under these private schemes. It reinforces this principle of allowing and providing the option for privatisation.

It reinforces our approach, both philosophically and practically as a Government, that growers and irrigators should have the freedom of choice to be in control of their own service and management of their own scheme. As outlined by the member for Hart, we are providing the democratic principles enabling the conversion from a Government scheme to a private scheme by allowing for a 51 per cent majority of irrigators. We are also moving to safeguard the interests of those who would be regarded as smaller growers or irrigators, and the conversion requirement is for greater than 50 per cent of the irrigated area within a particular scheme.

I have great optimism that once this Bill is passed the irrigators involved in Government schemes will undoubtedly see the future benefits in the privatisation options and self-management, and that there will be a swift move to take up that option both for their benefit and for the benefit of the State at large.

In the remaining time available I turn to the major aspects relating to restructuring and rehabilitation of Government areas, and I will try to summarise the background of the rehabilitation taking place. It was started in the late 1970s by the State Government of the day and areas such as Waikerie, Berri and Cooltong were rehabilitated.

Unfortunately, when the Bannon Government came to power in 1982 the program ceased, but subsequent to that, in the late 1980s, there was considerable consultation and considerable pressure from the local irrigators to get the rehabilitation under way. On a cooperative basis—with the Federal and State Governments and the growers contributing on a 40-40-20 basis to the rehabilitation—this program was recommenced, with the Federal Government contributing on a triennial basis. The total project for all Government rehabilitation was to be of the order of $40 million. Current Federal Government funding is now into the second year of that first three year program. The project hopes to secure further Federal and State Government funding and I endorse the principle. To achieve that funding we have to demonstrate levels of efficiency improvement.

Of course, to produce those levels of efficiency improvement a couple of aspects are fundamental, and I refer, first, to the transferability of irrigation rights. The only way to achieve best value, both economically and environmentally, is to ensure that water is used by the most efficient operators, in the most efficient soils, and in the most efficient geographic areas, so that it can both optimise and complement the current or future drainage operations in a particular area.

For that reason it is important that transferability be a fundamental aspect of this Bill. It will give individual irrigators and irrigation districts, whether they be Government or private, the ability to transfer to more efficient irrigators or areas. If that means that the value of irrigation rights will increase so be it, because it will reflect its value, and what irrigators can then receive is a return on investment on the value of that irrigation right.

With transferability and rehabilitation there will be considerable unused existing allocations in either current rehabilitated areas or those areas that are to be rehabilitated. Varying estimates are offered as to the amount of resource that is being unused, and I suspect that it could be of the order of 20 per cent. It is important that this Bill provides for this untapped, unused resource to be traded, or, alternatively, as we are offering under this Bill, to be held in a water bank by the Government to be used by other irrigators as they see fit to open up new irrigation development in their district or to expand to new areas.

Time does not allow me to go into detail about the potential that exists for this new development. Some of that has already been placed on record, particularly the potential expansion that will be necessary for the export requirements of the wine industry in South Australia. In the brief time available to me, I want to reflect on the principle that is operating in terms of maximising that efficiency with respect to the contribution of the Federal and State Governments. I recognise and appreciate that the priority, as a matter of principle, for all irrigation water under this Bill will be primary production. I note that some land may be expected to come out of current water use production.

In the Bill this is reflected in three areas: first, in relation to areas that are currently not necessarily being used for primary production; secondly, in relation to land that is regarded as unsuitable because of soil type or detrimental drainage projections; and, thirdly, in areas where it is regarded as unviable to extend the rehabilitation area.

I recognise and note that fair compensation is planned for land-holders in all these categories. While I recognise, particularly with land that is presently unrateable, that fair and reasonable compensation is intended and provided, I reassure land-holders who have rateable land and who for the reasons previously suggested may not be allowed irrigation water in the future that I am particularly concerned about that and am prepared to work in their interests in this regard. I note that the Bill provides not only compensation in this regard but also the facility, under the Environmental Resources and Development Court, for fair and reasonable compensation.

It is unfortunate that this is a new court and that it does not have precedents on which to operate, but at least that facility is there and hopefully it will provide fair compensation should that be necessary in respect of certain irrigators. I am delighted to support the provisions, the principles and the general detail of the Bill. I commend the Bill to the House and commend the Minister for his work in introducing it, particularly the updating of the legislation with respect to the rehabilitation areas that needed to be addressed.

The Hon. J.W. OLSEN (Minister for Infrastructure):

I thank the members for Hart and Chaffey for their contributions to the debate. I note the points that were raised by the member for Hart and the series of questions that he wishes to pursue during Committee, and we will be happy to do that. I welcome the support of the Opposition for the Bill. As has been pointed out, this Bill was drafted by the former Government and we have pursued its original goals and objectives.

I should like to make one other point in relation to this measure. It relates to a number of points made by the member for Chaffey whose electorate will be directly affected by the provisions of this Bill. I commend him for the way in which he has looked at the principles of the Bill and how they will impact on his constituents and the way in which the Bill ensures equity, fairness and compensation for people if, for the overall good of the irrigation system in South Australia, they have to leave it.

The Audit Commission talks about measures that are encompassed in this Bill. It is valid to make the point that the draft prepared by the former Government incorporated principles that have been endorsed by the Audit Commission in its report which was released yesterday, and it is further reason and substance why the present Government would want to pursue that objective.

The Murray River is South Australia's life line. The quality of water in the Murray River is essential, and the decisions of the Murray Darling Basin Commission and the decisions which are made in New South Wales and Victoria and the way in which they impact on South Australia are also important. To strengthen our case about water quality and the provision of adequate amounts of water, as a State we need to set an example. If we are to go to the Murray Darling Basin Commission and argue that there ought to be changes upstream, we need to have demonstrated that in a legislative framework.

We must implement legislation that demonstrates that we are seeking to improve water quality and management and identify productive capacity within the region with regard to export market potential and its contribution to gross State product. In other words, we must show that we are using to the maximum the resources that are available and ensuring the quality and long life of those resources. That is the main thrust and principle of the Bill. The passage of the Bill through the Parliament will ensure that in interstate forums we have a strengthened case for South Australia's interest.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Establishment or extension of irrigation districts.'

Mr FOLEY: Subclause (2)(a) refers to establishing an irrigation system or extending an existing system. Can the Minister give an example of where one would establish a new system?

The Hon. J.W. OLSEN: The honourable member might recall an answer that I gave in the House a week or 10 days ago when I indicated that 600 hectares of land had been identified at the end of an existing irrigation system that could be opened up for agricultural production purposes. For example, if we are looking at the expansion of our wine industry and the planting of varieties that will meet export demand and potential, given that we have an existing infrastructure, by extending the scheme we would be able to open up about 600 hectares which would enable vineyards to be planted to meet that export demand and potential to the year 2000. That is a practical example of what is provided in subclause (2)(a).

Mr FOLEY: If by that example the irrigation network is extended, would the cost be borne by the Government and then be handed over to industry, or would industry be expected to pay the up front costs of the extension?

The Hon. J.W. OLSEN: We would be looking to have industry involvement in the cost of the provision of the infrastructure. One of the encouraging aspects of the industry statement released by the Prime Minister at 4 o'clock this afternoon was infrastructure bonds. Not only has the Federal Government shortened the period for infrastructure bonds from 25 to 15 years, which means we will get greater institutional investment in infrastructure bonds, but, as a result of the Federal Government's white paper today, there will be greater tax deductibility for institutional investors. For example, they nominate airport facilities, water and sewage treatment plants, electricity power generation, transmission, distribution and a range of other measures.

Under the Regional Economic Development Board's policy, announced by Deputy Prime Minister Howe, included in the white paper are two programs. There is one in Sunraysia where it is indicated that $2 million a year for the next three years will be allocated for the purposes of regional economic development. Also an area around Goulburn has been nominated for a similar scheme. In my discussions with the Deputy Prime Minister late this morning about the statement that was brought down later today, he indicated that they were examples of schemes that could be put in place in other areas. I understand that $70 million federally has been allocated to the scheme. Therefore, I hope that there will be a number of opportunities in the Riverland in the electorate of Chaffey. For example, it might be possible to bring in infrastructure tax deductibility for the shifting of effluent ponds, and it might also be possible to use it to extend the irrigation system.

The funding application criteria are yet to be determined by the Development Allowance Authority, a new body established within the Federal Department of Industry. However, I hope that these benefits and incentives will be available to the schemes that I have talked about. If they are, that is one way. Another way is through private sector involvement. I take the view that if we can open up 600 hectares for vineyards, and there is a beneficiary in the private sector, that beneficiary should pay for the cost of the provision of the infrastructure.

Mr FOLEY: I thank the Minister for his response. I understand that $40 million will be provided to upgrade the existing infrastructure in terms of what is currently in place for the irrigation network. I understand that 40 per cent will be provided by the State, 40 per cent by the Federal Government and 20 per cent by the growers. I do not expect a detailed response, but can the Minister briefly expand on what that program will involve and on what the $40 million will be expended? It is a fairly significant injection of new capital into the area. I would be interested to know a little more about it.

The Hon. J.W. OLSEN: The three areas that have been nominated for rehabilitation are the Cobdogla area, Moorook and Cadell, and there are ongoing forward plans to upgrade and rehabilitate the area. It is all related to the availability of funds and, in particular, to the ability to access Commonwealth funds to underwrite a significant component of the cost of the rehabilitation schemes. It is part of the overall objective of maximising the productive return from

the region and, where sections of the regions have become depleted in their productive capacity, it is a matter of attempting to return them to maximum productivity.

A number of other schemes are being put in place. A moment ago I mentioned the Murray-Darling Basin Commission and, through the Regional Economic Development Board, the scheme announced today by the Federal Government in Sunraysia and Goulburn. That is under the auspices of the Murray-Darling Basin Commission. Sunraysia put that proposal to the last ministerial council meeting. Senator Collins pursued that scheme aggressively in the Expenditure Review Committee deliberations of the Federal Government and, as indicated to us last Friday, he was successful. Hence the announcement today.

The Murray-Darling Basin Commission has a range of strategies, and the State also commits funds to certain measures in rehabilitating and upgrading the Riverland. The Riverland is economically an important region for South Australia. Maximising the return from the region is in the interests of all South Australians, hence the commitment of funds to achieve that. We would want to access as much Federal funding as we possibly could, given the parlous state of the finances in South Australia. Under the Murray-Darling Basin Commission, the total State commitment for 1993-94 is approximately $11 million and for 1994-95 there is an estimated $12.5 million (and the honourable member would understand why it is estimated at this stage); in salinity mitigation, investigations total $126 000; operation and maintenance, $1.26 million; research in the area of natural resources management strategy, $1.9 million; and community works, $750 000. That is a snapshot of a range of the different programs under the auspices of the Murray-Darling Basin Commission.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—'Establishment of private irrigation district.'

Mr ANDREW: What are the implications for a land holder should he choose of his own free will, as implied in the Bill, not to be included in a new irrigation district?

The Hon. J.W. OLSEN: Only those who apply will be included in the scheme.

Mr FOLEY: That was a very good question from the member for Chaffey. If 51 per cent of the growers agree to take on ownership of this land, what if one or two of the other 49 per cent of the growers get obstinate about it, say they do not want to be part of it and stand their ground? If a particular member were opposed to it, how would you force that member into it?

The Hon. J.W. OLSEN: We have built into the system what one would describe as a democratic process; one would have thought that 51 per cent was democratic. If we are intent on putting measures into place that bring about beneficial change for the future and if the majority supports them, in my view they should be put in place and the scheme should proceed. It was suggested to us on one occasion that we ought not to have any benchmark such as 51 per cent and that the Government could implement the scheme in any event. However, the Government took the view that it ought to work on the principle that we need 51 per cent supporting the introduction of such a scheme, hence the provision in the Bill.

Mr FOLEY: I do not disagree with what the Minister is saying. As I said in the second reading stage, he has gone as far as he should in trying to accommodate this. But if one of the 49 per cent of growers chooses not to be part of it, I assume they simply forgo any claim to the property they may otherwise have had; if they do not agree to be part of the new private arrangements, they are simply no longer allowed to work the area.

The Hon. J.W. OLSEN: The answer I gave a moment ago stands in relation to this provision. If the will of the majority prevails, the scheme will be introduced and we will put it in place. We have developed many safeguards, and I can assure the honourable member that from the Engineering and Water Supply Department point of view it will be managed sensitively and carefully in the interests of all and will take into account all points of view but, at the end of the day, if 51 per cent want the introduction of the irrigation scheme, it will be put in place.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—'Abolition of district without application by landowners.'

Mr FOLEY: The clause provides that, if in the Minister's opinion the trust of the district is unable to carry out its functions properly because of disagreements between its members, the Minister may abolish a private irrigation area. That is a fairly significant power. If there is significant disagreement between various members of the district, the Minister has overall power simply to abolish that district. I do not necessarily have a problem with that, but will the Minister expand on that a little? The definition of a dispute is often in the eyes of those who are judging it. Is there set criteria or procedure as to what must be gone through before the Minister will want to intervene? I seek more explanation about the criteria for the Minister's deciding that it is appropriate for him to intervene in the dispute.

The Hon. J.W. OLSEN: I can assure the honourable member that the use of this provision will be an absolute last resort. The honourable member would well understand why a Minister would want to use the provision only as an absolute last resort, but it was felt important to incorporate into the Bill a measure such as this in the event that one simply had to act in the end. Failure to have this provision in the Bill would have meant that in some instances negotiations and discussions would have been neutered in that we did not have the ultimate sanction if common sense did not prevail in negotiations. Without that, one might well be held to ransom by people not being willing to negotiate a position in a reasonable conciliatory manner. It sends what can only be described as a signal to all irrigators that we are serious about efficiency and we think the plan is important in the overall context of the river system.

It is important not only in being able to manage it properly, effectively and efficiently for the interests of South Australia but also proves again that we can successfully put legislation in place for the purpose of arguments before the Murray Darling Basin Commission. That sanction will be used only as a last resort. I can assure the honourable member that, while I am Minister, every avenue will be explored prior to the invoking of this clause, and I would think that any successor would also pursue that course of action.

Mr Foley interjecting:

The Hon. J.W. OLSEN: From a political point of view and in regard to management, we would want to do that. The clear signal is that we are serious about implementation of efficiency gains in the river system and its management.

Clause passed.

Clauses 15 to 21 passed.

Clause 22—'Voting.'

Mr ANDREW: My question relates to subclauses (6), (7) and (8) and existing private irrigation schemes operating under existing Acts. As the voting is designed to roll over in terms of current voting ability under those schemes, is there an inference or a guarantee that the present voting which is inproportionate to the irrigation allocation, to the area of land holding, if there is a change of ownership, will continue in the future?

The Hon. J.W. OLSEN: Clause 10 provides that the basis for determining the value of votes can be changed, but only by resolution of the trust looking after the district and by giving 21 days notice for any change of value in voting capacity.

Mr ANDREW: I understand that, but my concern is about the votes held prior to irrigation bodies becoming a new trust. I see no guarantee for existing property owners that the basis of voting regarding the area of land held prior to the formation of the trust will not be changed if the land is sold so that the new proprietor will not inherit the same voting rights as the vendor.

The Hon. J.W. OLSEN: The values or voting capacity are encompassed in the current Act. Those values are incorporated and preserved in this Bill, and any value changes will be in accordance with clause 10, as I indicated just a moment ago. If a property has a certain voting capacity now, that voting capacity is preserved with the introduction of this Bill as the new Act.

Clause passed.

Clause 23—'Accounting records to be kept.'

Mr FOLEY: Subclause (1) provides:

> A trust must keep accounting records that correctly record and explain its financial transactions and financial position.

I foreshadowed my comment in my second reading debate. In large part property owners have had their properties administered by the department and we are now handing over the responsibility for them to do it themselves. I suspect for many growers there will be a steep learning curve in having to manage their own finances and properly to account for their property both logistically and financially. For some it will be a new responsibility. I make the point that there may be an opportunity for the Rural Assistance Branch, which is under the control of the Minister for Primary Industries, so that perhaps growers could access perhaps $2 000 or $3 000: the Government provides for business plans to be drawn up by the farm management branch or for assistance to be given so that a business plan or financial management and accounting procedures can be prepared.

The Hon. J.W. OLSEN: The conversion from one scheme to the other will get substantial assistance from the department. The assistance will be clear, set out and concise and people will have a clear understanding of the implications of the transfer for them. The member for Hart referred to the Rural Assistance Scheme and so on. That scheme is geared to deal with displacement of growers who are to be moved off the land, more so than the example just given to the Committee, provided they satisfy the requirements of the scheme, that is, accessing the Rural Assistance Scheme. That matter was the basis of discussion at the ARMCANZ meeting last week and Senator Collins indicated that in the budget (one would hope) there would be changes to the Rural Assistance Scheme to ensure greater flexibility, to provide increased funding and to give some preservation at the Federal level for the funding base of the scheme.

The Minister for Primary Industries, in the preparation of this Bill and looking at the scheme, has been closely involved in the rehabilitation/restructuring exercise currently before the House. Funding will be provided to the growers who exit the scheme and who will have the sale of their water allocations and savings in the rehabilitation scheme.

Clause passed.

Clause 24—'Preparation of financial statements.'

Mr FOLEY: As we have learnt from unfortunate experiences, audited accounts do not necessarily mean that a business enterprise has been run properly. Unfortunately, auditors have signed off on the books of the State Bank occasionally. Will the Government be requiring those audited accounts to be submitted to it for approval, or will spot checking take place? What sort of watching brief will the Government have on those operations?

The Hon. J.W. OLSEN: The Government will have access to the audited accounts, and I imagine the procedures put in place will involve spot checks. One would not necessarily want to audit them all each year. It might be necessary in the early introductory phase of the scheme to ensure that the benchmarks in operation are appropriate and satisfactory. A broader check of the auditing procedures of the respective trusts would then be undertaken. Once satisfactory procedures were in place, only spot checks might be necessary to undertake that. The simple fact is that the Government has access to those statements and it would, in due diligence, review them occasionally.

Clause passed.

Clauses 25 to 33 passed.

Clause 34—'Transfer of water allocation.'

Mr ANDREW: As I understand the clause it applies only to specific irrigation districts and not to transferability between districts. I am trying to clarify the options of transferability between districts.

The Hon. J.W. OLSEN: The transferability of water resources, of entitlements between districts, is a matter for the Minister. There is no impediment in this legislation to that.

Clause passed.

Clauses 35 to 69 passed.

Clause 70—'Trust's power to borrow, etc.'

Mr FOLEY: I ask the Minister to briefly explain what he envisages will be the ability of the trust to borrow. Whilst I accept that for this trust to work effectively it must have the capacity to borrow money to meet its ongoing capital needs, in any situation where the ability to borrow is granted it will need to be closely watched to ensure against situations where vast sums are being borrowed. I know there are issues involving security. Has the Minister considered this issue?

The Hon. J.W. OLSEN: We want to ensure that these districts act efficiently and with appropriate decision making. That includes their borrowing capacities. I refer the honourable member to the clause we discussed earlier under which the Minister has the capacity to close a water district. If one was operating totally inappropriately, borrowing beyond its capacity and means and beyond what would be a realistic level, ministerially there is a capacity under the Act to take decisive action. I hope it would not come to that. Knowing the conservative nature of country people and their diligence in the way in which they undertake—

Mr Foley interjecting:

The Hon. J.W. OLSEN: The majority of them. By far the significant majority of them undertake planning—

Mr Foley: Seventy-seven per cent of them—

The Hon. J.W. OLSEN: A proportion of 80 per cent is not bad; 80 per cent apply diligence in the way they borrow funds for agricultural purposes and production. In my dealings with country people, in circumstances such as this, they always have been prudent in the way they have operated similar schemes and in the way they apply for and spend loan funds. If there is an exception to the rule, and occasionally there is, the Minister of the day has the capacity to act.

Clause passed.

Remaining clauses (71 to 82), schedules and title passed.

The Hon. J.W. OLSEN (Minister for Infrastructure): I move:

That this Bill be now read a third time.

I thank members for their contribution to this Bill, including their support and interest in questioning certain clauses and provisions in the measure.

Bill read a third time and passed.

POLICE (SURRENDER OF PROPERTY ON SUSPENSION OF) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 921.)

Mr ATKINSON (Spence): The Opposition will support the Bill, which provides for what seems to be a sensible reserve power but I hope it will not be enforced to the letter. Police officers are suspended rather than dismissed because the disciplinary charge against them is not proved. It would be unnecessarily humiliating to strip a police officer suspended on less serious allegations of minor items of his kit, only for them to be reinstated on the failure of the allegation. Since the force was founded, police officers have been suspended from time to time, yet until now this proposed power has not been found necessary. I accept that it may now be necessary for weapons and warrants, but I hope it is not enforced in the case of every suspension.

The Hon. W.A. MATTHEW (Minister for Emergency Services): I thank the honourable member for his comments in support of the Bill and I look forward to its being supported and expeditiously processed in another place.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Duty of former or suspended member of Police Force or police cadet to deliver up equipment etc.'

Mr ATKINSON: Why has it been found necessary to enact this clause at this time?

The Hon. W.A. MATTHEW: This Bill is one of many Bills that were put to the previous Minister and were never processed by the previous Government. It is a Bill that should have been processed by the previous Government. It is put forward at this time as a commonsense change to ensure that police officers who have been justifiably suspended for a misdemeanour do not have police property in their possession during their suspension. For that reason, the Bill has been brought forward at this time.

Mr ATKINSON: How did the Police Force get by without this provision for generations?

The Hon. W.A. MATTHEW: It is fair to say 'with some difficulty'. One needs to look at the reason for this Bill's introduction. With his comments on the second reading, the honourable member supported this Bill to ensure that a suspended police officer does not have in his or her possession items belonging to the Police Department which should properly be held by the department until the case involving that officer is determined. It is a perfectly reasonable Bill. The change is commonsense and should have occurred some time ago. If the honourable member would like me to bring back to this place at a later stage a list of those Bills which the previous Ministers did not process and which are now sitting in a pile, I would be happy to do so.

Mr ATKINSON: Yes, I will accept that offer, Mr Chairman.

Members interjecting:

The CHAIRMAN: Honourable members are not to carry on conversations or debates across the floor. It is completely out of order. Any suggestion of threats is even more out of order. I ask members to come to order. The member for Spence has the floor. This is the honourable member for Spence's third question on the clause.

Mr ATKINSON: Does the Minister think it would be necessary to enforce this clause to the letter in all cases? The reason I ask is that it follows on from my second reading remarks. If an officer has been suspended, rather than dismissed, he has been suspended because the case against him is not proved. Although it may make sense to deprive him of weapons and warrants, is it sensible on a minor allegation to deprive him of all the elements of his kit only to restore them should the allegation not be proved?

The Hon. W.A. MATTHEW: The Bill quite explicitly says that a person who for any reason pursuant to this Act is suspended from his or her appointment as a member of the Police Force or a cadet must immediately surrender that property. Yes, it has been determined that that must occur because that removes any subjective decision as to whether or not someone should retain police property. Bearing in mind that we are also talking about a firearm, I believe it is quite appropriate and proper that that property be retained by the Police Department until the decision has been made concerning that officer's disciplinary hearing.

Mr QUIRKE: What is the current practice when somebody is now suspended? What does the Police Department do? It does not have this Act. The Minister has argued it should have had it for generations. Of course, it is always our fault, which is your swan song (or I hope it will be one day). At the end of the day, what does your department do now in this practice?

The Hon. W.A. MATTHEW: As under the present Act, when a person ceases to be a member of the Police Force, that property must be surrendered. When a person is suspended from the Police Force, there is no power under the Act to require that person to hand that property over. It is fair to say that the department can request, but cannot enforce, someone to do so. In most cases to date, officers have willingly surrendered their property. They certainly do not feel as though they are being placed under any greater form of punishment or that any predecision has occurred in being asked to do that. It has been normally accepted that there is concern that there is no opportunity under the Act to require an officer to do that.

Mr QUIRKE: The hint here is that firearms are involved. I would be very interested to know how many firearms are individually issued within the Police Force. My understanding is that the overwhelming number of police officers, when they commence duty, are issued with a firearm, and before they finish their duty for that particular day those firearms are surrendered. They are not individual issue, although I

understand that for some members of the CIB it is a different matter, as I also understand it is for a number of commissioned officers. How many people are likely to get caught up at least in the firearms provision of this clause? I would have thought it was overwhelmingly the case that serving police officers are not issued with their own individual firearms.

The Hon. W.A. MATTHEW: The honourable member partially answered his own question by identifying officers who are individually issued with a firearm as part of their normal line of duty. It is fair to say that this clause is aimed at requiring an officer to hand in not only a firearm but also the warrant badge identifying the person involved as a police officer. I repeat: in the past most officers have voluntarily handed in those items. There have been a couple of examples where that has not occurred. I do not think it is appropriate or fair to identify in this place the individuals concerned, but it was for that reason that this Bill was drafted in the first place, and there is no earthly reason why it should be refused.

Mr QUIRKE: We have finally got to it. It took a bit of time—and you brought this on yourself, Minister—but we have finally got to it. You told us that there were a couple of examples where people have obviously said, 'Well, you have no power to do this, so we are not going to complain.' You just told us that. You said you do not want to give us the details, and that is fine. We do not want them here, because we do not want them necessarily made public. At the end of the day we finally got to the point. Obviously, there have been a couple of examples where people have not voluntarily surrendered the sorts of equipment that the Minister is talking about.

It is nothing to do with a foot locker full of legislation that did not go through—some specific examples have provoked this. This is what we were trying to find out in the first place. We could have saved ourselves some time. It is much worse than pulling teeth—you must have some teeth in the first place. In essence, we want to know when these instances took place, and were there only two?

The Hon. W.A. MATTHEW: To identify the date of the instances would serve to identify the officers. If it assists the honourable member further, I can assure him that they took place before the last election.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

JURIES (JURORS IN REMOTE AREAS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 April. Page 854.)

Mr ATKINSON (Spence): This Bill was first proposed for the purpose of excluding from the roll of jurors to serve in circuit courts people living more than 150 kilometres from where the courts are commonly held. In the north of our State that means 150 kilometres from Port Augusta. For decades much the same result has been achieved by confining eligibility for jury service to people enrolled in State electoral districts or subdivisions of State electoral districts covering or within a reasonable distance of Port Augusta. These districts were Stuart (taking in Port Augusta and Port Pirie), Whyalla, and Custance North.

This excluded those people enrolled in the State district of Eyre, which was an electorate without cities, stretching to the borders of Western Australia, the Northern Territory, Queensland and New South Wales. Voters in Eyre were regarded as living too far from the circuit court to be jurors. Thus, people living in Ceduna, Coober Pedy and Roxby Downs were not liable or eligible for jury service. One chooses one's key verb, 'liable' or 'eligible', depending on one's attitude to jury duty. I think jury duty is just that: a duty and, given a choice, most citizens would prefer not to do it.

I concede that some jurors enjoy their work and would like to do more when their stint finishes, but I think very few people relish jury duty when they first receive the summons. People living on the eastern side of the Flinders Ranges, in Hawker, Peterborough, Jamestown, Melrose and Laura, were also ineligible because they were enrolled in Eyre. The 1991 electoral redistribution put each of the three cities in the region—Port Pirie, Port Augusta and Whyalla—into different electorates. All of these electorates acquired a port city and a hinterland of hundreds of kilometres. Port Augusta became the main population centre for Eyre. No longer was any electorate in the north comprised of remote areas only.

Thus, the 1991 electoral redistribution made all people living in remote areas in the north liable for jury duty for the first time in living memory. Of 149 such people summonsed from areas 150 kilometres or more beyond Port Augusta in the first nine months of 1993, 107 asked to be excused before attending the circuit court for service; seven attended in order to apply to be excused and were there excused; 33 did not respond to the summons; and only two served as jurors. The Government introduced the Bill to exempt these people from eligibility or liability for jury duty, not being able to do it by reference to the electorate in which they were enrolled.

There no longer being a purely remote electorate the Government proposed to do it by the distance of a person's abode from the court. The Government argues that jurors living more than 150 kilometres from a court cannot return home of an evening during the series of trials for which they are empanelled. My Party and the Democrats in another place took a different view from the Government. My Party and the Democrats argued that jury duty was an important civic duty that no-one should be denied. It was argued that women had struggled for the right to be empanelled on juries and it had only been granted them in 1965.

It was argued that the exclusion of people—those living more than 150 kilometres from the circuit court—from jury duty could be the first in a long list of statutory exclusions, and this would be detrimental to our rule of law and democratic traditions. It was argued that people in remote areas who are prepared to undertake the civic duty of jury service should not be prevented from serving. The Bill before us bears the stamp of those latter opinions. People living in remote areas are to remain liable for jury duty but their attendance is optional. Summonses to jurors in remote areas must bear an endorsement that attendance is optional.

The Government has foreshadowed that in Committee it will remove the stamp of Labor Party and Democrat opinion from the Bill and restore the exclusion of liability for jury service. The Government says the Bill in its current form will inconvenience the Sheriff organising juries at Port Augusta, because he will not know how many of the potential jurors he has summonsed will attend. There is much to be said for both sides of the argument. I must adhere to my Party's position. I do not think the Government is claiming the Bill as part of its electoral mandate. I suppose—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier laughs. Perhaps he will claim it as part of his mandate. Perhaps it was

whispered at Thebarton Town Hall. We will see in his speech in reply. I suppose the Bill will be yet another task for a conference of managers next week.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for his contribution. Actually, it was a very good contribution and I congratulate the member for his comments on the Bill. It outlines the great dilemma we have, and I can assure the member that it is a matter that exercised my mind at the time we were considering the Bill.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: It is not a great dilemma in the scheme of things, but it is an issue of whether you exclude people through some criteria when indeed they may not wish to be excluded, and does that reflect on them? Are they being discriminated against in the process?

From the Government's point of view, we have to achieve a workable system. Because of the overnight stays involved, as the honourable member would understand, there is pressure on families when jury members are required to serve for a number of days, and in some cases a number of weeks. Jury service requires confidentiality, and lock-up situations can last for some considerable time. As to whether 150 kilometres is an appropriate rule, that has not changed with the debate here or as a result of the member's contribution: it is just the issue of how people should be selected for the process.

In Committee we will look at that issue. The Government will be moving amendments which we hope will meet the spirit of what the Opposition in another place raised and what was reiterated in this place, namely, that we do not wish to reduce anyone's right to participate. I thank the member for his contribution. We will address the issue of how we manage this delicate situation so that those people who do wish to be involved in jury service, even if they live 150 kilometres away from the court, can participate.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Residence qualification.'

The Hon. S.J. BAKER: I move:

Page 2, lines 16 to 27—Leave out paragraph (b).

If the honourable member looks at this amendment in conjunction with my next amendment, he will see that we have slightly rewritten the Bill to come up with a somewhat different outcome than that which has been pursued in another place, but it is still one which I believe reflects the flavour of what we and I suspect the honourable member want to achieve.

As the clause stands, a person can be summoned for jury duty but not turn up. That is a difficulty. In order to overcome this—and it is not perfect; nothing is necessarily perfect in this world—the amendment reflects the right of a person to participate. This amendment deletes paragraph (b), and we will then move to amend section 23 of the principal Act by inserting a new clause 6A. That clause provides that if a person lives beyond the 150 kilometre limit the officer can write to them and say, 'You have been selected for jury service but please notify us within a month should you wish to participate.'

This will mean that the democratic principles have been upheld. It will mean that before an officer attempts to form a jury the officer will know exactly what lists can be called upon. As I said, there is nothing quite perfect in this world, but the honourable member may wish to take advice in respect of the new clause if he feels uncomfortable with the amendment now before the Committee. However, I believe it meets the criteria.

Mr ATKINSON: The Deputy Premier has been most generous in moving this amendment. I believe it is perfectly sensible and I hope that my colleagues in another place will see it the same way.

Amendment carried; clause as amended passed.

New clause 6A—'Selection of names to be included in annual jury list.'

The Hon. S.J. BAKER: I move:

Page 2, after line 27—Insert new clause as follows:

6A. Section 23 of the principal Act is amended by inserting after subsection (3) the following subsection:

(3a) Where it appears to the sheriff from information contained in an electoral roll that a person whose name has been selected for inclusion in an annual jury list resides at a place that is more than 150 kilometres from the place at which the jury is to be empanelled, the sheriff—

(a) must give written notice to the person that his or her name has been selected for inclusion in the annual jury list for a particular year but that it will not be so included unless the sheriff receives, within one month of the date of the notice, a written request from the person that his or her name is to be so included; and

(b) will not include the person's name in the annual jury list unless such a request is received within one month of the date of the notice.

Mr ATKINSON: My earlier remarks were, of course, directed to this new clause. It is possible that someone living at Thevenard will be a keen viewer of *Consider Your Verdict* or *The Bill* and will want to put their name forward for jury service and travel to Port Augusta. This new clause preserves their right to serve on a jury and I support it.

New clause inserted.

Clause 7—'Summons.'

The Hon. S.J. BAKER: I oppose the clause, basically because it is consequential on the other changes that have taken place.

Clause negatived.

Clauses 8 to 10 passed.

New clauses 11 and 12, and schedule.

The Hon. S.J. BAKER: I move:

Page 3, after clause 10, insert new clauses and schedule as follows:

Statute law revision amendments

11. The principal Act is further amended as set out in the schedule.

Transitional provision

12. For the purposes of section 8(2) of the principal Act, the jury districts constituted under subsection (1) of that section will, until varied by the Governor under that section, be taken to have been declared to consist of the subdivisions of which they were comprised immediately before the commencement of this Act.

SCHEDULE

Statute Law Revision Amendments

Provision Amended	How Amended
Sections 5 and 6	Strike out 'shall' (twice occurring) and substitute, in each case, 'will'.
Section 7(1) and (4)	Strike out 'shall' (twice occurring) and substitute, in each case, 'will'.
Section 8(2)	Strike out this subsection and substitute: (2) The jury districts constituted under subsection (1) consist of the subdivisions declared by the Governor by proclamation.
Section 8(4)	Strike out 'shall be unaffected' and substitute 'is not affected'.
Section 11	Strike out 'Every' and substitute 'Each'. Strike out 'shall' and substitute 'is'.

	Strike out 'be'.
Section 12(1)(a) and (b)	Insert 'or she' after 'he' (twice occurring).
Section 12(1)(c) and (d)	Insert ', he or she' after 'relevant date' (twice occurring).
Section 12(1)(c)(i)-(iii)	Strike out 'he' (wherever occurring).
Section 12(1)(d)(i) and (ii)	Strike out 'he' (twice occurring).
Section 12(1)(e)	Insert 'or she' after 'he'.
	Strike out 'bound by a recognizance' and substitute 'subject to a bond'.
Section 12(1)(f)	Insert 'or she' after 'he'.
Section 13	Insert 'he or she' after 'if'.
	Strike out 'he' (wherever occurring).
Section 13(b)	Insert 'or her' after 'him'.
Section 13(c)	Strike out 'the third schedule' and substitute 'schedule 3'.
Section 14	Strike out 'shall not be' and substitute 'is not'.
	Insert 'or she' after 'he'.
Section 15	Strike out 'No' and substitute 'A'.
	Strike out 'shall' and substitute 'cannot'.
Section 16(1)	Strike out 'he' and substitute 'the sheriff'.
Section 17	Insert 'or her' after 'his'.
	Strike out 'co-partnership' and substitute 'partnership'
Section 18	Redesignate to read as section 18(1).
	Strike out 'pursuant to' and substitute 'under'.
	Strike out 'When any such order is made, the judge shall notify the sheriff and the applicant shall be summoned as a juror in accordance with the order.'.
Section 18(2)	Insert the following subsection after subsection (1): (2) The sheriff must comply with an order made under subsection (1).
Section 19	Strike out 'any' and substitute 'a'.
	Insert 'or she' after 'he'.
Section 20(1)	Strike out 'shall' and substitute 'must'.
	Strike out 'the thirty-first day of December' and substitute '31 December'.
Section 20(2)	Strike out 'It shall be the duty of the Electoral Commissioner and his deputy, officers and servants to render' and substitute 'The Electoral Commissioner must give'.
Section 21(1)	Strike out 'Every' and substitute 'The'.
	Strike out 'shall' and substitute 'must'.
Section 21(2)	Strike out 'Every' and substitute 'The'.
	Strike out 'a jury district other than the Adelaide Jury District shall' and substitute 'any other jury district must'.
Section 24	Strike out 'Every' and substitute 'An'.
	Strike out 'shall come' and substitute 'comes'.
	Strike out 'the first day of January' and substitute '1 January'.
Section 25(2)	Strike out 'shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars' and substitute 'is guilty of an offence'.
	Insert at the foot of subsection (2) the following: 'Penalty: Division 8 fine.'.
Section 29(1) and (2)	Strike out 'shall' (twice occurring) and substitute, in each case, 'must'.
Section 29(3) and (4)	Strike out 'shall' (twice occurring) and substitute, in each case, 'will'.
Section 29(5)	Strike out 'shall be again' and substitute 'must again be'.
Section 30(1)	Strike out 'shall' and substitute 'must'.
	Strike out 'the fifth schedule' and substitute 'schedule'.
Section 30(3)	Strike out 'Every such summons' and substitute 'A summons must be served'.
Section 30(3)(a)	Strike out 'shall be served'.
	Insert 'or her' after 'his'
Section 30(3)(b)	Strike out 'shall be served'.
Section 31(1)	Strike out 'shall' and substitute 'must'.
	Insert 'or her' after 'his'.
Section 31(2)	Strike out 'shall' and substitute 'must'.
	Insert 'or her' after 'him'.
Section 32(1)	Strike out 'shall' (twice occurring) and substitute, in each case, 'will'.
Section 32(2),(3),(4), (5) and (7)	Strike out 'shall' (wherever occurring) and substitute, in each case, 'must'.
Section 33	Strike out 'shall' and substitute 'must'.
	Strike out 'the sixth schedule' and substitute 'schedule 6'.
Section 42	Strike out 'Upon' and substitute 'On'.
	Strike out 'shall' and substitute 'must'.
Section 43	Strike out 'shall' and substitute 'must'.
Section 46	Strike out 'shall' (twice occurring) and substitute, in each case, 'must'.
Section 47	Strike out 'shall' and substitute 'will'.
Section 54	Strike out 'shall' and substitute 'must'.
Section 56(2)	Strike out 'shall' and substitute 'will'.
Section 57(1)(a)	Strike out 'shall' and substitute 'will'.
Section 57(2)	Strike out 'shall' and substitute 'can'.
Section 57(3)	Strike out 'he' and substitute 'the person'.
Section 57(3)(a)	Strike out 'shall' and substitute 'must'.
	Insert 'or she' after 'he'.
Section 57(3)(b)(i)	Strike out 'shall' and substitute 'must'.
Section 59(1)	Strike out 'Whenever' and substitute 'If'.
Section 59(2)	Strike out 'shall' and substitute 'will'.
	Strike out 'deemed' and substitute 'taken'.
Section 59(3)	Strike out 'shall' and substitute 'will'.
	Strike out 'shall have' and substitute 'has'.
Section 60	Strike out 'any such discharge' and substitute 'discharging a jury'.
	Strike out 'first mentioned' and substitute 'previous'.
	Strike out 'shall be qualified to' and substitute 'may'.
Section 60a(1)	Strike out 'notwithstanding anything contained in' and substitute 'despite any other provision of'.
Part VII heading	Strike out 'AND TALES' and substitute ', ETC.'.
Section 61	Strike out 'Crown' and substitute 'prosecution'.
Section 63	Strike out 'Every' and substitute 'A'.
	Strike out 'shall be' and substitute 'is'.
	Strike out 'shall' (second occurring) and substitute 'will'.
Section 64	Strike out 'Every' and substitute 'A'.
	Strike out 'shall' and substitute 'must'.
	Insert 'or her' after 'his'.
	Insert 'or she' after 'he'.
Section 65	Strike out 'shall be' and substitute 'is'.
Section 66	Insert 'or she' after 'he'.
	Strike out 'shall' and substitute 'must'.
Section 68	Insert 'or she' after 'he'.
	Strike out 'shall' and substitute 'will'.
Section 69(1)	Strike out 'shall' and substitute 'must'.
Section 69(2)	Strike out 'shall' and substitute 'will'.
Section 70(1)	Strike out 'Every' and substitute 'A'.
	Insert 'or her' after 'his'.
Section 70(2)	Strike out 'shall' and substitute 'will'.
	Strike out 'General Revenue of the State' and substitute 'Consolidated Account'.
Part IX heading	Strike out 'AND PENALTIES'.
Section 78(1)(a)	Strike out 'thrice called' and substitute called three times'.
	Insert 'or her' after 'his'.
Section 78(1)(d)	Insert 'or she' after 'he'.
Section 78(1)	Strike out 'shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars' and substitute 'is guilty of an offence'.
	Insert at the foot of subsection (1) the following: 'Penalty: Division 8 fine.'.

Section 84	Strike out this section.
Section 85	Strike out 'shall be' (twice occurring) and substitute, in each case, 'is'. Strike out 'he' (first occurring). Insert 'or she' after 'he' (second occurring).
Section 86	Strike out 'be' (first occurring) and substitute 'is'. Strike out 'shall' and substitute 'may'.
Section 88	Strike out 'upon' and substitute 'binding on'. Strike out 'shall' and substitute 'will'.
Section 92	Strike out 'shall alter or affect' and substitute 'alters or affects'. Strike out 'coroners inquests' and substitute 'a coroner's inquest'.
Second schedule	Strike out this schedule.

This is the result of a matter that was raised in another place. When looking at Bills, we should attempt to make them non-sex specific. That had not been done and the matter was raised. The amendments reflect the change so that we do not have gender specific, namely, male specific references in the Act. I understand that all those cases have now been amended.

Mr ATKINSON: The point I make relates to the whole idea of statute law revision amendments changing our language. I want to repeat a criticism that I made in the previous Parliament about some of the language changes that were made. I do not approve of some, although others are quite sensible. In particular, I do not approve of changing 'shall' to 'will' in all circumstances. Although to those from Ireland, Scotland and the North of England, 'shall' and 'will' mean exactly the same thing, to people from the Home Counties there is quite a distinction. I think there is a loss of meaning in merging the two.

The Hon. S.J. BAKER: I have a great deal of sympathy with the argument that has just been expressed. The law makers set the rules, but often the boundary lines change and we have to put up with those changes. I can only assume that what we are doing in the schedule is not only related to sex, namely, the male gender being mentioned in all cases in the Bill, but some other relatively minor amendments relating to the directions.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Yes, that is right. I like the term 'shall', but the law makers now say it has to be 'will', so I will bow to greater judgment in these circumstances. I can only presume this is in keeping with the current standard being laid down.

Mr ATKINSON: I understand that the substitution creates absurdities in the Wills Act.

The CHAIRMAN: It smacks of the Ten Commandments: Thou shalt not; I will.

New clauses and schedule inserted.

Title passed.

Bill read a third time and passed.

RACING (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—After line 17 insert new clause as follows:
Amendment of section 5—Interpretation
3A. Section 5 of the principal Act is amended by striking out the definition of 'interstate TAB' from subsection (1) and substituting the following definition:
'interstate totalisator authority' means a body or person who is entitled under the law of another State or Territory of the Commonwealth to conduct totalisator betting in that State or Territory.

No. 2. Page 2—After line 6 insert new clause as follows:
Amendment of section 68—Deduction of percentage from totalisator money
6a. Section 68 of the principal Act is amended—
(a) by striking out from subsection (1)(ab)(i) 'interstate TAB' first occurring and substituting 'interstate totalisator authority, must';
(b) by striking out from subsection (1)(ab)(i)' must, under the law of the State or Territory in which interstate TAB is established,' and substituting ', under the law of the State or Territory in which the interstate totalisator authority is entitled to conduct totalisator betting, must';
(c) by striking out from subsection (2) 'interstate TAB' and substituting 'interstate totalisator authority'.

No. 3. Page 3—After line 18 insert new clause as follows:
Amendment of section 82a—Agreement for pooling bets with interstate totalisator authority
7a. Section 82a of the principal Act is amended—
(a) by striking out from subsection (1) 'interstate TAB' firstly and secondly occurring and substituting, in both cases, 'interstate totalisator authority';
(b) by striking out from subsection (1) 'conducted under the law of the State or Territory in which the interstate TAB is established' and substituting 'conducted by the interstate totalisator authority under the law of another State or Territory';
(c) by striking out paragraph (a) from subsection (4) and substituting the following paragraph:
(a) the law for the time being of the State or Territory in which the interstate totalisator authority is entitled to conduct totalisator betting—
(i) includes a provision corresponding to section 68 under which a percentage (being a percentage within a range prescribed by regulation under this Act) of the amount of the bets accepted by the Totalisator Agency Board under the agreement must be deducted from those bets; and
(ii) does not prevent the execution or operation of the agreement in accordance with subsection (5);;
(d) by striking out from subsection (4)(b) 'interstate TAB is established' and substituting 'interstate totalisator authority is entitled to conduct totalisator betting';
(e) by striking out from subsection (6)(a) 'interstate TAB' and substituting 'interstate totalisator authority';
(f) by striking out from subsection (6)(b) 'interstate TAB is established' and substituting 'interstate totalisator authority is entitled to conduct totalisator betting'.

The Hon. J.K.G. OSWALD: I move:

That the Legislative Council's amendments be agreed to.

This legislation initially went through the House of Assembly and then to another place. Whilst it was in the other place certain amendments were placed in the legislation and it has now been returned to this place for agreement or otherwise. In view of the proceedings in the other place, I think it would be useful to put on record the reasons why the Government found it necessary to insert additional clauses.

Members will be aware that the Victorian Government has just proceeded to privatise the Victorian TAB. In view of the speed with which it was brought about and the lack of public information concerning that legislation, we were not able to prepare appropriate amendments to this Bill while it was in the Lower House. Indeed, it was only through intergovernment officer to officer level discussion and a press release in the Victorian media that we were able to start drawing up amendments to cover the future operation of the South Australian TAB.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. J.K.G. OSWALD: Prior to the dinner adjournment I was explaining to the House why I found it necessary to move additional amendments to the Racing Act. As members will recall, the Racing Act went through this place and to the Upper House and, while it was in that transitional period in the other place, the Victorian TAB privatised and it was necessary to bring in additional amendments to cover that event. I want to put on the record some of the technical reasons why I found it necessary to move those amendments.

With respect to the amalgamation of our win and place totalisator pools with the Victorian TAB, the current Racing Act provides that our TAB must have an agreement with an 'interstate TAB' and that the statutory deduction on those bet types is to be not less than 14 per cent nor more than 15 per cent. From the information coming out of Victoria, we are aware that, in the process of privatising the Victorian TAB, an unincorporated joint venture will be formed which is 75 per cent owned by the new public company (TABCO) and 25 per cent owned by the racing industry (RACECO).

For the purposes of pooling win and place bets, the current agreement between our TAB and the Victorian TAB will be transferred to this unincorporated joint venture. This will immediately invalidate our current agreement by reason of the provisions contained in our Racing Act, hence the need for amending legislation to alter the definition of 'interstate TAB'. More importantly, we have been advised that the memorandum of agreement between the Government and the racing industry in Victoria provides for a statutory maximum amount which can be deducted from totalisator pools. This amount is 16 per cent of the aggregate turnover and 20 per cent in respect of any individual pool per event.

This means that in any given financial year the new joint venture (the TAB and the racing industry) must ensure that the statutory deductions or commissions from all bet types must not exceed 16 per cent in the aggregate. In other words, the joint venturers could set win and place at, say, 13 per cent, daily doubles at 15 per cent, quinellas at 16 per cent, trifectas at 17 per cent and quadrellas at 20 per cent. No deduction is to be greater than 20 per cent.

Clearly, the Victorian legislation would allow the racing industry joint venturers a deal of flexibility in setting statutory deduction rates. However, this flexibility will cause substantial problems for us and the other States if the Victorians commence to compete for investors. Notwithstanding this problem, the new Victorian legislation will mean that our TAB will not be able to continue to amalgamate win and place pools, due to the restrictions imposed by the current Racing Act provisions, because these provisions provide that both our TAB and interstate TAB must have a statutory deduction on win and place bets within the range of 14 and 15 per cent.

The options for South Australia were first to do nothing, which would mean reverting back to our own, unamalgamated, smaller win and place pools. The second option was to commence negotiations with another State or States regarding an amalgamation of win and place pools. The third option was to amend our Racing Act to provide for a continuation of the current amalgamation with Victoria, and this would require that the appropriate statutory deductions for win and place totalisator investments be determined by regulation from time to time. At this time, the regulations should prescribe that the deduction be between the ranges of 14 and 15 per cent, as is currently the case. Any future movements from this range, if approved, could then be accommodated by amending the existing regulations.

I believe that option 3 is the most attractive and most efficient. First, from the technical point of view, the communication and computer technologies already exist and there will be no requirement to change over to meet the needs of a different State. Secondly, an amendment to our Act to enable statutory deductions to be altered by regulation would give this State some flexibility to match interstate movements in deduction rates quickly; and, thirdly, the process of altering rates by regulation would still enable the Minister and the Treasurer carefully to assess the financial implications particularly of downward movements in commission rates prior to authorising any change. The amendments are before the House and I commend them to all members.

Motion carried.

CRIMINAL LAW CONSOLIDATION (SEXUAL INTERCOURSE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 924.)

Mr ATKINSON (Spence): The Opposition has studied the Bill most carefully. We support the Bill and hope it becomes law as soon as possible after its passage in the House. Speaking for myself only, I am glad that the Attorney-General and the shadow Attorney-General did not proceed with retrospective enactment of this amendment to the criminal law. However, it was a close run thing. We have been urged by people and by an organisation, the Women's Electoral Lobby, which has a self-image of left liberalism, to make the Bill retrospective. I want to talk for a minute or two about what that would mean. Citizens cannot obey the criminal law if they cannot be certain what it is. A retrospective amendment to the criminal law cannot guide a citizen's conduct at the time of the alleged offence or be obeyed, because at that time the amendment did not exist. Conduct which our criminal law requires or forbids should be of a kind that citizens can reasonably be expected to do or avoid.

Some say the definition in the Bill should be changed retrospectively to the mid 1980s, when Parliament last considered the definition, because this change is what each of the 69 members of the State Parliament really meant when they last deliberated on the definition. The last part of that claim is absolutely conjectural. I think the Judicial Committee of the House of Lords replied to this reasoning aptly in the 1978 appeal, *Stock v Frank Jones*, as follows:

> In a society living under the rule of law, citizens are entitled to regulate their conduct according to what a statute said rather than what it was meant to say or by what it would have otherwise said if a newly-created situation had been envisaged.

People should go to gaol for a breach of the plain words in the criminal law, not for a breach of the intentions of members of Parliament.

It is remarkable that self-styled civil libertarians have quizzed the Attorney-General about whether there are or might be accused persons whose crime is alleged to have occurred in the past 10 years whom the amendment before us would convict and imprison were it retrospective. The Attorney was asked this not with a view to avoiding injustice to those accused but with a view to encouraging him to make the Bill retrospective so that they could be charged with rape when their assault was not rape at the time the allegation was made.

If this Bill were retrospective, it would not be a law: it would be a Bill of attainder, that is, a Bill prescribing criminal penalties for named individuals or a class of individuals so small that their names can be readily listed. How thin is the veneer of liberalism and rule of law when the accused and his conduct are not politically correct? I thought the era of Bills of attainder was past. The reasoning of the Australian Democrats on this Bill reminds me of the analogy clauses in the Criminal Code of National Socialist Germany that made punishable 'acts deserving of punishment. . . according to the healthy instincts of the race'. Delete the words 'healthy instincts of the race' and insert in lieu 'cannons of political correctness' and we have the Australian Democrats' criminal justice policy.

The criminal law should be not what the Hon. Mike Elliott intends but what the words of the statute say it is. It reminds me also of Article 16 of the Soviet Union's Criminal Code prohibiting all 'socially dangerous acts'. I stand by the principle that changes to the criminal law should not be retrospective. I am thankful to live in a jurisdiction where the courts presume that changes to the criminal law are not retrospective or intended to be retrospective. I realise that this area of law is not a good or fashionable one in which to make the points that I have made, but proposals for retrospective changes to the criminal law ought to be rebutted whenever they are made. I support the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank the honourable member for his contribution to the debate. The issue of retrospectivity and what the Parliament meant when it actually changed the law is one over which we often get ourselves into a tangle in this Parliament. It was always my belief that if the law intended that a certain—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is exactly right. If Parliament intended that a certain law should prevail and that the conditions that the Parliament expressed at the time were those that should relate to the offence, as is the case here, and the technicality was created as a later event, I believe it was clearly understood at the time that the law should have prevailed in the way the Parliament assumed it would. However, the honourable member has put a very powerful case. Of course, it is only one side of the story because there is no doubt in the mind of the Parliament when it made the change that certain acts would be regarded as sexual intercourse.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: If the honourable member wishes to revisit the debates in the Parliament, he may get an insight into what was actually said; he was not here at the time.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No. We passed a number of Acts in this Parliament believing we were changing the law in a particular way, and subsequently there was a judicial interpretation stating that the conditions laid down were not sufficient to prove the case because the law was not sufficiently finite in particular areas.

Mr Atkinson: Do you support retrospective criminal—

The Hon. S.J. BAKER: I was going to get to that, if the honourable member would just hold his comments. This is a serious issue. The Attorney has already reported that if the law is not made retrospective it will cause difficulties and mean that a lower level of offence will be charged, in this case sexual interference.

Mr Atkinson: But the same penalties will apply.

The Hon. S.J. BAKER: I was coming to that. It would be charged as sexual interference rather than rape involving what everyone assumed would be the rape charge. However, we have alternatives under the law. As the honourable member has rightly pointed out, the law is there and once we have set the law in place it must be beyond doubt. A doubt has been created; the High Court has ruled and, therefore, we cannot charge that offence where the offences outlined in the second reading debate have occurred.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: As the member for Spence points out, it may well be the intention of the Australian Democrats to do so. On this occasion whether or not it should be retrospective has been a matter of considerable debate. Wisdom has prevailed and it is not retrospective. There are alternatives under the law that can be used. It is not a fact that a person who has committed the offence will get off scot-free. There are other offences under the law which will mean that a person who has committed the offence will face a penalty if the charge is proved. As the honourable member points out, a similar level of penalty does prevail. I am not sure whether it is the same level of penalty and I would have to go back to the Criminal Law Consolidation Act to check that, but sexual interference is certainly regarded as a serious offence. It does not have the same connotations as rape, and perhaps those parents who have been traumatised by such events would wish that the higher offence of rape was the one to be charged.

However, I appreciate the Opposition's support for this measure, which has been deemed necessary as a result of the court's determining what is sexual intercourse. We have now made it quite explicit and, therefore, no member of the bench should be in any doubt about Parliament's intention. I thank the Opposition for its support of this Bill.

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

STATUTES AMENDMENT (TRUTH IN SENTENCING) BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 923.)

Mr ATKINSON (Spence): At the outset, it is important to say that the Liberal Government has an undoubted mandate to bring this Bill to the Parliament. The Opposition will be supporting the Bill but will be making some criticisms of it in Committee. It is fair to say that on questions of criminal justice there is a substantial measure of agreement between the Liberal Party and the Labor Party. We may disagree about the means but we do agree about the ends. Both the Liberal Party and the Labor Party regard it as important and a primary function of Government that we should protect citizens from violence and theft.

That agreement does not extend to the Australian Democrats. If there is a Party in Parliament which is most sympathetic to the point of view of criminals and alleged criminals it is the Australian Democrats. They see far more important functions of Government than protecting citizens from violence and theft. However, I must say there is a measure of agreement between—

Mr Wade interjecting:

Mr ATKINSON: As the member for Elder says, saving trees; yes, I think the Australian Democrats do regard that as more important than maintaining civil order. There is a

measure of agreement between the two major Parties in this State which does not extend to the Australian Democrats. The debate on the criminal justice system in this State is really a debate between the Liberal Party and the Labor Party on one side and the Democrats on the other. Thus, this Bill will not be the subject of great contention in this House but it will be subjected to far more criticism in another place.

That is not to say that I am an uncritical admirer of the Bill: an honest, conservative Bill on sentencing would be accompanied by a commitment to spend money on new prisons. The purpose of this Bill is to put more convicted criminals behind bars. Indeed, I think the Minister has said on radio that the Bill will put at least 360 new prisoners behind bars, and that is its intention. Perhaps if I had the Minister's attention he could confirm that that was the number of new prisoners that he estimated would be incarcerated by the operation of this Bill. The Minister confirms that that is so.

An honest, conservative sentencing Bill would be accompanied by a commitment from the Government to build and maintain new prisons. I think there is much to be said for the view that crime in contemporary society has grown so much that the only response, negative though it may be, is to imprison more people. The Government's judicial branch may have to do this not because imprisoning people is going to lead to their rehabilitation or improvement, but just to keep them away from their victims and potential victims. Yet, far from the Government having an intention to build new prisons to accommodate the people imprisoned by the operation of the Bill, the Government intends to do the opposite. It plans, although it will not yet acknowledge this, to close Cadell and Port Lincoln prisons.

This week, the Government has tabled in the House the report of the South Australian Commission of Audit entitled, 'Charting the way forward. Improving public sector performance'. Under the heading 'Correctional Services' the report, which has the Premier's endorsement, states:

> . . . an average annual net cost per prisoner in custody in 1992-93 of $64 000 and home detainee costs per prisoner $7 576. The cost of administering and supporting community service orders is. . . around $166 per week.

That is a dot point made under the heading 'Some key features of the South Australian correctional services system.' A clear implication there from the Commission of Audit is that we ought to be moving to home detention and community services. This Bill does precisely the opposite. The Commission of Audit report goes on to say:

> South Australia spent around 25 per cent more on corrective service activities than was required to provide the same level of comparable service across all States. . . which can be attributed to the combination of a high rate of overall 'sentencing activity' per capita. . .

Further, it states:

> These figures indicate a high imprisonment rate per 100 000 population of 74.4 persons relative to Victoria, Queensland and Tasmania. . . The fact. . . that South Australia has the highest proportion of people being held in prison on remand waiting sentence (25 per cent as opposed to an interstate average of 17 per cent) is also significant in terms of the cost of the system and numbers in imprisonment.

The report continues:

> Based on discussions with the department and their submissions to the commission, a number of areas have been identified for action in relation to improving the productivity of its operations.

One of the dot points is:

> . . . reviewing the processes for sentencing in South Australia, including the consideration of alternatives to imprisonment.

Again, I emphasise that yesterday in the Parliament that report was tabled recommending the complete opposite of what this Bill intends to do. I am not saying whether the commission or the Minister is right. I will say it once: my sympathies are with the Minister. The Premier gave his imprimatur to this report just yesterday. The report goes on to state:

> . . . as indicated in table 16.8, South Australia has a high imprisonment rate per capita due to its apparent greater propensity to imprison and remand offenders.

It is very odd that this criticism is being levelled at the South Australian criminal justice system, a criminal justice system that for 11 years has been under the control of a Labor Government. It is remarkable because, while the commission criticises the Labor Government for having a criminal justice system that imprisoned too many people, the Minister criticises us from the opposite tendency.

The Hon. W.A. Matthew interjecting:

Mr ATKINSON: The Minister is right; I am selectively quoting because I think everyone in the Parliament would be bored stiff if I read the entire 480 pages of the second volume of 'Charting the way forward'. I shall not do that. I will selectively quote. If the Minister can find quotes of the opposite tendency in this section of the report then I invite him to quote those sentences in his reply on the second reading or in Committee. After all, he does have the drop on me. He can speak twice. He can speak after me. He will have the opportunity to put his point of view. What I am telling the House is that the Commission of Audit is saying that South Australia has a rate of imprisonment which is too high. That is the view of the Commission of Audit, and if the Minister can quote sections of the report which say differently I will be very interested to hear those quotes. He says I am quoting selectively: yes I am, but I believe I am fairly summarising the tendency of the Commission of Audit's report. The report goes on:

> Where sentencing is necessary, greater reliance should be placed upon alternative non-custodial corrective mechanisms (particularly for minor non-violent offences) to enhance the cost effectiveness and behavioural change desired from the act of sentencing. This could include a greater use of measures such as—

and wait for it, Mr Speaker—

> home detention (the numbers of which are currently declining); the wearing of electronic surveillance bracelets; farm camps; a broader range of community work tasks such as reafforestation and tourism projects—

perhaps the member for Elder thinks that that will get the Democrats in; and I am sure it will—

> and civil enforcement processes particularly in relation to fine defaulters (for example, Victorian reforms in this area). In making these recommendations, it should be recognised, however, that the down side of these more cost efficient alternative corrective actions is a potential risk of a higher number of escapees—

they mean, of course, 'escapers'—

> from the system.

The Minister laughs. The naivety of the Liberal dries, who drafted this report, is remarkable. The ideological tension within the Liberal Party over this issue is interesting. It is of no surprise that the Liberal Party is speaking with two different voices on this issue because, on the one side, you have Conservatives who want to promote civil order and discourage crime by increasing the rate of imprisonment, and I say more power to their arm—

The Hon. W.A. Matthew interjecting:

Mr ATKINSON: Well, one cannot tell what the Minister is this week. There is the remarkable story about how he promised to vote for John Olsen and then changed his mind in the car on the way to the Party meeting.

The SPEAKER: Order! The member must link up his remarks.

Mr ATKINSON: I am sorry for offending your factional colleague, Mr Speaker. The Minister incorporates a bewildering combination of left liberalism and conservatism, and one can never tell where he is at any time. So, on the one hand, we have Conservative Liberals who support this Bill and its intention; and, on the other hand, we have people like the Premier and obviously members of Cabinet who want to reduce the cost of government and support the Commission of Audit recommendations to reduce the rate of imprisonment in South Australia. Then, of course, you have members such as the member for Coles who support the Democrats' approach to the criminal justice system. But I will leave the member for Coles aside, because rarely do we hear her voice in this Chamber.

That was the Commission of Audit report which runs directly contrary to the intention of the Bill before us. This Bill is not entirely conservative in its provisions. If you believe the rhetoric of the Minister, you would believe that the rate of imprisonment will rise enormously; that criminals will get condign punishment; that this is the end of the shortening of sentences by administrative decree; and that this will result in prisoners being sentenced to terms of imprisonment and those terms of imprisonment sticking. Well, that is not the case. There are several liberal tendencies in this Bill, but they are fairly well disguised in the public rhetoric of the Minister.

One of the last things the Minister does in this Bill is to invite judges to reduce sentences to take account of the abolition of remissions. The Minister says that the Bill will abolish remissions and therefore no prisoner will have his or her sentence administratively shortened. This means that in the future judges will sentence prisoners and they will serve their sentence. However, at the same time the Minister is whispering to the judges, through this Bill, 'Do not take any notice of my rhetoric: shorten the sentences now', so we get the same result. In the Committee stage, I will draw the attention of the Committee to exactly that provision, where the Minister, through this Bill, invites judges to reduce sentences. None of my constituents is coming to see me and asking that the judiciary reduce criminal penalties.

The Hon. W.A. Matthew: So you are going to vote for this?

Mr ATKINSON: The Minister is receiving an objective and sympathetic criticism of his Bill from someone who takes his rhetoric seriously. Further, in the course of abolishing remissions, the Minister says he will grant fully all future remissions for existing prisoners. So, if you are in prison now, the Minister says to you, 'You blokes have been fairly lucky, you have these administrative remissions which have just about cut your sentence in half and you have got them without any merit. The victims of your crime think you are going into jail for a certain term, but in fact you are going in for only half that term because you are getting remissions from the Governor of the prison, so I will abolish remissions.'

If you read the Bill carefully, you will find that, although he is abolishing remissions from the proclamation of this Bill onwards, he is saying to present prisoners, 'You can keep all your remissions but, on top of that, however long your sentence, you can have all the remissions that you thought you were going to get in the future and you can have them now without good behaviour'. So, as of the proclamation of this Bill, all prisoners in South Australian gaols will receive full remission on the rest of their sentence—prospective remission—and they will get it without any of the good behaviour or discipline that would have been required of them to earn those remissions in the future. So, they receive these remissions as a lump sum from the Minister. It is very kind of the Minister to hand that to prisoners.

The other thing the Minister does, although claiming this great break with the Labor past, is continue the automatic release by the Parole Board at the end of the non-parole period for prisoners with sentences of less than five years. Perhaps he will explain what is conservative and rigorous about that. I understand why the Liberal Party has a policy of wanting to abolish remissions. The Liberal Party feels that remissions are unmerited reductions in prisoners' sentences. I am sure that the member for Florey takes that point of view, does he not? He indicates his assent, that remissions are unmerited reductions in prisoners' sentences. They are awarded by the prison Governor in an administrative way without the prisoner doing anything positive to warrant them, according to the member for Florey.

They are a reward for good behaviour, but the Minister and the member for Florey would say that that good behaviour was expected of the prisoner anyway, so why should he be rewarded for it? As my mate Bob Francis says on his program, if a prisoner plays up in prison, he ought to get extra on his sentence. I am sure that is the view of the member for Florey, if not the Minister. So the—

Mr Venning: He's always on. He keeps me company driving home.

Mr ATKINSON: I do not drive home, Ivan.

Mr Venning: When I'm driving home.

Mr ATKINSON: Oh, you hear me when you are driving home.

Mr Leggett interjecting:

Mr ATKINSON: I did ring 5AA on my bicycle one night when I was riding on the Salisbury Highway, live to air.

Members interjecting:

The SPEAKER: Order! The member for Spence has the call. He does not need assistance.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: I quite understand why the Liberal Party has a policy of wanting to abolish remissions, but with what does it replace remissions with? Currently, a prison governor has some control over prisoners by being in a position to award or not award remissions. It is an important tool for maintaining good behaviour in our prisons. I am not saying that it is as effective as it might be, but one thing we can say is that since the Liberal Party was last in office we have not had serious prison riots, and the system of remissions can take some credit for that. With remissions abolished, how do we give prisoners an incentive to behave in an orderly way in prisons? The solution in the Bill before us is that if they misbehave they are fined $25 by the prison governor.

I think this administrative fine is hardly the deterrent to bad behaviour in prisons that loss of remissions was. I confidently predict that we will have an upsurge in disorder in prisons as a consequence of this Bill. The other initiative in the Bill is the exclusion of classes of prisoners from home

detention. I have already mentioned how the Premier of the State, who endorses the Audit Commission report, thinks that we ought to have a major upsurge in home detention. But, at the same time as he does this his Minister says, 'Oh no, we're going to cut it right back and reduce it by removing a whole class of prisoners from the schedule of those eligible for home detention.'

We have this tension between the Premier on one side who is trying to save a buck, and the Minister who is trying to put a bit of rough justice and morality back into the criminal justice system. I have to say—hard though it is—that I am on the Minister's side. It is interesting to note that when home detention was inaugurated in our law in the 1980s the Liberal Party supported the whole package. To conclude tonight's talk-back—

Mr Leggett: Thank you, Bob!

Mr ATKINSON: At least you did not hang up on me; at least you did not cut me off. I support the Statutes Amendment (Truth in Sentencing) Bill because the Liberal Party has a mandate for it, and however misguided its provisions the Minister's heart is in the right place.

Mr ASHENDEN (Wright): I want to say at the outset how pleased I am with many of the remarks made by the shadow Minister in the debate, and his indication that he will support the Bill presently before the House. I agree completely with his remarks in relation to the Australian Democrats in another place, because it is unfortunate that such an insignificant group in the community has such control over the destiny of legislation in this State. It is fair to say that their sense of responsibility in terms of their election to the other place leaves much to be desired.

I am concerned, as is the shadow Minister, at the way in which the Australian Democrats tend to view any legislation concerning crime and criminals. Like many people in the community, I am left with what I believe is a very accurate impression of the Australian Democrats' attitude to Bills such as this, and that is that the criminal is far more important than the victim of the crime. I believe that this Bill will show the public of South Australia that the Government is sincere in providing protection to our citizens, because the Bill provides that when a person is sentenced he or she will serve his or her sentence.

I want to illustrate the sort of concern that people have. This morning I had an appointment with a young couple in my electorate. I had no idea what the problem was until I arrived at my office. I was confronted by a very upset young couple, because two of their three children had been sexually assaulted by a close friend of the family, and this had evidently been occurring for some time. It appears that the person who perpetrated this absolutely horrendous crime, as far as I am concerned, has had a history of committing this type of crime for the past 20 years. Yet that person, under the present sentencing provisions, will probably—unless this Bill is successful—be back in the community in 3½ years, despite the fact that he was given a 10 year sentence.

That young couple said to me, 'Where is the justice?' I said, 'Well, there are changes before Parliament at the moment.' Fortunately, I had my Bill file with me and I was able to show it to the couple and say, 'Look, this is what the Government is doing about the sort of problem that you are referring to.' I was able to go through the clauses, and they said, 'Thank goodness this has come in at long last.' They did not use the words 'truth in sentencing' but they—

Mr Atkinson interjecting:

Mr ASHENDEN: I certainly did, and the one thing I pride myself on is that I will help any and all of my constituents. I was able to go through the Bill and show them what it will do. It can be put no better than to say that this Bill will bring about truth in sentencing, so that when a sentence is passed that person will know that he or she will have to serve the time or penalty which society imposes on them.

Mr Atkinson interjecting:

Mr ASHENDEN: I understand that, but I am sure the honourable member would also understand that this Bill will ensure that sentences are much more meaningful than they are at present. That is the point I am making, and that point will emerge when this Bill is passed. The honourable member will agree with me on the next point, because the first question this couple raised with me—and it gives an indication as to how people see the Democrats—was: what will be the result after this Bill has been considered in the Upper House where, of course, the Democrats have control?

At that time I did not have the response that the shadow Minister has now given. I can assure him that I will be contacting my constituents in the morning to indicate that it appears that the Bill will have no problems in passing this place, because even the Democrats would understand that 10 plus eight will beat two any day of the week. I am sure that my constituents will be very relieved to hear that. One thing I have found as a member, both in this short period in Parliament and my previous 6½ years, is a genuine belief in the community that it does not matter what sentence is imposed because the prisoner will be released long before he or she should be. Where is the justice in that?

I am sure we have all seen the many articles in the press, and so on, where that very question is asked. I commend the Government on bringing this Bill forward. I am now confident that it will be enacted and provide what I believe will be a situation where the public of South Australia will at last be able to say, 'Thank goodness that, when a person is sentenced, they will be required to serve a sentence which befits the crime that he or she has perpetrated.'

I do not intend to hold up the House any longer tonight. As I said, I commend the Government for introducing the Bill. I am delighted to hear that the Labor Party will support it, and this means that it will become enacted. Perhaps when this occurs, the Hon. Mr Elliott in another place might realise how hollow was the statement he made at a polling booth in Elizabeth during the recent by-election. I notice the member for Elizabeth is not here now, but she has been here for most of the debate. Both the Hon. Mr Elliott and I were handing out how-to-vote cards at the same booth, and Mr Elliott in a very loud voice was extolling the virtues of the Democrats and saying that it was the Party of the future, that the Labor Party was finished and that it was only a matter of time before the Democrats became the actual Opposition in this State. I hope the Hon. Mr Elliott reads my comment because, as we all know, the Democrat vote was halved in the Elizabeth by-election.

As far as I am concerned, the sooner the Democrat representation in another place is halved and then halved again, the better. Once it is halved and halved again at least we will know where we stand, and legislation like this will no longer be subjected to the cant, hypocrisy and so on that I expect from the Democrats in another place. It would appear, from the comments of the shadow Minister, that this legislation will pass through both Houses, and I am sure that the citizens of South Australia will be much the better for it.

Mr BASS (Florey): Truth in sentencing is a very simple statement and one that is not difficult to understand. The Collins Australian Dictionary states that the word 'truth' means genuine, actual or factual.

Mr Atkinson: Thanks for that.

Mr BASS: The member for Spence, who I know is a wordsmith, will appreciate this. The same dictionary defines the word 'sentence' as the punishment imposed. So one could say with some certainty that the truth in sentencing Bill means a factual punishment imposed. That is what this Bill is meant to do and in fact will do. There is no doubt that South Australia is regarded as the early release State. This is confirmed by the fact that the Minister for Correctional Services receives numerous requests from interstate prisoners to transfer to South Australia. No doubt these requests are caused by the fact that any prisoner who transfers to South Australia has his or her term reduced considerably.

The Bill will abolish remissions, which make a mockery of penalties that are handed out by the courts, and will leave a prisoner without any uncertainty about the minimum term that he or she will serve. Under the present system, a prisoner who is sentenced to nine years with a non-parole period of six years knows that the maximum they will serve is only four years—less than 45 per cent of the original sentence, and that, to say the least, is ridiculous.

What is worse, in many cases the behaviour of that prisoner does not make any difference to that non-parole period. This Bill takes into consideration the situation applicable to prisoners who have been sentenced under the present ridiculous system. Notwithstanding my stance against the present system, I believe that, in fairness to prisoners who have been sentenced and have entered the system with the expectation of serving a certain number of years, they should have to serve only the years that they would have served under the existing Act.

I compliment the Minister for Correctional Services and the Attorney-General on this provision. It ensures that prisoners presently in gaol will be under the same sentencing procedure as those who enter after this legislation becomes law. Another change is that prisoners who are serving a sentence of less than five years will receive automatic parole, while prisoners serving more than five years will need to apply for parole. This legislation clearly sets out guidelines for that application and for the aspects that are to be considered by the Parole Board.

I will highlight some of those guidelines, one of which relates to any relevant remarks made by the court in passing sentence. When I was a police officer at a court case after a guilty plea or an offender was found guilty, I was amazed at the psychiatric and psychological reports that were tendered to the court by the defence lawyers in an attempt to reduce the sentence or to make an excuse for the offence being committed. It seems funny that at the time of parole these reports are never commented on. The reports were used to reduce the penalty that was likely to be applied but they disappeared when they would no doubt stop an offender from getting parole.

The Parole Board can now look at any relevant remarks made by a court in passing sentence and the likelihood of that prisoner complying with any conditions of parole; where the prisoner was imprisoned for an offence or offences involving violence, the circumstances and gravity of the offence or offences for which the prisoner was sentenced to imprisonment; and any matter taken into account by the court in determining sentence. I think it is very important that parole boards look at the reason why a person was sentenced to a term of imprisonment.

They can also look at the behaviour of the prisoner while in prison or on home detention and the behaviour of the prisoner during any previous release on parole; any reports tendered to the board on the social background, medical, psychological or psychiatric condition of the prisoner or any other matter relating to that prisoner; and the probable circumstances of the prisoner after release from prison or home detention. It is very important that, if a prisoner is going out on parole, he is not just thrown out of the system and left to his own devices. Finally, the board can consider any other matter that it thinks relevant. That is very important. The board now can speak to the police and even to the victim or victims; they can be consulted, and that is important.

Again, I compliment the Minister for Correctional Services and the Attorney-General for introducing this legislation so that once and for all the courts will be able to sentence prisoners knowing that the non-parole period they nominate will be the term served. The victims and the South Australian public will know that prison sentences are appropriate, and prisoners will know exactly what term they will serve and, where it is in excess of five years, they will have to apply for parole when their non-parole period is reached. These prisoners will know exactly the standard of behaviour they will need to maintain to ensure that they receive their freedom at the time their parole is due. I congratulate the member for Spence on supporting this Bill, and I commend and support the Bill.

Mr LEGGETT (Hanson): I support the Bill. I believe that we have before us one of the most significant pieces of legislation debated by this Parliament, and I am also glad that it has been supported by the worthy members of the Opposition—even though it is probably because there is a by-election next Saturday.

Mr Venning: There is only one of them here!

Mr LEGGETT: True; they are easy to count. This legislation seriously affects the whole of our community, whether it be the young, middle aged or elderly. When passed it will be seen as just, in the true sense of the word, by the community, who are our judges; what they want and what we want is justice. First, I draw to the attention of this House the comments made in an article written by Sean Whittington on 1 May 1994 (last Sunday). He comments on truth in sentencing as follows:

> In recent months several cases have caught the public's attention.

He mentions these cases, but there is no need to mention them in the House tonight. He continues:

> The cases beg the question, 'Just how balanced are the scales of justice?' If a person is created equal, why then isn't the law?

Victims of Crime Service Executive Director, Mr Andrew Patterson, says, 'A judgment can often be the difference between a victim and their family getting on with their lives or going deeper into isolation.' This was mentioned by the member for Wright, because there are so many tremendously difficult situations in the community as a result of that. Mr Patterson also says, 'The entire grieving process of the victim's family can hinge on the penalty given to the perpetrator of the crime against their loved one.'

The Bill implements a significant aspect of this Government's pre-election policy at the end of last year. It is designed to end the sentencing and parole laws, together with

all their flaws, introduced by the Bannon Government in 1983. As the law stands, the courts are required to fix a non-parole period, after which the prisoner is automatically released. How this formula is worked out is unclear, but records show that remissions of up to one-third of a non-parole period can be granted for good behaviour. Again, I do not know how that formula is worked out. As a result, the sentence initially set by the court bears absolutely no resemblance to the time that a prisoner spends in gaol. Therefore, quite rightly, this Government aims to restore truth in sentencing. This Government believes that the minimum sentence imposed by the courts should be the minimum sentence served by the prisoner, and that is common sense. This should indeed be the minimum sentence that the prisoner actually serves and this should be made clear to the judiciary, the prisoner and the community.

I now draw the attention of the House to key components of the Bill. First, remissions will be abolished from the day that the amendment comes into operation. In the process, it is important to point out that transitional provisions have been established to ensure that prisoners sentenced on the basis that they are eligible for remissions will still be credited with the maximum number of days remission they could have earned had remissions not been abolished.

Secondly, the non-parole period fixed by the court will be the minimum period which must be served before the prisoner is released on parole. Despite the fact that an article in the *Advertiser* on 22 April 1994 states—and I think it comes from the Opposition—that prisoners could riot and the prison system descend into anarchy if the Government pursues the proposed changes, there is a sense of fair play and common sense in the amendments.

Prisoners serving a sentence of less than five years will still be released automatically by the Parole Board at the end of their parole period. Prisoners serving a sentence of five years or more have to apply to the Parole Board for release at the end of the non-parole period. Under the Government's truth in sentencing amendments, prisoners applying for parole will have to show that they have participated in work, trade training, education and, where appropriate, anti-violence programs. In other words, they are responsible—again we come back to the word 'responsible'—under this proposed change. Police and victims of violent crime will be able to make submissions to the Parole Board on a prisoner's application for parole.

The roar has gone up in the media—and it has been a big roar—that, if truth in sentencing is introduced, gaols will be overcrowded, prisoners will be hanging on sky hooks and there will be no room, and subsequently we will be turning the clock back. There are claims that new gaols will have to be built to accommodate this tremendous increase in the numbers of prisoners. It should be pointed out that many prisoners in our institutions are there for minor offences; they are not really hardened criminals. In many cases they are there for the non-payment of fines.

Mr Foley: They shouldn't be in there.

Mr LEGGETT: That is right. As the member for Hart says, they should not be in our prisons. They should be made to work off their sentences by doing community service—probably with the Port Adelaide Football Club. This will take a high degree of organisation, but it can and must be done.

Mr Foley interjecting:

Mr LEGGETT: It is good to have the member for Hart with us; it doubles the numbers. This naturally would free gaols and allow room for accommodating prisoners who have seriously abused the laws of the land.

An honourable member interjecting:

Mr LEGGETT: That's debatable. We also need to review and change the present home detention provision which has become a complete and utter farce. For example, an offender sentenced to five years in gaol can serve as little as eight months before being released to home detention. It is no wonder that the community has lost confidence in and respect for the judicial process and procedure of this State. The Minister for Correctional Services is on record as saying, 'The former Government was content to release dangerous criminals such as rapists, murderers, armed robbers and child molesters through their home detention program.' That is a disgrace. 'We have already put an end to the release of violent criminals on home detention,' said the Minister for Correctional Services.

This Government believes—and it is nice to have the member for Spence back, because that trebles the numbers opposite—that the sentence imposed by the court should be the sentence that the prisoner serves, and violent prisoners should not be allowed onto the streets until they have earned the right to do so. That probably should also occur with some members opposite. I support the Bill.

Mr FOLEY (Hart): This is 12 minutes earlier than I thought I would have to rise, so I have not quite finished preparing my speech. I will wing it anyway.

Mr Leggett interjecting:

Mr FOLEY: Not at all. I have been preparing for this contribution. It is good to see the galleries fill as I get to my feet. This is a very important Bill. I give the Government credit to the extent that this policy had been put forward at the State election. The Government had made it very clear. Like all members—

Mr Leggett: There is a by-election next Saturday.

Mr FOLEY: We have already had a good free kick from the Minister for Housing, Urban Development and Local Government Relations. We do not need any more of that tonight; we will leave it until tomorrow. Like every member, I campaigned very hard at the State election. One of the real political issues, if one wants to score a few points as a local pollie, is crime and law and order. What concerns me with much of what the Government is putting forward in this Bill is that it is appealing to the lowest common denominator when it comes to political issues. I am concerned that—

The Hon. W.A. Matthew interjecting:

Mr FOLEY: No. The reality is that one can get a pretty good reaction if one wants to push forward to the extent that the Government has pushed forward on the issue of law and order. The member for Unley always turns up at the most inopportune times—when I am speaking. The point is that the Government has been very quick to grab a very political issue. It has made it a political issue and it is following through in the form of legislation.

I wish that law and order and crime prevention were as simple as saying, 'Let us lock them up longer; let us incarcerate them; let us put two, three or four in a cell and throw the keys away.' To quote President Clinton, 'Three strikes and you're out.' I really wish that law and order and crime prevention were that easy but, as we all know, they are not. There is a lot more sophistication to dealing with crime prevention than simply saying, 'Let us lock them up longer; let us deny them various rights; let us incarcerate them to a greater extent than before.'

I accept, as the member for Spence has acknowledged, that the Government has put this issue before the House and before the last State election, and clearly it struck a chord within the community, so the Opposition will not be opposing the Bill. However, we will be putting a few facts down and making the point very clear to the Government that it does this with a risk.

The risk is that you are rapidly increasing the number of prisoners within our prison system. One of the difficulties is that you are saying that on the one hand you will incarcerate more prisoners and expand our prison population but that on the other hand you will cut the resources currently allocated to the Department for Correctional Services. The Minister knows that he has to administer some extremely large cuts in his portfolio, as all the Ministers do, concerning the budget allocations across Government.

Members interjecting:

Mr FOLEY: No, I was not an economics adviser; I was a political adviser, as you would have noted earlier.

Mr BRINDAL: I rise on a point of order, Mr Speaker. It is the custom in this House that all remarks are addressed through the Chair and that Ministers are addressed by their title, not 'you'.

The SPEAKER: Yes, the member for Unley is correct. I suggest that the member for Hart address his remarks through the Chair and refer to members by their electorate and to Ministers by their title. The member for Hart.

Mr FOLEY: Thank you, Mr Speaker; when I address the member for Unley I will certainly not be confused and call him the Minister, because unfortunately for him he will not be one. If we are to increase the numbers of prisoners in our prison system through deliberate Government legislation we will see 1 000 more in the system in the next couple of years. I want to know how the Government will cope with it, because you cannot build bunks and increase the number in the Remand Centre or throw three at a time into the cells at Yatala without some tension and management difficulties resulting. You may well say, 'Well, what the heck if we have some problems within our prison system?' but I have to say to the Minister that many Correctional Services Ministers in this State have come unstuck because of unrest in the prison system.

He may well find that in the next few years, should he still be a Minister, he will confront some very difficult situations in the State's prisons. You tell me. I would like to know how you reconcile this. How do you put 1 000 more prisoners into our prison system, cut the budget by $10 million and knock a couple of hundred prison officers out of the system? How do you make that balance? Do you get the people out at Yatala to build a few more bunks and throw a few more into the Remand Centre? You want to flog off Cadell and Port Lincoln gaols and you are not happy with what you have in Mount Gambier.

Mr Venning interjecting:

The SPEAKER: Order!

Mr FOLEY: The problem is that you are running around like chooks with your heads cut off. There is nothing consistent in the argument you are putting forward. If you want to put 1 000 more prisoners into the system, how about telling the Parliament how you will manage it? There has been nothing about how you will manage it. What does the Holy Bible—this book that is held up by the Premier as his book of instructions for the next four or eight years or however long he considers he will be the Premier—say about the Department for Correctional Services?

The SPEAKER: Order! The member for Hart will resume his seat. The member for Mawson has a point of order.

Mr BROKENSHIRE: I do not believe that it is proper in this House to lift up documents and use them as illustrations and displays.

The SPEAKER: Technically, the honourable member is correct and I would have to uphold the point of order, but I would suggest to the honourable member that it is a practice that members have used over a number of years. The member for Hart.

Mr FOLEY: Thank you, Mr Speaker: as a new member I am learning all these protocols as I go along, so I appreciate another piece of guidance. The Audit Commission tells us that we have too many prisoners in our prison system and that the cost of keeping prisoners in our prison system is causing some budgetary problems. The Audit Commission says that we have too many prisoners in the system and that we must find mechanisms by which we can reduce the burden on our prison system, but that is being ignored by the Government. It says, 'No, let's lock them up; put in another couple of hundred which are already in the system; let's have another 1 000 in the next couple of years', because that is the easy political answer. It is a right wing doctrine: 'Let's lock 'em up'.

Members interjecting:

Mr FOLEY: I have no problem with hardened prisoners spending as long as they should in prison. I am saying that if you are going to lock them up—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY:—how can you lock up more prisoners and cut $8 million out of your budget and knock 200 prison officers out of your system? How will you manage it? What will the Government do in two years when it has increased tensions and management problems? I know what the member for Newland would do; she would hang a few of them, but I would like to know how the Government proposes to manage what will become an extremely difficult system to manage. I look forward to the Government explaining to this Parliament how it intends to manage such a rapid expansion in the prison system. There has not been a system in the western world that has been able to get this right. You only have to look at America, where there are enormous difficulties in managing the prison system at present. If members think they will tackle law and order in this State by locking up prisoners for longer, I do not believe that will be the case. Having said that—

Members interjecting:

Mr FOLEY: Not at all. That is not what I am suggesting. I am saying that you must have a bit more sophistication to your management of crime prevention in this State than simply tackling it at the prison end. You have to do a lot more than that. What is Justice Kirby saying in New South Wales after five or six years of truth in sentencing there? He says that the New South Wales prison system is an absolute powder keg waiting to explode. That is not a Labor politician; that is a respected justice in this country who is saying New South Wales has a powder keg situation. The Opposition will allow the passage of this Bill; we will not obstruct the Government's intentions on this measure. We acknowledge that law and order is a concern in the community, and we acknowledge that much must be done to improve the safety of our community; we have no argument with that, but you will not get away with dealing with this issue simply by putting a Bill through the House to lock them up for longer.

I want a little more sophistication from this Government, a little more lateral thinking on this whole issue and Parliament given some answers as to how the Government intends to manage the system. I do not want to see in this State what we are seeing now in New South Wales, where people such as Justice Kirby are saying the system is unmanageable. If you are to pass truth in sentencing legislation, tell me how you will reconcile that with the Audit Commission report that says we have too many prisoners in our system and that we are well above the national average for the number of prisoners in prison. Tell me how you will reconcile this with the Audit Commission report, which those members with margins under 6 per cent have not embraced but which those with a margin above 6 per cent have embraced with a passion. The Government needs to reconcile that, and I would like to hear its opinion on it. The Government went to the election with this policy. Within my Party we quite often debate this issue, and there are divergent views.

Members interjecting:

Mr FOLEY: I make no apology. In my campaign for the seat of Hart I fought very hard on crime and law and order, but there is more to the issue of law and order than the prison end of it. A lot more sophistication—

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley can participate if he desires without interjecting.

Mr FOLEY: Thank you, Mr Speaker. Very rarely do we see the member for Unley get to his feet to contribute; it is much easier to sit and interject. What I say to the Government is simply this: if it is going to put 1 000 or more prisoners into the system, what is it going to do to manage it? The reality is that remissions are a management tool of prison managers. Remissions are a mechanism whereby prison managers can keep some order and some level of stability within the prison system. The Government has done away with that and replaced it with nothing. The Government has addressed only half the issue and I call on the Government to tell me how it is going to reconcile the Audit Commission's recommendations that there are too many in the system when the Minister's own policy is to expand the prison system by more than 1 000 people.

Mr BROKENSHIRE (Mawson): I will not need to display anything because it has all been displayed in a negative sense for so long, which is why this policy is being debated and discussed here tonight. First, I congratulate the Minister on the manner in which he is conducting his portfolios and the way he has clearly illustrated over the time he was the shadow Minister, and even more so since he became the Minister, that he listens to the people in South Australia, the people whom he and the rest of us have been put here to represent. The Minister understands the concerns, fears and desires that the vast majority of people in South Australia have when it comes to law, order and safety.

Mr Atkinson interjecting:

Mr BROKENSHIRE: The only outrider we have is a member like the honourable member opposite who has been outriding on the piggyback of mismanagement and had his snout in the trough for so long, over 11 years. You should be ashamed of yourself; I do not know why you smile so much when we get into these serious matters.

Mr ATKINSON: Mr Speaker, I rise on a point of order. The honourable member referred to me as 'you', rather than as the member for Spence. He suggests that I had my snout in the trough during the 11 years of the Labor Government and I ask him to withdraw that allegation.

The SPEAKER: Order! The member for Mawson is aware that in addressing other members he must refer to them by their electorate or by their title. The words he uttered were not unparliamentary but in the judgment of the Chair are unnecessary and do not add to the standing of the House in the eyes of the community. I suggest to the honourable member that in future he use a better phrase or choice of words when criticising members opposite. The member for Mawson.

Mr BROKENSHIRE: Thank you, Mr Speaker, I will take your suggestion on board. When I have been door-knocking, and that has been an ongoing event for me on a weekly basis, I have had the opportunity to ask my constituents what they think about truth in sentencing. I can tell the House that the other Saturday when I was out 99 per cent of the people told me that they absolutely endorse the truth in sentencing Bill and think it is high time that the people of South Australia were able to get back onto the streets in their neighbourhood and enjoy the sort of lifestyle that we used to be able to enjoy in this State.

In fact, to support that believe during the election I surveyed the whole electorate, and I have told members of that in the past. Clearly, third on the ranking out of 10 was concern about law and order. People were concerned that the previous Government had just run soft at their expense. The problem we now have is that out in the real world constituents, particularly the elderly, the young and young mothers who would like to get out on the street with their children and go for a walk on Sunday, are so frightened that they have become the prisoners and are the ones subjected to difficult lifestyles. It is not the prisoners in the gaol and it was certainly not the prisoners that the Opposition was going to accommodate in Mount Gambier gaol, giving them eight hours with double beds and *en suite* bathrooms so that they could bring in their spouses and partners to have a bit of fun.

That will not teach them about doing things properly and it is about time we started spending our money in a better way. Approaches from my constituents have been coming into my office at a rate of between five and eight inquiries a week by people concerned about friends or relatives who have been victims of crime and they do not believe enough deterrence have been imposed in sentencing criminals in court cases. I agree with the Opposition that we also have to look at rehabilitation, that we cannot just throw offenders into the corner, as happened 200 or 300 years ago, but the problem is as I have repeatedly stated in this House: the previous Government could never find the middle of the road—the balance between rehabilitation and deterrence—and was either out to the left or the right banging into trees.

This Bill hits the middle of the road again and, whilst it will still allow reasonable conditions in prisons and provide some rehabilitation, it will also teach offenders about responsibilities and deterrence. Even if it does cost us a few extra dollars, in the long run it will be a saving to the State because offenders will realise that there is a true punishment and that they will be much better off being contributors to this State like the rest of us by working to enhance and develop the State rather than sitting in prison and doing nothing other than working out what they will get up to when they get out in three or four months time, who will be able to drop off the next lot of drugs to them, who they will travel with in the car to the Port Augusta shops to buy their Christmas gifts, or which person they will meet on the oval tomorrow.

That is not a deterrent and we can no longer afford that sort of abuse in our prisons. It is this sort of legislation that will get that message across. If the judge hands down a sentence and says, 'I'm sorry, you have committed this offence and you will be in prison for 10 years; if you happen to behave yourself, you will get out in 10 years, but if you transgress and do things incorrectly, you will be in there longer', people will start to think pretty seriously about their situation.

From a peer point of view, if the mate of a group of people goes off the rails, particularly because there have not been job opportunities until the creation programs we are now introducing—we all know how important the Audit Commission is as a benchmark to complement our blueprint to get South Australia working again—the fact is that they will hear from their mate who has offended and transgressed that it is not all beer and skittles in prison; they will hear that they might have to work, rather than perpetuating the sort of tripe we have seen in the past in the way of newspaper advertisements for cleaners for Yatala gaol. What were the prisoners doing while they were in gaol? Some were on the bus going to university, yet there were students in my area whose law-abiding mums and dads were out working for $30 000 a year in a local factory and could not even get Austudy to enable their student children to attend university. This Government and this Minister are on the track, and once again the honourable member opposite is able to smile only because he knows he has missed the boat, whereas we are on the boat and sailing full steam ahead.

Members interjecting:

Mr BROKENSHIRE: I will talk about the by-election on Saturday in a minute. When we have been door-knocking in Torrens, the biggest issue has been law and order. People out there are really scared, and this is the sort of Bill that will get us well and truly over the line on Saturday. As to the cost of the prisoner versus the deterrent factor, for a start we can save money through ensuring that prisoners work while they are in prison, thus reminding them that it does not pay to re-offend. At present, because we do not have truth in sentencing legislation, people are going backwards and forwards as if prison is a motel. No wonder it costs us $56 000 a year to keep an offender in prison. Look at the Singapore experience.

Members interjecting:

Mr BROKENSHIRE: Look at its economy and how it is going. Look how clean its streets are. Have a look at the amount of graffiti and see how many people offend over there. The fact is that Lee Kwan Yew might slightly be on the right-hand side hitting the trees, but the Opposition is so far over on the left hitting the trees that it is now upset because we are driving down the middle. As I said, members opposite cannot handle it. I know members opposite will not agree, but I would like to see something like boot camps for the neo-nazis who wander down Hindley Street kicking people who are out having a buck show or harassing young girls who have to run into Hungry Jacks for protection. A rabbit plague is destroying our deserts, even though the former Government proclaimed that it was interested in the environment. We have a great opportunity to export more Akubra hats but we do not have the felt. We should be getting them—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart is out of order.

An honourable member: He's always out of order!

The SPEAKER: Order! The Chair does not want any assistance.

Mr BROKENSHIRE: Thank you for your protection, Mr Speaker. The fact is that the silent massive majority of people are right behind this Bill, and that is why I am pleased to support it. It is another example of the Liberal Party fulfilling its promises: the promises that we made before the election and which clearly specified which direction we were going to head down. I remind everybody in this House that we were the only Party able to put up policies. All the Labor Party did was scare people. Over the past two years it forgot about protecting people from crime. Members of the Opposition were running around with—

An honourable member interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: They forgot about the people they should have been out there working for. We all know what happened under Labor: crime went through the roof, along with everything else. One has only to remember the Wheatman case and the outrageous situation that occurred there. I almost feel that we were set up there, too. It was almost like a Christmas present for us when we came into Government. I would love to know the truth behind that one. The fact is that under the truth in sentencing policy we will not see people like Wheatman out on the street again because we have the intestinal fortitude to introduce a Bill that will keep that sort of person where they should be. When it comes to the Torrens by-election—and I look forward to the result on Saturday—voters will think about the issues and they will think about law and order and which Party is serious about law and order in this State. When the voters think about community policing, they want the punishment to fit the crime. That is what Minister Matthew is on about with this Bill—it provides the punishment that fits the crime.

Mr ATKINSON: I rise on a point of order, Mr Speaker. The member for Mawson has referred to the Minister by his surname. I ask that he refer to him by his portfolio.

The SPEAKER: Order! I have to uphold the point of order, but I really think this evening there have been a number of points of order which have been rather unnecessary and do not do a great deal for the standing of the House.

Mr BROKENSHIRE: I will refer to the Member for Bright and Minister Matthew in the future. These frivolous points of order are raised by members opposite only because they do not want us to discuss the truth. They know that it will be picked up by the media, which will make the Opposition look even worse.

I now refer to remissions for good behaviour. What signal does that give the victims of crime? What satisfaction does that give the victims of crime? Where were the benefits for them when they were behaving themselves, moving down the street and someone attacked and raped them? They have to suffer for the rest of their life, yet the Opposition talks about giving these offenders remissions for good behaviour. Because the former Government could not handle the heat, it gave them extra visiting time. What sort of a deterrent is that? These sort of deterrents are no good to anybody. The fact of the matter is that truth in sentencing is the deterrent we need.

It is clear to see that the sentences pronounced by the courts bear no relation to the time a prisoner spends in jail at present. That cannot continue. The non-parole period fixed by the court will be the minimum period which must be served before the prisoner is released on parole, and that is something that this community has been crying out for a long time. Abolishing remissions also removes a tool which prison management uses to punish offenders for breaches of

discipline. We all know that, whilst the majority of prison officers try to do a good job, some of them need to have a hard look at themselves and support us a bit more when it comes to the concerns that some of us have about prison conduct at the moment.

In conclusion, my constituents in the south are saying enough is enough. Social justice has gone too far; it has got to be brought back to the middle of the road. It is time that the Government of South Australia considered the majority of people and illustrated true and genuine deterrents such as this—truth in sentencing. I have great pleasure in supporting the Bill.

Mrs ROSENBERG (Kaurna): I support the Bill, and I congratulate the Minister on its introduction. I think that the introduction of this Bill is a clear response to the community. The surveys that the member for Mawson has mentioned, which were done by most Liberal Party candidates during the campaign, all showed the same kind of response: the community was asking for stiffer measures to be put in place. This Bill is one step towards that, and I hope we go a lot further. It is a response to a clear community call through letters to the editor, letters to officers and to the results of phone polling. Every person who conducted that sort of survey would have received the same result. I am pleased that we have finally reached a situation where we can start to address some of those issues.

I thank the member for Hart for the confidence he has in the Government by suggesting this will result in 1 000 more people in the penal system. It shows total confidence in the fact that the Liberal Party will support the police and, as a result, get more people into prisons. I thank him for that support and confidence in our Government.

The introduction of this Bill also shows that the Minister has responded to the clear message that the community has given. I think that the community has been giving this message for the past 11 years and was waiting for some sort of appropriate response. It has taken this Government to finally get out and do something about that call, and the response has been clear. I am pleased that the other side of the House has decided to support the Bill. I guess it has to protect the 10 members it has somehow. They have to look to the future and, if they did not support this Bill now, I guess that in four years they would be looking down the barrel with no members in this place at all.

The Bill addresses changes that were made by the Bannon Government. What we are seeing with the introduction of this Bill is a return to the pre-Bannon interference along with additional provisions. The community believes that the judicial system has simply lost touch with the public view of what is needed in terms of penalty. It is fairly clear that the community in general feels that the penalties imposed by judges sitting in ivory castles do not fit the crime and need to be adjusted. The community's perception is that the judicial system, with recent decisions, is very anti-female. This is not to say that that is the case with all judgments, but several recent judgments were very clearly received in that way. People might say that that is not relevant to the Bill, but it is relevant to the law and it is relevant to the penalty that is imposed by the judges for those crimes. In my opinion it certainly is relevant to this Bill.

The community also believes that the police are not very keen to take action because there is little likelihood of offenders being detained in gaol for a decent period. I think that is a very poor perception the community has, and I sympathise with the police if they have taken that approach. I am sure they have not done so purposely but, if they have, I can understand why because it must be very frustrating if you go to the trouble of taking someone to court and they are back on the street before you have finished the paperwork. It is fairly clear also that the perception in the community is that the penalties are far too lax, and I think this Bill goes some way towards fixing that problem.

Penalties seem to be greater for some crimes that the community would consider to be minor compared with those for major crimes. One has only to look at some of the sentences that were handed down recently to those who have caused death by dangerous driving, and compare them to the sentences that are handed down for someone who simply destroys a bit of public property. In my opinion, the smaller sentences for causing death by dangerous driving compared with those for destroying public property are absolutely ludicrous. The other example I would bring to the House is one I mentioned in my maiden speech, where a constituent of mine was bashed by her husband and had her jaw and ribs broken, and he was given a $300 fine. If that is the way the Labor Party deals with keeping people out of prisons to save it the cost of building gaols, I am sorry but I am afraid my constituent was not too pleased with that sort of justice.

This Bill addresses some of those areas and, along with the Juvenile Justice Act, it will give extra power to the police, the judiciary, and prison managers so that they have greater control of the system. I do not think that will go astray. There is a clear and valid expectation that a five year sentence will mean just that. If a person is given a sentence of five years, the community expects that person to be behind bars paying a price to society for five years and not to be out in eight months, as in a recent case.

Mr Atkinson: The public expects that, not a community.

Mrs ROSENBERG: Would you be quiet, you silly little man!

Members interjecting:

The SPEAKER: Order!

Mrs ROSENBERG: I am a great believer in returning fear to the judicial system. One of the problems that we have today in the judicial system with those who choose to offend is that there is absolutely no fear of the consequences of the crimes they commit. If we can return a little bit of fear to that system by making people understand that, if they get three years, it is three years, then so be it. This legislation may bring back a bit of fear into that system. If it does not bring back fear, it may at least bring back apprehension, which is one step down the path.

Under clause 5, which amends section 37A, there is an ability to classify prisoner groups that are not suitable for home detention. This is an extremely important part of the Bill for the protection of those people who are classified as victims in this area. It allows attention to be paid to the effect in the community of those various types of prisoners. Because of my opinion about people and personalities, I find it very hard to classify prisoners as types of prisoners, but one has to be realistic and say that in the community there are those people who are, and deserve to be, classified as the type of prisoner who does not deserve to be on the street. New section 67 refers to those matters that the board must have regard to in determining parole applications for prisoners who are in prison for five years or more—

Mr Atkinson interjecting:

Mrs ROSENBERG: I said 'section 67'—why don't you listen? Those matters include the likelihood of a prisoner

complying with parole conditions, his or her behaviour while in prison, the social and medical background of the prisoner and, most importantly, the police and the victim can make submissions to the board. In my opinion, the fact that the police and the victim have now been included in this process whereby they can make submissions to the board will overcome incidents of the type mentioned by the member for Mawson. That is a very good part of this legislation.

If I have had any problem at all with this Bill, it would be with new section 42A(2)(e), where the penalty for a breach of the prison regulations is the exclusion of the prisoner from work for up to seven days. Without prejudice, I would like to put on notice that I would rather see them do extra work instead of less, because I think there are some people behind bars who would go out of their way to cause trouble so that they could get out of work.

For the community, the most important factor in this legislation is the removal of the automatic parole of prisoners who have been in prison for over five years. The community has asked for a strong commitment to toughen up the system, and this will go some way towards setting this in motion. Obviously some may believe that this has the potential to overload the prison system, but I believe that if we make greater use of community service orders for those who are in prison for lesser crimes, such as fine defaulters and those who simply cannot afford to pay their fines, we will free up the system for those who truly belong in gaol. I congratulate the Minister for the initiative behind this Bill and for fulfilling another election promise made by the Liberal Government.

Mr CONDOUS (Colton): During the past two days, the member for Spence has continued to wave around various publications. The day before yesterday, it was one of the Liberal policies, and tonight he is waving around the report of the South Australian Commission of Audit. I do not know why he waves it around, because I now refer to it as Labor's report card, 1982 to 1993. In fact, the member for Spence, who was part of the Bannon/Arnold Government, is so resilient, he sits there and smiles even though he caused enormous pain to many hundreds of thousands of South Australians. If I was an ongoing member of this Parliament who was previously a member of the Bannon/Arnold Government, I would be going along to my grandmother and asking her to get busy pretty quickly with a pair of knitting needles, and knit me a balaclava so, whether I was riding my bike or walking, I would not be recognised by the public.

This evening I rise to support the Statutes Amendment (Truth in Sentencing) Bill. All of us who have half a brain would realise that, during the campaigning over the past 12 months, there was a very clear message from the people of South Australia, despite the Party they supported, that the time had come for some responsibility to be shown by the Parliament in providing some sort of truth in sentencing, and to sentences themselves.

Mr Atkinson interjecting:

Mr CONDOUS: Yes, we have cleaned it up. The electorate demanded it during the election. They were crying out for proper sentencing. People were living in fear. When I was doorknocking, the elderly in particular were afraid to open their front door until they realised who it was. When I entered their home, I would find old ladies with three and four locks on their bedroom door because they were afraid—

Members interjecting:

Mr CONDOUS: I am a very well accepted member of this Parliament when it comes to old ladies, I can tell you, and you would be envious of that record. They would trust me 10 times before they even looked at members opposite.

Mr Atkinson interjecting:

Mr CONDOUS: Don't worry; you're in a good old safe seat, mate. I would like to see you in a marginal seat, riding your bloody Malvern Star around—and then tell me how good a member of Parliament you are! It is all right to sit in those seats with Housing Trust areas. You want to palm it off to me now, because you want to see Colton become more marginal. Show me that you have a bit of gumption and go for pre-selection in one of the marginal seats. If you had a margin of about 1 per cent at the next election, we would then see whether you had time to ride around on your bike, asking the Premier whether he is going to paint a school or not. During the election campaign we were out there doorknocking because we had to.

You put up a stooge, a former Liberal Independent, to try to get your vote going. You know, because you supported him. In fact, I will say it in this House now: you went to a well known Greek who has supported the Labor Party for a long time and got him to donate funds to the Independent Liberal who was running against me. So don't you talk, because I know what you are.

Members interjecting:

Mr ATKINSON: On a point of order, Mr Speaker—

Mr Condous: He got Gerry Karidis—he knows. He knows who he got.

The SPEAKER: Order! There is a point of order.

Mr ATKINSON: Mr Speaker, the member for Colton is continually referring to me as 'you'.

The SPEAKER: Order! The Chair has already ruled that there have been a number of technical and frivolous points of order. The honourable member is being technical. It really does not add to the debate for members to continually take unnecessary points of order.

Mr CONDOUS: The point is that the Labor Party is very smart and astute when it comes to elections, because it knew that there was a chance that it could get Bob Randall up with enough votes. Labor would fall over but at least it could get an independent into the seat, but it did not work, and—

Mr Atkinson interjecting:

Mr CONDOUS: I know you did.

Mr Atkinson interjecting:

Mr CONDOUS: Gerry Karidis, a long time member and supporter of the Labor Party. I am not afraid to name them, even if they are in my own community. You cannot put 50¢ each way in this game, mate, and that is the game you are trying to play. If you wear the Labor badge, wear it properly: do not muck around with it at all. You know the problem—

Members interjecting:

The SPEAKER: Order!

Mr CONDOUS: I congratulate the Minister for introducing this Bill, because he is responding to the demands of the community. Politicians and judges who impose the sentences must recognise that, if they want to impose a proper sentence that fits the crime, there is only one way of doing it: they look at the victim and substitute that person with either their mother, their sister or their wife. They would then come to a proper realisation in passing sentence.

Too many women come into my office and sit and cry because, having suffered a horrific violation, they see that the person who committed the crime, instead of serving the full five year sentence, is free after a period of some nine months. Let us look at the performance of this Government when it comes to the penal system. Look at the fines detention prison.

I spoke to the Minister the other day and he told me that there are foot marks on the wire where people are coming in and going out. The prisoners are bringing in either their mates or their girlfriends for a bit of a rendezvous.

I watched the *7.30 Report* the other night and there they were, not having paid their fines, kicking a football around, having a great time and keeping fit. Look at the Adelaide Remand Centre, which now has a better swimming pool than any of our five star hotels in the city. Look at the fornication that went on on the ovals, as the previous speaker said. Look at the new Mount Gambier Prison, which includes two en suite luxury rooms. They did not want the prisoners fantasising so they are allowed to have their girlfriends or wives in for 12 hours to complete the whole act. I mean, they have made it really difficult; the prisoners are cut out of circulation, and this is what we call getting serious! The community is fed up. The people who came in to my office—

An honourable member:

Mr CONDOUS: Yes, all members of the public are fed up. We saw only last weekend the horrific injustice of crime by young people in burning down the Craigmore Primary School, which was a most disgraceful act. I am yet to believe that any one of those children came from a decent family or a decent upbringing in a house, because kids who have love and care in the home do not commit that sort of crime. We saw the destruction of a $300 000 STA bus. What are we going to do about it? We have the people involved. We will take them before the courts; we will place them in detention for three months; we will give them 100 hours of community work; and we will let them go free. Who will pay for it? The 1.4 million people who constitute the taxpayers of this State are asked to pick up the cost. I think it is about time that we got serious about what we are going to do in the future, because we have to send a message out to the community. This Bill will send it out.

Mr Venning interjecting:

Mr CONDOUS: That is right. This Liberal Government will show the community that it has responded to their needs; it will show them that it is concerned and committed to the community. The Liberal Government will be demanding greater discipline from everybody within our community. The Government no longer accepts a sense of irresponsibility, and we must send a message out to those who want to break the law that the party is over and we are now getting fair dinkum.

Mr BRINDAL (Unley): I will not long detain the House, but the member for Hart told us that it was easier for me to sit and interject than to respond to his speech. So, I accordingly do so for the little it is worth, because my colleagues, especially the members for Colton, Mawson and others who have spoken tonight, have spoken eloquently on this matter. I would particularly like to commend the member for Hart. He is doing a fine job in this session. He is the only member of the Opposition who can speak every night, and every night his speech gets worse—every night—and he is to be commended for that. I must also congratulate the—

The Hon. H. Allison interjecting:

Mr BRINDAL: I was going to say that. I also congratulate the member for Spence, who uniquely in this place has turned a really safe seat into a marginal seat. The member for Colton does not need him to preselect for anywhere else: he is doing a good enough job on his own of losing his seat. I disagree with a few things that the member for Colton said. He is a very astute person, but he did say that the Labor Party was smart and astute when it comes to elections. I ask the member for Colton to look opposite and to count the number of members opposite, and then I defy him to tell me that they were either smart or astute. The best I can count over there is 10, and they are not very bright at that.

Mr Atkinson: Count them next week.

Mr BRINDAL: It is interesting to note that the member for Colton was very unkind: he said that anybody with half a brain can understand. That is a gross assumption. It assumes that members of the Opposition have at least half a brain, and I think that most members on the Government bench would strongly dispute that fact. I will not long delay this House, as I said—

Mr Atkinson: Do, we like you.

Mr BRINDAL: Members on this side have adequately summed up the points. I do note that in the course of this debate there have been two members sitting opposite consistently—one of them hiding behind a newspaper, the other interjecting with—

Mr Atkinson: With flair.

Mr BRINDAL: —semantic little points. Where are their big guns? Their big guns are absent. Where are the other eight members who wish to speak on law and order? They are conspicuous by their absence, because there is one irrefutable fact, and I defy any member of this House to say otherwise: the community of South Australia is dissatisfied with the current sentencing provisions in this State, and they want them changed.

Mr Atkinson interjecting:

Mr BRINDAL: I do not care what the member for Spence wants to interject: the community is not satisfied and the community wants the Liberal Government to introduce this measure, and the Liberal Government is introducing this measure.

Mr Foley interjecting:

Mr BRINDAL: The member for Hart is a very cruel and heartless person. He calls on the Minister to lock up an extra 1 000 people. That was in his speech. He said that we would lock up an extra 1 000 people. I do not know by what divine grace the member for Hart decides that 1 000 extra South Australians need locking up. The Minister, I am sure, will ensure that the courts can lock up those people who need locking up, not one more and not one less, but they will not be released early. A judge, when he sentences somebody to a minimum sentence, will know that that person serves a minimum sentence, and that is what the people of South Australia want. I conclude by sharing with the House one small incident.

Mr Atkinson: Susan Lenehan used to say that.

Mr BRINDAL: I would rather share something with the ex-Hon. Susan Lenehan than I would with the member for Spence, I can tell you.

Mr Foley: Sexist.

Mr BRINDAL: A woman came to me when I was the member for Hayward. She was very distressed, because her children—not one child—had been subjected to incest by a person who had ingratiated himself into the house and who was seducing her five year old daughter unbeknown to the mother while she was in the house. It had destroyed the woman's life, it had destroyed the children's lives and it had caused her great trauma.

The reason she came to me was that less than three years after this crime had been perpetrated she discovered, purely by accident, that the offender was to be let out on home release—and that she was not even going to be informed. Members opposite can check this, but it was only by my

intervening and putting a reasoned case to the then Attorney—who I admit saw the logic of it—that that person was not let out for, I think, nearly a year afterwards. If that woman had not come to her local member of Parliament and complained, that person would have been let out after three years.

She made this point to me: 'My life is totally destroyed. I can no longer work. I am a nervous wreck. My kid's life is destroyed and is likely to be for goodness knows how many years into the future. This person was locked up for three years and you would think that he was the victim and not the criminal, because everything that this Government (the previous Government) did was to help him and not to help the victims.'

This Government is a different Government. This Government is about helping the victims. I feel sorry for the Minister at the table and the job he has, because his job is related to law and order. The breakdown in law and order is related directly to what the Labor Government did in terms of the lack of employment, community expectations and the breakdown of the social fabric of our society. That Government stands condemned, and this Minister has a big job on his hands.

The Hon. W.A. MATTHEW (Minister for Correctional Services): Tonight is the night of the back-flip. It is quite clear that the Hon. Chris Sumner in another place was rolled in Caucus. The Hon. Chris Sumner, before the election, when the Liberal Party announced its truth in sentencing policy, said that our policy was wrong, that it would cause riots in the prisons and that the prisons would burn down. Last Thursday when the Attorney-General and I held a press conference to announce the introduction of this legislation and after I subsequently introduced it into the House, the Hon. Chris Sumner again made noises opposing this Bill. But now, tonight, the Labor Party has done an about-face in this Parliament. If I was cynical, I would think that the coming Torrens by-election had something to do with the about-face of the Labor Party.

I welcome the show of support for the Bill by the Labor Party tonight, but I will not rest comfortably until I have heard the Hon. Chris Sumner in another place get up to support it, because the debate in the other place will take place after the Torrens by-election. The challenge that is before the Labor Party relates to consistency. Will the Upper House support this Bill, as the Lower House ALP members claim to do tonight?

The speeches of the two speakers for the Opposition tonight were particularly interesting. The member for Spence and the member for Hart both support the legislation, although it would seem that the member for Spence supports it more strongly than does the member for Hart. The member for Hart supported it with many qualifications. Indeed, if one had not listened to the member for Hart's speech very carefully, one would have thought he was opposing the Bill rather than supporting it. As the member for Hart and the member for Spence come from different factions, it seemed to those listening tonight that the member for Spence was part of the rollers and the member for Hart part of the rolled. It will be interesting to see whether the member for Spence and his factions can manage to convince Upper House members that they, too, should support this legislation.

I welcome the support for this legislation, but a number of points have been made tonight which need to be addressed. The member for Spence, as the lead Opposition speaker on the Bill, seems somewhat confused. He quoted passages from the Audit Commission report and claimed that the Audit Commission report and this legislation are inconsistent.

Mr Atkinson: That's right.

The Hon. W.A. MATTHEW: The member for Spence either deliberately selectively quoted from the correctional services section of the Audit Commission report or he is completely confused.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: The honourable member asks me to quote from the report. I will happily do that to assist the honourable member to understand the report and so that he can see that the report is not inconsistent with the Bill. On page 320 of volume two the report states:

> Some key features of the South Australian correctional services system are:. . . the highest percentage of remandees and fine defaulters in Australia as a proportion of total prisoners incarcerated.

Mr Atkinson: Where's this?

The Hon. W.A. MATTHEW: Again, for the honourable member, volume two, page 320.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: Above the heading 'Comparison with Other States'. This Bill is about truth in sentencing. It does not affect the number of remandees; it does not affect the number of fine defaulters.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: The honourable member should listen a little longer. Those processes are part of the administrative options available in the corrections system and the sentencing options available to the courts. This State has the highest proportion of remandees in Australia—some 25 per cent of our present prison system on remand compared with an Australian average of 17.4 per cent. We have clearly indicated that it is our intention to bring that remand percentage down to the Australian average, at worst, and to reduce the imprisonment of fine defaulters. The Bill does nothing to influence those factors, and that part of commission's report is entirely consistent with the Bill that is before us. Further, the Audit Commission report also states (page 320):

> In 1992-93, South Australia spent around 25 per cent more on corrective service activities than was required to provide the same level of comparable services across all States. . . [It identifies] higher staff to offender ratios than most other States. Inefficiencies within departmental work practices. . .

The member for Spence and the member for Hart both ask how we are going to imprison extra numbers. By way of example, the cost of imprisoning a person in South Australia, excluding the capital cost, is $56 438 per annum—the highest of any State in Australia. By comparison, the next worst State in Australia is Victoria. The cost of imprisoning one person in that State, excluding capital (according to the Commonwealth Grants Commission figures), is $43 389. If we are able to achieve, through reforms, a drop in the cost of imprisonment in South Australia to equal that in Victoria, making us the equal worst in Australia instead of the worst, an additional 360 people can be imprisoned for the same recurrent cost.

I have been quoted in the media as saying that truth in sentencing specifically by itself will add to the prison system no more than 360 prisoners by the turn of the century. I ask the member for Hart to listen to those words very carefully: truth in sentencing alone will add to the prison system no more than 360. Those are the figures that I have been using in the media. Today I received a new figure from my department which has been arrived at in consultation with the Office of Crime Statistics. The department has told me that,

as a consequence of re-evaluating the figures against the new legislation, its original estimate was a little high and it is now a fraction lower. The department estimates that the figures would be no more than 290 by the year 2000 as a result of truth in sentencing alone.

It is important to recognise that other factors need to be taken into account against the prison system. If we are to come up with a projection that gives a worst case scenario in order to have the appropriate accommodation places within the prison system, other factors need to be examined. The department has taken a compound growth rate figure of 5 per cent. It is fair to say that since 1988-89 there has been an annual 5.8 per cent increase in the numbers of people in our prison system. If other actions taken by this Government start to slow or even reduce the crime rate, that figure would change. However, assuming the worst, if that were to continue, we believe we are looking at a 5 per cent compound growth rate. That, combined with truth in sentencing, will see the prison population increase to a maximum of 1 800 prisoners. The Audit Commission report gives a figure of 2 200, which was the best figure that the department had available at that time, so that number has come down a little.

The member for Hart raised the issue of prison numbers and talked about an additional 1 000 in the prison system. That is not the case. Against the figures I have given tonight, we are talking about fewer than 600 extra prisoners between now and the year 2000, and of those no more than 290 through truth in sentencing.

Mr Foley interjecting:

The Hon. W.A. MATTHEW: There are two figures there. The member for Hart warns, 'Be careful about trusting departmental figures.' He will be aware that the best advice that any Government has at any given time is the information that can be calculated and provided by its departments.

Mr Foley: Tell us about it.

The Hon. W.A. MATTHEW: Surely the member for Hart is not going to blame the public servants now for the collapse of the State Bank. That is the information that the department has at this time. A number of other things are mentioned in the Audit Commission report. The member for Spence talked about the closure of prisons. From memory, I think he referred to Port Lincoln and Cadell. He asked how, if numbers were to increase through truth in sentencing and prisons were to be closed, additional numbers could be accommodated. Again, I refer him to the Audit Commission report, volume 2, page 323:

> . . . the distributional spread and optimum capacity of South Australia's current system of eight prisons should also be reviewed. . . . there may be potential for economies of scale to be gained from operating larger prisons.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: The member for Spence interjects, 'It saves you more money.' That is the very point. It saves money, enabling that money to be used to accommodate the greater numbers that are projected between now and the year 2000. That is where the money is coming from. The member for Hart asked where the money was coming from and he has now just admitted that this option would save more money.

Mr Foley: I did not admit that.

Mr ATKINSON: The member for Spence did. There is not a great deal of difference between the member for Spence and the member for Hart.

Mr Foley: I barrack for Port Adelaide.

The Hon. W.A. MATTHEW: The member for Hart barracks for Port Adelaide. As a fellow Port Adelaide supporter, I acknowledge that there is something good about the member for Hart. As I said, that is where some of the money will come from. The report, on page 330, further states in recommendation 16.14:

> The Department for Correctional Services should, in the development of future plans to enhance the capacity of the prison system to meet the forecast demand growth, consider commissioning the private sector to construct and operate a prison of approximately 300-500 cells.

Tonight the member for Spence said that the Audit Commission report was directly contrary to this legislation. He is quite wrong. I again draw his attention to recommendation 16.14, which clearly identifies the need for greater prison accommodation space and for a new prison to accommodate that growth in numbers. It also clearly recognises that the truth in sentencing legislation was to be introduced into this Parliament. If the member for Spence and the member for Hart still do not understand where the money comes from, and I point out that the Audit Commission report talks about a new prison which is not in contrast to truth in sentencing but actually mirrors it, then we are going to have a very tedious Committee stage.

Mr Atkinson: You are, anyway.

The Hon. W.A. MATTHEW: The member for Spence indicates that we are, anyway. It seems that some members learn at a very slow pace, and I look forward to educating the member for Spence during that stage of the debate.

I welcome the contributions made by the members for Wright, Florey, Hanson, Mawson, Kaurna, Colton and Unley. Indeed, some speakers were very spirited in their support for the Bill. Members on this side feel very strongly about this Bill, because they see it as making some very important fundamental changes. This Bill puts an end to Labor's early release program; it restores integrity and honesty to the sentencing process; it enables truth in sentencing to prevail; and it will enable me, as Minister for Correctional Services, to start receiving applications for transfer from other States, if they still continue, knowing that things are equal.

Every week I receive numerous applications from prisoners in other States to transfer to South Australia. Without exception, every one of those applications has been rejected for sound reasons: in all cases, those prisoners, if they were transferred to this State from the Northern Territory, Queensland, New South Wales or Victoria, would have been released from gaol earlier. I repeat for the member for Spence that every application received across my desk since I became Minister has been rejected because those sentences would have been reduced. That is extremely important, because it shows that South Australia is out of step with the rest of Australia.

Before I conclude, I must address the comments made by the member for Hart referring to the New South Wales legislation. He quoted statements made by a judge in New South Wales recently, saying that in that State the prison system was out of control and referring to the effect of truth in sentencing there. The member for Hart has made the same blunder with that statement as the shadow Attorney-General, Chris Sumner, in another place has made. This legislation does not mirror the New South Wales legislation.

Mr Foley interjecting:

The Hon. W.A. MATTHEW: The member for Hart might like to interject, but I will repeat it: this legislation does not mirror the New South Wales legislation. It specifically

treats remissions in a similar way to the way in which remissions are treated in Victoria. If we are to compare the effect on the prison system of truth in sentencing, we should compare South Australia not with New South Wales but with Victoria. Of course, the Labor Party is very good at selectively quoting and analysing situations that it wishes to exploit to its own advantage. That simply will not wash here.

I commend the Bill to the House. This important legislation will restore honesty and integrity to the sentencing process; it will ensure that the punishment fits the crime; it will ensure that rapists, murderers and armed robbers stay in gaol longer, and that is where they should be; and it will ensure that this Government has the opportunity to apply rehabilitation programs to those people for a longer period and reduce their chances of reoffending.

Bill read a second time.

The Hon. W.A. MATTHEW (Minister for Emergency Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr ATKINSON: The Labor Party would say that the definition of 'victim' in this clause is unobjectionable. The deletion of section 4(2) raises the issue of abolition of remissions. We say that there is no need to abolish the remission system. The system is working reasonably well and there is therefore no need to fix it at great public expense. There is certainty of sentencing under the present system and there is incentive for prisoners to behave well in prisons.

The Hon. W.A. MATTHEW: That would have to be the most bizarre statement of the night. This Bill is about truth in sentencing and about removal of remissions to achieve that process. If the removal of remissions is not permitted through the passage of this Bill it will not be about truth in sentencing. The member for Spence claims to be supporting this Bill and at the same time he attempts to remove the very clause that ensures that this Bill is serious about truth in sentencing. I refer the honourable member to my second reading speech, where I indicated very clearly the other options that are available as incentives to prisoners instead of removal of remissions. The honourable member claims the remission system is working very well. It is not; quite simply, that is why we have this Bill before us tonight.

I ask the honourable member to consider the following analogy: if somebody infringes the law they are appropriately fined; for a more serious infringement they go to gaol; for some minor offences such as traffic infringements they receive a traffic infringement notice. For each of those offences those penalties have been imposed because someone has done the wrong thing. Remissions in prisons give prisoners a reward and cut their sentence shorter so they will behave. When they come out of prison they want to know what they will get to stop offending, because that is what they have had in the prison system. By removing remissions and imposing the new provisions of the legislation, if prisoners misbehave in a prison they will be fined and receive penalties as they do on the outside, so that when they come out of the prison if they misbehave they will expect to be fined or penalised in the same way. This Bill restores consistency, so I am quite surprised that the honourable member would even seek to amend the provisions for the abolition of remission.

Mr ATKINSON: The Minister makes a compelling case against remissions. I respect the case he has made; I just do not happen to agree with it. Let me return to my second reading remarks, where I said that the Liberal Party and the Labor Party agree about ends in the criminal justice system (and our position is to be contrasted with the Australian Democrats); what we disagree about is the means. The remission system is a means to obtaining good order and behaviour in prisons. We in the Labor Party say the remission system is working as well as can be expected; the Minister says, 'No it is not.' He said that $25 fines by the prison Governor would be a better system of obtaining good order in prisons. We respectfully disagree with that. We in the Labor Party accept that this was part of the Liberal Party's election platform. The Liberal Party obtained an overwhelming majority at the 11 December poll, and we accept its mandate to introduce this Bill and this clause. Accordingly, the Labor Party will be supporting this clause. We are not seeking to excise it from the Bill; we are just using the Committee stage to express our point of view, and I hope the Minister would not begrudge us our point of view.

The Hon. W.A. MATTHEW: I am always pleased to hear the member for Spence express his point of view. There are a couple of further comments that need to be made. The $25 fine equates to a weekly salary of a prisoner in a working division in the prison. That is the equivalent of imposing a $600 fine on someone on the outside, so we argue it is indeed a significant penalty; it is a whole week's wage for the prisoner who works. That is how that figure has been arrived at. The prison officers who have been consulted certainly believe it is an adequate deterrent and we believe that at the end of the day the system will prove itself.

Clause passed.

Clause 5—'Chief Executive Officer may release certain prisoners on home detention.'

Mr ATKINSON: We believe that the home detention scheme as it stands appropriately balances the need to punish offenders in accordance with the sentences imposed by the courts on the one side with the need to contain public expenditure on prison facilities on the other side, and in that view we obtained support from the Audit Commission report. The home detention scheme has been most successful in practice, with a high compliance rate in respect of prisoners keeping to the conditions of detention in their own home. The amendment simply tips the balance towards longer periods of incarceration in prison, thereby incurring a greater public expenditure on prison facilities. We say it is unnecessary to do so. We accept that the Liberal Government has a mandate to introduce this clause, and accordingly we will acquiesce in this clause.

The Hon. W.A. MATTHEW: Again, I appreciate that the Opposition will support this clause with reservations, but I think it is important that those reservations are answered for the sake of clarification. To quote the Audit Commission as supporting the Opposition view is mischievous at best. The Audit Commission report talks about non-violent offenders for home detention, and I encourage the honourable member to go back and read that report. Since coming into office this Government has been administratively preventing violent offenders from going onto home detention. The last reported figure I have received from my department is that since the election 82 people who would have been released from gaol under the Labor scheme had been kept from being released

from prison at the date they expected to be on home detention. In all cases, those people are violent offenders, and amongst their number are people who have committed crimes such as murder, manslaughter, rape and armed robbery or who have interfered with children.

Tonight the member for Unley gave the House an example in his second reading speech of a constituent with whom he had dealt who was traumatised by the fact that someone who interfered with her child was to be released 12 months early on home detention. Those people will no longer receive home detention. The balance we will be seeking to achieve through home detention is for non-violent offenders, and that is what is supported by the Audit Commission.

Mr ATKINSON: Can the Minister tell the Committee what proportion of prisoners are regarded as violent, that is, who are sentenced for violent crimes or who become violent once they are incarcerated, and what percentage are regarded as non-violent prisoners? When we have those figures we will be in a position to determine the viability of the proposal for home detention as a money saver.

The Hon. W.A. MATTHEW: I do not have the figures with me this evening, but I undertake to obtain them and provide them for the honourable member on another occasion.

Mr De LAINE: The Minister claims that dangerous prisoners are getting out on home detention, and people are concerned that they are getting out 12 months before they normally would. What additional treatment does the Minister propose instead of home detention to ensure that those prisoners are no longer dangerous in 12 months?

The Hon. W.A. MATTHEW: I welcome the question because it is something that was answered firmly by the Liberal Party in the lead-up to the last State election. It is fair to say that in South Australia in the past 11 years rehabilitation in our prison system has been almost non-existent. While it is fair to say that we have a prison system of varying security classifications, prisoners are not moved from one prison to another under a program management structure but are moved from one prison to another in a knee-jerk reaction depending upon bed space availability.

That is a process we are trying to pull into line at present. I cannot stand in this Committee tonight and claim that we have achieved that now because there is much work that still needs to be done. Under Labor, a sex offender might have received a five year sentence for interfering with an eight year-old child. With a two year non-parole period they could be back out on the streets after as little as eight months. During their sentence they would spend a bit of time in Yatala's security division and then in Mount Gambier before being released.

What will happen under this Government was clearly set out in our policy. The offender will spend a longer time in the prison system. They will serve their minimum sentence under truth in sentencing and will be released if they behave but, during that extended period, they will be required to undertake rehabilitation programs, including psychiatric counselling and, where appropriate, anti-violence counselling. They will be moved through a series of programs, providing them with an education standard (if they have not already achieved that), and ensuring that they have an opportunity to learn new skills if they are not skilled adequately to work on the outside and to move through a series of work regimes in an environment suitable to the care that they need.

Finally, if the prisoner demonstrates that they have participated in education and work programs and shown a remorse for their crime, and if they have behaved while they are in the prison system, they will have the opportunity to be released. If the sentence has been for five years or more, they have to go before the Parole Board and victims will have the opportunity to put forward a case and the victim's statement will be taken into account. The police will have the opportunity to put up a case, and the police statement will also be taken into account by the Parole Board. It is a much different regime from the one that has been in place. I am sure it is a regime that victims of crime will hail when it finally becomes law.

Clause passed.

Clause 6—'Minor breaches of prison regulations.'

Mr ATKINSON: My worry about this clause concerns what safeguard there is against a prisoner being pressured into adopting the summary procedure for breach of discipline so that there is no external scrutiny of the decision to punish the prisoner. At the very least I would have thought the prisoner would be required to give notice in writing of a wish to follow the summary procedure, other than subclause (2) which places the burden on the prisoner to elect formally to be dealt with according to the due processes of the law. I am not saying that prisons are an entirely suitable location for the finer points of natural justice, but I would have thought that the provisions the Minister proposes lack natural justice almost in their entirety.

The Hon. W.A. MATTHEW: I fail to see how the honourable member can claim that the provisions proposed lack natural justice almost in their entirety. The legislation clearly provides that, where there is a minor breach of regulations, where the manager is satisfied that the regulation that has been breached is specified under this provision, he may give the prisoner notice in writing that sets out a number of quite clear things: the date the alleged offence allegedly occurred and the facts upon which the allegations were founded. It identifies the regulation that is alleged to have been breached and it specifies that the prisoner may elect to be charged with, and receive a formal hearing in relation to, the offence and it specifies the punishment that the manager proposes to impose if the prisoner does not elect to be charged with the offence.

The prisoner has an opportunity within 24 hours to give notice in writing to the manager or to a delegated employee specified in the department's notice. If he does not do so within 24 hours, he elects to be charged with the offence and the manager may then hear or view the evidence, call to examine or cross-examine witnesses and make submissions on the alleged breach and the penalty. I would have thought that there are some simple processes that are laid out through these changes that enable justice to proceed and to give the prisoner the opportunity to be heard. I am not sure what else it is that the honourable member seeks. If he wishes to enumerate his view further, I would welcome his doing so.

Mr ATKINSON: Once again the Minister has been most persuasive. Upon a more careful reading of this clause I note some elements of basic justice. I would prefer more provisions to safeguard the prisoner from arbitrary treatment, but the Minister has made a good case for what he is doing. I return to my original question: why is there no external scrutiny of the decision to punish the prisoner?

The Hon. W.A. MATTHEW: A number of opportunities can be afforded to a prisoner to cause any decision within a prison to be reviewed. The Ombudsman is one such person who often hears cases of grievance from prisoners. Indeed, many members of this Parliament receive letters from

prisoners airing grievances and seeking their resolution. Visiting justices also go to the institutions, and they also provide the opportunity for a prisoner to air grievances to them. I would have thought that ample opportunity is afforded to a prisoner to air a grievance over particular treatment to provide the scrutiny that the honourable member seeks.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Manager may delegate power to deal with breaches of prison regulations.'

Mr ATKINSON: My criticisms of clause 6 were really in anticipation of my criticism of clause 9.

The Hon. W.A. Matthew interjecting:

Mr ATKINSON: The Minister is a wit! I am a little concerned that the prison manager is able to delegate the power to any employee of the department. Is not that potential delegation rather broad?

The Hon. W.A. MATTHEW: The clause specifically provides that 'the manager of a correctional institution may, with the approval of the Chief Executive Officer. . . ' The delegation is not simply, as the honourable member implied, at the whim of the prison manager—the CEO has to be involved as well.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: I am surprised the honourable member objects to that. The CEO is the chief executive of the department. If the chief executive of the entire department is able to make the decisions required of that particular officer and then is unable in the member's view to participate in a decision of this nature, one would have to ask: why have a CEO at all?

Clause passed.

Clauses 10 to 19 passed.

Clause 20—'Reduction of existing sentences and non-parole periods.'

Mr ATKINSON: This is a truly remarkable clause to be included in a truth in sentencing Bill. This clause says to prisoners, 'Well, sorry chaps, we are taking away remissions; we are abolishing them for all prisoners who come after you, but for you we have a special deal from the Liberal Government. You can have not merely all the remissions that you have accrued so far, but all the remissions you might have accrued had you served your entire sentence. What is more, you can have them now.' The Labor Party opposes this clause because it does not have a place in a truth in sentencing Bill, and I ask the Minister to explain it to the Committee.

The Hon. W.A. MATTHEW: It is with pleasure that I explain this clause to the Committee. This is a clause that has caused the Labor Party so much difficulty. One has to remember that the Hon. Chris Sumner in another place came out opposing the truth in sentencing legislation when it was announced as part of our policy prior to the election. He came out opposing it after the Hon. Trevor Griffin from another place and I announced the introduction of this legislation. The Hon. Chris Sumner clearly did not read the press statement that I issued with the Attorney-General. It indicated that the model we have adopted in South Australia more closely resembles the model used for truth in sentencing in Victoria compared with that of New South Wales.

That is why we will not see the massive 50 per cent increase in prison numbers as a result of the passage of this Bill. Rather, we will see the revised number that I received today of 280—and which I indicated to the House earlier—through truth in sentencing by the year 2000. This Bill ensures that those prisoners who are presently within the system have an understanding of the date on which they will be released, which is quite contrary to the statements made by the Shadow Attorney-General.

The Hon. Frank Blevins interjecting:

The Hon. W.A. MATTHEW: The member for Giles breezes in and says, 'Why bother?' That is what people should have said about the member for Giles when he was Minister of Correctional Services. I look forward, on another occasion, to revealing in this place some of the goings on of the member for Giles when he was Minister. This Bill says to those people in the system at the moment that, providing they behave and participate in education and rehabilitation, they will not receive any further penalties. The penalty provisions still apply to those prisoners in gaol at the moment. That is in addition to what they are presently subjected to. The penalty provisions still apply.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: I ask the honourable member to listen. The same Parole Board conditions will still apply. Those people will still have to go before the Parole Board if they have been sentenced to five years or more. The Parole Board can still say, 'No, you are not getting out'. That is different to what happens at the moment. Under the current legislation, introduced by Labor, those people get out regardless. The honourable member should not sit their shaking his head. Paul John Wheatman was released under the Labor Party's legislation.

Interestingly, Paul John Wheatman was sentenced under Liberal Party legislation that was bastardised by the Labor Party. Labor members of Parliament should not sit there with a holier than thou attitude trying to pretend that those people were in some way protected. If that is the best stunt they can come up with for the coming Torrens by-election, apart from their amazing about face tonight in supporting this legislation—which I welcome—they will not win Torrens.

Mr ATKINSON: It is regrettable that the Minister ties this legislation so closely to a by-election in the north- eastern suburb seat of Torrens. I wish he would debate this important proposed law on its merits. The Labor Party does not disagree with current prisoners retaining the remissions that they have already been awarded for good behaviour. One of the reasons we do not quibble with that part of the clause is that we do not believe in retrospective criminal legislation. We accept that part.

What we object to is the subverting of truth in sentencing by the Bill. That subversion consists in having a conveyor belt whereby people who were offending after the commencement of this Bill come into the prison system without remission and, in order to make space for them, the Minister sends existing prisoners out earlier than they would have gone out if the Bill had not been passed. So he has this conveyor belt whereby current prisoners leave prisons by having their remissions brought forward in a lump sum which they can enjoy immediately. In the course of abolishing remissions, this Bill awards one huge remission for all current prisoners.

It is clear from the debate on this clause in Committee why the Minister is doing that. In order to accommodate the prisoners he proposes to bring in under this truth in sentencing legislation, which we support and will support on the third reading, he is making room by sending existing prisoners out on the conveyor belt earlier than they would otherwise have been released—by bringing forward their remissions in a lump sum. We oppose that, because we want

to keep the Minister and the Liberal Government honest on truth in sentencing.

The Hon. W.A. MATTHEW: A Labor Party member in this House is one to talk about honesty! I will go back to an example I used before, and I have used it many times—a rapist who is sentenced to five years with a two year non-parole period. Under Labor's remissions introduced in 1983, that person was released after 16 months. That person was given that release date of 16 months time the day they went into the jail. The day they go into the jail, all their remissions are up front. That is what they are told: it is not, as the honourable member claims, that they know about only the remissions they have earned to date. They are given a release date based on their remissions up front.

In addition, also under Labor, that violent rapist was released on home detention after eight months. What we are saying is that the absolute best deal that person will get from the Liberal Government, under our legislation and our new administrative procedures, is release after 16 months, provided they behave. I would like to hear the honourable member explain how 16 months, as the shortest sentence this offender is going to serve, is shorter than eight months: it would be an interesting explanation indeed.

Mr ATKINSON: The Minister is conflating two things: home detention on one side and sentencing and remission on the other, and he is therefore not being helpful to this debate. The truth of the matter is that, in order to accommodate the convicted criminals he will bring into South Australian prisons under what appears to be a tougher sentencing regime, which we support in principle, he is evacuating the prisons of the current prisoners under a system of remissions which is far more generous than anything the Labor Government ever proposed.

What is happening here is that the Liberal Government is proposing to give to existing prisoners their remissions in a lump sum up front. The Liberal Government is proposing to bring forward their remissions so, without any token of good behaviour or actually earning the remissions, these prisoners, under this Bill, get remissions up front which they would not have got if the Bill had not been proposed and passed.

The Hon. W.A. MATTHEW: The member for Spence is a slow learner. It seems I will have to talk very slowly to help the member for Spence. When a prisoner is admitted to prison, under the legislation put together by the Labor Party, they are given up front a release date based on the maximum remissions they will earn.

Mr Atkinson: If they earn them.

The Hon. W.A. MATTHEW: The honourable member interjects, 'If they earn them'. The honourable member does not understand. They are given a release date on day one, in jail, when they will be released; they are given their remissions up front. But it has not stopped there. If there is an industrial dispute in the prison and a prisoner is locked in a cell, they get days off. If there is a stop work meeting, they get days off. For a whole range of things under Labor's previous regime they got more days off that early release date given to them on day one, because they were given all their remissions up front. Those days off will not be given to them: that is quite clear. They get the maximum remissions they would have earned, but the days off will disappear, so the sentence will be longer. It does not matter which way the honourable member looks at it, the sentence will be longer.

His colleague, the member for Hart, indicated during a speech tonight that the prisons are overcrowded. The member for Hart indicated that we will be doubling up in the Remand Centre. In fact, there will be 90 bunks in the Remand Centre and, all being well, they will be in place by 7 May. He indicated that there are three people to a cell. That is true in F Division, which normally has two to a cell. There are some cells—at any one time, up to about 40—where we have three people to a cell, until the new bunks are in place in the Remand Centre, so we can remove 80 remandees out of Yatala and provide the flexibility we need for the accommodation.

The whole reason why those extra numbers are in the prison system is that we have kept a minimum 82 people in jail already who would have been released under Labor's provisions. That is the administrative part we have been able to exercise already. What we need is this legislation to go through to finish the job, so we have already implemented a form of truth in sentencing through administrative measures. The legislative measures are what we have here before us tonight. So for any member to stand up in this Parliament and intimate that anything in this Bill will reduce a sentence of an existing prisoner in any way, shape or form is arrant nonsense.

Mr De LAINE: The existing remission system has worked fairly well under the circumstances. I do not say it is perfect. It is an incentive to keep prisoners in line. The Minister does not seem to understand the way the justice system has worked over the past few years. My understanding of the system is that judges tailor their sentences according to the remission system. In other words, if a judge decides to give a prisoner four years jail, he will give the prisoner 10 years jail to take into account the remission provisions. If the prisoners behave themselves, they get out in four years; if not, they do more. I do not see that this legislation will achieve what the Minister expects.

If this Bill is passed and truth in sentencing comes in, and if the judge intends the prisoner to get four years jail, he will give the prisoner four years, as they would have got under the old system of remissions. Can the Minister say how this legislation will cause the judges to give stiffer sentences which, I agree, are needed for serious offences? There should be longer sentences, but how will this legislation ensure that prisoners serve longer sentences?

The Hon. W.A. MATTHEW: This is a slow process. I have some sympathy for schoolteachers tonight. The member for Price makes a number of points. First, I am pleased that he welcomes stiffer penalties. He also indicates that it is his perception that judges have tended to hand down longer sentences, taking into account remissions so that they, in effect, hand down their own form of truth in sentencing. The member for Spence, on the other hand, is saying that we will be cutting their sentences short. We have a little bit of conflict in the statements made by the member for Spence and the member for Price. Perhaps it is a by-product of the rolled and the rollers in the Caucus room over this Bill because of the coming Torrens by-election. I am pleased to advise the member for Price that this legislation affords judges the opportunity to hand down a truthful punishment that fits the crime, to indicate through the court a minimum sentence that must be served before a prisoner has any chance of being released—a minimum sentence.

Mr De Laine: They do that now.

The Hon. W.A. MATTHEW: The member for Price interjects, 'They do that now.' In case the member for Price was absent from the Chamber on the last two occasions I went through this example, I will go through it again. A person who received a sentence of five years for rape and a

two year non-parole period under Labor, through the changes introduced in 1983, was given an automatic one-third off for remissions; the two year non-parole period therefore became 16 months. Further, through home detention, which was introduced as an administrative option, that 16 months became eight months and a person was released on home detention.

I would argue that at the time of handing down a sentence the judge who gave a five year head sentence would not in his wildest nightmares have believed that the rapist would be out on the streets in eight months. I can assure the member for Price that the victim certainly did not expect the prisoner to be out on the streets in eight months. I would be surprised if the honourable member, who has been a member of this House for a long time, has not had at least one phone call from a distressed victim expressing concern about leniency of sentences. All this legislation does is enable the courts to hand down a minimum sentence that will be served before that person has any chance of being released. If they do not behave in the system, they will serve more than that minimum sentence. It restores honesty and integrity to the sentencing system.

As to what guarantees I can give that judges will set a sentence of a particular length, no-one in this House can give a guarantee as to what an individual judge on a particular day might hand down for a particular crime. That is why we have the judicial system. It is the role of this House to provide the parameters: it is the role of the judiciary to apply the law of the day to the best of its ability. This affords every opportunity for honesty and integrity in the sentencing system. I hope that the honourable member has been persuaded by those arguments, and I am prepared to answer further questions if he has them.

Mr BASS: I feel that members opposite really have no experience whatsoever in what happens in terms of a prison sentence. As an ex-policeman and Secretary of the union that dealt extensively with the Minister for Correctional Services when the Opposition was in government, I can speak with some experience and with first-hand knowledge. I hear the member for Spence saying that they would get those remissions with good behaviour. What a lot of codswallop! I can cite an instance when I was a detective at Holden Hill and there was an escape from Yatala: the prisoners cut a hole in the fence with oxy. We managed to capture one prisoner. Three got away but, being good detectives, we caught one of them and he was returned.

One would believe that escape from gaol would be a fairly serious offence. We put him back inside—that will cure him. About a month later we captured the others and decided to charge all four prisoners together but, lo and behold, the first prisoner we had caught for escaping from gaol had gone. How did he get away? We released him. How did we release him? He got time off for good behaviour. I ask the member for Spence, is that how it was supposed to work?

Mr Atkinson: I am not in a position to reply.

Mr BASS: I do not want to steal the Minister's thunder, but I think the reason why remissions will cease is simply to stop two systems. The system under the previous Government's regime is confusing enough. It would be confusing if there were two groups of prisoners: the pre-amendment prisoners who continue to be eligible for remissions, and the post-amendment prisoners who would not be eligible for remissions. Prison officers, when dealing with an incident, would have to determine under which system a prisoner should be dealt with, and that is very confusing.

It is confusing enough under the present system. Prisoners have difficulty now understanding the system and would have even more difficulty if there were two systems. I do not particularly like the system in place at the present time but, as I said in my speech, I think it is appropriate that prisoners are given remissions so that everybody is treated the same way.

Mr Atkinson: In a lump sum.

Mr BASS: In a lump sum. They will get it anyway under your system. A prisoner does not have to earn remissions. I can recall ringing up the Minister for Correctional Services because the police were having to look after prisoners who were not supposed to be in the police system. The Minister who held the seat that I now hold said, 'I'll fix it.' The next day the 20 prisoners in the police cells were gone. I thought, 'What a magnificent effort', until I found out two days later that he had just given them remissions. The remissions were not given for good behaviour: rather it was a matter of opening the door—'You're a rapist, you're an assailant, you're a bank robber; we will open the door and out you go on remission.' Your system stinks; it always has. This system, if I understand it, is the way to make it work.

The Committee divided on the clause:

AYES (29)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Gunn, G. M.
Ingerson, G. A.	Kerin, R. G.
Leggett, S. R.	Matthew, W. A. (teller)
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (8)

Atkinson, M. J. (teller)	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.
Foley, K. O.	Hurley, A. K.
Rann, M. D.	Stevens, L.

PAIRS

Hall, J. L.	Arnold, L. M. F.

Majority of 21 for the Ayes.

Clause thus passed.

Clause 21—'Sentences imposed after commencement of this Act.'

Mr ATKINSON: It seems to me that what we are seeing with this clause is the Government encouraging the courts to adjust the tariff for certain crimes, and to adjust the tariff downwards—the tariff being the usual range of penalty for a crime of a particular nature. I would have thought that this clause forces the courts to consider that more lengthy sentences would have been imposed when judges and magistrates took remissions into account, and now that remissions have been abolished prospectively the effective tariff for a particular type of crime in terms of the time actually spent in custody should remain on a par with earlier sentencing, and therefore judges' sentences should be reduced. Does this clause instruct or encourage the judges (in so far as that is possible in legislation) to reduce the tariff for

certain criminal offences to take into account the abolition of remissions?

The Hon. W.A. MATTHEW: I do not accept that it encourages the judges to reduce the tariff; it simply affords the judges an opportunity to hand down a sentence for a period with a minimal sentence that must be served. That is what the Bill provides, and I do not accept that this clause, in encouraging judges to look at previous sentences, in any way encourages them to reduce the tariff.

Mr ATKINSON: Does the clause ask the courts to take into account the change in the system, namely, the abolition of remissions? Could the Minister answer that with a simple 'Yes' or 'No'?

The Hon. W.A. MATTHEW: Under the previous system, when the judge handed down a sentence of, say, eight years, that was not the tariff that was being set: it was actually reduced by remissions. What this does is provide the judge with an opportunity to set down a period that is not reduced by those remissions. So there is no reduction in the tariff; it is simply stating a real tariff rather than a fictitious one that is later reduced by remissions.

Mr ATKINSON: The Minister does not know the judges of this State as some members on this side know them. I can assure the Minister that the outcome of this clause, should it be enacted, is that judges will say, 'Those politicians have abolished remissions and therefore our clients, the accused, if convicted, will end up staying in prison longer if we do not take that into account.' What the judges of this State will do now is say, 'We are the people who deal with sentencing, not those mugs up in Parliament. We will reduce the head sentence to take account of the abolition of remissions.'

Therefore the Opposition will oppose this clause also, because it has no place in a truth in sentencing Bill. It is a message to the judges to go soft in sentencing, to take account of the previous clauses in the Bill which tell them that the Government intends to go harder. It is, if you like, a bit of a Masonic handshake from the Liberal Government to say, 'We know we have been pretty tough in this Bill. We have introduced something called truth in sentencing, but clause 21 provides, "Don't take us too seriously. You the judges are really in charge of sentencing and you had better take account of this abolition of remissions because we are not really serious, you are still the bosses."' The Labor Opposition opposes this clause because it encourages the judges to be the people who determine the tariff instead of the Parliament being the body that determines the tariff.

I agree with Liberal backbenchers who have made the point this evening that as you go around doorknocking people are calling for a tougher criminal justice system—constituents are calling for that. One aspect of that—and I am sure the member for Hanson knows this—is that they want Parliament to take sentencing by the scruff of the neck and impose its values on sentencing instead of the judges hiding behind their judicial independence and imposing a set of values on sentencing which is at variance with public values.

This clause says to the judges, 'Don't take Parliament seriously. You know that we have changed the system, but it's all cosmetic. You judges can go on deciding what the sentences are and, accordingly, reduce the tariff to take account of the abolition of remissions.' At the end we will have exactly the same sentencing tariffs as we had before.

The Hon. W.A. MATTHEW: The clause is simply telling the judges to set the true tariff that they have always set and that that is the tariff that will apply. It will not be reduced by remissions as it has been through the legislation put forward in this place by the Labor Party. The honourable member began by saying that the Liberal Party does not know judges like the Labor Party does. I am not sure whether the honourable member was implying—

Members interjecting:

The Hon. W.A. MATTHEW: As members interject, it is interesting to wonder what the implications are. Perhaps the honourable member was implying that the judges who are there now have been appointed by the Labor Party so they know them very well. Perhaps he is intimating to the Attorney-General that he should be having a close look at the appointment of those judges. The honourable member may like to explain that further in this place. It seemed to me and to other members that the member for Spence was implying that the Labor Party had appointed the judges so it knows them best. This clause allows the judges to set the true tariff and that is the tariff that will apply to the sentence instead of the reduction that has applied through remissions under the previous Government's legislation.

The Committee divided on the clause:

AYES (29)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Gunn, G. M.
Ingerson, G. A.	Kerin, R. G.
Leggett, S. R.	Matthew, W. A. (teller)
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (8)

Atkinson, M. J. (teller)	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.
Foley, K. O.	Hurley, A. K.
Rann, M. D.	Stevens, L.

PAIRS

Hall, J. L.	Arnold, L. M. F.

Majority of 21 for the Ayes.

Clause thus passed.

Schedule and title passed.

The Hon. W.A. MATTHEW (Minister for Emergency Services): I move:

That this Bill be now read a third time.

Mr ATKINSON (Spence): As the Bill emerges from Committee, it is much less a truth in sentencing Bill than I had hoped.

The Hon. W.A. Matthew: Why didn't you move an amendment?

Mr ATKINSON: The Minister asks why we did not move amendments: we moved to delete the two clauses which were plainly soft on crime; that is what we moved to do. The Labor Opposition concedes that the Liberal Party has a mandate for this Bill. We agree on the ends, if not the means, and we support the Bill.

Bill read a third time and passed.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Returned from the Legislative Council with amendments.

STATUTES AMENDMENT (NOTICE OF CLOSURE OF EDUCATIONAL INSTITUTIONS) BILL

Received from the Legislative Council and read a first time.

PARLIAMENTARY COMMITTEES (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

The Hon. S.J. BAKER: I move:

That the House of Assembly do not insist on its amendments.

Motion carried.

LIMITATION OF ACTIONS (RECOVERY OF TAXES AND SUBSTANTIVE LAW) AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee

The Hon. S.J. BAKER: I move:

That the House of Assembly insist on its amendments.

We spent some time in the House talking about the difficulties the State finances would face should the High Court make a decision which is not in our favour in relation to petroleum franchise fees. A number of licensing fees have come under the scrutiny of the High Court. Petrol franchise seems to be the one most at risk, and there is another High Court challenge on this issue. There is no guarantee of success. The last ruling by the High Court made quite explicit that tobacco and alcohol were legitimate areas for State Governments to become involved in taxation, particularly via a licence fee arrangement. We cannot have a situation where $144 million is placed at risk. We want to reduce that potential loss to $72 million and reduce the time frame from 12 months to six months. As the Treasurer of this Government, I insist on the amendments.

Motion carried.

The Hon. Frank Blevins: We haven't seen these amendments at all; they haven't been distributed. This is absurd; we haven't seen the amendments.

The SPEAKER: Order! If there was an objection, the Opposition should have raised it when the matter was before the Chair.

The Hon. Frank Blevins: He still hasn't put the amendments on the desk.

The SPEAKER: Order!

PASSENGER TRANSPORT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

The Hon. S.J. BAKER: I do apologise to the Committee that members opposite have not received amendments. In future I will ensure that members receive them. However, there were occasions when we were in Opposition when we were not given amendments.

The Hon. M.D. Rann: The four Bills you want discussed this week won't be discussed, if that's the way you're going to play ball.

The Hon. S.J. BAKER: Can I just make something quite clear? I would like to address—

The Hon. M.D. Rann interjecting:

The CHAIRMAN: Order! I ask the Deputy Premier to resume his seat. The Chair assumes some responsibility in this matter, and I draw the attention of all members to the fact that at no time was a challenge mounted by members of the Opposition. Had that been so, the Chair would have protected the interests of members. The Chair was unaware that the amendments had not been circulated. Therefore, I ask members to view this reasonably. Obviously, a compromise will be arrived at. There will be a conference of both Houses. The circumstances were unusual. We have the Deputy Premier's assurance that it will not happen again, and the Chair will do its best to protect members' interests, too.

The Hon. S.J. BAKER: Thank you, Sir. I was explaining to the Committee that I had made an assumption that those amendments were available to members. I was wrong in that assumption, and in future I will ensure that the amendments are in members' hands as soon as they are available. I omitted to check on that arrangement. It happened on occasions during the term of the last Government, although under those circumstances if I was handling a Bill I knew what was going on in another place; I knew what amendments had been moved. All members would know that I always checked on my Bills and made sure that I knew their outcome. It is not good enough; we will try to have a much better working relationship, and I do apologise—

The Hon. M.D. Rann: The things that you want from me tomorrow have taken a big dip.

The Hon. S.J. BAKER: I have taken this debate to a certain point. If the Deputy Leader wishes to threaten the Deputy Premier, I will insist on those Bills being dealt with tomorrow, and then we will see what happens.

Members interjecting:

The Hon. S.J. BAKER: I think we have a reasonable working relationship. Occasionally it goes wrong, as it has gone wrong on occasions in the past. This is one occasion when it has gone wrong.

The Hon. M.D. Rann interjecting:

The CHAIRMAN: Order! The member for Ramsay will address his remarks through the Chair.

The Hon. S.J. BAKER: The suggestion is that members are coming across to do deals. I have asked my ministerial colleagues to talk to members of the Opposition and apprise them of what is happening. I think that is the way the Parliament functions effectively, and if we think we sit on one or the other side and believe we will do business in this House we have another think coming. The fact that we have 37 to 10 is irrelevant; the fact is that we have to work together properly. I will do as much as possible to facilitate the smooth passage of the legislation through this Parliament. The Deputy Leader suggests that in the past two days it has been a shambles. It has not been a shambles: it has worked quite smoothly and has not changed my expectations of the debate in this Parliament.

I do not know what has happened to the Deputy Leader, unless he is feeling hurt or upset about something. Quite frankly, I have already apologised to the Parliament; I cannot

do much more. The amendments are a simple, straightforward matter. In fact, as the former Leader of the House would recognise, because they were matters involving a conference it was just a matter of sliding them through. I expect that members should have that information available to them. In future, that will be the case and, if members do not have the amendments before them, we will suspend the House or deal with other business until they are available to them. I give that undertaking.

As to the Public Transport Bill, there is a wide difference of opinion between the Houses and we are insisting on the amendments. I move:

That the House of Assembly insist on its amendments.

A conference has to be set up. I understand that agreement has already been reached and that most members know what it is about. The members know that they are on the committee. The members involved are supposed to be Messrs Atkinson, Foley, Olsen, Caudell and Brokenshire. Some of those discussions have already taken place.

I cannot understand the Opposition's response in these circumstances, given that the position has been discussed by the shadow spokesperson on the Opposition's behalf and the relevant Minister, and everyone is well aware of the circumstances involved. This motion is really a formality to get the conference under way so that next week we do not finish up having all these conferences and sitting through Saturday or Sunday, or until the Democrats give us the pleasure of their 'yes' or 'no' vote.

The Hon. FRANK BLEVINS: I agree that these things can be a formality and I have no argument with that. The formality is that these things are put on motion and dealt with when the whole House is ready to deal with them, which may be five minutes, half an hour or whatever. That facilitates the legislation going through the House and it has been pretty well standard practice, to my knowledge, since I have been in the Parliament. It is a simple courtesy. On occasion when messages are dealt with forthwith, we have usually been sitting around waiting for the message and everyone in the Parliament has got their act together as to how the message will be dealt with.

I am not suggesting for one moment that the message should not be dealt with within a reasonable period, if it suits the Government to deal with it that evening or on the day it arrives in that Chamber. No-one is trying to be difficult but, just to say 'Forthwith' and for the Deputy Premier to stand up and say, 'I agree' or 'I disagree', and then sit down with no-one in the Parliament having an opportunity to look at what is to be agreed or disagreed to is sheer disrespect to the Parliament, and it will not facilitate our getting legislation through the Parliament. No-one is trying to be difficult, but the common courtesies ought to be maintained.

The Hon. S.J. BAKER: I wish to respond to that. The former Deputy Premier and now member for Giles was Leader of Government business and knows that the motion is 'Forthwith'. He cannot argue against that. When we have received messages previously, we have dealt with them on motion. On this occasion we have received a message saying that the Legislative Council is not happy with the proceedings and normally the motion is 'Forthwith'. That has normally been the situation, as the former Deputy Premier would recognise. When a Bill has come back with amendments that we have to consider, it is then dealt with on motion. The discussions take place because we are considering amendments, but we have already considered these amendments and we are now only satisfying the disagreement between the two Houses. Either we are insisting on disagreement—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: I am sorry. The normal procedure is to say 'Forthwith'. I have already responded to the issue that the honourable member has raised. Frankly, it will be sorted out. I give that undertaking to the member for Giles.

Motion carried.

ADELAIDE TO DARWIN RAILWAY LINE

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

1. That recognising that the completion of the Adelaide to Darwin railway line is of prime importance to the prosperity of South Australia and the Northern Territory and that its completion enjoys the support of all political Parties—Liberal, Labor and Democrat, the South Australian Parliament—
   (a) supports the setting up of a joint South Australian/Northern Territory parliamentary committee to promote all steps necessary to have the line completed as expeditiously as possible.
   (b) supports the setting up of a South Australian Government team comprising representatives of the Economic Development Authority, the Department of Mines and Energy, the Transport Policy Unit and the Marine and Harbors Agency to prepare a detailed submission for presentation to the Wran committee on the costs/benefits of the rail link and to coordinate a strategy that enables the State to maximise the benefits which will flow from the railway, while minimising any potential repercussion to the Port of Adelaide.
   (c) supports the initiative taken by the Premier to invite the Chief Minister of the Northern Territory to participate in a joint South Australian/Northern Territory team of officials responsible for the preparation of funding proposals to the Commonwealth Government and the identification of potential private sector investment in the project.
   (d) calls on the State Government to allow the joint parliamentary committee in (a) above to draw on advice as required from officials in the teams mentioned in (b) and (c) above.
2. This Council respectfully requests the House of Assembly to support these measures and that the Presiding Officers approach the Presiding Officer of the Northern Territory Parliament with the aim of establishing the joint multi-Party committee and to arrange a Secretariat to the committee.

PASSENGER TRANSPORT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the House of Assembly conference room at 12.15 p.m. tomorrow, at which it would be represented by Messrs Atkinson, Brokenshire, Caudell, Foley and Olsen.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the House of Assembly conference room at 12.15 p.m. on Thursday 5 May.

ADJOURNMENT

At 11.56 p.m. the House adjourned until Thursday 5 May at 10.30 a.m.