HOUSE OF ASSEMBLY

Thursday 6 July 1995

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

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

That the sitting of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

SHOP TRADING HOURS AMENDMENT BILL

Notice of Motion, Private Members Bills, No. 1.

Mr QUIRKE (Playford): I move:

That Notice of Motion No.1 be withdrawn.

Motion carried.

PUBLIC WORKS COMMITTEE: ENGINEERING AND WATER SUPPLY DEPARTMENT

Mr ASHENDEN (Wright): I move:

That the report of the committee on the private sector provision of Engineering and Water Supply Department water filtration infrastructure be noted.

The Public Works Committee is required by statute to examine public works on behalf of Parliament and to report to that body as to whether or not a proposal is suitable, efficient and in the interests of taxpayers and the community. With respect to the matter of filtered water, the committee is of the view that residents in the areas mentioned in this report should be provided with quality water at least equivalent to that of the majority of South Australians. How that should be achieved remains a separate question subject to vigorous debate, and the committee does not presume to resolve that debate in this brief report.

The provision of public infrastructure by private capital is an international trend. However, the issue of a traditional Government-funded approach versus a build/own/operate scheme is not the subject of this examination. This report is limited to the examination of the efficacy and efficiency of private sector provision of water filtration. The Engineering and Water Supply Department (now known as SA Water) has proposed a program to provide filtered water to the Adelaide Hills, the Barossa Valley, the Mid North and the larger Murray River towns in line with a Government commitment to supply the majority of customers currently receiving unfiltered Murray River water in these areas.

The proposal consists of three sub-programs, comprising a water filtration plant on the Swan Reach pipeline supplying water to the Barossa Valley and parts of the Mid North, two water filtration plants and pipeline modification to supply most Adelaide Hills areas, and nine filtration plants at individual towns along the Murray River. The program will provide filtered water to a total population of approximately 95 000 people. It is proposed that the private sector will build, own and operate the treatment facilities, and the filtration plants will be commissioned progressively over a three-year period from the end of 1997 through to 1999 and the year 2000.

The estimated cost for the construction of the work is $104 million, of which approximately $16 million is required to be expended by the EWS for design and construction of associated infrastructure, project management, contract formation and land acquisition. The funds for the construction of the water filtration plants and ancillary works (estimated to be $88 million) will be provided by the build/own/operate private contractor. The contractor will recoup this outlay plus operating and maintenance costs by the EWS paying the contractor a periodic tariff for the provision of the services.

The areas to be served by filtered water from this project can be summarised as follows: communities in the Adelaide Hills that collectively make up the majority of the Hills population, including Stirling, Aldgate, Hahndorf, Nairne, Mount Barker, Woodside and Lobethal; the Barossa Valley and the Mid North area served by the Swan Reach-Stockwell-Warren supply system that extends into the Yorke Peninsula; and the Murray River towns of Renmark, Berri, Loxton, Cobdogla, Barmera, Waikerie, Mannum, Murray Bridge, Tailem Bend and the Tailem Bend-Keith pipeline system, Milang and Strathalbyn.

This project is the first major example of the EWS Department becoming a facilitator and coordinator of services to the public (in this case, the service of filtered water) rather than being the provider, designer, constructor or operator. Water quality has been a significant issue for the South Australian community for many years. A program to filter South Australian water supplies commenced in 1971. Currently, all the metropolitan Adelaide area, the Upper Spencer Gulf cities and many towns in the Mid North of the State receive filtered water. The proposed program of water filtration will provide filtered water to more than 90 per cent of those customers still receiving unfiltered Murray River water.

An interdepartmental committee, with members from Treasury, the Economic Development Authority, the Crown Solicitor's office and the EWS, has reviewed and advised on the proposed private sector involvement in this project. Each EWS preferred plant site has been inspected by officers from the Department of Housing and Urban Development and the relevant local council to provide feedback and in-principle approval of the proposal. The committee has received evidence that shows that the feedback from both parties has been supportive and favourable.

The Department of State Aboriginal Affairs has been contacted and consultants, approved by DOSAA, have been engaged to carry out archaeological surveys to determine the Aboriginal heritage significance, if any, of the proposed sites, and the status of these consultancies is being monitored by the committee. In general, the committee is satisfied that the agency has conducted broad consultation thus far and has in place a plan for the continuation of consultation as the project progresses. The committee will monitor the efforts of SA Water in this area.

Efforts to reform the efficiency of the Australian economy and to improve its competitiveness have recognised that the provision of infrastructure is a major factor. A general policy of inviting the private sector to become involved in providing such facilities is now commonly seen as one way of achieving efficiency gains while also providing investment opportunities for the private sector in areas traditionally seen as the exclusive responsibility of Governments.

Strictly defined, build/own/operate (BOO) implies that a private developer finances, builds, owns and operates a facility in perpetuity, subject to certain conditions such as, in the case of this project, factors to do with demand and pricing. BOO projects are a form of partnering between the public and private sectors in which, as the name suggests, the private sector contracts to provide a service and, in doing so, undertakes to finance, design, construct and operate the facility in return for payment from the Government for services.

Preferred sites have been identified for the majority of the proposed plants, but investigations are still being carried out on alternatives, including a single plant for the Adelaide Hills system. Tenderers will be able to propose alternative sites if these can be shown to be more economic, or more economically suitable, while still achieving the specified project requirements. In October 1994, the Government approved an EWS restructuring and outsourcing plan which included a proposal for a BOO contract approach for the provision of filtered water. On 13 February 1995, the Government approved the following recommendations:

> provision of filtration for water sourced from the River Murray which is provided to selected communities in the Adelaide Hills, Barossa Valley/Mid North, and River Murray towns [and] the calling through public advertisement for expressions of interest from private sector organisations to finance, design, construct, own and operate the water filtration plants.

Following Government's approval on 13 February 1995, expressions of interest were sought for private sector provision of the water treatment infrastructure, closing on 30 March 1995, and it is planned to award the contract early in 1996.

Consultants have been engaged to carry out archaeological surveys on each of the 12 proposed sites for plants and sludge treatment facilities, but the results will not be known until after the tabling of this report. No buildings nor any site either has been or is proposed to be heritage listed, and the committee has heard evidence of plans to retain existing trees wherever possible.

The committee will monitor this work until it is satisfied that assessments carried out by the proposing agency reveal that there is no evidence of any sites of significance. The question of who owns the land on which the work is to be constructed is complicated by the fact that there are approximately 12 water filtration plants proposed to be constructed in this scheme. The preferred sites for the plants and associated works have been carefully selected taking into account engineering, economic and environmental considerations. Some of the preferred sites are currently owned by the department. However, there are a number of proposed locations which are on privately owned land. Acquisition negotiations have commenced on some of the indicated sites, and the outcome of these negotiations will affect the siting of some plants. Once again, the committee will monitor progress in this matter.

On Tuesday 19 April 1995, the Public Works Committee conducted an inspection of two of the proposed sites for new water filtration plants: one between Littlehampton and Balhannah in the Mount Lofty Ranges and another on the banks of the Murray River near Swan Reach, and on operating filtration plant similar to those proposed to be constructed at Anstey Hill, 17 kilometres north-east of Adelaide. The inspection was designed to give the members of the committee an appreciation of the scale and variety of the dozen or so plants proposed and a close look at an operating plant to gauge the impact of water filtration processes on the immediate environment. It is the opinion of the committee that the technology involved in the construction and operation of water filtration plants is well advanced and poses no unforeseen dangers to the environment.

The committee finds that, in addition to meeting national water quality guidelines by the provision of water filtration, the project will provide the following benefits. It will address health issues related to poor quality water. The proposal addresses some social justice matters by providing more customers with water of a quality similar to metropolitan Adelaide whilst paying the same price per unit volume. The proposal will meet the expectations of communities to be supplied with high quality drinking water. Householders will benefit from improved domestic washing performance. Industries which use water in their undertakings will benefit.

Finally, the committee's investigation indicates that SA Water has conducted and is conducting the process of attracting private capital for water filtration in a professional and considered manner and has consulted widely and planned carefully. Because of the strength of the evidence presented, even though the financial details of an agreement with a private provider have not been finalised, the committee supports the SA Water proposal. While the detail of the proposed contract for this BOO scheme is not complete at this time, the committee considers the principal obligation and outcome of the document should be the provision of quality filtered water and expects this to be clearly reflected in its terms.

The committee will follow the progress of this proposal pursuant to its statutory obligations and will report further to Parliament as and when the need arises. The committee looks forward to receiving periodic reports on the progress of the project pursuant to the obligations set out in section 1.2 of this report. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to Parliament that it recommends the proposed public work.

Mr LEWIS (Ridley): Regrettably, there is only one copy of this report. Other members would like to have a copy, so I will surrender it for the purpose of enabling it to be copied and make my remarks from the limited notes that I have at my disposal. Whilst I support what the committee has done, I do not think that it has gone far enough. In my judgment, it has not been adequate in its examination of the equity and social justice issues involved. It makes no comment whatever about the proposed order of march in establishing these facilities as build, own and operate—a concept which I strongly support. Also, it has not commented upon the proposal put forward by the department in its own arrogant fashion that the facilities so constructed ought to belong to one operator. To my mind, that is a disaster.

There will be no competition because there will be one operator and one employer, and that operator and employer will be able to interchange staff from one station to another. To that extent it is an advantage, but it is a disadvantage in that there is no competition. There will be one employees' representative when it comes to the negotiation of costs of employment. To that extent, we create a smaller bureaucracy, but it is no different, however, from the vulnerability to which the department is currently subjected in industrial negotiations which have lifted the cost of the provision of services in the past to the point at which we can now consider them to be less efficient than they would be if they were provided in the private sector. Although, in this instance, we

create the means by which we can break that nexus, we recreate the mess by having just one employer operating all the plants, such as is the case now, with one department operating all the services so provided.

My second anxiety about the overall proposal is that, although Adelaide and all people living in the greater metropolitan area now happily have their water filtered and reticulated through clean mains, at taxpayers' expense at large, it is now proposed that the cost of establishing that filtration equipment and the recovery of that cost as an annual charge on it for interest on money or the internal rate of return required and depreciation, repairs and maintenance will be levied on the community serviced by the units to be constructed.

That has particular adverse, unjust, inequitable implications for all the towns in the Lower and Mid Murray areas, mainly because, there, the cost of pumping the water and filtering it will be very much less than it is in Adelaide. We do not have to lift the water supplied to those towns over the Adelaide Hills and into storage tanks; we simply lift it out of the river through the filtration equipment and into those communities. The high cost of power involved in pumping water over the hills—millions of tons of the stuff have to be lifted over the hills then to be reticulated into Adelaide, with pressure reduction facilities in place to reduce the head which would otherwise rupture the valves and mains—has been subsidised in some part by people in towns such as Mannum, Tailem Bend and Murray Bridge.

There, if we were to apply the same equity principles as currently exist, we find that the real cost of providing that service—that is, of reticulating the water after filtration—is much lower in those towns than in the metropolitan area, and they should enjoy the benefits of it. The cost of providing the filtration should be borne by taxpayers equitably and fairly, if we want equity and fairness in the system. I believe the same to be true in all the so-called Riverland towns—Morgan, upstream to the State border.

In addition to that, then, on behalf of the people in Swan Reach, I say that the people in Adelaide and in the Barossa will now not just get a reliable reticulated supply of water but that supply will be filtered and pumped from the immediate vicinity—and we are waiting for an adequate reticulated supply of sludge! We do not have that, and there is no prospect of getting it. Do you call that social justice? I don't. On their behalf, as their representative, I make my pleading for a re-examination by the department. It would cost peanuts compared with the other money that is outlaid to make the supply of water to the higher levels in Swan Reach safe and secure, so that it is not only there during the winter, when there are low use rates, but also in hot weather, when the mains are grossly inadequate to cover the necessity of supplying the required volume, which makes it not only inconvenient but also damn dangerous for householders on the upper level.

If a fire breaks out, no water is available in their hydrants to fight it. They have to fill the CFS trucks from the river, or from hydrants adjacent to the river, and then go up the hill to fight the fire. The school in that town is in that predicament. Therefore, in my judgment, it is high time the department took a more socially responsible approach to the way in which it conducts its decision making. Just because the electorate in which the township is located is seen to be a safe seat for one or the other side of politics—in this case the Liberals and myself as its member—that is no reason for those people to suffer this injustice and lack of equity.

That same argument applies not only to Swan Reach but to all the other matters to which I have already drawn attention as it affects the other towns in the electorate that I represent and, in part, the electorates of the members for Custance and Chaffey. The towns adjacent to the river have not been given a fair shot, and I believe the order of march ought to include some of the significant centres of population downriver as well as upriver at the same time. It is simply not fair to leave those people downriver at the end of the line until sometime close to the year 2 000 before filtration equipment is installed; and, as I have said, it is not fair if they then have to pay the cost, from their own pockets, of installing the filtration equipment through the build-own-operate company, which would mask and cross-subsidise those costs as between the plants. I will bet a penny to a quid on that one.

For that reason, I urge the Government and the officers in the department to re-think the proposal to have one operator of all those plants, and to reconsider the order of march. Some of the communities in the Lower and Upper Murray should be included in the early part of the program and, equally, some from both should be included in the last of the areas to be so serviced, to ensure that there is seen to be some fairness in the whole process.

Mr ASHENDEN (Wright): I had not intended to speak again on this matter but, in view of the many inaccuracies which have been raised by the member for Ridley, I have no alternative but to rise to my feet. It is most unfortunate that, before the honourable member spoke, he did not do some research. It is also unfortunate that the honourable member does not have the benefit of the hours of investigation the committee put into this matter. It is most unfortunate that the member for Ridley has put forward some totally erroneous and false statements.

First, he states that the areas to be supplied by this filtered water will pay for that supply. If I remember rightly, he said, 'it will be a levy'. That is utter nonsense. The price to be charged for the water will be exactly the same as the price charged in the metropolitan area. Where the member for Ridley got this idea that the Government will levy these people is just absolutely beyond me. Also, I can reassure the House that there will be competitive tendering, and surely the member for Ridley, as a supporter of private enterprise, will be the first to say that the Government should ensure that the suppliers of filtered water compete for that tender. In that way the State and the Government can be certain that the supply is at the best possible price.

Let us face it, this Government is rectifying 20 years of complete neglect by the previous Labor Government, which supplied only the metropolitan area. However, this Government is now stepping in and, after this project, 90 per cent of the area which is presently unfiltered will be filtered. Therefore, the honourable member is criticising Government action to rectify this problem whereby many areas are without filtered water. In fact, the honourable member is saying that this should not have happened. I suggest to the honourable member that, if he is unhappy with what is happening, he should make representation to the Government, and perhaps the result today reflects that lack of representation. I wish to make quite clear that, under the requirements of the Act, the committee conducted a very thorough investigation of this matter. The Act is quite clear in what it requires the committee to investigate. We investigated all those areas, and the

committee has no hesitation in putting forward its recommendation for the program as proposed.

Motion carried.

MEMBER'S REMARKS

Mr LEWIS (Ridley): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: The Chairman of the Public Works Committee, the member for Wright, in the course of his reply to the debate on the noting of the report, misrepresented my remarks. He said that there would be no difference in the charge made for water between those communities to be supplied and the metropolitan area so supplied now. I did not say there would not be; in my remarks I said it ought to be cheaper.

PROSTITUTION REGULATION BILL

Adjourned debated on second reading.

(Continued from 6 April. Page 2212.)

Mr BASS (Florey): I rise to contribute to the debate on the Bill introduced into this House by the member for Unley on Thursday 23 February. In fact, it was introduced some 14 days after a Bill was introduced to decriminalise the offence of prostitution. There has been substantial debate on the initial Brindal Bill to decriminalise the offence of prostitution and this Bill, which seeks to regulate what is known as the oldest profession in the world. Those who oppose the Bill have spoken passionately against it and have quoted both religious and moral grounds for their opposition. I accept their opinions, although I do not necessarily agree with their reasons. Prostitution has been described by those who oppose the Bill as degrading to women, yet people who have practised the profession state that they do not feel degraded. They feel they are providing a service to those members of society who do not have access to a way of satisfying their sexual needs. They even speak of providing a vital service to the intellectually or physically disabled, who are often unable to enjoy a normal relationship.

I wish to look at prostitution today from the law enforcer's point of view—a view that is taken without religious or moralistic grounds—and also from the health aspect of the business, which has given the profession a totally new problem with the onset of AIDS, HIV, hepatitis B and other sexually transmitted diseases. The present laws relating to the offence of prostitution are very difficult to police, and the report by the Commissioner of Police entitled 'A police assessment of contemporary prostitution in South Australia and current prostitution laws' clearly sets out the laws and the difficulty involved in policing them. I might add that many other reports which have been quoted in the debate are not as up to date as the Commissioner's report, which was originally published in January 1994 and updated in February 1995.

First, one must look at the different ways in which prostitution can be practised. The term 'prostitution' immediately conjures up the image of premises with a red light at the front, a series of bedrooms within and a group of females waiting for the door bell to ring. This is often not the case in reality. A prostitute can be a male or female, the service can be utilised by male or female, or it can even involve persons of the same gender.

The stereotyped brothel with the red light at the front door does not exist in the real world. A prostitute can work from a house in an ordinary suburban street identified only by an inexplicable number of vehicles coming and going at odd hours. The service can be obtained in a hotel or motel room or private residence simply by phoning one of the many services advertised in the local papers. These advertisements do not necessarily state what service is supplied but can be listed as massage, stress relief, and so on. The advent of escort services has made the offence of prostitution in that area virtually impossible to police.

I recall that when I was a police officer I knew two prostitutes in South Australia who could be described as everyday, normal housewives and mothers, yet two nights a week both ladies worked as escorts available to partner visiting interstate or overseas businessmen to business functions involving meals and shows. The fee for the pleasure of being partnered by these very attractive, intelligent and well dressed partners was $1 000. There is no offence for supplying this service. Ostensibly, it is no different from an employer having his secretary partner him or her to an after hours business function. But at the end of the evening the secretary says, 'Good night' and goes home, or she should. The paid escort has seemingly fulfilled the duties for which she receives payment. However, instead of going home she decides to spend the rest of the night at a hotel or motel with the partner for the evening. No offence has been committed. The woman has not received money in a brothel, she has not been paid for sleeping with anyone, yet without a doubt she has prostituted herself. However, there is no evidence to support a charge of any description.

The member for Unley—and I make no criticism of his introduction to this House of both Bills—has quoted the Police Commissioner as stating that reform was needed, but any inference that this reform be decriminalisation or legalisation of prostitution, which in my view is the same thing, is incorrect. The necessary reform is a matter for the Government of the day to decide, and since 1990 the Commissioner's requests have fallen on deaf ears. Yet I do not believe that the necessary reform is what we have before us today.

Prostitution, besides the stigma that those against it say it has, attracts organised crime, which exploits those who participate in the profession either by being involved in the organisation or by providing premises while remaining distant from the brothel by using pimps or utilising the services of legal agents, such as land agents, who unknowingly rent premises without being aware of the purpose for which they will be used. Drugs also often become involved with prostitution. Many prostitutes become dependent on drugs or have taken up prostitution in order to obtain the money to pay for the drugs needed to satisfy their habit.

In some cases, they are paid in drugs, with the money they earn going to pimps and drug dealers. There have been instances interstate where prostitution has been legalised for some time, and the legislation has failed to eliminate pimps, organised crime and drugs in these cases. Further, the legalisation of brothels with regulations to be followed to prevent exploitation of those who practise prostitution and to enable stringent health guides to be implemented to stop the spread of diseases, such as AIDS, hepatitis B and so on, has failed. Victoria, where prostitution has been legalised and regulated, now has twice as many illegal brothels as legal ones. Prostitutes in Victoria are still quite willing to work in

illegal massage parlours or brothels, notwithstanding the 60 licensed brothels.

A review of the laws relevant to prostitution is needed—laws that are written and debated after consultation with the police, whose task it is to enforce these laws. I believe there are only two ways to deal with prostitution: one way is to legalise it and control it strictly, and that involves steps to ensure that underage persons and so on are not exploited, but I am not convinced at present that we can do that; the other way is to change the laws relating to prostitution so that it is an offence not only to provide the service but also to use the service, so it is an offence to be in a brothel for any reason whatsoever and, going one step further, to have premises which are used as a brothel forfeited to the Crown. That would stop those people who are happy to receive large rents for properties used for prostitution but who do not care what happens in those properties while profiting from that situation. The Brindal Bill will not regulate the offence of prostitution; it will not eliminate the drugs, the pimps and organised crime.

Mr Brindal: Move an amendment.

Mr BASS: The people of South Australia do not want legalised prostitution in this State. The people in my electorate to whom I have spoken and the letters I have received from my constituents indicate they are totally against the legalisation of the profession by nearly 10 to 1, so I will not support this Bill. The member for Unley says, 'Move an amendment' but, if everyone moved amendments to this Bill, it would be a little like having the member for Unley lay the foundations of a house, having the member for Spence put in the windows, having me put in the doors and having the member for Coles put in the interior: we would end up with a complete mishmash of a house, which would be useless. That is exactly what will happen if everyone tries to amend this Bill: it will end up as a mishmash which will achieve nothing.

Mr Brindal interjecting:

The DEPUTY SPEAKER: The member for Unley is speaking in unparliamentary terms to accuse members of unparliamentary behaviour. I will not ask the honourable member to withdraw his comment as I think that is the prerogative of the member for Florey, but it was very close to unparliamentary behaviour.

Mr BASS: I do not mind if the member for Unley says that I am a coward. I will speak my mind and represent my constituents. If the member for Unley wants to do that, he is quite welcome to do so, but I will not be influenced by my being a called a coward and agree with something with which my constituents do not agree. I will not support this Bill.

Ms STEVENS (Elizabeth): I am in favour of prostitution law reform in South Australia because essentially I see it as the most sensible future direction for us to pursue. Whether it is a moral or an immoral activity is not the issue. I have had representations—as I am sure has everyone in this House—from a whole range of people who have differing views. If members take up the issue of morality, it will come from their position and the values that they hold. So, when we consider this Bill and the issue of reform, we need to bear that in mind. Most of the committees I have become aware of in relation to considering this matter in Australia have supported the view that we need prostitution law reform. As I have said before, it is the most sensible way for us to proceed. The fact is that there always has been and always will be prostitution in our society.

Mr Atkinson: No-one is contesting that.

Ms STEVENS: I know that no-one is contesting that: I am saying that we need a way to deal with this sensibly. The fact is that under present circumstances there are a number of inequities, travesties of justice and negative consequences arising out of what we have. Issues such as violence against prostitutes, health, exploitation of children and links with crime need to be addressed. Decriminalisation is the first step towards the creation of a calm and cooperative environment for addressing all of those issues and making the reforms to safeguard health standards, protect children from being abused and remove links with crime.

Over the course of the debate a large number of people spoke and outlined the most important areas that support prostitution law reform. I refer to them briefly because I know that they have been addressed in considerable detail over the time. First, I refer to the issue of hypocrisy and double standards. The current laws institutionalise gender based double standards. The service providers—the prostitutes—are charged and the clients are not. There is also the issue of health and education in relation to sexually transmitted diseases. The concerns in our community about the transmission of sexually transmitted diseases demand that prostitutes be educated and kept informed about safer sex techniques.

Under present law it is illegal for prostitutes to assemble; so how can that happen in any organised way? The existing charge of 'being on premises frequented by prostitutes' means that they cannot be gathered together for any of these matters. Health workers also face the danger of arrest whenever they enter premises frequented by prostitutes; therefore, many health workers refuse knowing that they may be harassed by police.

The issue of lack of public scrutiny is important. Professional prostitution involves negotiated encounters between consenting adults. Criminalising prostitution forces paid for sexual services into secrecy and away from accountability. No direct social scrutiny makes it difficult to regulate for management of worker integrity or for safe conditions for workers and clients. Criminalising prostitution attracts people who already have a taste for illegal activities to set up in the sex industry. It is not prostitution but its illegal status which brings in other forms of crime. The illegal status of sex work makes it impossible for any forum to hear and act on complaints about the treatment of workers—prostitutes—by management or clients.

Finally, there are some public benefits in relation to prostitution law reform. In my view they exist in relation to the following. Some prostitutes, drivers, receptionists and cleaners are recipients of social security benefits. They are reluctant to get off social security benefits and pay tax because of constant harassment by police, unrealistic fines and bail conditions and the unreliability of an income frequently interrupted by police harassment.

So, to sum up briefly, I am in favour of reform. One of the most common concerns expressed to me about legalising and regulating prostitution is that it will lead to more people being part of prostitution. I am not convinced that whether we legalise prostitution or leave it as it is will make a difference to that. We need to address the issue about why people go into prostitution anyway. My view is that, if they go in from free choice—it is what they choose to do, it is their vocation—I suppose I would say, so be it. But, if they are going into prostitution because they have no other choice, because they are very poor and have no education or other choices,

that is a real issue, which we need to address. We must ensure that people are not forced into this because there is no other option for them.

In relation to the Bill itself, I have great concern about the fact that there were two Bills. I have expressed this to the member for Unley and I believe he will address this today. I said to him that I was not able to vote for the complete decriminalisation of prostitution without regulations also being in place to control the activity. I believe that that will be addressed today. There are some good points. I am very pleased to see the terms in relation to child exploitation; it is very important that that matter be very clear and that there be strong penalties against that. I am pleased to see that most of the provisions apply to both the buyers and the sellers of this activity.

I am pleased to see a registration system and to see the Bill addressing health issues. However, there are big issues in relation to the location of brothels and I will be looking at them in Committee. We must be very clear about where brothels will be located—that they are not near schools, churches and other organisations in our community—and I will be looking at that in Committee. I will raise a number of small points in relation to other parts of the Bill during Committee, but I support the second reading. I look forward hopefully to the Committee stage and to coming out of the end of this with something that is workable for us all.

Mr BUCKBY (Light): I rise briefly to speak to this Bill and indicate at the outset that I oppose it. I have had more inquiries and more heated debate in my office on this and probably the euthanasia Bill than on any other Bills since I have come into Parliament.

Mr Quirke: Even the scratchies?

Mr BUCKBY: Even the scratchies, as the member for Playford said. The opposition that has been expounded in my office to the prostitution Bill has run at about nine to one. It probably comes from the fact that in my electorate and in many others those people who have very strong Christian ethical beliefs about prostitution are very firmly of the mind that there is no room for this Bill within South Australia.

Family standards, as other members have reiterated, is a question that has been raised by many constituents who have come into my office. Further, I have received representations from all the church bodies indicating their opposition to the Bill. One of the main problems with the Bill is that it does not really solve the problems that currently exist concerning prostitution. As the member for Florey said, this has been demonstrated in Victoria where prostitution has been decriminalised: it has not solved the problems even with the best interests in mind. It has merely divided the industry into two; that is, one group where the brothel owner has the capital to be able to comply with the regulations set down in the Victorian Act; and the other where the pimp, or the person who is running the enterprise does not have that sort of money and, as a result of that, a black market has ensued. In Victoria, the number of prostitutes operating out of cars has increased quite substantially since decriminalisation.

Mr Quirke interjecting:

Mr BUCKBY: As the member for Playford suggests, it reminds us of a recent occurrence in Los Angeles.

Mr Atkinson interjecting:

Mr BUCKBY: That is correct. I do not see that this Bill will address that situation in South Australia at all; in fact, I think that is exactly what will happen with this Bill here: the industry will be divided into two groups—those who can comply with regulations and those who cannot. As a result of that division, the police would have an even more difficult job in trying to control those operators who are not complying and in apprehending them. I am sure the member for Unley in introducing this Bill genuinely feels that it will help the current situation and I commend him for that, but I believe that, until we have consultation with the Commissioner of Police, who sets the sort of regulations required—and he does that in collaboration with the Parliament—we will not arrive at a Bill which will be satisfactory either to the police or to the community in South Australia.

In my discussions with members of the Police Force they have said that the current situation is far too restrictive. For example, when entering a brothel they have to see the exchange of money or the handing over of money from the purchaser of the service to the prostitute to be able to obtain a conviction. Of course, that is very difficult to obtain and, from what I am told, that practice does not occur in brothels, at any rate. As a result, it is very difficult for police to undertake their work. What has to be done in the future, I believe, is for us to sit down with the Commissioner of Police to sort out what is a workable situation and what is not, and then the community and members of Parliament can decide what they wish to do about this issue. I reiterate my opposition to the Bill, and I do so on behalf of my constituents.

Mr ATKINSON (Spence): Men, and in particular selfish, deadbeat men, are the beneficiaries of this Bill. The Bill is a charter for male sexual irresponsibility and for open and widespread prostitution. There are two public policy reasons for opposing the Bill. One is the public nuisance some brothels cause their neighbours. The second public policy reason for opposing the Bill is more profound. Men and women marry and have done so throughout recorded history. A husband earns a living to support his wife during her childbearing, and for some time afterwards. Children are raised by the couple. It is an obvious truth that men's demands for sexual relations exceed those of women. Within the institution of marriage, or a *de facto* partnership, men and women enjoy the intimacy of sexual relations with each other to the exclusion of all others. The duties can be expressed thus:

> Wilt thou love her, comfort her, honour and keep her in sickness and in health; and, forsaking all other, keep thee only unto her so long as ye both shall live?
>
> With this ring I thee wed, with my body I thee worship, and with all my worldly goods I thee endow.

I do not quote the Book of Common Prayer to argue that adultery should be unlawful or that all Christian values should be upheld by the Criminal Code. I quote it to explain what most of us still expect of the partnership between a man and a woman.

Prostitution has been frowned upon by society because it commodifies sexual relations and allows men to buy sexual relations at a price much cheaper than the cost of nurturing a wife and children. One feminist writer recently claimed, 'The difference between what prostitutes do and what a lot of women do a lot of the time is that prostitutes get a decent wage for it.' In respect of wives, this is just not true. Prostitutes should be seen by wives and, indeed, all other women as cheap, under-award labour that satisfies men's base instinct and asks no more of men. One of the long-term outcomes of legalised prostitution is an acceleration of the trend for men to have sexual relations without responsibility and for the Commonwealth of Australia to take over, in effect, the husband's role in the marriage.

Opinion polls on public attitudes to prostitution show that far more women than men oppose legalisation. These women believe that there ought to be a core of social morality, something that keeps families and societies together, and the law against brothels is a small part of it. Prostitutes argue that what they do with their clients is between consenting adults in private. They and their advocates ask what concern it should be of the law. I believe that this is an individualistic, myopic argument. It ignores the effect on society of open, widespread prostitution.

My opponents in the dry faction of the Liberal Party criticise as an abstraction the very idea of 'society'. For them, as for former British Prime Minister Margaret Thatcher, society consists of individuals whose economic interests and welfare should be the first priority of Government. The member for Unley is worried by the police's treatment of individual prostitutes. This is an honourable, liberal concern. He puts individual justice for prostitutes ahead of the interests of the collective, namely, society.

The socialist Left faction of my Party loathes the dries. It calls for Government to act in a collectivist way for the benefit of society as a whole, even though this might be detrimental to individual liberty and enterprise. It calls for the socialisation of the means of production and exchange. Yet the same socialist Left activists abandon their social approach to politics when it comes to the politics of sexuality. Here they adopt an atomistic, libertarian approach, as we have heard from the member for Elizabeth this morning. Marriage, families and children are just a distant abstraction in their version of the prostitution debate. They argue that the State should do no more than register the trade in sex for money because consenting adults should be allowed to do what they like in private. Ask them if an employer and a non-union employee can do a wages deal in private.

I believe that a contract to sell one's body to another person for their sexual gratification, no matter how brief the period, is a form of slavery and, under our law, one cannot consent to slavery. The United Nations General Assembly takes the same view. Having argued the case that open and widespread prostitution is profoundly antisocial, I now have to remind the House that prostitution by itself is not unlawful in South Australia and never has been. Selling sex for money is not against the law. Only certain incidentals of the trade are punishable, such as soliciting, procuring, pimping, receiving money in a brothel and keeping and managing a brothel. The most important of these offences relates to section 21 of the Summary Offences Act, which makes it an offence to be on premises frequented by prostitutes without a lawful excuse. Section 21 is the offence used in more than 70 per cent of prostitution charges.

It is a gender neutral offence, but the vast majority of people fined under it are women, not the male customers. This is because the South Australian Police have a policy of several warnings and this policy means that Adelaide's 150 or so brothel prostitutes move quickly through their warnings, whereas the thousands of customers blend into the background or change their habits. If section 21 were strictly enforced, it would catch just as many men, but the supporters of the Bill would not support strict enforcement of section 21.

Members interjecting:

Mr ATKINSON: They would not support it.

The Hon. Frank Blevins: I wouldn't.

Mr ATKINSON: Exactly. The member for Giles would not support strict enforcement of section 21. Their cries of gender bias are tactical. From a legal point of view, section 21 is as unsatisfactory as the related offence of consorting. From the police point of view it works.

Fines for a section 21 offence range between $30 and $150. In Adelaide a prostitute earns about $60 for a quarter hour service and $90 for a half hour service. It may be of interest that straight missionary position sex is one of the services least in demand and kissing on the mouth is against the rules. The menu in legal brothels is long and includes oral sex, anal sex, golden showers and a variety of fantasies. If this Bill is passed, we will have much more homosexual prostitution, with teenagers most in demand, and transsexual prostitution. I am not saying here that we should make special laws to stop these things: I am just pointing out that they will be part and parcel of the Bill's becoming law.

From my studies of prostitution law it seems to me that there are five models of regulation, and these will be outlined in the Social Development Committee's interim report to be issued shortly. The first is the police proposal to criminalise the sale of sex for money. The second model is to keep the current law and update it. The third model is the registration provisions of this Bill. It is a copy of the ACT legislation. I oppose this model because it would encourage more prostitution, not less. Parliament would be legitimising the trade, thereby encouraging girls, boys and women to work in it and men to patronise it; advertising and marketing more extensive than the current *Advertiser* classifieds; the *Truth* and late night television would follow. There is enormous market potential for the sale of legal sexual services once prostitution gets out from under the counter.

What the advocates of the Bill most want is not the end of police harassment. Two madams in Canberra complained to me that police no longer came to their establishments when they were sorely needed to stop drug deals, unruly clients, the trade in stolen goods and thefts by customers and workers. One brothel keeper in Adelaide urged me to vote for the Bill and make sure that more police patrolled his brothel and its environs to keep the girls and customers in order. What the lobbyists for this Bill want is for it to be a legitimate business with all the rights of a legitimate business and more. The Bill is not about legalising prostitution but about promoting open and widespread prostitution.

The fourth model is to abolish most of the offences and to appoint a State Government licensing board to decide who is a fit and proper person to run a brothel. The fifth model is to repeal all the offences and let the sex trade do what it will, as in Sydney. The only prostitution laws in New South Wales are against soliciting within view of a church, school, hospital or home, procuring children, pimping and falsely describing a brothel as a massage parlour. The New South Wales police have a reserve power to close down a brothel if it is driving the neighbourhood crazy.

The New South Wales model is too much for polite South Australian Liberal Party opinion to bear. The Liberal Women's Committee is afraid that such a change might allow brothels in Liberal-held electorates. The Liberal Women's Committee is happy to undermine marriage, the interests of mothers who choose not to enter the work force and the welfare of children, but it will not have brothels in North Adelaide and Burnside. The New South Wales model is, however, the most honest and practical of the decriminalisation models, and it certainly gets my second preference.

In the next fortnight the parliamentary Social Development Committee will issue an interim report on its prostitution reference. We have taken evidence from decriminalisation advocate Marcia Neave. Some of us have visited

Melbourne, Sydney and Canberra to inspect brothels and view the street trade. We have taken evidence from the directors of sexually transmitted diseases clinics in three States. We have listened to and cross-examined people involved in the sex trade as workers, managers, customers, regulators and writers. We have visited four brothels in Adelaide. Our interim report will take a pluralistic approach, so there will be evidence and argument in it for all the philosophical tendencies represented in the House. Members will then be briefed to make an informed choice from the full range of legislative models. I ask members to give themselves that opportunity by voting against this Bill.

Mr WADE (Elder): I must admit that I am continually taken aback by how well the member for Spence hides an exiguous intellect behind emotive ranting and loud protestations of his own pious purity. Perhaps he protests too much. I have a very thick file in my office containing letters of commendation and condemnation about the two Prostitution Bills under debate.

Many were carbon copies of the original template sent out by supporters of these points of view. Most were from supporters or detractors outside my electorate. During the last election campaign I was asked by a certain interest group to answer a questionnaire on whether or not I supported a number of contentious issues: questions like 'Do you support the murder of young babies in the womb in defiance of God's commandment that "Thou shalt not kill"? Please answer "Yes" or "No"'. I did not respond to the questionnaire, and I believe that I gained a big fat zero in the published results.

When the representative rang me to find out why I had refused to respond, he was most upset and irate when I told him that I was entering Parliament to represent the people, yet I was refusing to give my personal views on issues that this group thought relevant. I advised him that I was entering Parliament to represent the people and the views of my electorate on conscience vote issues and that, if and when the time came that such issues were raised in Parliament, I would present those issues to my electorate in an unbiased manner and seek its response.

My personal views must be tempered by those who elected me to represent them. To ignore the people's voice is to ignore the democratic process and to ignore the reason why members were elected in the first place. Members are elected to represent their electorates. They are not given absolute power to decide conscience issues on the basis of personal experiences or personal beliefs. Those who seek this absolute power are simply demanding the right to enforce their own version of heaven and earth on the people and are very often the ones who create the most hellish tyranny on this earth.

I gave my electors the opportunity to have their say, and they did. Not only did I receive a 'Yes' or 'No' on the current Bills, I also received a number of comments on ways to improve those Bills. Of particular note, I received numerous comments about how pleased people were that someone at last was asking for their opinion on what was going to affect them. In 35 years no-one had asked them any opinion on what would affect them—and for 35 years the seat was held by Labor. Any honourable member who has not extensively surveyed his or her electorate on this issue in an impartial way has no excuse to offer this Parliament. Members have had four months to do so: if they have not done so, why not? If they have not, I strongly suggest that they not stand before this House and vote on this issue on the basis of representing their electorate.

The Hon. Frank Blevins: Who is being pious now?

Mr WADE: It is a fact that, on these issues, you represent the views of the majority of your electorate. Those who stand up today or at any time and vote on a conscience issue and do not state that they are here on behalf of their electorate—

Mr Evans interjecting:

Mr WADE: I thank my fellow members for their comments, but they are putting me off my speech. My electorate has responded. I believe that real democracy and real power resides in the people's voice, although others may disagree with that. This voice demands its say on issues that we are deciding in this House—issues outside the Government's mandate to govern. One thing that became abundantly clear in the responses I received is that the issue is indeed a vexing and emotive subject for us all, as the member for Spence indicated in his previous ranting. Those who oppose prostitution *per se* do not want prostitution to exist at all. The main opposition to that was on religious grounds. They prefer to see the Government ban it completely. Even though the comment was often made that this would not stop prostitution occurring they still preferred to see it banned.

Mr Atkinson interjecting:

Mr WADE: Again, the member for Spence is not listening: I am quoting the comments received from my questionnaire. The banning of something certain groups deem undesirable has been tried before. The consequences to the world of the United States banning alcohol in the 1920s is still with us today. Vicious profiteering gangsters took over the importation, distribution and sale of alcohol to the American people. The ban did not stop Americans from drinking but it did put into the pockets of society's worst elements a fortune in illegal money, which was used to buy drugs, extend their criminal networks worldwide and support lackeys who would, for a handsome price or out of fear of an horrific death, do their bidding at all levels of Government administration.

I appreciate the view expressed by these people but the nature of people generally suggests that the banning of prostitution would only serve to make the forbidden fruit sweeter and give to unscrupulous elements the lever they crave to control the lives of others. I received comments along the lines that decriminalisation of brothels would allow undesirables to openly recruit young men and women to work in those brothels. The Bill before the House states that no person under 18 can be involved in any way with a brothel, and proposes heavy penalties for anyone silly enough to breach those provisions.

There were those who stated they would support the decriminalisation of brothels as long as I could assure them that the brothel would not be located next to their house. There are no guarantees in this world, but it would be a short-sighted and short-lived council that approved the location of a brothel in a residential area with or without the consent of local residents. Then, there were those who said, 'decriminalise brothels, control them, prevent the abuse that currently exists within them'. One light-hearted comment—I think it was light-hearted comment—was: 'Decriminalise brothels; tax them to the hilt and we will not have a State debt in 12 months time.'

Nearly 66 per cent of respondents supported the decriminalisation of brothels as long as the law went to great lengths to, first, safeguard the public health; secondly, adequately protect our young and vulnerable citizens from exploitation; thirdly, to protect our social and physical environment by controlling the location and the conduct of brothels; and,

fourthly, to protect the health, safety and welfare of those who choose—and I emphasise 'choose'—that way of life. If this Bill does not satisfy me of its ability to enforce that without fear or favour, then it must not be approved by this House.

I have concerns that some of the clauses are not strong or tight enough to adequately satisfy the criteria I have set out above. However, I have a responsibility to that 66 per cent majority of my electorate to pass this Bill into the Committee stage so that this House, as a whole, can debate those clauses which purport to achieve the above aims. As I said, clauses in this Bill need tightening up; there are penalties that are not strong enough to act as an effective deterrent for certain breaches of the law. It is the nature of this House that at this stage of the Bill I am given 10 minutes to comment—that is the maximum time available to me. In Committee every member will be given up to 45 minutes to debate each and every clause of the Bill. Only under these conditions can I address the nitty-gritty decisions that my electorate entrusts in me to ensure that their majority decision is enforceable and achieves the aims of the Bill before this House. We are governing with the consent of the Government—

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

Mr QUIRKE (Playford): I am very pleased to address this issue today and say that my good friend the member for Spence made an excellent speech. I must say that, toward the end of his speech, when he came down in favour of the New South Wales approach to this question, I was surprised. I thought that he was going to tell us about Calvin's Geneva, but it was a very good speech. If we are going down this road, the New South Wales model has a lot to offer. However, I am not sure whether the Bill achieves that.

I want to make another remark in respect of the member for Spence. Yesterday, I jokingly referred to the Social Development Committee as having left and right wings with the member for Hanson being the left wing and the member for Spence being the right wing. That has now been confirmed this morning. I was a member of the Social Development Committee when prostitution was referred to it and I have been on other committees since then for many years. I am finally glad that the committee is close to bringing out an interim report in the very near future which will canvass a number of options. Whether Calvin's Geneva is one of those options, I leave that—

Mr Atkinson: Calvin was a heretic.

Mr QUIRKE: The member for Spence says that Calvin was a heretic. We have had a problem with prostitution in Playford. I have known of at least three establishments where prostitution has occurred and I want to refer to them this morning. In relation to the first, I received a telephone call after the sad death of policeman David Barr at the Salisbury interchange. I am sure honourable members will remember that incident. That call came from an officer in the CIB who is a friend of mine. He invited me to come to a fundraiser for David's family and I went to that event. My friend asked me what address he should send the tickets to. I told him that my electorate office address was Kesters Road. I cannot recall the number now as I moved from there five years ago. My friend stopped for a moment and said, 'You're having me on.' I assured him that I was not and that that was where my office was. He said, 'I've just had a report that there is a brothel at that address.' I said, 'Well, I'll address my female staff members on Monday morning, but I can tell you from my point of view, it definitely wasn't me.' I understand the CIB had the wrong number and that the brothel was 10 doors up the road. They paid a visit and I suppose everyone lived happily ever after, although I do not know.

The second place of ill repute to which I want to draw attention this morning is down in Dry Creek. Dry Creek was in the Playford electorate before last. In 1989, I went down to doorknock in Dry Creek. It was about a week before the election and, as I walked down the street, I saw an elderly gentleman in his eighties weeding his garden. I went up to him and gave him the spiel and a calender. I asked him for his vote and he said, 'Certainly.' He was very pleased to say that. He told me, 'Now look, you will just have to organise a postal vote for me.' I told him that that was easy and I fixed it up.

I then crossed the road just as a car pulled up. A young man got out and went up to the flashest house in Dry Creek. A very nice young lady opened the door and she was very pleased to see both of us coming up the driveway. He went in and I arrived at the door at virtually the same time. I gave my spiel about the election: he smiled, but she did not. I did not know what was happening. When I left the house, I obviously thought that that young lady was going to vote Liberal. Well, it is a democracy. As I crossed back, the old man called me over. He said, 'Now, son, how did you get on in the knock shop?'

The Hon. W.A. Matthew: What?

Mr QUIRKE: Those are the words he used, Minister. I said to him, 'How was I to know it was a knock shop?' I remember to this day that he took me by the arm and turned me round and said, 'Son, you are going to have to do a lot better than that if you want to go to Parliament. You are going to have to at least pick out in your electorate what is a knock shop and what isn't.' He said to me, 'Now look up and count the number of phone lines into that house.' I counted at least eight. He said, 'Son, that's how you know it's a knock shop.' I took his word for that and that is the way it went.

The other episode involving prostitution in my electorate concerned a gay institution which was set up by a bikie gang in Pooraka which had the fear of the entire community. That institution was on the Main North Road, Pooraka, in the electorate of Playford. It was a very aggressive and nasty little affair. The brothel in Dry Creek did not bother anyone and I do not think anyone cared about the one on Kesters Road. However, I was very happy that the police had the power to do something about the one in Pooraka. They even had the will to do something about it, which I think resulted in the confiscation of everything from Chinese submachine guns all the way down—it was a very nasty show. I have some problems with laws that do not allow the police to clean out some of these operations.

The member for Spence said that all brothels are in Labor electorates—that may well be the case, I do not know—but I confess to the House that about 15 years ago I visited one in Unley, which was then a Labor seat but which is now a Liberal electorate, so the member for Spence may be right. I want to put on the record what happened that night. I was working for a friend of mine who had a restaurant across the road from this brothel. Her best customers were the young ladies of the night who operated in the same building in which the then member for Unley (Gil Langley) had his electorate office at the time. On that night, two girls came running into the restaurant. One had been sliced badly with what I thought was probably a Stanley knife. I said that we had better call the police, but they did not want the police to

be called. I said, 'You've been stabbed; you have to call the police.' So I rang the police. There was a bit of reluctance when I said that it was Abigail's on Unley Road—I even remember the name. Eventually I said, 'I think you'd better get out here because someone's been stabbed.'

Police cars converged from both sides. I clearly remember the man who had allegedly done this act coming out of the place wearing a leather coat. He got into a Ford Falcon and drove off. I took down the number on the registration plate. For some time thereafter the police managed to lose that number. In fact, they came back to me on three or four occasions, including three weeks later, and said, 'We think you have the wrong number.' I said, 'You can think what you like, but that is the number.' Exactly 12 months later, they rang me again and said, 'We are closing in on this bloke.' I said, 'It's about time.' They said, 'He has a very plausible story.' I said, 'How plausible is it?' They said, 'You'll find out tomorrow when we arrest him.' They did not arrest him the next day: his name was Colin Creed, and he had disappeared. He disappeared for some years. In fact, he committed another murder after that incident although, as I understand it, the police did not manage to pursue that matter competently, and Mr Creed is now in gaol on lesser offences.

That brings me to the question of the decriminalisation of prostitution. I have to tell the House that I do not think that anyone ought to be prosecuted for selling sex. I do not agree with the theocracy espoused by the member for Spence regarding some of these issues. I cannot see any great public merit in prosecuting someone for selling sex. The experience of making prostitution legal in Melbourne has simply meant that you have bargain basement brothels next door to legal brothels. Some legal brothels in Victoria are doing so well that they been floated on the Stock Exchange. The legal ones pay their tax and include that in the tariff. The illegal ones next door offer the same services, I presume—I would have to ask a certain gentleman who used to be with the NCA about that—but I think they do so at a cheaper tax deducted rate.

One of the problems is that they provide other services as well. I do not have a lot of time this morning, but the problem is that it is quite an extensive industry, and the people who work in it earn a great deal of money. Some work in the industry because they have no other skills, and others because they have very expensive habits. Because of these very expensive habits, a lot of people hang around, such as pimps, dealers and other criminals—and I have some fears about that.

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

Mr CAUDELL secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE (FARMING OF PROTECTED ANIMALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 2620.)

Mrs PENFOLD (Flinders): I support the Bill. As members will be aware, my electorate encompasses Kangaroo Island. It is estimated that, each year on Kangaroo Island, 15 000 wallabies are destroyed under permit as part of the annual cull. Some landowners have expressed the view that that could be the tip of the iceberg and that the number could be as high as 20 000 each year. Some go so far as saying that only half of the wallabies are taken lawfully and, therefore, officially recorded.

Once those animals are given a value by way of processing into meat and their hides are used, we will have a truer picture of the number killed each year. Another benefit of giving the animals a value is that wallabies are now killed and left to rot in paddocks. Even if they are used for meatmeal, it would be better than just wasting them. Meatmeal brings in between $400 to $500 per tonne. Currently, dead wallabies are a ready source of food for wild cats. In turn, high numbers of wild cats increase the risk of sarco infections among the island's sheep population and, of course, cause untold damage to native wildlife, birds, lizards and small mammals.

A successful meeting was held on Kangaroo Island, involving National Parks and Wildlife officers, local farmers and members of the public. All parties agreed that it was necessary to utilise this wasted resource more effectively. Demand for game meat is increasing all over the world. We are in a unique selling position. There is nothing else like kangaroo on the world stage. Unlike our wine industry, we will have that stage to ourselves. Let us not be left behind again when it comes to our unique resources. We need to remember other Australian native animals from which overseas countries have developed industries while we were left flat-footed. I refer to emu farming in the United States and the breeding of galahs, I am told, in the Netherlands.

Wallaby and kangaroo meat is cholesterol free, lean and tasty. In fact, it could be classed as a healthy meat. Kangaroo and wallaby meat could be used to help to satisfy a market formerly held by whale meat. We could target markets in Finland, Norway and Sweden, where whale meat is now forbidden. Kangaroo and wallaby skins are very popular and demand is increasing. R.M. Williams, the internationally renowned clothing and footwear maker, says that it cannot obtain enough first-quality skins. The hides, among other things, are used to make one-piece uppers for top-quality boots. Ticks, barbed wire and bush scratches reduce the value of the leather, so the removal of those potential sources of damage by farming the animals will lead to a very high value-added product.

Top-quality skins sell at the top end of the price range for leathers, and demand for that product is unlimited. That information is confirmed by Michell Leather, another successful South Australian company. It can sell every better quality kangaroo skin it can get. Demand is widespread. Presently, kangaroo hides are going into baseball boots for the Japanese market. Soccer and rugby boots are also made from kangaroo hides. Michell Leather says that it can handle more kangaroo skins full stop. The spokesperson said that the demand for better quality skins could be classed as unlimited. Michell Leather is unsure of the potential for wallaby skins as, so far, it has had limited access to good skins. Given the number killed on Kangaroo Island each year, that is about to change, if harvesting and farming can be properly organised.

There is potential to can meat into a gourmet product. Early results at one of our canneries using kangaroo meat is very positive. There is potential to farm kangaroos in a normal paddock situation. A mob on the West Coast, all descendants from an escaped pet kangaroo, are as quiet as a mob of sheep and can be approached without stampeding them into flight. This proves they can be farmed using the right animals as the core mob for breeding.

Kangaroos and wallabies are the original inhabitants of the South Australian landscape. They have a soft pad to their feet and do little damage, unlike the cloven hoofs of our cattle and

sheep. Environmentally, they are in tune with the land. In times of drought, their breeding mechanism switches off. While a joey may be conceived, it is not born until the drought turns into a time of plenty again. I refer to an article in the *Advertiser* of 6 June 1995.

The SPEAKER: Order! The honourable member will be able to continue next week.

CYPRUS

Mr BECKER (Peake): I move:

That this House calls upon the Federal Minister for Foreign Affairs, Senator Gareth Evans, to instruct the Australian Government representatives at the United Nations to insist on implementation of resolutions calling for—
(a) the unification of Cyprus;
(b) all occupied forces in Cyprus to withdraw;
(c) reinstatement of general elections for Cyprus;
(d) free movement of the people in Cyprus; and
(e) return of the Turkish and Greek Cypriot refugees back to their homes;
forthwith.

I and most, if not all, of the members of the Greek Cypriot community in South Australia and Australia are gravely concerned about the 21 years of continual occupation of a large part of Cyprus territory by Turkey. We deplore the illegal presence of 35 000 Turkish troops and 90 000 Turkish settlers in the occupied part of Cyprus.

This motion expresses deep concern at the prolonged massive violation of human rights and fundamental freedoms of the Cyprus people; the prevention of the forcibly expelled one-third of the indigenous Cyprus population from returning to their homes and properties; and the lack of any progress towards the tracing of the fate of 1 619 missing persons in Cyprus. There is much regret about the unacceptable division of the island by use of force, the deliberate destruction of the cultural heritage in the occupied part of Cyprus, and the systematic attempts to change artificially the democratic structure and character of Cyprus.

We call for the withdrawal of the occupation troops and settlers from the Cyprus territory; demand the effective restoration of human rights and fundamental freedoms of the Cyprus people, including the right of the refugees to return to their homes under conditions of safety; call for the implementation of the United Nations Security Council decisions on Cyprus; stress the imperative need for a justifiable and lasting solution to the Cyprus problem through meaningful and constructive negotiations; express support to and the solidarity with the Cyprus Government and the Cyprus people as a whole; and condemn any unilateral, arbitrary, intransigent or negative action undermining the efforts of a mutually acceptable solution of the problem.

We call upon the Australian Government to continue and intensify its efforts for the effective implementation of the United Nations and Commonwealth resolutions on Cyprus. We call upon the United Nations Security Council and the United Nations Secretary-General to do their utmost for the immediate termination of the tragedy of Cyprus and the achievement of a permanent workable solution to the longstanding Cyprus problem.

On Saturday 27 May 1995, the shadow Minister for Foreign Affairs, Alexander Downer, addressed the inaugural annual conference of the Hellenic Council in the Hellenic Club, Canberra, and said, regarding Cyprus:

I know there are also many people who are seeking assistance to reclaim land which was lost following the conflict of Cyprus. This is an issue which I will examine in government once we have access to the full resources of the Department of Foreign Affairs and Trade.

We urge the current Federal Government, and any future Federal Government, to take the strongest possible action to insist that the resolutions passed before the United Nations are carried out forthwith. It was in July 1974 that the then ruling Junta of Greece organised a *coup d'etat* against President Makarios, who was following a policy of an independent and non-aligned Cyprus in which Greek Cypriots and Turkish Cypriots would agree upon a new constitutional arrangement. The *coup* presented Turkey with the pretext she had long sought. Alleging a right of unilateral military intervention as guarantor of the 1960 Constitution, five days later Turkey invaded Cyprus. In a Government communique of 20 July 1974, she declared:

The purpose of our peaceful action is to eliminate the danger directed against the very existence of the Republic of Cyprus and the rights of all Cypriots as a whole and to restore the independence, territorial integrity and security, and the order established by the basic articles of the Constitution. Turkey, in the action she undertook as the Guarantor Power, shall act with the sincere desire of cooperation with the United Nations Peace-keeping Force in the island in the restoration of conditions of security. On the other hand, because of the above-mentioned aim of the action, those Greek Cypriots who are wholeheartedly attached to the independence of Cyprus and to the rule of democracy in the island, need not be concerned. Turkey's aim is to restore security and human rights without any discrimination whatsoever among the communities.

Once in Cyprus, instead of restoring the state of affairs under the 1960 Constitution and protecting the human rights of all the people in Cyprus, as was her duty and alleged justification, Turkey, despite the *coup* having collapsed and democratic government having been restored in Greece, on 14 August 1974 massively extended her invasion to occupy 36.4 per cent of Cyprus, driving out well over 170 000 Greek Cypriot refugees and moving her army to the aptly named 'Attila' line. That Turkey committed atrocities in the course of her invasion is scarcely surprising in view of her record in the Balkans, in Syria, in Armenia and in Anatolia and her long-standing policies of population expulsion and transfer and of discrimination against non-Turkish ethnic groups.

Turkey's analysis of conduct in terms of Article 11 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide makes it clear that Turkey committed a species of genocide as respects the Greek Cypriot community. Turkey intended to destroy the Greek Cypriots as an ethnic and religious group in the occupied area by deliberately inflicting on it conditions of life calculated to bring about its physical destruction in part and its total and permanent displacement from northern Cyprus. These intentions were furthered by large scale killings of members of the Greek Cypriot group, not only in actual fighting but by bombing of civilian targets and hospitals; cold blooded murders of those who surrendered and of non-combatants, including women and children; and deliberate infliction of serious bodily and mental harm on members of the group by torture, repeated assaults and mass rapes.

Not only has Turkey flouted international law as codified in the Genocide Convention but she has also disregarded the United Nations Charter, United Nations resolutions, the United Nations International Covenants on Human Rights, The Hague Regulations, the 1949 Geneva Conventions (setting minimum standards of treatment of soldiers and civilians in time of armed conflict and during occupation thereafter) and the European Convention on Human Rights and its protocols.

In these circumstances it is proper to add that States which provided Turkey with arms used in the 1974 invasions, or aided her by still supplying arms, tanks and aircraft used to this day by the Turkish Army in its continuing occupation of Cyprus to keep 200 000 refugees away from their homes, or which permit their corporations to loot or assist in disposing of looted property of Greek Cypriot refugees, are not merely condoning such actions but are giving comfort and assistance to Turkey in her breaches of international human rights law. Such States have responsibility under municipal law (for example, the US Foreign Assistance Act and the United Kingdom Companies Act) and under international law to ensure that so far as is within their power such illegalities are stopped.

The only accessible and effective machinery for establishing Turkey's multiple violations of international human rights law has been that of the European Convention on Human Rights. Cyprus therefore invoked the jurisdiction of the European Commission of Human Rights in September 1974, in July 1975 and September 1977. In consequence, the commission, an impartial international judicial tribunal, having carefully evaluated evidence, has found Turkey guilty of grave violations of human rights in Cyprus from 1974 onwards. Accordingly, rather than categorising Turkey's many breaches of international human rights law under the numerous applicable conventions, detailed analysis will concentrate on Turkey's breaches of the European Convention on Human Rights. The European Commission of Human Rights' first report was based on evidence received up to 18 May 1976. This period covered Turkey's invasions from 20 July 1974 to 16 August 1974 and her unfolding occupation and conduct in northern Cyprus in the 21 months after all hostilities had ceased.

Events from 18 May 1976 to 10 February 1983 were brought before the commission in Cyprus' third application, but any commission findings on these events cannot yet be revealed because the convention prohibits publication of the commission's reports until ordered by the Council of Ministers of the Council of Europe.

The international community's highest achievement since 1945 has been its establishment of universal standards for individual human rights and the rule that international disputes must be peacefully settled. Yet, for the small Republic of Cyprus, these standards remain vain aspirations so long as much of her territory is under occupation by the armed forces of the Republic of Turkey.

What I have read into *Hansard*, which I feel it is necessary and important to do, is the feeling of the people of South Australia and of the Greek people in this State and in Australia that very little has happened, although much has been attempted through United Nations resolutions to try to put pressure on the Turkish Government to withdraw from Cyprus. But, more importantly (and Australia is an active participant in the United Nations), many resolutions put before that body have been supported by our delegate. Therefore, it is high time that the United Nations acted and was not just a reciprocal location for various resolutions.

The people in Cyprus and those who have been turned away from their homeland have suffered much. It is not in the nature of Australians to allow that suffering to continue. I am grateful to Con Marinos and the Coordinating Committee of SA Justice for Cyprus for providing the information that I have read into *Hansard*. I strongly urge all members of this House to support the motion calling on Senator Gareth Evans to do all he can through our representative at the United Nations to push for a peaceful end to the troubles in Cyprus. I commend the motion to all members.

The Hon. M.D. RANN (Leader of the Opposition): I strongly support this motion. I also strongly support the toughest action at international levels to secure the liberation of and justice for Cyprus. No Australian Government must ever recognise the so-called Turkish Republic of Northern Cyprus. Australia must not relent in its efforts to support the sovereignty and territorial integrity of the Republic of Cyprus and to ensure that the republic is the only legitimate authority on the island. It is true that successive Australian Governments have had strong and active concerns for efforts to facilitate and negotiate a peaceful settlement of the Cyprus problem; it is also true that Australia has formally supported the United Nations Secretary-General's efforts to find a solution and has endorsed United Nations Security Council resolutions on Cyprus.

Successive Australian Governments have argued consistently that a solution must be based on a state of Cyprus within a single sovereignty and international personality and a single citizenship, but we must not in any way relax our efforts or rest on our laurels in order to secure justice in Cyprus. We must demonstrate most clearly and forcefully that we in South Australia and in this Parliament support the people of Cyprus in their fight against the illegal occupation of Northern Cyprus by Turkey. The South Australian branch of the Australian Labor Party stands in solidarity with Cypriot people, both here and in Cyprus, in demanding that the illegal occupation be ended immediately. But, unfortunately, too many Australians, including many politicians at Federal and State level, do not know the history of Cyprus and do not understand the depth of injustice that has occurred.

The member for Peake mentioned some of that history. In July 1974 the then ruling junta of Greece organised a *coup d'etat* against President Makarios who was following a policy of independence and a non-aligned Cyprus in which Greek Cypriots and Turkish Cypriots could agree upon new constitutional arrangements. That coup presented the Turkish Government with an opportunity to do evil, and evil was truly done.

In July 1974 Turkey invaded, claiming that it aimed to restore security and human rights without any discrimination whatsoever amongst the community. The Government of Turkey lied; it lied at international forums; it lied to the people of Cyprus; and it lied to its own people. On 14 August that year it massively extended its invasion to occupy more than 36 per cent of Cyprus, driving out well over 170 000 Greek Cypriot refugees. Turkish armed forces committed atrocities during that invasion, violating the basic human rights of the Cypriot people. The Turkish Government was actively involved in the killing of civilians—men, women and children. In doing so, Turkey flouted international law as well as the UN Charter, UN Resolutions, the UN International Covenants on Human Rights, the Hague regulations and resolutions and the 1949 Geneva Convention, setting minimum standards of treatment of soldiers and civilians in times of armed conflict. Turkey also has violated the European Convention on Human Rights and its protocols.

We have heard today about how Greek Cypriots in their tens of thousands were ejected from their homes forcibly and never allowed to return. As well as killings and torture, the Turkish forces looted and illegally disposed of the property of Greek Cypriot refugees. The European Commission of Human Rights has found Turkey guilty of the gravest

violations of human rights in Cyprus from 1974 onwards. It is vitally important that Australia continues to fight at every international forum to ensure that 21 years of injustice, illegal occupation and human rights violations are not consigned to the 'too hard basket' internationally. It is important that we make our position clear in a unanimous fashion in this Parliament and that we do so in a bipartisan way. Words and resolutions alone are not enough: they are cheap. However, we must perpetuate and pass this motion and we must translate those words and resolutions into real action.

Former Labor Premier, Don Dunstan, has a great love for Cyprus. In the late 1950s, at the time of the struggle for independence, Don Dunstan was side by side with the Greek Cypriot people and Archbishop Makarios in their struggle. He made his position clear and has continued to do so right until this day. In September, in my first official overseas visit as Leader of the Labor Party and of the Opposition in this State, I will be flying to Cyprus, and I will be going there for one reason only. I want to demonstrate to the people of Cyprus that we in South Australia do care. I also want to show the Turkish Government that the South Australian Labor Party is and remains opposed to its human rights violations, its human rights abuses and to the illegal occupation of the island of Cyprus and that we in the South Australian Labor Party believe that no Australian Government should rest until Cyprus is liberated and that justice is restored.

I take this opportunity today to invite either the Premier or a Senior Minister to join me in going to Cyprus in September, so that we can stand together as representatives of this Parliament on the Attila line, which divides justice and freedom from tyranny, to make the views of South Australia quite clear and to ring out where we stand on this issue. That way the resolution can be translated into action and the people of Cyprus and Greek Cypriot South Australians will know that we are fair dinkum on this issue.

Mr CLARKE (Deputy Leader of the Opposition): I support the motion and endorse the sentiments expressed by the member for Peake and the Leader of the Opposition. I will not go back over what those speakers said about this issue; however, it is worth noting that Cyprus unfortunately again fell victim to history. In 1974 at the time of the Cold War between the super powers, not only unfortunately as happened in Cyprus but other countries fell victims as pawns of the super power byplays because of the fact that Cyprus, under the leadership of President Makarios since its independence in the 1960s, followed a policy of non-alignment and of independence in its foreign relations. It enjoyed very good relations with the Arab nations, and we also know that the United States was very close to the military junta that ruled Greece from 1967 to 1974. As history has shown, the CIA was very much involved in the installation of that junta in 1967. Cyprus was also very close to Turkey because of the bases the United States had established in Turkey to oversight relations with the Soviet Union.

There is no doubt that Cyprus, in the lead up to the *coup d'etat* there in 1974 was, if not overtly then certainly implicitly, supported and encouraged by agents within the United States Government. At that time the President of the United States was one Richard Nixon, who was very much involved in the destabilisation and overthrow of the Governments in Cambodia and Chile—just to name two. Like Archbishop Makarios, the President of Chile, who had been democratically elected in 1970, also followed a non-aligned policy and a policy which was not favoured by the United States Government, and because of that and because of the machinations of Kissinger and Nixon, and as a result of that coup, he fell victim and ended his life tragically in 1973.

With respect to Cyprus, there is no doubt whatsoever that there was collaboration at that time between the United States Government and the Greek junta which were not well disposed towards Makarios because of his independent, non-aligned stance on foreign affairs, and that the support that that junta had from the United States Government ultimately led to the coup and provided the excuse, as has already been referred to by previous speakers, for the Turkish Government to invade Cyprus in 1974 and divide it. A lot of lip service has been given to the unification of Cyprus by United States Governments in the past, and there was certainly much lip service by the Nixon and Ford Republican Administrations, because it suited their foreign affairs purpose in what they saw as silencing or bringing to heel an outpost of independent foreign policy thought in an area of the Middle East where they had interests, particularly in the oil industry and the like, and the relationship with Arab nations.

Whilst it has been 21 years since that partition, and whilst people could perhaps lose heart at thinking that after 21 years that brutal occupation of the northern part of Cyprus may never come to an end, there is hope because, wherever people yearn for and cherish freedom and their independence, they will ultimately win out. We have seen that with the most recent celebration of the end of the Second World War and with the collapse of the Iron Curtain—as the member for Spence would refer to it—with respect to the granting of the final acts of democracies coming to the nations of Eastern Europe and in the former Soviet Union. We saw the end of the Berlin Wall after some 40 years where it was believed that that regime was absolutely impregnable in terms of its hold over its people with its secret service, its military might and its campaign of intimidation against its own citizenry.

In 1989 we witnessed a remarkable chain of events which saw that wall torn away and the unification of Germany. I believe that ultimately truth and justice will win out on this issue as it has on every previous occasion over the centuries. It may take a number of years yet, but ultimately those who yearn for freedom will achieve it and will rightly achieve unification for their nation. I am particularly proud of the record of the Australian Labor Party which, since the invasion of 1974, as part of its national policy has consistently supported the restoration of a united, democratically controlled Cyprus, as it was when democracy was quickly restored in August 1974.

The Australian Labor Party is not a Johnny-come-lately with respect to standing up for truth and justice against tyranny and oppression by the strong over the weak. In that respect the Australian Labor Party is to be commended for its strong stance over the whole history of the occupation of Cyprus by the Turkish Government, which has committed a number of violations of basic human rights.

I urge the House to pass this motion unanimously. Whilst some people might say these are merely words, as the Leader has pointed out, they need to be backed up by deeds. Representatives of the South Australian Government must join the Leader in going to Nicosia and forcefully and in a unified way showing this Parliament's total condemnation of the illegal occupation of Cyprus by the Turks, demonstrating once and for all to the Cypriot people in Cyprus and Australia that we stand shoulder to shoulder with them and that we will not rest until such time as the illegal occupation of Cyprus

ends conclusively with the return of a unified country under a democratic leadership.

Mr CUMMINS (Norwood): I have pleasure in supporting this motion. We all know that since February 1975 the island of Cyprus has been effectively partitioned following the invasion of Turkish troops, in breach of international law. Some 30 000 Turkish troops remain in Cyprus at the present time, separated from the Greek Cypriot forces by a UN patrolled buffer zone, the Green Line. The Turkish Republic of Northern Cyprus was proclaimed in 1983 and has not been recognised by the international community. The Greek Cypriot Republic of Cyprus has been internationally recognised and continues to observe the 1960 Constitution.

The member for Peake mentioned some of the atrocities committed by the Turkish troops. It is important that we should know the seriousness of the matter we are talking about. I have a copy in front of me of the Report of the European Commission of Human Rights on the Atrocities of Turkey in Cyprus, dated September 1979. This was an independent and objective commission. On pages 12 and 13 the commission lists some of the atrocities committed by the Turks in Cyprus, as follows:

refusing to allow the return of more than 170 000 Greek Cypriot refugees to their homes in the north of Cyprus; [in violation of article 8 of the convention];

eviction of Greek Cypriots from their homes [in violation of article 8 of the convention];

separation of Greek Cypriot families brought about by measures of displacement in a substantial number of cases [once again in breach of article 8];

confinement of thousands of Greek Cypriots to detention centres established in schools, churches, etc. [in breach of article 5].

I must say also that that sort of behaviour is also in breach of international law. It continues:

detention of Greek Cypriot military personnel and civilians in Turkey (Art. 5);

mass murders of Greek Cypriot civilians by Turkish forces on a large scale (Art. 2).

rapes and other acts of inhuman treatment, including ill-treatment causing considerable injuries and at least in one case death, and withholding of adequate supply of food and drinking water and of medical treatment from Greek Cypriot prisoners held at Adana and detainees in the northern area of Cyprus (Art. 3).

Of course, that is also in breach of fundamental international law and human rights. The findings continue:

deprivation of possessions, both movable and immovable, of Greek Cypriots on a large scale (Art. 1 of Protocol No. 1);

discrimination against the members of the Greek Cypriot community in the area occupied by Turkey on the ground of their ethnic origin, race and religion (Art. 14).

The commission also found that 'there is a presumption of Turkish responsibility for the fate of persons shown to have been in Turkish custody. However, on the basis of the material before it, the commission has been unable to ascertain whether, and under what circumstances, Greek Cypriot prisoners declared to be missing have been deprived of their life.'

In other words, on the balance of probabilities, it appears that the Turkish troops murdered Greek Cypriot prisoners which, obviously, is in breach of the articles but also in breach of international law and of what we would call common humanity. Turkey submitted—and rightly so—before the commission that the Government could not legally represent Cyprus; that Turkey had no jurisdiction over the area of Cyprus in which the violations in question were allegedly committed, as such area was the territory of the so-called Turkish Federated State of Cyprus; and that the application was substantially the same as those dealt with before the commission previously.

It seems to me that this motion put forward by the member for Peake substantially deals with the issues raised before the European Commission of Human Rights on the atrocities of Turkey and Cyprus, and I support it on that basis. I also support it on the basis that there is no dispute about what has gone on in Cyprus and no dispute about the action of the Turks in Cyprus, because this objective inquiry supports it completely and, having read this report, I could see no finding adverse to the Greek Cypriots. Therefore, I have pleasure in supporting the motion.

Motion carried.

CROWN PERPETUAL LEASES

Mr VENNING (Custance): I move:

That this House supports the freeholding of Crown perpetual leases in the agricultural areas of the State at a cost to be based on the rent capitalised or a minimum amount, whichever is the greater, plus the documentary cost to convert to freehold title with the Crown lessee no longer being required to pay a proportion of the unimproved value of the land.

This is a very important matter, which affects everybody in this State who owns land. At this stage I declare a minute interest in this, because less than 4 per cent of the land that I own falls into this category. It affects farmers right across the State. I have three main points to raise in this debate on perpetual leases and freehold title. In my investigations, it has been found that there is no difference in the value of the land, whether it is freehold title or perpetual lease. One need only go to a land auction to see that it makes no difference what the tenure is, because the value of the land is struck without any consideration to that. I also note that council valuations and Valuer-General's valuations are the same. There is no real difference.

Secondly, in South Australia more than half the perpetual leases have rentals of less than $25 per annum. The average rental for a perpetual lease is $7.75 per annum. Considering that it costs the Government an administrative fee of approximately $20 to collect the rent, the Government is a net loser for every rent that it picks up. It is a staggering fact that the Government loses $12.25 on every perpetual lease. Over a year, if we work that through, the Government loses a minimum of $3.2 million, although the actual figure is more like $5 million because of the allied and sundry leases that are administered. It is ridiculous that the Government loses money in collecting rent on these leases.

In South Australia, there are approximately one million freehold titles which cover an area of 2 600 square kilometres, and there are 26 140 leasehold titles, which cover an area of approximately 4 590 square kilometres. Unfortunately, I was unable to get figures on Crown leases because such information is not readily obtainable.

At this stage, perpetual leasehold land can be made into freehold land at a cost of 15 per cent of the unimproved land value plus the costs. At an average price of $500 an acre, which is a mean figure across the State's agricultural lands, that works out to be approximately $75 per acre, which is quite a lot, so people are not taking it up. Under the current legislation, pastoral leasehold land cannot be changed to freehold land. I do not agree with that and I do not think that you, Sir, as the representative of the people on the vast pastoral leases in this State, would agree with it, either. There should be more flexibility so that some, if not all, of these perpetual leases can be considered for freeholding.

Under the current system, 2 201 perpetual leases have been made freehold, covering approximately 537 043 hectares. Since 1979-80, the revenue collected by the Government has been only $7.6 million, which is not a lot of money considering that it costs the Government $5 million every year to collect the rent. The South Australian Farmers Federation has been lobbying the Government on this matter, and it submitted a proposal to the Minister to amend the legislation in 1994. The cost to the State of $5 million cannot be justified.

Thirdly, because of the low rent paid, many lessees choose not to change titles to freehold. Generally, the number of leases being made freehold has declined, and this has primarily contributed to the combination of low lease costs—as I said, $7.50 average—and the higher costs associated with freeholding. On an acre of land costing $500, the changeover amounts to $75. When one compares $75 with $7.50, it is not very hard to work out what happens. As a result, there is no freeholding.

While it is true that the current rural economic downturn may have prevented some lessees from changing to freehold, the bulk of the problem lies with the costs associated with the change in title. Currently, the department has a policy of forced freeholding. This is where compulsory freeholding is required of perpetual leases upon subdivision and this is probably the only form of freeholding that is being undertaken today.

The greatest material privilege a person can have today is to own his or her own land, because land tenure is very important. Freehold is the most coveted tenure and it is everyone's dream to have freehold title to land, whether it be a farmer or anyone else. Unencumbered, transferable and absolute title to one's own land ought to be a right in a free country like Australia. This is part of Government policy and it was part of our election manifesto. The South Australian Farmers' Federation is strongly in favour of freehold title and I hope freehold title will be high on the Opposition's agenda. Surely the old days of the socialist dogma that land should be owned by the State are well and truly gone. I hope the Opposition realises and accepts the reasoning behind this debate.

When one owns land with absolute title it encourages better land care and it encourages people to look after land much better. A guaranteed right of ownership is important as is a guaranteed right to transfer land to descendants when the time comes. So, there are many advantages in freehold title and I seek the Opposition's support in this matter. I have received no derogatory comments against the proposal and I hope Opposition members will support it. As I say, I hope the old days of socialist dogma are long gone. The motion is not only commonsense but it is financially advantageous, personally rewarding and encouraging for all landholders.

I have spoken to the Minister at length on these details and I appreciate his support and advice. We are awaiting on a report from his department on this matter and I hope by the end of the session or early in the next session we can make some landmark decisions about lend tenure in South Australia. This issue has been discussed in this place for 50 or 60 years, ever since land titles were granted in this State. I want to see people encouraged by a commonsense formula to freehold their land, not only for their own peace of mind and value but also to save the Government money. I seek to expedite the whole process of land tenure in South Australia and so I have much pleasure in moving the motion and I seek support for it from members on both sides of the House.

Mr BROKENSHIRE secured the adjournment of the debate.

FRENCH NUCLEAR TESTS

Mr CUMMINS (Norwood): I move:

That this House urges the Federal Government to—

(a) request the General Assembly of the United Nations to get an advisory opinion from the International Court of Justice that the proposed French nuclear tests are contrary to international law;

(b) request members of the European Parliament to support a motion condemning the proposed tests and resolve that the European Parliament request the tests not go ahead;

(c) request French nationals in the Pacific region and in Tahiti to bring an action against the tests in the European Court of Human Rights and undertake to support such an action morally and financially.

In support of my motion I will outline the history of the tests in French Polynesia. Since 1966 there have been 200 atmospheric and underground tests in French Polynesia that have cost US$1 000 million per annum. Those tests, as we know, were suspended on 8 April 1992 when President Francois Mitterand bowed to international pressure. Prior to 6 January 1975 the French were carrying out atmospheric tests and, to further those tests, the French needed to know about the technology of uranium enrichment and the contracts associated with it.

One may ask why I mention 6 January 1975. The significance of this is that Mr Whitlam—the former Labor Prime Minister—happened to be in Paris then. This was the first time he had been to Paris since the last atmospheric tests. Mr Chirac was then Prime Minister of France. On the occasion of Mr Whitlam's visit to France, Prime Minister Chirac put out a press release and said, in relation to his meeting with Whitlam, that the non-proliferation treaty was not discussed and that it was agreed with Whitlam that the French Secretary of State for External Affairs would visit Australia to study uranium enrichment technology and agreements.

One can therefore appreciate the hypocrisy of the Federal Labor Government in relation to this issue going back as far as 1975. One can equally see the hypocrisy from that conversation in 1975 with Whitlam—a man who in the international arena was opposing the French nuclear tests in the Pacific but at the same time inviting a delegation from France to come to Australia to study uranium enrichment technology and agreements. I will address the House in due course on the duplicity and hypocrisy that has continued in the current Federal Labor Government. It is easy to see why the Prime Minister of France has treated Australia with such contempt, with a history like that.

There is no doubt that historically members of the French Government have been barbarians and international murderers. That action and activity has gone to the Prime Minister and ministerial levels. We can simply ascertain that by looking at the facts. In 1965 the Moroccan leader, Mr Ben Barka, was murdered by the SDECE, which was then under the control of the Prime Minister of France and the Tricot inquiry in France established that fact. We also know that there were two *coups d'etat* in Benin in 1977 and Comoros in 1978. Those *coups d'etat* were led by French officers—members of the French intelligence. We also know that on 10 July 1985 the DGSE agents (the French intelligence) blew up *Rainbow Warrior*. We know equally that that action was authorised by the French Minister of Defence; we know that because he was forced to retire after the event.

It was obvious also that the Prime Minister of France must have known. One does not authorise an act which is against international law, which breaches a sovereign nation's sovereignty, without going to the Prime Minister. Whilst I say that murder in France goes to the top level, I am not joking and I mean it. The other thing about the incident in relation to *Rainbow Warrior* was that it was a sequentially delayed explosion. It was patently obvious that the first explosion was to attract people to *Rainbow Warrior* and the second explosion was to kill them. We know that that is precisely what happened: Fernando Pereira was killed when he went to rescue his photographic material from *Rainbow Warrior*.

Members may not know that the French planned to blow up *Rainbow Warrior* as far back as July 1973, and that is clear from one of its Ministers—the Minister for Overseas Departments and Territories—who said in fact that he stopped a plan to blow up *Rainbow Warrior* in July 1973. It is equally clear that Chirac approves of international terrorism and murder. In 1988, when Mayor of Paris and running for the presidency, he brought the two DGSE agents, who were captured for blowing up *Rainbow Warrior*, to France to help in his campaign to be elected as President.

The motion is important because it will put international pressure on the French through the United Nations and through Europe. It should never be forgotten that, in 1963, the French stopped its nuclear tests in the Sahara because of international pressure and also, in 1992, President Francois Mitterrand stopped the tests because of international pressure. I want to deal with the complicity and hypocrisy of the Federal Labor Government and, in particular, the Minister for Foreign Affairs, Gareth Evans. Two things can be said about the Minister's response to the resumption of nuclear testing: first, that he was slow to react; and, secondly, he came out initially with a strange response when he said, 'It could have been worse.'

I would suggest the reason he said that is simple: he knew the tests were going to take place, and he knew they could have been worse. Perhaps I will deal with that. It was a very smug response on his part. Why did he respond the way he did? There are two reasons for his response, I would submit to the House: he wants to be Secretary-General of the United Nations; every one knows that. He needs the votes of the United Kingdom, France, Russia, China and the USA who, of course, have nuclear weapons; and he needs the votes of those who probably have nuclear weapons, namely, Libya, Israel, Iran, Iraq, India, South Africa and Korea.

The second reason why Gareth Evans reacted the way he did is more sinister. We know the French stopped its testing in 1992; we know it wants to resume in 1995, and we may ask why. The excuse Evans and Chirac gave is, 'It's old stock and we want to check its shelf life.' It is hard to believe that France's nuclear stock suddenly aged between 1992 and 1995. I submit that the real reason the French want to resume its testing in the Pacific at the present time is that it has just developed a long-range missile; and, only 12 months ago, it put on line a plane called the Rafael.

That missile and plane are designed to carry small nuclear warheads and, when I say 'small nuclear warheads', I mean warheads that are about 20 inches across. Previously, France relied on its Mirage bombers and nuclear submarines to carry its large nuclear warheads. What has happened is that, for some time, the French have been trying to develop small multiple warheads for their submarines and small warheads for their Rafael, that is, missiles which go air-to-ground from their planes. Ideally the French would need greater than eight tests to check the devices. The tests check the trigger material to see whether it will detonate the device.

So, ideally, far more than eight tests are required. I am suggesting that when Evans, the Federal Minister for Foreign Affairs, said, 'It could have been worse', he knew the real reason why the French were carrying out these tests. He knew that initially they wanted more than eight tests and that is why he smugly said, 'It could have been worse.' He is a man who, like his predecessor Gough Whitlam, is a hypocrite. He is a man who, on the surface, will oppose something publicly but in reality do something totally different. I would say that is in line with the Labor Party federally since 1975; since Whitlam, the hypocrite, invited people to come here and study nuclear enrichment technology.

At the same time he is a man who previously, on the face of it, had opposed French atmospheric nuclear tests. It is amazing that the French consider themselves the centre of the cultural universe. I do not necessarily attack the ordinary French people, but I certainly attack their Government. I have already established from the details I have given to this House that they are international terrorists and murderers. I have also established—and there is no doubt because it is on the public record—that they have contempt for international law and contempt for the sovereignty of other States, particularly, as we know, New Zealand.

It seems to me that they also have total contempt for the Pacific Islanders. They are obviously racist. They have used the Pacific Islanders to work on Mururoa Atoll on a racist basis. They would not allow us to inspect the medical records of the Pacific Islanders, and they would not allow a full inspection of the sites. They are now not even bothering to keep medical records on those who work there. One may ask why. It is patently obvious why when one considers the record of all forms of cancer in the Pacific Islands since the tests and, in particular, the record in respect of thyroid cancer.

It seems to me that the Federal Labor Government has shown contempt for the Australian people and for our neighbours. Whitlam showed that in Timor when, in 1975, he betrayed the Timorese and gave the go ahead for Indonesia to invade Timor. Evans has recently shown that in his invitation to an ambassador from Indonesia who was involved in the massacre in Timor. In addition, Whitlam showed it in 1975 when he invited people to this country to study uranium technology, and Evans has clearly shown it when he said it could have been worse. He knew what was going on. He knew what the intention was. The Federal Labor Government has also shown total contempt for South Australians by transiting nuclear waste through South Australia not only without our consent but by not even bothering to tell us what was happening.

I ask the House to support the motion. It is about time that we sent a message to the Federal Government that it had better get its act together. The only way in which we will stop this is to put international pressure on the French. It appears to me that the Federal Government is very reluctant to do precisely that, and we must ask why. I hope the House will support the motion and get the Federal Government to do the job it should be doing.

Members interjecting:

Mr CUMMINS: The honourable member refers to damage to the environment. Whitlam tendered a report to the House from the Academy of Science which stated that the nuclear tests in the Pacific had affected both the environment and the health of Australians. They do not give a damn about that. Two years later, Whitlam was in France inviting people

to come to Australia to study nuclear technology. What a hypocrite. I suggest that the hypocrisy of the Federal Labor Government is still there, strong and healthy and continuing.

The Hon. M.D. RANN (Leader of the Opposition): I have today called for the resignation of the French Honorary Consul to South Australia. I understand that he is disappointed and says that I have politicised his position. The simple fact is that he is the representative of the Chirac Government here in South Australia. Who else do we as a Parliament put our representations to about the injustice of French nuclear testing in the Pacific?

I hope that the French Honorary Consul, whom I am told is a person of integrity and honour, will reconsider and announce his condemnation of the French Government's decision. The simple fact is that we in this Parliament have to send a clear message to France that we mean what we say and say what we mean in terms of our opposition to French nuclear testing. We have an opportunity to do that with the French water companies. We have very little choice at the national and international levels to make our views clear because we are a small State. However, we should demand, in a bipartisan way, the views of the French water companies which want to sign a $1.5 billion contract with the South Australian Government.

We should ask those water companies to say whether they support the Chirac Government's move to resume nuclear testing at Mururoa Atoll. If they do support the French Government's moves, they are quite simply not worth doing business with. They have told us that they want to be good neighbours, that they want to be part of our region, that they want to provide money for sponsorships and to build on that and go out into the South Pacific and South East Asia to extend their business. We have an opportunity to hit the French where it hurts: in their pockets and in the court of public opinion.

The simple fact is that, 20 odd years ago, a small group of citizens in New Zealand (of which I was part) was able to stop the French from testing in the atmosphere by taking its views to the world stage. We sent boats to Mururoa Atoll and we got the CBS and BBC news down to explain to the people of France why we resented them exploding their bombs in our backyard. We must mount a community campaign here in South Australia supported by the Liberal and Labor Parties in a bipartisan way to get the message across to the people of France that we object most strongly to the resumption of nuclear weapons testing in our region.

Debate adjourned.

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

VEGETATION PROTECTION

A petition signed by 226 residents of South Australia requesting that the House ensures that effective legislation is enacted to protect urban trees and/or bushland from destruction was presented by the Hon. G.A. Ingerson.

Petition received.

EUTHANASIA

Petitions signed by 170 residents of South Australia requesting that the House oppose any measure to legislate for voluntary euthanasia were presented by Messrs Meier, Olsen and Scalzi.

Petitions received.

KING GEORGE WHITING

A petition signed by 711 residents of South Australia requesting that the House urge the Government to grant a total exemption to the Upper Spencer Gulf region with regard to the increase in the minimum legal length of King George whiting was presented by Mr Kerin.

Petition received.

PROSTITUTION

A petition signed by 2082 residents of South Australia requesting the House urge the Government to uphold and strengthen existing laws relating to prostitution was presented by Mrs Kotz.

Petition received.

CHILD ABUSE

A petition signed by 48 residents of South Australia requesting the House urge the Government to increase penalties for child abusers was presented by Mrs Kotz.

Petition received.

EUTHANASIA

A petition signed by 16 residents of South Australia requesting the House urge the Government to maintain the present homicide law, which excludes euthanasia, while maintaining the common law right of patients to refuse medical treatment was presented by Mr Rossi.

Petition received.

QUESTION

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard*.

HOUSING TRUST PROPERTIES

Ms WHITE: In the light of the Government's stated aim of encouraging home ownership, will the Minister for Housing, Urban Development and Local Government Relations allow some flexibility in Housing Trust policy governing the sale of renovated Housing Trust properties?

The Hon. J.K.G. OSWALD: As part of the trust's strategic asset policy, a program of major capital upgrades of existing trust homes has been developed.

In the interests of sound asset management practices the trust has adopted a policy whereby it can refuse to sell a property if:

- it is less than three years old, or was acquired by the trust less than three years ago
- it is required for redevelopment purposes
- separate services and a separate title cannot be created at reasonable cost
- it has had major upgrading work carried out during the previous three years
- it is a particular house design which cannot be easily replaced
- it is located in an area where the site history indicates it should be retained by the trust
- it is located in an area with low public housing supply and high demand
- it is a property where the trust wishes to retain ownership for future possible demand, or
- the customer has outstanding debts to the trust which cannot be recovered on or before settlement

In these cases, and particularly with upgrading, this policy enables a reasonable period for the costs of upgrading to be recouped

in the value of the asset. However, in view of a series of requests I have asked the trust board to review its current policy.

In the event that the market value of the asset reflects the costs of upgrading, the trust will consider negotiations with a tenant who wishes to purchase. Could you therefore please advise your constituent to contact the trust's appointed agent for the area, Casserly & Mitchell, 29 Philip Highway Elizabeth, (telephone 255 4444).

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Local Government Act—Regulations—Local Government Superannuation Board—General.

By the Minister for Employment, Training and Further Education (Hon. R.B. Such)—

Industrial and Commercial Training Act—Regulations—Plant Operators—Earthmoving.

TOTALISATOR AGENCY BOARD

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I wish to make a ministerial statement. I advise the House that the Government has decided to move for the dismissal of the Chairman of the South Australian Totalisator Agency Board, Mr Cousins, following his refusal to resign. The Government is taking this action because it no longer has any confidence in information being provided by the Chairman to me and to the Government. Since the grounds for dismissal under the Racing Act are cumbersome and restrictive and do not contemplate such action for want of confidence in the Chairman, I will introduce amendments to the Act this afternoon.

Members interjecting:

The SPEAKER: Order!

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence.

The Hon. J.K.G. OSWALD: The amendments will be based on the provisions that all Parties in the Parliament have already accepted for appointments to the boards of the Electricity Trust and the South Australian Water Corporation. Those provisions enable dismissal—

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD:—on any ground considered sufficient by Her Excellency in Executive Council. While this matter is considered by Parliament, the TAB will be subject to written directions that I have given today in the following terms:

Pursuant to section 52 of the Racing Act 1976, I hereby direct that, until further notice, all the following matters are to be referred to me for my consideration and comment to the board before any decision is made by the board or by the TAB management in respect of such matters: all transactions above $50 000 recurrent and $250 000 capital, and any contingent liabilities above $50 000; the appointment of any consultancy—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD:—any proposed overseas travel on TAB related business; any matter involving a variation of an existing policy or program or the development or adoption of any new policy or program of the South Australian Totalisator Agency Board.

Pursuant to section 52 of the Racing Act, I also hereby direct that, until further notice: the agenda and all papers prepared for each board meeting are to be submitted to me at least 24 hours in advance of such meeting; all minutes of each board meeting, confirmed or otherwise, are to be submitted to me no later than three days after such meetings; and no public statements are to be made by or on behalf of the South Australian Totalisator Agency Board without my prior approval.

As members are aware, this issue has come to a head because of the Chairman's communication with me about the decision of the TAB to publish its own newspaper. This issue crystallises to the following sequence of events. On 5 June the Chairman wrote to me enclosing a paper presented to the board on 30 May. That paper canvassed a number of options for providing racing information to the public but concluded that the delivery of information through the *Advertiser* readership network remained the best option. In his covering letter to me, the Chairman advised:

The risk factors in alternative strategies to those currently employed need to be carefully considered before adopting another direction.

Before any further communication to me to advise that these risk factors had been fully addressed, the board decided at a special meeting on 17 June to proceed to cancel its existing arrangements for the provision of form information through the *Advertiser*. It should be noted that the Chairman did not consider it relevant to even notify me that this special meeting was being called to make a decision in regard to the newspaper form guide.

A paper presented to this meeting canvassed the issue of reduced turnover as a result of a proposal that the TAB should instead publish its own newspaper. That board paper was not presented to me by the Chairman until 26 June, and only then after I had written to him and directed that I receive all papers that were made available to the board in consideration of this matter. Receipt of this paper was crucial. The paper before the board stated:

We estimate that in the initial stages turnover would be impacted. Research indicates a negative affect of 2.5 per cent. We estimate this could be approximately 5 per cent or $25 million turnover. . . Lost revenue in year 1 would most likely exceed the savings in expenditure. If the projection of a 5 per cent negative effect is correct, $3 million revenue would be lost compared to a savings in expenditure of at least $1.36 million. A 2.5 per cent reduction in turnover would result in us being close to break even in year 1.

On 21 June, four days after the board decision, the General Manager of the TAB telephoned to advise me about it. This was the TAB's first contact with me since my meeting with the Chairman on 7 June. A letter to me from the Chairman confirms that I spoke to the General Manager at 5.45 p.m. I told the General Manager that the TAB should seek further negotiations with the *Advertiser*. I did this because I was aware from the board paper of 30 May of the benefits of retaining an involvement of the *Advertiser* in the distribution of form information. However, I am advised that, following this discussion with the General Manager, there was no further negotiation with the *Advertiser*. Instead, a new contract was signed without my knowledge the following day, with Printing Visions Pty Ltd. Mr Cousins confirmed on the *7.30 Report* last night that Mr Edgar had promised, during our discussion on 21 June, to keep me informed.

However, I received no further information from the TAB before the contract was signed, nor was I shown a copy of the contract before it was signed. This left no time at all for any further negotiation of the matter, given that the contract with the *Advertiser* expired on 30 June and that the new contract was legally binding, the breaking of which would have had substantial consequences in damages. On 22 June, the Chairman of the board advised me, the Premier and members

of the Opposition that this decision would save more than $1 million in 1995-96.

The letter did not advise that any contract had been signed. Accordingly, because of my knowledge of the contents of the information paper presented to the board on 30 May, I immediately asked the Chairman whether a stop could be put to the matter whilst it was further assessed, because this advice of a saving of more than $1 million did not accord with the previous information given to me. It was at this point that the Chairman told me that a contract had already been signed. It is impossible to reconcile the Chairman's advice to me on 22 June about a saving of more than $1 million with any information available to the board when it made this decision.

Had I relied on this advice when questioned by the Opposition on 23 June in the Estimates Committee, I would have been guilty of misleading the Committee and, therefore, the Parliament. During debate in that Committee, the member for Hart acknowledged the right of the Government to carefully assess the figures provided by the TAB. I have done so, and I have sought further information from the Chairman. In a letter to me dated 26 June he advises:

> The board has conservatively factored into calculations for turnover in 1995-96 a possible negative effect of $15 million or 2.9 per cent.

When I further challenged his information, he provided me with a further letter dated 27 June in which he stated:

> In considering the budget for 1995-96, the board have set a probable scenario at a loss of $5 million in turnover.

There is in fact a difference of up to $20 million in the various versions the Chairman has given about the impact on turnover from this decision. Members should also be aware that the TAB is now relying for the success of this information service on a favourable reaction from punters to the newspaper being home delivered at a cost of 55¢ per copy.

Likely customer reaction to this specific service has not been properly market tested by the TAB. The TAB has done no market research on the home delivery service proposed. However, research the TAB has done showed that 91 per cent of punters nominated the *Advertiser* form guide as their dominant source of information, and 75 per cent were satisfied with the service. The Chairman said in a press statement yesterday:

> . . . the South Australian TAB had a precedent for its TABForm in that the Western Australian TAB had successfully implemented its own form guide, known as 'Goodform.'

This conflicts with advice previously provided to the board. The paper presented to the board on 30 May stated that home delivery of a form guide with a cover charge 'was not successful in Western Australia'.

I wrote again to the Chairman on 4 June expressing my serious concern about the conflicts in information he had provided to me. I also raised with him the issue of the appointment of a consultant to review the program performance of 5AA. I had proposed this consultancy because of my concern about the performance of 5AA. The Chairman advised me at our meeting on 7 June that the services of Mr John Brennan and his staff from Sydney had been obtained for this consultancy. The Chairman did not tell me that Mr Brennan is the father of the 5AA program manager. After later becoming aware of this, I wrote to the Chairman on 29 June asking him to explain his failure to advise me of this obvious potential conflict of interest. His reply of 30 June stated:

> As the board did not consider the matter of the relationship between John Brennan and Peter Brennan to be material, the matter was not raised with you on the 7th.

This response is completely unacceptable. It was another reason for my request to the Chairman in my letter on Tuesday that he resign on the grounds that I no longer have confidence in the information he supplies to me. The Chairman has advised me in writing today that he will not resign. The matter is now one for Parliament to resolve. In doing so, all members will have to consider whether it is acceptable—

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD:—for the Chairman of a statutory authority to be able to provide to the Government financial and other information which is unreliable and misleading. Such an attitude cost this State more than $3 billion in the fall of the State Bank. The Royal Commissioner reported that the former Government had been indifferent and negligent in considering information it received from the bank. This Government is different. For a start, we are not indifferent to the operations of our statutory authorities.

The TAB is a multi-million dollar business supporting the racing industry but it is also a statutory corporation. If it were a private sector company running a business, its directors would be accountable to its shareholders and could be removed by the shareholders with or without cause. Why should the directors of a business run by a statutory corporation be any different? The shareholders are the people of South Australia and the Government is their representative. As such, the Government should be able to act to remove a director if it is of the view, as it is in this case, that it is in the interests of the corporation and its indirect shareholders that change should be made. I emphasise the point that this is what the Parliament has already allowed for in the ETSA and Water Corporation legislation.

The issue of the TAB and racing information, which is at the core of this matter, is one which has long concerned this Parliament. More than 10 years ago, when the former Government gave its approval for the TAB's decision to buy Radio Station 5AA, there were claims that this would prove to be a profitable move within a short time. A decade later, we are still waiting. Members will recognise that my reaction to these latest events involving the Chairman of the TAB has been influenced by other dealings with him since I became Minister. In that time, I have had continually to resort to my powers of ministerial direction in my pursuit of relevant information so that I can assess the performance of the TAB and Radio 5AA and fulfil the responsibilities I have to this House and, through it, to the people of South Australia. I have been deliberately denied relevant information about the performance of 5AA. I have been misled about the implications of the narrowcast licence obtained by the TAB.

Mr Atkinson interjecting:

The SPEAKER: The member for Spence is completely out of order.

The Hon. J.K.G. OSWALD: I advised Parliament in a ministerial statement on 19 April last year of my concerns about the quality of information provided by the TAB. Mindful of this, the poor financial outcomes and my concern about the TAB's involvement in media through 5AA, I would have thought that the Chairman would be acutely aware of the need to provide relevant and accurate information to me on

the financial implications of the TAB's becoming further involved in media through the publication of its own newspaper. He has failed to do so, leaving the Government with no option but to seek his dismissal and, in the meantime, to ensure comprehensive scrutiny of his actions. The racing industry makes a vital contribution to the South Australian economy. Indeed, its annual contribution to gross State product places it behind only agricultural, mining and motor vehicle manufacture in economic value.

The TAB's contributions to the industry are most important. The Government would be abdicating its responsibility to this significant industry if it did not ensure that the TAB was fully accountable for financial and other decisions affecting its ability to support racing at this crucial time in the industry's history. The issue is not whether the *Advertiser* or another printer should publish this form guide. The issue is whether the Government and the Minister are entitled to reliable and factual information from the Chairman of a statutory authority and to be properly consulted about a matter of major policy with significant financial implications.

QUESTION TIME

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): My question is directed to the Minister for Recreation, Sport and Racing. Is the Government's failure to dismiss the Chair of the TAB under the current provisions of the Racing Act because the Chair is not guilty of a neglect of duty, of any breach of or non-compliance with a condition of his appointment, or of dishonourable conduct? Current provisions under the Act, along with dismissal due to mental or physical incapacity, are the only provisions under which the Governor can dismiss a TAB board member under section 45 of the Racing Act.

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! I call the Minister for Tourism to order.

The Hon. J.K.G. OSWALD: The action I have taken today and outlined in the ministerial statement this afternoon will achieve several objectives. First of all, it will allow us to put on the TAB board some new nominees who have financial and business management expertise. It will also allow us to line up this legislation with other pieces of legislation that this House has agreed on concerning the question of the removal of members of boards. Further, it will mean that we will not be subjecting the taxpayers of this State to what could be potentially an enormous amount of expense.

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is out of order.

The Hon. J.K.G. OSWALD: For any other reasons, I suggest that members await the second reading explanation of the Bill.

SOUTH-EAST ASIA

Mr WADE (Elder): Will the Premier advise the House how his forthcoming three-day visit to Malaysia and Singapore will enhance investment and cultural links with South Australia?

The Hon. DEAN BROWN: I am delighted to say that a number of initiatives have been occurring today, and will occur over the coming days, in terms of further enhancing the relationship between South Australia and Asia. This morning I had the opportunity to open the seminar 'South Australia, South East Asia—Into the Next Century'. This seminar, which has been organised by the University of Adelaide, is being attended by a large number of South East Asian alumni members of the University of Adelaide. These people trained at the University of Adelaide during the 1950s, the 1960s and the 1970s under the Colombo Plan. By itself, that seminar has already highlighted today the significant opportunities for trade between South Australia and the South East Asian region.

On Saturday I travel to Penang and later to Kuala Lumpur and Singapore on a very quick, three-day trip, which is targeted specifically at sitting down with investors in each of those areas. In particular, I will talk to people who are already making a commitment to investment in tourist facilities here in South Australia, namely, MBf and PPA Resorts, a company which is committed to an investment at Granite Island. That development is due to start in the very near future. I will also have the opportunity to talk to several other potential investors, particularly in tourism in South Australia.

During the visit, a trade delegation from South Australia will visit Penang, and I will jointly open that delegation and the trade week with the Minister for Trade, Commerce and Consumer Affairs (Dr Lum). In addition to that, I will have the opportunity to talk to a number of business people at a business lunch in Singapore and, in Kuala Lumpur, I will have the opportunity to highlight significant opportunities for two-way trade between South Australia and Malaysia.

Finally, today in town the State Government has had the opportunity to host a very significant delegation of business people led by the Korean Ambassador to South Australia. The Ambassador has brought to Adelaide a delegation which represents all the major Korean companies, with their most senior representatives in Australia. As he put it himself, these are the people who make the decisions. They represent companies involved in the automotive industry, tourism, resource development and trade, in particular, the import of food, wine and other like products. The discussions going on in Adelaide today will open up enormous opportunities between Korea and South Australia.

Korea is a country which, so far, has had very little contact with South Australia. We do not have an office there, but I had the opportunity some two months ago to talk to the Ambassador and he has responded very quickly to those discussions. He is a great enthusiast, a man committed to developing business links between our two regions, and it is highly significant that, within two months of that luncheon, he has gathered all those key decision makers here in Adelaide, and they are now talking to Government officials and private industry representatives from South Australia.

This Government is determined to bring about a change in export culture for South Australia. The clear signs are that there is a very significant response from the Asian area in relation to that change and that determination to bring about two-way trade. It highlights two things: first, that a changing culture is essential if we are to overcome our current account deficit, which is the worst of any country in the world, because of the policies of the Federal Government; and, secondly, it highlights the importance of the Alice Springs to Darwin rail link in the way in which that will open up trade opportunities, particularly for perishable food products, which has never been envisaged.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): If, as the Minister for Recreation, Sport and Racing states, the Chair of the TAB is being removed because he has supplied the Government with 'financial and other information which is unreliable and misleading', and the Government has been denied information on other occasions, why has not the Minister moved to dismiss him for neglect of duty under section 45(5)(c) of the current Racing Act?

Members interjecting:

Mr Foley: Come on, answer that one.

The SPEAKER: Order! The Chair will answer a couple of questions.

The Hon. J.K.G. OSWALD: The member will have to be patient until we bring in the amendment to the Act, and we can then examine it during the second reading debate.

GAMING SUPERVISORY AUTHORITY

Mr ASHENDEN (Wright): Will the Treasurer inform the House of the membership of the new Gaming Supervisory Authority and give details of its role in the gaming industry in South Australia?

The Hon. S.J. BAKER: A new Gaming Supervisory Authority has been formed by this Government. The issue of gaming in this State has reached a high profile on occasions, not the least at this moment, where we are finding that a number of traditional areas of gaming are being affected by poker machines. On a number of occasions I have expressed disquiet about the lack of control that can be exercised under the Act under which poker machines operate. The matter has been canvassed in this place on a number of occasions, and we have achieved a remarkably smooth introduction of poker machines. We have generally had the cooperation of the industry, but sometimes that is due to good luck and good management rather than the power exercisable under the current Act.

The Gaming Supervisory Authority, with the approval of the Parliament, has been formed. It will have jurisdiction over poker machines, taking over the responsibility previously enjoyed by the Casino Supervisory Authority. The Casino Supervisory Authority has been an effective operator since the Casino was established. The level of scrutiny within the Casino is of the highest order, so there has never be any suggestion that the Casino has been associated—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles should listen. That is not the issue about which we are talking. The level of scrutiny and diligence applied within the Casino is of the highest order. That has been confirmed by a recent study by an America professor who has looked at our gaming operations in South Australia. There is no question mark about the integrity of the operation of the Casino within the bounds of the gaming machines and the way in which they are scrutinised. That should be put on the record, because it is a credit to all persons who have served on the Casino Supervisory Authority that South Australia has maintained an impeccable record in that regard.

For the new Gaming Supervisory Authority there are new challenges because it will not only ensure that the Act under which we operate is effectively implemented but it will also bring forward to me recommendations on how we can ensure that the will of the Government is maintained in terms of having integrity within the poker machine industry. We have managed this process, unlike any other State, without any shut down of machines. They were introduced in record time, even though there were delays in the system, but the challenge now is to ensure that the industry operates effectively and that it understands the impact of its operations on other areas of the community.

The Gaming Supervisory Authority is headed by Mr Horton Williams, QC, who would be well known to this place as a person of high standing within the legal fraternity and in the wider community. Mr Peter Edwards, a former member of the Casino Supervisory Authority, will be retained. We also have Ms Ann Robinson, Mr Tony Pederick and Mr David Green. We have some strong accounting, taxation and legal experience which will be of benefit to the Gaming Supervisory Authority to carry out its task at this challenging time.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): Why has the Minister for Recreation, Sport and Racing not asked for the resignation of all the board members of the TAB? In the Minister's statement today, he has been highly critical of the TAB Board's decision. He states that that is the reason for Mr Cousins' dismissal. This decision was a unanimous decision of all board members. Furthermore, the decision was approved separately by all three racing codes whose Chairpersons, Mr Mark Pickhaver from the Harness Racing Board, Mr Mark Kelly from the Greyhound Racing Board and Mr Rob Hodge, Chairman of the SAJC, are all members of the TAB Board.

The Hon. J.K.G. OSWALD: The ministerial statement sets out a very clear account of the sequence of events leading up to today. I refer the honourable member back to what is probably the most detailed ministerial statement to have been presented to this Parliament for many years. I also point out to the House that it was the Chairman who briefs me. It is the Chairman who has the responsibility for the board—

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: It was the Chairman who wrote to me on each occasion. It was the Chairman I wrote back to seeking replies to questions. It was the Chairman who subsequently wrote back to me each time, replying to my questions, and it is the Chairman who is ultimately responsible.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

TOURISM ARTS CONVENTION FACILITY

Mr VENNING (Custance): Will the Minister for Tourism inform the House about plans for a new tourism arts convention facility for the Barossa Valley and to what extent the State Government is involved?

The Hon. G.A. INGERSON: I thank the honourable member for his question and for his particular interest in this area. The Barossa Valley is obviously close to his heart and to the hearts of most South Australians. Any expansion of tourism opportunity and, in particular, any expansion of accommodation and venue development, is very important in the Barossa Valley.

The $4.2 million project involves the first convention and arts centre to be built in South Australia in the past five years. It is a brand new arrangement between the private sector (in this case, the Faith Lutheran School) and the Government.

The Government will put up $1.5 million over a five year period and, in the Government's view, we will see an excellent convention and arts centre in the Barossa Valley.

Two of the most important festivals in the State are the Barossa Music Festival and the Barossa Vintage Festival. Both those festivals require extra accommodation, particularly for arts and for conventions. This development will be very good as it will enable us to take both those festivals into the new era.

The Major Events Group has sponsored both those festivals. It considers those festivals to be the prime push for change in the area of major events. We welcome our involvement with the Faith Lutheran School and we see this as the beginning of a new era of development investment between the Government and the private sector. We think that it will be an excellent development for South Australia and, in particular, for the Barossa Valley.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): Will the Minister for Recreation, Sport and Racing now table copies of all documents and correspondence that he has received from the TAB Board and management, including a copy—

An honourable member: You have already got them.

Mr FOLEY: I wish I had.

The SPEAKER: Order! The member for Hart has the call and he does not need the assistance of the front bench.

Mr FOLEY: Thank you, Mr Speaker. I will start my question again if I may. Will the Minister now table copies of all documents and correspondence—

Mr Ashenden: Why, have you lost yours?

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

Mr FOLEY: Will the Minister now table copies of all documents and correspondence received by him from the TAB Board and management, including a copy of the TAB Business Plan referred to by the Minister yesterday and the briefing note dated 30 May provided by the TAB to the Minister for the board meeting held on 7 June? Over the past two days and in today's statement the Minister has been quoting from these two documents—

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! The Minister for Tourism.

Mr FOLEY: I will start the explanation again, Sir, despite the frustrating tactics by members opposite. Over the past two days and in today's statement the Minister has been quoting from these two documents when answering Opposition questions, and we ask that they be tabled for full scrutiny now.

The Hon. J.K.G. OSWALD: That is a joke.

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: There is no doubt from the line of questioning over the past few days that the Opposition has those documents—no doubt in my mind whatsoever. If we searched *Hansard* and the transcripts of media interviews, we would see from the framing of questions and the line that has been taken in the media that the Opposition clearly has access to and has read those documents. I do not think that one member sitting in this Chamber this afternoon would disagree with me when I say that the member for Hart already has the document of 30 May.

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: In the ministerial statement this afternoon I carefully quoted every applicable passage from it that can cast light and understanding on this issue.

Members interjecting:

The SPEAKER: The member for Playford and the member for Spence.

The Hon. J.K.G. OSWALD: With regard to the business plan, I will consult with the board and if that plan is not confidential—and bear in mind that I have to preserve the confidentiality of documents given to me, and I have always respected that—I am happy to table it. If members will bear with me and give me time to check with the board, I will endeavour to ensure—

Mr Clarke interjecting:

The SPEAKER: Order, the Deputy Leader!

The Hon. J.K.G. OSWALD: —that it is tabled at an early stage. Members have to understand, with regard to the TAB and its ownership of 5AA, that parts of the business plan may be of a commercial nature. However, I will consult with the board. I am very happy to get as much of this information as possible out in the public arena so that members can understand the extent to which I have been misled.

The argument that the honourable member keeps running in the paper is that I knew all about it, and the ministerial statement today absolutely puts that specious argument to rest. There is no way that I had any knowledge. It is interesting how people keep away from it. No-one can argue against the point that, with regard to the crucial board meeting of the fifteenth, the Chairman of the TAB did not contact me, did not tell me the meeting was on, did not tell me there were any minutes, did not provide me with any contracts and did not provide me with briefing notes—nothing. Let us be very clear on the public record that we were not provided with it: and remember that.

The Hon. Frank Blevins interjecting:

The SPEAKER: Order!

REGIONAL DEVELOPMENT BOARDS

Mr KERIN (Frome): Will the Minister for Industry, Manufacturing, Small Business and Regional Development report to the House on future plans for regional development which are to be announced tomorrow at a statewide seminar at Clare which is to be attended by representatives of all regional development boards?

The Hon. J.W. OLSEN: Tomorrow the seminar of regional development boards continues the policy thrust of the Government of enfranchising all economic areas of South Australia, particularly regional and country areas, to be part of the economic development of this State. Building on the regional development structure which we inherited, we have expanded the number of regional development boards: there are now 13 country boards and two city boards. The four new regional development boards cover the Eyre Peninsula, Kangaroo Island, the Adelaide Hills and the Barossa; and there is the expansion of coverage of two boards at Northern and Port Pirie.

That means that currently only five local government authorities throughout South Australia are not members of regional development boards. In addition, the Regional Development Unit within the EDA has been created as a separate division, thereby highlighting the significance of regional development.

We have also increased staffing and the allocation of resources to give positive support to regional economic development boards. With the assistance of boards as the first point of contact, the EDA has been able to support 82 firms and provide assistance of over $6 million to regional initiatives during the course of the past year, with 484 jobs being created and 620 retained. In addition, with dollar for dollar funding, we have assisted boards on specific and special projects to the tune of $472 000.

The seminar to be held tomorrow will look at a number of initiatives to carry this regional development policy further. For example, the rule of five jobs or more will be removed to give support to small enterprises in country areas. In addition, funding will be on a 3:1 basis (State versus local government) up to a maximum of $150 000. That compares with a 1:2 basis for the two boards in the outer metropolitan area. It is proposed not to create any new boards but to interact with those boards currently in place. The number of business advisers for rural areas (BARA officers) will be increased from four Commonwealth and two State funded officers. Funds of $40 000 will be offered to the seven boards that do not have a BARA officer to support their employment initiatives within their specific region.

In summary, the policy changes maximise the potential and effectiveness of regional boards. The aim is to improve the level of support and resources and provide flexibility, enhancing local empowerment and leading to the support of future economic development in South Australia. Of course, the bottom line is the creation of jobs in both city and country areas in this State.

TOTALISATOR AGENCY BOARD

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Recreation, Sport and Racing. Is the Minister prepared to cooperate in establishing, and will he agree to appear before, a select committee of the Upper House to examine the documents and determine the nature and extent of communications between the Chairman of the TAB, Mr Cousins, and himself about plans for the TABForm guide in order to determine who is telling the truth about this matter?

The SPEAKER: Order! The last part of the question is out of order, but the Minister may answer the first part.

The Hon. S.J. BAKER: On a point of order, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: Two matters are involved in this question. The Minister has answered all the questions to date, and it is not his problem. The first point is whether the question is hypothetical, which it is, because no such committee has been established. The second point is jurisdictional. There are rules which govern the conduct of both Houses, and the Houses are separate. I believe that on both grounds the question is incompetent.

An honourable member interjecting:

The SPEAKER: Order! One point of order will be taken before the Chair at a time. The Chair is of the view that the Minister is entitled to answer the first part of the question dealing with whether he would be prepared to give evidence before a select committee if it were set up. The second part of the question relating to whether the truth has been told is out of order. Further, I point out to the House that, on my understanding, no Minister of this House is obliged to give evidence to any select committee.

The Hon. J.K.G. OSWALD: It is interesting how the debate has shifted. Three days ago, the Opposition believed that it had all the evidence in the world to prove that I had misled the House and that I knew all about this matter. The debate is now shifting around, because I think the message has started to come home that I knew nothing about the board meeting on 17 June, that I was not informed by the TAB that the board meeting was to be held and actually had to use my powers of ministerial direction under the Racing Act to get the financial information that was made available to board members on that occasion. I think that is starting to get through to them—

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD:—and we are now starting to move into another area of debate. The reality is that everything that happened is recorded in my ministerial statement. It is all on the public record. I have said that I will consult with the TAB to ensure that there is nothing confidential in the business plan, and that can be made available, so that—

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD:—members in this Chamber will have everything at their fingertips and can make a decision when the debate takes place.

PATAWALONGA

Mr LEGGETT (Hanson): Will the Minister for the Environment and Natural Resources provide details of any involvement by the Environment Protection Authority in the Patawalonga disposal pond issue? Earlier this week, I believe that the Minister attended a briefing with representatives of concerned local residents.

The Hon. D.C. WOTTON: This matter, of course, falls within the member for Hanson's electorate, and it is important that it be noted. The Environment Protection Authority has been involved for some time in monitoring, testing and assessing the Patawalonga disposal pond issue. Together with my colleague the Minister for Housing, Urban Development and Local Government Relations, I met with concerned residents earlier this week. The proposal has been assessed by waste, air, water, marine and noise environment protection advisers of the Environment Protection Authority. There has also been liaison with and confirmation by the South Australian Health Commission. Work to be carried out will be covered by licensing conditions that will require contingency plans to be put in place.

Mr QUIRKE: I rise on a point of order, Mr Speaker. Will the Deputy Premier be so kind as not to show his back to the Chair whilst he is tutoring the Minister for Racing?

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! The Minister for Tourism is not helping the Chair.

Mr Bass interjecting:

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

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

The SPEAKER: In that case, there is no call to order.

The Hon. D.C. WOTTON: It is a pity that the Opposition does not concentrate on important issues.

Mr Atkinson interjecting:

The Hon. D.C. WOTTON: Well, take it for what it is. Tests of the silt in the Patawalonga are only mildly contaminated with heavy metals, and these are sourced mainly from road run-off, which collects lead, zinc and copper from motor vehicle exhausts and wear emissions. Levels of heavy metals in the Patawalonga silt are the same as those in silt found in urban stormwater drains in the metropolitan area. Further, levels in the Patawalonga are lower than those from urban stormwater systems that feed into West Lakes. Tests for other contaminants revealed very low concentrations; in fact, in some testing, they were below the detection limit.

Testing of dried sludge indicates that it would be suitable for land fill and landscaping purposes, and the proposed silt deposition, drying and disposal under recreation areas is considered totally appropriate. Testing has revealed variable numbers of indicator micro-organisms in the sediments, but this is expected from stormwater sources, and die-off of micro-organisms can be expected upon exposure to sunlight, in any case. As part of the EPA conditions, ground water in and around the site has and will continue to be intensively monitored. Any ground water pollution from heavy metals is most unlikely, but cut-off drains and/or well points will be installed as required. Finally, trial odour testing indicates that odours should not be excessive, but as part of licensing conditions a deodorisation unit is to be on stand-by as a contingency. Concern has been expressed by residents about this matter over a period, and I hope the facts, as they are now presented, will allay concerns of local residents regarding this issue.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given the strong views about campaign donations and propriety expressed by the Minister for Infrastructure during the Estimates Committee hearings just two weeks ago, will the Premier ask the President of the Liberal Party, Ms Vickie Chapman, to refuse to accept any campaign donation either from EDS or from any of the three consortia currently bidding for South Australia's $1.5 billion water contract?

The SPEAKER: Order! The Chair is concerned that the Leader of the Opposition is asking the Premier a question about the responsibilities of a person who is not a member of this House. Therefore, the Chair is of the view that the question is out of order.

Mr LEWIS: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! All members will resume their seats. There is a point of order.

Mr LEWIS: Mr Speaker, from where I sit, I distinctly heard the Leader of the Opposition say, 'We have a very nervous Speaker', which is a direct reflection on you, Sir.

The SPEAKER: Order! The Chair did not hear that remark. I ask the Leader of the Opposition whether he made that comment and, if he did, he should withdraw it.

The Hon. M.D. RANN: I said that we had very nervous Nellies, and I am talking about the Premier and the people who made the interjections.

Members interjecting:

The SPEAKER: Order! The Chair accepts the assurance of the Leader. The member for Chaffey.

MURRAY RIVER

Mr ANDREW (Chaffey): My question is directed to the Minister for the Environment and Natural Resources. Will the Minister provide details of the current status of the clean-up of the Murray River? I understand that a recent meeting of the Murray-Darling Ministerial Council has supported initiatives that will directly benefit South Australia in improving the health aspect of the Murray River.

The Hon. D.C. WOTTON: The member for Chaffey's question is an important one, because any improvement in the quality and health of the Murray River is a matter of major importance not only to those in the honourable member's electorate but to all South Australians. The lack of river flow, pollution, increasing salinity and blue-green algae outbreaks are among the impacts that South Australians have had to endure over a period but particularly in more recent times. The commercial catch of native fish has dropped to under 20 per cent of what it was in the 1950s, and there are also impacts on the average home; for example, the life of a domestic hot water service is considerably shorter here than interstate, because of Murray River water quality.

I am pleased to be able to inform the House that at the meeting of the Murray-Darling Ministerial Council in Brisbane last week I was able to successfully engage the support of Victoria, New South Wales and Queensland in two very major initiatives. First, a cap will be placed on water use in the basin to secure the ecological and economic future of the river system, which currently supports, as we would all appreciate, two million people and which generates about $10 billion in production a year. The council realised that, unless urgent action is taken, not only will the environmental implications increase but the likelihood of those two million people and that production worth $10 million will be in serious jeopardy.

The Murray-Darling Basin Commission will now establish a working party to determine the precise details and methods of introducing a cap on water diversions from the river to help turn around the overuse of the river which is now leading to drought-like flow conditions in South Australia in six out of every 10 years. This working party will look at water allocation policy, crop types, irrigation initiatives, and also help facilitate the trading of water rights between States. Much of this work has already been achieved among South Australian irrigators, who take a national lead in this issue. Certainly the opportunity I have had in recent times to look at irrigation methods in the Eastern States indicates quite clearly that South Australia is well advanced in this area.

I am very pleased at the backing for the Premier's Murray-Darling 2001 project, which has been very strongly supported by all the other States. We believe that faster action must be taken to remedy the river system. The council has endorsed the preparation of a sustainable business development program and will also develop the 2001 project for funding consideration by State and Federal Governments. That is a huge step in being able to obtain considerable benefit regarding the Murray River, particularly in South Australia. Finally, I am delighted that the voice of South Australia is now being heard clearly by the States as we work towards securing this vital waterway for both environmental and economical purposes. I know that that is a trend that would be supported by all members of the House.

PATAWALONGA

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Why did the Minister fail to obtain the approval of the FAC to dump 300 000 cubic metres of contaminated sludge adjacent to the airport before he let the contract to dredge the Patawalonga, and does he accept responsibility for the subsequent cost blow-out of $500 000, or was the Chairman also responsible in this case? The Minister approved the contract to dredge the Patawalonga before receiving FAC approval to dump the sludge on airport land. Subsequent approval from the FAC required the sludge to be covered, and the Minister has now announced that this will result in a cost blow-out of $500 000 before the project has started.

The Hon. J.K.G. OSWALD: That is a scurrilous question, designed to put—as the Opposition seems to want to do in this State—in a bad light every development or anything that is happening in this State. What I announced yesterday was quite the contrary. I said that I had saved the State $500 000 by delaying the project for a week while I went back to the FAC, and we renegotiated its requirements on bird management at the Patawalonga. The original account was in the vicinity of $1 million. As a result of my stepping in and renegotiating it, I was able to announce in this Chamber yesterday that we had saved the State and the project in the vicinity of $500 000. I would have thought that that would be a commendable announcement. Every time you try to do something constructive for the State, this negative, carping anti-development Opposition has to find something wrong with it. It is about time the Opposition got behind that project at Glenelg.

Members opposite should bear in mind that it is a joint project with the Commonwealth. They should get on to the Federal Parliament and, if they wish, criticise their Federal colleagues in Canberra in the run-up to the Federal election. Everything we do in connection with the Patawalonga is vetted not only by the State EPA: the Commonwealth EPA is involved in it as well, as is the FAC. Whenever we do anything we take it through step by step and approach the various authorities. I do not think that, leaving aside this project, I could go to more authorities and get more approvals before taking the various steps involved. It is about time this Opposition started to support some development, started to support what we are on about and realise that for the first time in 20 or 30 years we have a project on the go in the western suburbs, at Glenelg and in the West Beach area which people on both sides of politics have been talking about for a long time. The Brown Government is delivering on this.

ELECTORAL ACT

The Hon. H. ALLISON (Gordon): Can the Deputy Premier advise the House of the outcome of an appeal by one Mr Cameron against a conviction for a breach of the Electoral Act?

Mr ATKINSON: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The Chair is having some difficulty with the question because this is a somewhat grey area. Therefore, the Chair will rule the question out of order at this stage.

FRENCH WATER COMPANIES

The Hon. M.D. RANN (Leader of the Opposition): Has the Minister for Infrastructure sought a briefing this week from the company Lyonnaise des Eaux, a partner in the consortium bidding for the $1.5 billion South Australia water outsourcing contract, in respect of the latest ruling of the highest appeals court in France about corruption charges facing that company and a former Minister? The latest edition of the prestigious newspaper the *European* says:

> The highest appeals court in France cleared the way for former Minister, Alain Carignon, to be tried in September on charges that he took gifts in return for public works contracts as mayor of Grenoble. He faces up to 10 years in gaol if convicted. . . ..Carignon, a member of President Jacques Chirac's Rally for the Republic Party (RPR) is accused of taking gifts and favours worth. . . US$4.35 million from subsidiaries of water company Lyonnaise des Eaux in exchange for granting a water privatisation concession in that alpine city.

The Hon. J.W. OLSEN: No; I certainly have not, because we want to ensure the integrity and probity of the system. Following the issue—

Members interjecting:

The Hon. J.W. OLSEN: I hope this is a little more accurate than that raised by the Leader last year, when the court process threw it out and the person making the accusation—not the accused—ended up in gaol. So the Leader was 100 per cent wrong last time; let us wait for the process to sort out. Turning to the question, once the request for a proposal was issued I have not had any direct contact with any of these companies or their officers. It is absolutely critical—and the Leader should know this and understand it—that the integrity and probity of the bidding system is kept at the highest level. I have said publicly before that, following submission of the bids, an assessment will be made over three to four months running through to November, when a decision will be made as to the integrity of the bidding companies.

That is the time—as the Leader well knows—to assess each bidder to ensure that they are people whom we would want operating and maintaining the system, and I am not talking about privatising, selling a licence or selling an asset. The Leader well knows—and I have given a commitment publicly—that all bidders will be assessed not only in terms of operational savings and in terms of economic development but also in terms of integrity.

SOUTH AUSTRALIAN FISHING INDUSTRY COUNCIL

Mr MEIER (Goyder): Will the Minister for Primary Industries explain the role of the South Australian Fishing Industry Council in the new management arrangements for the State's fisheries? Last night the Minister and I attended a meeting of approximately 150 marine scale fishers at Port Wakefield at which a variety of concerns were expressed.

The Hon. D.S. BAKER: Following the ongoing and sometimes emotional success of Operation Undersize,especially from the Opposition—

Mr Clarke: Speak for yourself.

The SPEAKER: Order! The Minister gave an answer on that particular matter yesterday.

The Hon. D.S. BAKER: I am just providing an update, Mr Speaker. Following the overwhelming success since yesterday of the Fish Watch program, I thought it only appropriate that I bring members up to date on what is

happening in SAFIC. It is correct that the honourable member and I attended a meeting of some fishermen in Port Wakefield last night. I think the Government should be congratulated because, after 11 years of nothing happening, the Government is looking at the fishing industry to find out how the fisherfolk can obtain the best democratic representation through a peak body.

There is no question that South Australia's peak body was disintegrating, so we have decided that SAFIC will become the peak body for professional fishermen in this State. SAFIC has already decided that elections to that body will be by ballot and by nomination only, so it will be absolutely democratic. Above all, to comply with our industrial relations code, we have outsourced to SAFIC three positions for officers who will help manage the fishery and be the go-between between the professional fishermen and the Minister for Primary Industries.

It is the first time that we have had a democratic, united peak body of fishermen who will help run this State's $135 million fishery. I explained that last night to the marine scale fishermen, and they were very enthusiastic in their response to that explanation. Also, before this matter was announced we briefed the Opposition on the changes to the fishing industry and, as one member opposite said, thank God someone is thinking of the fish.

ENVIRONMENTAL IMPACT STATEMENTS

Ms HURLEY (Napier): Will the Minister for Housing, Urban Development and Local Government Relations name the projects where he has exercised his power under section 46 of the Planning Act and required the preparation of an environmental impact statement, and can he detail which projects have been delayed by this process?

The Hon. J.K.G. OSWALD: I am happy to obtain a considered reply for the honourable member and report back to the House as soon as possible.

NORTHERN TERRITORY TRADE EXPO

Mr CUMMINS (Norwood): Will the Minister for Industry, Manufacturing, Small Business and Regional Development report to the House on the early benefits from South Australia's presence at the Northern Territory Trade Expo? Last week, several South Australian companies took part in the high profile expo which attracted potential buyers and joint venture partners from Indonesia and other Asian countries.

The Hon. J.W. OLSEN: There is no doubt that the Northern Territory Government and the Chamber of Commerce and Industry in the Northern Territory demonstrated the linkages they have with the South-East Asian region in the number of delegates they were able to attract and in the significance of the delegates to the Northern Territory Expo. I have said before, and I think that it is worth repeating, that the Northern Territory Government has done better than any other State Government in establishing a reputation and credibility in the South-East Asian region. In fact, the Northern Territory Government has memorandum of understanding agreements with most countries to its immediate north.

The expo, which ran from Friday through to Sunday last, attracted up to 700 international delegates from South-East Asian countries, including the Philippines, Brunei, Sabah, Sarawak, Indonesia, Hong Kong, Macau, China and Vietnam. Some 10 South Australian companies participated in that expo, many of them for the first time. Almost all secured either a Northern Territory distributor and a Darwin based agent or an international agent for the distribution of their product. The range of South Australian products represented included outdoor furniture, machinery, tools, fine chocolates, venison, bar mirrors, confectionary, educational aids, mustards, wines, and so on.

Some substantial quantities of product and orders were placed, in addition to putting in place distributorships for these companies overseas. For example, Cortez Chocolates saw immediate interest from a Hong Kong company. It is negotiating a contract currently worth some $7 000 to $8 000 a month. Also, it has put in place Darwin distributors. Seriprint, from Beverley, established contacts in Sabah, Malaysia and with the Malaysian International Chamber of Commerce and Industry. Currency Creek Winery established a distributor and secured a substantial order for its wines.

An honourable member interjecting:

The Hon. J.W. OLSEN: It is a good winery. I happened to have the opportunity to taste some of its wines when I was in Darwin.

Mr Foley: Which wine?

The Hon. J.W. OLSEN: Currency Creek. Maprak Products, a whiteboard manufacturing company from Wingfield, established agents in both Darwin and Sabah. The Southern Machinery Services of Lonsdale opened up opportunities, as did Fleurieu Fine Foods, which has established a Western Australian distributor and secured a contract with a trading company in Malaysia. In effect, the Government, through the Economic Development Authority assisting and facilitating small and medium businesses to go to these expos, is building up the network and the linkages and facilitating these companies to access not only national markets but certainly international markets.

HEALTH DISPUTE

Ms STEVENS (Elizabeth): Will the Minister for Health confirm that the Health Commission at yesterday's negotiations was forced to apologise to general practitioners from the Spencer Gulf region over the use of incorrect figures by the Minister in relation to the total costs of the provision of casualty services at the hospitals; and will he now heed the calls of those GPs for an apology for his statement that there was gross abuse of the system? The Opposition has been informed that yesterday's negotiations with the Health Commission stalled after the commission was forced to concede that it had the wrong figures, and that the total cost of casualty services in the three Spencer Gulf hospitals has not varied significantly from the current level of $1.2 million since 1989, in apparent contradiction to the Minister's statements on two occasions, once to the Estimates Committee and again in Parliament yesterday.

The Hon. M.H. ARMITAGE: The essence of the matter is that the GPs in those three areas receive differential fees in comparison with a similar exercise of general practitioner skill in other areas for after hours fees. That is number one. But, there do appear to be some variances between the figures that were presented by the doctors and those that were supplied to me by the Health Commission. Needless to say, the moment I heard that I asked to speak with people from the commission last night. I have directed that I get the answers to a number of questions, and work is being done on that today.

When all those facts are known and, depending upon those results, I may well choose to have them externally looked at by an accounting firm or whatever. The baseline, nevertheless, is that this is a dispute between doctors in relation to the provision of services, as I have said consistently. As I said to the doctors and to the board when I visited Whyalla two or three weeks ago, we will continue to provide those services and the matter will be worked out within the two week time frame.

OIL AND GAS EXPLORATION

Mrs HALL (Coles): Will the Minister for Mines and Energy advise the House of plans for offshore drilling operations in the South East as part of oil and gas exploration activities? Over the past several weeks media reports have covered the gold announcement of Dominion Mining and the interest and activities of an on shore oil and gas discovery in the South East. I understand this drilling operation is the first offshore project in South Australia.

The Hon. D.S. BAKER: I thank the honourable member for her question, her ongoing interest in this matter and her contribution to the backbench mining committee, as she travels around the State, in many cases with the shadow Minister for Mines and Energy, visiting some of this State's very good resources that will increase, quite dramatically, in the near future as the exploration initiative takes hold. It has already been announced to this House the very good prospect of gold in the Tarcoola region. It is the first time that we have seen some pay back for that exploration initiative which is of world-wide significance. In fact, the Premier today spoke very highly to our guests at lunch—the Korean delegation—about the potential for investment in South Australia and how mines and primary industries can contribute to the ongoing wealth of this State.

The Hon. D.C. Wotton: It is good to see how Environment and Mines and Energy are working together.

The Hon. D.S. BAKER: Absolutely. As the Minister for the Environment and Natural Resources has just said, the very close relationship between the two departments has allowed a lot of developments to go ahead that are environmentally sensitive, and the environment has been protected under that very good cooperation that has been going on for some time. However, I turn to the question of the honourable member, who is such a good contributor on the mines and energy backbench committee. It is interesting that today is the start of an offshore drilling program in the Otway Basin in the South-East which, as honourable members opposite know, is a very rich area in the south of the State covered by the electorate of MacKillop.

The Hon. S.J. Baker: With a very good local member.

The Hon. D.S. BAKER: And with a very good local member. Today the Diamond Offshore General Drilling Company is spudding in the Sophia Jane well, which is some 20 kilometres offshore from Robe. The participants in that venture include SAGASCO Resources, 51.4 per cent; Cultus Petroleum, 23.6 per cent; Lakes Oil NL, 13.3 per cent; Basin Oil, 5 per cent; and Victoria Diamond Explorers, 6.7 per cent. This well follows a potentially successful well that was drilled some two years ago and in which BHP was involved.

That well was stopped at what was then thought to be an appropriate depth. The current well will go some 1 500 metres to the target zone and, ultimately, to a depth of some 1 900 metres. The whole structure of the well indicates that there is every potential for a very promising gas find in that area. To that end, in about a week the Minister for Mines and Energy is flying out by helicopter to visit that well. Hopefully, once again, this Government will bring some more riches into South Australia.

WELFARE FUNDING

The Hon. D.C. WOTTON (Minister for Family and Community Services): I wish to make a ministerial statement. During the past week, the public has been subject to many one-sided comments about supposed cuts to the welfare budget. These have been followed by some of the most distasteful attacks I have heard in my 20 years in this House. Yesterday, the member for Elizabeth referred to a suicide case. Last week she suggested people lay 'bodies of dead babies at the feet of the Minister'. After further comments on funding during the Grievance Debate in the House yesterday I would like to put the facts on the record. Multi-billion dollar losses incurred by the previous Labor Government would have been enough to fund the FACS budget for the next 15 years. There is no longer a bottomless pit. The Opposition well and truly saw to that. Nonetheless, in 1995-96 a total of 963 community organisations still share in—

Mr CLARKE: I rise on a point of order, Mr Speaker. Ministerial statements are supposed to contain matters of fact rather than political statements—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: —of a Party political nature. This is a political manifesto.

The SPEAKER: Order! The contents of a ministerial statement are entirely at the discretion of the Minister.

The Hon. D.C. WOTTON: It is quite obvious that members of the Opposition do not like what they hear. In 1995-96, a total of 963 community organisations still share in $89.2 million of taxpayers' funds in the form of grants, sponsorship and support services—not a small amount of funds to support children and families in this State. Public tenders for the provision of a further 22 services including local mobile creches, child sexual abuse support, counselling and family support are in the process of being called, as well.

Each South Australian taxpayer invests about $30 a month on FACS and FACS-related community services. It is part of what a recent report in the *Advertiser* cited as a total of $3 billion spent on community welfare and social security in South Australia alone each year. Surely we must try to break this cycle to work towards independence and self-sufficiency and a sense of self-respect. That is why our policy is on welfare and on jobs, because jobs and pay packets contain the recipe for a solid social base for families and children in South Australia. Issues such as domestic violence, child abuse, low self-esteem, wayward teenagers and family conflict, and a lack of jobs and a lack of opportunity can be linked to jobs. Welfare should not be self-perpetuating.

Not once have we heard from the member for Elizabeth or the member for Napier about jobs in their own areas. Not once have I seen them put up their hands for jobs and new opportunities for the people they represent. Not once have I heard them promote their own areas. FACS funding must be seen in the context of other efforts by this Government to stimulate the economy and to provide opportunities for

individuals and, in particular, for families. Nobody would ever suggest that life does not have tough times that require support, intervention and compassion. However, Government funding of any group cannot be seen as a right. Funding must be allocated on the basis of need, the type of services provided and the professional capacity of an organisation to meet the need required.

Any reallocation of funds has taken place in response to service requirements, to meet accountability, to ensure professional standards, and to create new services, including services for the northern region, which members opposite fail to acknowledge. It is time Opposition members stopped misleading public debate. It is time for them to stop hovering around other people's unfortunate experiences as they attempt to prey on personal tragedy and grief.

Mr ATKINSON: I waited until the Minister's statement was finished before taking a point of order. My point of order is that I am most concerned by your ruling, Sir, that Ministers may say absolutely anything in ministerial statements. I draw your attention, Mr Speaker, to Standing Order 107, which provides that the statement must relate to matters of Government policy or public affairs.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: I ask you, Sir, to adjust your ruling that ministerial statements may contain absolutely anything.

The SPEAKER: As the Chair recalls it, I indicated to the House that Ministers were responsible for the contents of ministerial statements. Having again briefly read through Standing Order 107, I note that it says that Ministers are not required to restrict their remarks. Therefore, the Chair is of the view that the ruling is correct.

GRIEVANCE DEBATE

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

Mr BROKENSHIRE (Mawson): I rise on behalf of many young people in the southern region to speak about the Job Placement and Employment Training (JPET) program. This national pilot program has been aimed at assisting homeless young people to gain employment. As has been the case on many occasions recently, the Federal Government is clearly out of touch with a lot of the very good policies that have been implemented over recent years. I understand that the funding for the JPET program will not be renewed for 1995-96. The new case management system outlined in 'Working Nation' will replace the function that JPET has carried out for the past two years. The reason behind this decision of the Federal Government, through Ministers Howe and Free, is that factors which have made the JPET program a success can now be transferred to mainstream services. From my observation of the benefits of the JPET program, I believe that is purely a smokescreen and that the Federal Government has not thought through this issue in enough detail.

Many of the young people who are involved in the JPET program have multiple disadvantages. They are often young, aged between 15 and 19 years, and experience disadvantage in the labour market as a result of factors such as transience, unstable family circumstances and, often, poor education levels, with many of them not even completing year 9. They may be of a non-English speaking background or be of indigenous Australian heritage, and they may have a disability or difficulty with the legal system.

One of the great successes of JPET is attributable to the freedom of its workers. That freedom has allowed them to respond flexibly and intensely to the needs of these young people. They have invested plenty of adequate resources and time in working with each client to negotiate barriers which have existed between young people and work or training opportunities. The differences between the services offered to these young people by JPET and 'Working Nation' case management are wide, and they will impact greatly on this group. Specific problems that JPET clients will encounter under case management will relate to the guidelines under which 'Working Nation' services will be provided. Case managers will be constrained in their roles, unlike the situation with the JPET program. They will be severely limited in the time available to work with each client. I understand that their client loads are up to, and in some cases exceed, 75 cases.

Young people need to be adequately fed, clothed and housed and they are often on extremely low incomes. JPET workers have at their disposal a client disbursement fund, which has been most useful in assisting these clients. The obligation for case managers to act as agents of the State rather than as advocates and supports for clients will severely restrict the growth of trust and understanding in relationships with these clients. Many scenarios can be reasonably anticipated under which the former JPET clients will struggle to meet the demands of case management. For instance, difficulties may arise with illiterate young people receiving letters when they are unable to read or comprehend. Homeless young people often have no place at which they can be reliably contacted. JPET clients are often forced by circumstance to deal with major issues at short notice.

Case management will not be offered on an outreach basis. Clients will be required to attend appointments at accredited sites and, after talking with many of these young people, my experience leads me to anticipate that clients will find it difficult to meet this requirement as many of these young people have experienced disempowerment and the imposition of unwelcome decisions in dealings with people in offices, and so they may expect bad things of such interactions.

Frankly, the young people who were supported and then stabilised to the point of self-reliance before moving on to training and employment will now bomb out of the case management system. This will be sad, even tragic and unjust for them, particularly when the Government of this State is so keen to support young people. It is a fact that the Federal Government is missing the point and is pinching pennies to waste pounds.

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

The Hon. M.D. RANN (Leader of the Opposition): Today we have seen a Government that has thrown the racing industry into turmoil and into crisis. Yesterday we had a Minister and a Premier saying that the Chairman of the TAB would have to resign or be sacked, but they did not bother to get legal advice beforehand on whether they had the powers to do so. Today we have heard that they will bring into Parliament a Bill to make it all retrospective—to fix up executive action. That is what they are doing, because basically they could not fault the Chairman of the TAB under the existing legislation and under the existing laws.

I inform the House now that the ALP Opposition will be seeking the cooperation of the Australian Democrats in setting up a select committee to hear evidence about this sorry state of affairs. We hope that the Minister will have the guts, the decency and the integrity to waive Crown privilege to appear before the select committee and answer questions about the nature and extent of communications between him as Minister and the Chairman of the TAB (Mr Cousins), to have all relevant documents put before that select committee to determine who said what, when, why and how and, last of all, to determine whether the Minister has told the truth to this Parliament.

I have grave doubts about the information given to the Parliament so far. The very fact that the Minister's colleagues have to whisper advice to him during Question Time as to the nature of his answers says a lot. The very fact that his colleagues, rather than getting behind the embattled Minister, sit there in stony silence with worried looks on their faces, means that the Minister is in trouble.

Through the select committee we will be seeking information about the French water company seeking to be involved in this $1.5 billion contract. Today I read from the latest edition of *The European*, which states:

> The highest appeals court in France has cleared the way for the former Minister Alain Carignon to be tried in September on charges that he took gifts in return for public works contracts as Mayor of Grenoble. He faces up to 10 years in gaol if convicted. Carignon, Communications Minister in the Cabinet of former Prime Minister Edouard Balladur, denies any wrongdoing, but did not seek reelection as mayor in the recent municipal elections. Carignon, as a member of President Jacques Chirac's Rally for the Republic Party, is accused of taking gifts and favours worth Ffr$21 million—

or US$4.35 million or more than AUS$5 million—

> from subsidiaries of water company Lyonnaise des Eaux in exchange for granting a water privatisation concession in the Alpine city.

He was mayor of that city. Those questions must be answered. This is the highest court in France. The equivalent of the High Court of Australia has cleared the way for the Minister to go on trial on corruption charges relating to go a company that wants to do business here and enter into the biggest contract ever seen in the history of this State.

Mr Bass interjecting:

The Hon. M.D. RANN: No, but we should not have that company sign any contract with this State until it is cleared of those corruption charges. It is as simple as that.

Of course, today I have called for the resignation of the French Honorary Consul here in South Australia. I understand that he says I am trying to politicise the position. That is tough luck. He is the representative of the French Government here in South Australia. We have a right to ask him where he stands and what are his views in terms of nuclear testing in our region. Does he support Mr Chirac's actions or does he not? If the French Consul is not prepared to face up to his responsibilities as representative of France and if he cannot take the heat, he should get out of the kitchen: it is as simple as that. It is very interesting that the French Ambassador (Monsieur Dominique Girard) has cancelled his appointments with the Premier and with me later this month. I wonder why.

Mr BASS (Florey): On Tuesday night I referred in this House to the myths associated with the use of marijuana. On 29 June 1995, the Hon. Mike Elliott from the other place called for marijuana law reform as he wants to have marijuana made available to anyone in the community and to have it regulated. The honourable member from the other place has obviously not lived in the real world. I will repeat a couple of things I said on Tuesday night about the myths that go with marijuana. The first myth is:

> Resources are wasted on chasing and convicting users.

It is not true. The next myth is:

> Money saved from chasing users could finance treatment and education programs.

It is not true. Another myth is:

> Decriminalisation will take the profit out of cannabis.

It is not true. Trafficking offences in South Australia have doubled since cannabis was decriminalised in April 1987. A further myth is:

> Other countries have safely decriminalised cannabis.

That is an out and out lie.

Mr Becker: You sound annoyed.

Mr BASS: I am annoyed. Because of marijuana and drugs, I have seen people lose their sons and daughters. I have seen people's marriages ruined all because they started off on marijuana. I go on:

> Decriminalising cannabis will keep recreational users away from harder drugs.

That is not true. The article continues:

> One former heroin addict—a 33 year old worker from Melbourne—describes a slide into drug taking that is all too typical.'At school I got into the crowd who went to pubs and parties. We smoked grass and when it did not seem to harm us we experimented with other drugs like LSD and heroin. After 15 years it was not fun any more, but I was the only one to seek help. The rest of my friends had overdosed and died'.

The next myth is:

> Decriminalisation will not encourage use.

Wrong. It further states:

> Since the ACT decriminalised in 1992 our centre has recorded a 40 per cent increase in problematic cannabis abuse.

A further myth is:

> Cannabis is no more harmful than alcohol and tobacco.

The article continues:

> Alcohol is quickly expelled from the body but THC can lodge in fatty tissues for several weeks, perhaps months. There's four times more tar in a cannabis joint than a cigarette.

So, to say that cannabis is no more harmful than alcohol and tobacco is incorrect. The next myth is:

> Drug users harm only themselves.

Wrong. An Ipswich, Queensland, person said:

> I got to the stage where I lost all sense of morality and responsibility. I had a family to support, but kept wasting money on grass and coming home in a violent mood.

It was not hurting him but hurting his wife and family. The article continues:

> Drug users can also harm their offspring. It is known that drugs can pass from mother to baby in the womb. Effects of drugs can be even more sinister, especially when taken with alcohol. In August 1991 a 20 year old man battered his sister to death as she slept in their home on the New South Wales central coast. The Newcastle court heard he had suffered cannabis induced hallucinations aggravated by alcohol, in which voices told him to kill his family.

I suggest that the Hon. Mike Elliott go out into the real world and speak to the mothers who have lost their sons because they took drugs, having started with marijuana. Go and speak to the families who have lost their breadwinner because he indulged in drugs, or speak to a baby or child who has no father because of his entry into the drug field.

In the same paper, the Hon. Mike Elliott says that he has already had a victory with the commercial cultivation of cannabis hemp for fibre. Yes, he has had a victory to assist farmers with an alternative crop. He has no right to turn loose into this society drugs that will affect our children and grandchildren. It is about time he came out of cloud cuckoo land and listened to what is going on in the world.

Mr ROSSI (Lee): I am concerned about the recycling of plastic milk containers and glass in my electorate. Constituents have telephoned me to complain about the plastic recycling bags which they attach to the handles of domestic rubbish containers. They say that the bags blow off in strong winds or when the rubbish is actually being collected.

Mr Atkinson interjecting:

The SPEAKER: Order! I suggest that the member for Spence should give information privately to the member for Lee.

Mr ROSSI: Having received those complaints, I approached the rubbish collector about providing spare bags for the bins from which bags had been removed and not replaced and was told by the collector that no spare plastic bags were available.

Mr Atkinson interjecting:

Mr ROSSI: Would the member for Spence please have the courtesy to allow me—

The SPEAKER: Order! The member for Lee has the call. I will deal with the member for Spence if necessary.

Mr ROSSI: Although this is a council issue, it is also a metropolitan area-wide issue. Those plastic bags are not suitable and the council should encourage householders to buy rubbish bins similar to those used in Canberra where bins have a yellow lid to indicate recycled items. Those bins should be used because use of the plastic bags is responsible for creating more rubbish in the streets. Shopping centres should be encouraged to place mini-skips in car parks where shoppers can deposit glass jars, plastic bottles and papers. Those items can then be dumped in a common tip, but in separate areas, so that when we have the technology to re-use those items they can be easily located. These tips could also be located close to buildings or residences because they do not cause contamination of the soil or create a smell offending neighbouring residents.

Mr Atkinson: This is a council matter.

Mr ROSSI: Although the member for Spence says that this is a council matter, I stress that this relates to a general direction that the Government should take to reduce litter problems and to encourage recycling by industry and residents. My suggestion would also encourage groups like the Boy Scouts, the Girl Guides, the Lions Club and others to collect litter along our highways and beaches, and the only way to do that is to have a reward for such collection. The money raised would go to the clubs and groups which carry out such community services.

The Government places a cost on recycling goods, for example, 20¢ for large glass Coca-Cola bottles and 5¢ for cans. The Government has the responsibility to implement a policy to encourage recycling and litter collection on highways. Such a policy would encourage the collection of litter including fruit juice and milk cartons. At the moment, the general public believe that there is no recycling for newspapers.

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

Ms STEVENS (Elizabeth): I wish to comment on the ministerial statement made by the Minister for Family and Community Services. First, the Minister would do well to check the veracity of newspaper quotes before he makes accusations in this House. He also might do me the courtesy of acknowledging quotes made by a person in a newspaper, as I did for him during the Estimates Committee when I quoted a comment, but told him that the comment was from a newspaper and perhaps its veracity needed to be confirmed. He did not give me that courtesy.

In response to a question in the House on Tuesday, the Minister accused me of circulating misinformation around the State in relation to family and community services. He was not specific. He made a wide-ranging charge that, somehow or other, I had been running around telling untruths about child abuse in this State. Let me put some of the facts on the record.

The Minister has noted the increase in child abuse reports in South Australia. Estimates Committee documents continually reiterated that fact: it was on the record from the very start, from the Minister and his department. In the answer to the question to which I have referred, the Minister said that I was peddling rumours, and he referred to a national strategy for the prevention of child abuse. I do not know whether he was insinuating that I was not in favour of South Australia participating in that. If he was, there is nothing further from the truth. I have never suggested such a thing. In that answer, the Minister finally said that his colleagues in health and education were considering 'an interdepartmental committee in this State to make sure that mechanisms are available to address legal policy and service matters relating to the care and protection of children in South Australia'.

My point is that it is all very well to have committees; it is very important to be part of the national child protection strategy; but it is even more important to have the services on the ground. With regard to a joint effort between health and education, my colleague the member for Napier pointed out yesterday that Carelink, the program which the Minister has just demolished, was a joint project between education, health and children's services. We are taking away the services and setting up a committee. That is not what is required when there is an increase in child abuse reports. We need services for people, not committees for bureaucrats. The Minister needs to learn that fairly basic lesson.

I am quite sick and tired of hearing the Minister for Family and Community Services on radio apologising to everyone for his budget and coming into this place and giving another dissertation on what a great job the Government is doing. As I have said previously, the issue for the Minister for Family and Community Services is that, when it comes to the crunch and the resources are being allocated, he does not have a show. That is a well-known fact in the area of services. The Minister is very affable, but he has no power.

The Government's priorities are not with the community and welfare sectors. The Government imposed a cut of $3.6 million on FACS when times are tougher than they have ever been. In addition, the Government has instituted hidden cuts in budgets by not funding award provisions and increases, and that is costing agencies thousands of dollars and will mean further cuts.

Let us get the statement right. Why will the Government not come clean and say that this is not a priority? Let us forget these long statements in which the Minister says he is sorry about the budget. Let us be quite clear that the issue is not a priority and it will not get the funding.

Mr BECKER (Peake): It is unfortunate that again I have to follow the member for Elizabeth. Yesterday in her contribution to the grievance debate she referred to Government funding to certain welfare and health projects and to an organisation called Project 141. I have been involved in the disability area for 30-odd years. I founded the Epilepsy Association and have been involved in a lot of neurological disorder organisations, the Mental Health Association and related disability organisations. I have lost count of how many organisations there are. I was annoyed when the other day I received the following letter from the Disability Action Group Support (which has the title DAGS at the top of its letterhead):

> I am writing to you as the Chairperson of the Disability Action Group Support (DAGS) to request your attendance at a meeting for Project 141 being hosted by our group. We are a support group for parents-carers of children-adults with an intellectual disability lobbying to reverse the decline in services such as accommodation, respite care and post-school options.

It continues on with the details of the meeting: Sunday 23 July, 1.30 to 4 p.m., Le Fevre Baptist Church, Carnarvon Terrace, Largs North. The letter then states:

> This campaign is to address the crisis in care for the 141 people with intellectual disabilities who currently require emergency accommodation. There are currently no places available for these people. We are asking for new and additional ongoing funding to address this crisis situation. Your attendance at this meeting would allow you to learn at first hand the extent to which this crisis is affecting these people. RSVP. . . I await your reply. Yours sincerely. . . (Chairperson).

I took offence at this letter. Nobody demands anything. I thought that the tone of that letter typified the organisations being formed under umbrella organisations. We are getting a plethora of these organisations all wanting funds from the Government, be it the State or Federal Government. I replied in the usual manner, as follows:

> Whilst you may request my attendance, I tender my apology. My advice to you is simply work through existing organisations.

Apparently that group of women has taken offence at that comment. I continued:

> Because of Labor's bad management record of our State's finances, would you please tell me where the money is to come from for a new organisation such as yours? We cannot introduce new taxes. Who should we sack? How many hospital beds or schools do we close?

As I said, I have been involved in disabled organisations for many years. Every time somebody does not get their way they get annoyed and go out and form their own organisation. There are so many of these spin-off organisations around the place that it is confusing.

Some wonderful organisations are working in the intellectual disability area. The Mental Health Association of South Australia has been around for a long time and has had the support and assistance of some pretty good people. Not everybody will get everything they want when they want it. There are ways and means of working through established organisations which have established credibility. There is too much empire building in the disabled area: too many personalities want to take over, make demands and take control. It is time somebody was honest and said, 'Use what's there.'

The Community Housing Association has a wonderful means of being able to assist the disabled, and I have seen some of its projects. There are many ways to tap into existing resources through properly accredited organisations. These people start spin-off groups and demand our time day after day; they go along to coffee and tea meetings to feed their egos so that they can put in for grants from the Government to support what they are doing; they say that they represent the parents and the clients, but it is high time that they supported existing organisations and let the clients get the benefit of what is available.

Mr MEIER: Mr Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

RACING (TAB BOARD) AMENDMENT BILL

The Hon. J.K.G. OSWALD (Minister for Recreation, Sport and Racing) obtained leave and introduced a Bill for an Act to amend the Racing Act 1976. Read a first time.

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

That this Bill be now read a second time.

Members are aware of issues which have arisen between the Chairman of the TAB and me in relation to the communication of financial and other information about the board's affairs. In a ministerial statement on 19 April 1994, I expressed concern about the quality of information provided to me by the board. Recent events demonstrate a deterioration in the situation to the point where I and the Government have lost confidence in the information provided to me and the Government by the Chairman. The current provisions of the Act are relatively narrow and cumbersome in relation to the ability of the Government to deal with a situation in which it has lost confidence in the Chairman. Accordingly, it is proposed to amend the Act to provide wider grounds for the removal of a member of the board.

The TAB is a multi-million dollar business supporting the racing industry, but it is also a statutory corporation. If it were a private sector company running a business, its directors would be accountable to its shareholders and could be removed by the shareholders with or without cause. Why should the directors of a business run by a statutory corporation be any different? The shareholders are the people of South Australia, and the Government is their representative. As such, the Government should be able to act to remove a director if it holds the view, as it does in this case, that it is in the interests of the corporation and its indirect shareholders that change should be made.

The Parliament has already provided for this in the Electricity Corporations Act 1994 (Section 15) and the South Australian Water Corporation Act 1994 (Section 13). It is also proposed to increase the membership of the TAB board from six to eight members to give the Government an opportunity to broaden the range of experience that it can appoint to a board running a multi-million dollar business. Members will recognise that this Government was elected with an overwhelming mandate to restore full accountability to the operations of all areas of Government. This Bill is fully consistent with that mandate.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s.44—Constitution of board

This clause provides for the increase in the number of members of the Totalisator Agency Board from six members

to eight members. The number of members to be appointed on the recommendation of the Minister is increased from three to five.

Clause 4: Amendment of s.45—Terms and conditions of office

This amendment provides for the removal of a member of the board on any ground the Governor considers sufficient.

Clause 5: Amendment of s.47—Quorum, etc.

This amendment increases the number of members necessary for a quorum from four to five. The amendment is consequential on the increase in the number of members of the board.

Mr ATKINSON secured the adjournment of the debate.

COLLECTIONS FOR CHARITABLE PURPOSES (LICENSING AND MISCELLANEOUS) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Collections for Charitable Purposes Act 1939. Read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

The Bill provides primarily for the licensing of commercial agents who are engaged by charitable organisations to solicit donations for a fee. Soliciting occurs via a variety of methods, including door to door collecting and by telephone contact (telemarketing). Both these activities have been a source of many complaints from the public. The complaints regarding door to door collectors relate primarily to the poor standards of presentation displayed by some paid collectors and to concern regarding the security of donations. Poor presentation, a lack of clear identification and poor receipting arrangements by door to door collectors all have contributed to a lack of confidence by potential donors. Unless action is taken to restore this confidence, the charitable sector as a whole will be affected by public reluctance to contribute to charitable causes. Licensing will define the extent of commercial agent operations, facilitate closer scrutiny of those operations and most importantly enable access to the industry to be controlled.

Complaints regarding telemarketing generally relate to the intrusive nature (ie the timing) of the approach and a tendency for the telemarketer to be overly persistent and aggressive. A more serious concern relates to the cost of some telemarketing campaigns which can erode donations to an unacceptable level.

Licensing of commercial agents will be complemented by the application of a Code of Practice relating the charitable collections in an effort to maintain collection standards at an acceptable level across the sector.

The Bill also provides for the Act to contain a specific Regulation making power relating to the operation of commercial clothes and other goods recycling bins. The objective is to prescribe standards for the marking of commercial bins to maintain a clear distinction, in the public interest, between those bins and bins operated by non profit organisations. Some commercial bin operators nominate charities to receive royalties from bin proceeds, but give the name of the charity undue prominence on the bin so that the donating public is led to believe that the bin is being operated by the charity.

Other proposed amendments relate to the removal of provisions under the definition of 'charitable purpose' which no longer have any relevance, adjustment to the penalty provisions in the Act in line with contemporary values and the inclusion of provisions which clarify auditing and accounting requirements.

The Bill replaces section 16 of the principal Act. At the moment section 16 enables money collected for a charitable purpose that is not required for that purpose to be used for some other purpose subject to approval by both Houses of Parliament. The new section deals with the same problem but provides that the money or goods concerned can only be used for a similar charitable purpose. Because of this restriction the requirement for Parliamentary approval has been omitted. Section 69B of the *Trustee Act 1936*, which deals with the same problem in relation to charitable trusts, requires supervision by the Supreme Court. There is a problem with supervision by the Court in the case of small amounts of trust money because the costs of the application may be greater than the amount involved. The Government intends addressing this problem in relation to section 69B of the *Trustee Act 1936* in the future and at that time will give further consideration to the mechanism for changing charitable trusts under section 16.

Explanation of Clauses

Clauses 1 and 2:

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 amends section 4 which is the definition section of the principal Act. The definition of 'body' is included to make it clear that the term includes both corporate and unincorporate bodies. Paragraphs *(c)* and *(d)* of the definition of 'charitable purpose' are anachronistic and are removed by this clause. The clause inserts a definition of 'collection contract' and defines, by reference to the relevant section, the three licences that can be granted under the Act.

Clause 4: Repeal of s. 5

Clause 4 repeals section 5. This section restricts the application of the Act to parts of the State proclaimed by the Governor. The Act should apply throughout the State and therefore this section is no longer needed.

Clause 5: Amendment of s. 6—Restriction on certain collections

Clause 5 amends section 6 of the principal Act. Paragraph *(a)* makes a consequential change and paragraph *(b)* increases the penalty prescribed by subsection (2). Paragraph *(c)* removes from the Act the obligation on a person who is prosecuted for an offence against section 6 to prove that he or she held the appropriate licence. It is felt that the onus should be on the prosecution to prove that the defendant did not hold the required licence.

Clause 6: Insertion of s. 6A

Clause 6 inserts new section 6A. This section requires a collector for a charity under a collection contract who employs others to collect on his or her behalf to hold a licence.

Clause 7: Amendment of s. 7—Restriction on holding certain entertainments

Clause 7 amends section 7 of the principal Act. Paragraphs *(a)* and *(b)* make consequential changes and paragraph *(c)* increases the penalty prescribed by subsection (3). Paragraph *(d)* shifts the onus of proving that the defendant in a prosecution for an offence against section 7 did not hold the required licence back onto the prosecution.

Clause 8: Amendment of s. 8—Grant of authority by licensee

Clause 8 makes a consequential change.

Clause 9: Amendment of s. 9—Revocation of authority by society, etc.

Clause 9 increases the penalty prescribed by section 9(2) of the principal Act.

Clause 10: Amendment of s. 11—Application for licence

Clause 10 makes a consequential change.

Clause 11: Amendment of s. 12—Conditions of licence, etc.

Clause 11 amends section 12 of the principal Act. Paragraphs *(a)* and *(b)* are consequential. The insertion of new subsection (2a) by paragraph *(c)* will enable the Minister to issue a code of practice in relation to the conduct of persons holding the various kinds of licences under the Act and to make compliance with the code a condition of the licence. Paragraph *(ba)* inserted into subsection (4) by paragraph *(d)* of clause 11 will enable the Minister to revoke a licence if the licensee does not observe the conditions of the licence.

Clause 12: Amendment of s. 15—Statements to be furnished by licensees

Clause 12 amends section 15 of the principal Act. Paragraph *(a)* adds a subsection at the beginning of the section 15 that requires licensees to keep proper accounts of the receipt and payment of money and the receipt and disposal of goods. Paragraph *(c)* enables the Minister to require additional information in the statement to the Minister under existing subsection (1) (redesignated as subsection (2)). Existing subsection (2) is replaced by a new subsection that requires a licensee to appoint an appropriate person referred to in the subsection to audit the accounts and the statement of the licensee.

Clause 13: Substitution of s. 16

Clause 13 replaces section 16 of the principal Act with a new section that also deals with the problem of what to do with money or goods donated for a particular purpose that no longer exists. The new section requires the money or goods to be used for a similar charitable purpose but adopts a simpler procedure to achieve this.

Clause 14: Substitution of s. 20

Clause 14 replaces section 20 of the principal Act.

Mr ATKINSON secured the adjournment of the debate.

PETROLEUM (SAFETY NET) AMENDMENT BILL

The Hon. D.S. BAKER (Minister for Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Petroleum Act 1940. Read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

As a result of perceived uncertainties of the effect of the *Native Title Act 1993*, the Cooper Basin Producers have been reluctant to apply for petroleum production licences since 1 January 1994 for new discoveries made.

The amendment in this Bill provides for a safety net clause in the *Petroleum Act 1940* which will provide for a preferential right to the grant of a new petroleum production licence if a petroleum production licence is found to be invalid due to circumstances beyond the control of the licensee.

The amendment mirrors Section 84A of the *Mining (Native Title) Amendment Act 1995*.

Explanation of Clauses

Clause 1: Short title

Clause 2: Insertion of s. 84A—Safety net

New section 84A contemplates the Minister entering into a 'safety net' agreement proposed by a licensee. The agreement is to be designed to give a licensee a preferential right to a new licence in the event that a licence is found to be invalid due to circumstances beyond the control of the licensee.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (PAEDOPHILES) BILL

Adjourned debate on second reading.

(Continued from 1 June. Page 2501.)

Mr ATKINSON (Spence): The Opposition has scrutinised the Bill carefully. The Bill amends the Summary Procedure Act to allow the police to apply for a restraining order against a named individual. The order, if granted, would restrain that person from loitering without reasonable excuse near a school, a public toilet or a place at which children are regularly present. The person who applies for the order must convince the court that the person against whom the order is proposed to apply has been found loitering near children and within the past five years has been found guilty of a child sex offence or been released from prison after serving a sentence for committing a child sex offence or has loitered near children on at least two occasions and is likely to do so again. I shall raise this last ground for issuing a restraining order later, because I have a concern about it.

When making the order, the court must consider specific factors listed in clause 5 of the Bill. These are: whether the defendant's behaviour has aroused or may arouse reasonable apprehension or fear in a child or other person; whether there is reason to think that the defendant may, unless restrained, commit a child sex offence or otherwise act inappropriately in relation to a child; the prior criminal record, if any, of the defendant; any evidence of sexual dysfunction suffered by the defendant; any apparent pattern in the defendant's behaviour; any apparent connection between the defendant's behaviour in the presence of children and any apparent justification for the defendant's behaviour; and any other matter which, in the circumstances of the case, the court considers relevant.

The applicant must make out a case for the order on the balance of probabilities and not on the criminal burden of proof beyond reasonable doubt. I have no difficulty with the burden of proof in an application for a restraining order being on the balance of probabilities. Criminal justice must be beyond reasonable doubt, because the penalty is imprisonment or a fine. A restraining order is a civil remedy, and the balance of probabilities is a civil standard of proof. Although the person who seeks the restraining order would have to make out a case for the order only on the balance of probabilities, prosecution for breach of the order would, in my opinion, require the criminal burden of proof.

Over the past month I have been contacted, as I suppose have all members, by two groups asking me to vote against the Bill. One was styled Advocacy International and the other Human Rights International. There was no printed name on the first letter, only an indecipherable signature. I must confess that I have not heard of these organisations, and I am curious about their membership, procedures and street address: they both provided only a post office box number. The names of the organisations are certainly grand. When I rang the number on the first letter I obtained the answer 'Prisoners' Fellowship' and the name of the author of the letter, Mr Geoff Glanville. If people object to proposed laws, I do not know why they do not write legibly to MPs rendering their name and street address. Using grand names on a letterhead does not impress MPs; in fact, it arouses suspicion. There should be no shame in making representations to MPs to preserve the safeguards of the criminal justice system.

I replied to Mr Glanville almost immediately at the post office box of Advocacy International. During the next week I received a newsletter of six, seven or more pages purporting to be published by 'Zorro'. The newsletter made a series of allegations about criminality and impropriety against members of the Government and public figures in the context of the Bill. Certain expressions used by 'Zorro' were the same as those used in Mr Glanville's letter. I do not agree with Mr Glanville's suggestion that the burden of proof for obtaining a restraining order should be the criminal burden. It would be impractical and unfair to battered women. No MP whom I know or with whom I have served would support the requirement of such a burden of proof.

Another matter on which I disagree with Mr Glanville is that I do believe in singling out sexual offenders for special laws. Mr Glanville's letter and a letter which followed it from an M. Vincent of Human Rights International tried to compare the Bill with the persecution of Jews, homosexuals and dissidents under Germany's National Socialist regime. That is drawing a long bow, and it besmirches the memory of the people who lost their life in those circumstances.

I believe the proposed law is justified discrimination. Child sex offenders have a high rate of reoffending, and these provisions are a measured response in accordance with the rule of law. So the Opposition will support the second reading. I do not think the provisions of the Bill are a precedent for draconian laws. It is quite true that a restraining order would be issued only on suspicion and then the balance of probabilities. But, then again, it is just that: a restraining order, not a criminal penalty. It is made permanent only after the object of the order has had an opportunity to put his case against the order.

If the Bill violates international treaties, as my correspondents claim, the object of the order would be able to take that point in a court appeal. The restraining order does not put a former sexual offender in prison again: it merely requires that he not loiter near children. It seems to me that, if a person has been convicted of a child sexual offence and then he loiters near children in the way that is specified in the Bill, it is

appropriate for a court, after hearing him, to make an order restraining him from that conduct.

I note that the Bill also makes provision for conditions to be added to parole. These conditions would be of a similar nature to the restraining orders that are proposed but in addition would prevent a parolee from undertaking voluntary or remunerative work with children or at a place used for the education, care or recreation of children. The parliamentary Labor Party has no difficulty with those provisions; they seem to us to be sensible parole conditions. I note that the member for Newland has foreshadowed an amendment that would expand those provisions so that parole conditions could include a condition preventing a prisoner from providing or offering to provide accommodation to a child who is not related to the prisoner by blood or marriage and of whom the prisoner does not have lawful custody. The Opposition supports that amendment, and we hope that the Government will do likewise.

I have to indicate that the Opposition has one doubt about the Bill, that is, clause 5 in respect of a person who has not committed a sexual offence to be the object of an order if he has loitered near children on at least two occasions, is likely to do so again, and the court is satisfied that there are other circumstances, as enumerated in the clause, that justify the making of the order. I realise that the Bill provides that the person who is to be the subject of the order must have loitered near children on at least two occasions and have done so without lawful excuse. However, it seems to me the term 'without lawful excuse' is not much of a barrier between a man and the possibility that his good name will be forever besmirched by an order that he not loiter near children.

The Deputy Premier will recognise that anyone who is the subject of one of these orders—even the subject before the order is made permanent—will suffer a dramatic loss of reputation in the community. Such a person could be the subject of a hearing on an interim order without being aware of any allegation against him. However, the mere fact that an interim order has been made against someone who has not committed a child sex offence and is innocent because he has a lawful excuse for being near children is something that concerns me. I suppose the Government has reasons for this provision. Although I agree with everything else in the Bill, I would need to be convinced that this provision is necessary and justified. I would like the Deputy Premier to explain why the Government is taking this step. I emphasise that my focus is entirely on paragraph (iii). Apart from that, the Opposition supports the Bill.

Mr CUMMINS (Norwood): When I was practising law in the criminal jurisdiction many years ago, I had occasion to represent some of these paedophiliacs. As a lawyer representing them, and obviously seeing it from the prosecution side of a case, it was always very difficult to convict these people, for the very obvious reason that younger children are sometimes not good at giving evidence. Surprisingly, there is often pressure from relatives, mothers or whatever, who try to prevent these children from giving evidence. Members would be amazed at the circumstances where that happens. It taught me as a young man that life was not really what I thought it was; it was something different.

The present law under section 12 of the Evidence Act provides that, if there is unsworn evidence of a child under seven and if a person is accused and they are prosecuted and they deny the charge on oath, they cannot be convicted without corroboration of the child's evidence in a material way. In law, corroboration means some objective fact that a jury or a judge can look at and say, first, that is corroboration or capable of being corroboration in law and, secondly, it corroborates the evidence of the child. That has always been the difficulty in relation to convicting paedophiliacs. It is patently obvious that, in most case when children are involved, people do not go out and do it in public places.

As a result, as a matter of law, many of these people were getting away with committing criminal offences against young children which will fundamentally affect them for the rest of their life. To some extent, this legislation tries to solve that problem. I must say that I understand the member for Spence's concern about clause 99AA(1)(b)(iii) because, as he correctly points out, you can obtain a restraining order if a defendant has been found loitering near children on at least one previous occasion and there is reason to think that the defendant may, unless restrained, again loiter near children. That did prompt me to consider whether or not that was a dangerous revision. However, as has been pointed out by the member for Spence, a further provision, namely new section 99AA (4)(b)(i), defines what loitering near children means and it states:

> . . . the defendant loiters, without reasonable excuse, at or in the vicinity of a school, public toilet or place at which children are regularly present;

If one combines that provision with the previous one that I have mentioned, namely new section 99AA(1)(b)(iii), that would be sufficient to protect the rights of the individual, particularly in view of the fact that there is a major problem in proving offences against these sorts of people. It really seems to me to be a question of whether you are going to allow a restraining order or whether you are going to allow these people to do what they do. The provision states 'reason to think', and that obviously must be the subject of proof and the court will have to look into that issue. We could take the example of someone who was charged with an offence against a child but, for reasons of law and problems with corroboration, you could not prove the charge even though you knew that the person had been examined and had been diagnosed as a paedophiliac. We know from medical evidence that virtually it is impossible to change that sort of behaviour. I understand that the rate of changing these people's behaviour is the lowest in comparison with any psychiatric problem, if one calls it a psychiatric problem. One would have thought that would be reason to think that the defendant may, unless restrained, again loiter near children.

I received reports in relation to these people and I acted for them: the person was a paedophiliac and there was nothing that could be done about it. He would go to gaol; he would be released; and he would do it again. That in fact is what this provision attempts to do and, on balance, looking at those two provisions that I have mentioned and at the issue raised by the member for Spence, I have decided to support this Bill in its entirety. I think the interests of the child must outweigh any civil liberty of the individual in this instance. As has been pointed out by the member for Spence, we are really talking about a restraining order: we are not talking about a criminal offence.

Also, we are talking about proving an offence on the balance of probabilities or the civil burden of proof, namely that it is more probable than not, and I am glad to see these provisions, because I have had experience in the courts of people who I felt were guilty of charges. I do not have a particular propensity to dislike these people as I think they have problems, but certainly in relation to the people for

whom I acted there were some occasions where they were acquitted for the simple reason that, as a matter of law, there was not corroboration. Everything else pointed to their guilt but they could not be convicted, and I think this legislation addresses that problem. For that reason I support it.

Mr CAUDELL (Mitchell): I support the Bill. Recently I had reason to attend two of the primary schools in my electorate. The first occasion was associated with my handing over a State flag to the school and at that ceremony the students from years 6 and 7 asked me a number of questions. Admittedly, most of the questions were associated with the Republic, the flag, the future of the schools in the Marion Road corridor, the future of education in South Australia, funding requirements and so on, and they were very intelligently phrased questions from students of that age. However, the most pointed questions that came from those students was a series of four dealing with the protection of the children in the area.

Questions from those children related to whether the Government had a policy in relation to the dropping off of children in the morning and the collecting of those children in the afternoon, whether it had a policy in relation to how children should travel to the toilets during school hours and what the local community and the Government were doing about security of those schools that do not have a fence around them. It was obvious from the questions that this issue was of greater importance to the students and the parents than the issues of funding, the flag or the future of the country. The issue of their security was very important to them.

That is also obvious from articles in the newspapers in Adelaide. A number of headlines have referred to issues in our area, such as 'Dossiers sought on loitering strangers'; 'Kidnap alert on schools'; and 'Teach them to scream' which contains the sub-headings '11 Victims in just nine months' and 'Abduction attempts in our suburbs'. One can see from that article that the first abduction attempt occurred at Daw Park; the fifth at Dover Gardens; the sixth at Seacombe Gardens; the eighth at Seacliff; and the ninth at Seaview Downs. They are all areas within the electorate of Mitchell and that is of concern to local parents. I have advised those students and parents about the passage of this Bill and that it will provide protection for children in relation to people who happen to loiter at or in the near vicinity of schools without good reason.

Irrespective of what the member for Spence has said, I support all the provisions of this Bill, including new section 99AA(1)(b)(iii), which I support wholeheartedly. As such, I will be providing a copy of the final outcome to the school communities in the area so that the parents are aware that this Government is doing something in relation to the security and protection of children. However, the parents and the school councils also must be aware of their own responsibilities in this area. They must know what are the school's drop off and collection policies. The school councils need to know that they have that policy set in place and must communicate with the parents about that. They must take part in the training of children to ensure that they report any incidence of people loitering around the schools or being in the vicinity of schools when they know they should not be there. Residents living around schools need to be on the look-out for strangers lurking in the area. When parents are dropping off their children they need to be aware of what is happening.

One of the biggest concerns that has been expressed to me is in relation to the old schools in my electorate and the location of some of the toilets. There are concerns associated with the security of those toilets. The problem is not new: it is an old one. It is associated with a lack of maintenance and not enough money being spent on these schools in the past and, as a result, the security problem has arisen.

I support the Bill and I look forward to its passage as is, including the amendment proposed by the member for Newland, so that I can advise the parents and the school communities in the electorate of Mitchell that the Government has in place the Statutes Amendment (Paedophiles) Act.

Mrs ROSENBERG (Kaurna): I rise very briefly to support this Bill and to put on record that I support any measure to make it tougher on paedophiles—

Members interjecting:

Mrs ROSENBERG: Yes, any law and, in fact, if I had my way they would be castrated. I cite a newspaper article in the *Advertiser* of Wednesday 30 March 1994 entitled 'Stepfather jailed for abusing girls'. It referred to not 'Paedophile gaoled for abusing girls' but 'Stepfather gaoled'. I raise that particularly, because there is a very subtle difference in terms of society's acceptance. I emphasise in this debate: there is no difference between a stepfather abusing a girl (his daughter) and a paedophile. I am afraid that this sort of reporting in the *Advertiser* continually distinguishing between paedophile and/or parent has to stop. We have to stop society's opinion that it is slightly more acceptable to abuse children if you are a parent than if you are not related to them.

The article refers to a man who was convicted of abusing girls and stated that he tortured them for eight years, having started when one daughter was six. The article states:

> The man, 39, was convicted by a jury of gross indecency, two counts of indecently assaulting children and three of unlawful sexual intercourse with children. . . During the trial, one of the girls, now aged 15, told the court the abuse started when she was 3 and stopped when she was 12. . . Judge Allan imposed a non-parole period of 4½ years.

It is when I read that type of article that I can quite sincerely stand here and say, 'I would castrate them.' Anybody who could do something like that to any child—

Mr Atkinson: The judge or the defendant?

Mrs ROSENBERG: Will you please shut up. You have had your turn. You are the most boring man in this place. I am sick to death of your interruptions. Just shut up and listen—and if you do not want to listen, why do you not just go out. Stop wasting our time. Already in this House I have referred to the increase in the incidence of child abuse, and I do not intend to repeat all the figures. The member for Mitchell referred to an increase in abduction attempts recently, and that is terribly disturbing. Police have requested greater powers to take action against people who are considered to be loitering, and that is extremely important. It is almost daily that we hear about attempted abductions. The Government was right when it embarked upon a process of talking to teachers, parents and school councils about this legislation and the changes that were to be made, making them aware that they need to start to talk to children sensibly about it. The member for Mitchell was right in displaying the results. Certainly, the results have started to come through.

Because I am a particularly fair person—in contrast with members opposite—I point out that the Stranger Danger program that was started by the previous Government in schools is one that I totally support. It has been a very good program in our schools and it has made children very much

aware of the dangers facing them in terms of abduction. However, the Stranger Danger program has failed in one respect: it is fairly well recorded now that most of the incidents of abuse involve not strangers but people who are well-known to the children and, in particular, people who are related to the children. It is important that that message get to the young children in schools: they too have to be aware of those facts and know how to protect themselves.

As part of that process, I recently put together a document, which I have sent out to schools in the electorate. It involves a whole range of suggestions, but I also support the member for Mitchell in terms of the Teach Them To Scream program, which was advertised in the paper. One of the things that I suggested is that parents need to make their children feel confident about shouting, screaming and attracting attention if they feel threatened. Certainly, the Safety House program has been a success in South Australia and it needs to be advertised far more.

In terms of the comments about loitering and the bleeding hearts of our society who might think that we are impinging on their civil liberties—

Mr Atkinson interjecting:

Mrs ROSENBERG: You are irrelevant: I just ignore you. For those bleeding hearts, I feel very sorry that you think it is far more significant to protect those in our society who think preying on young children is more important than protecting the children. I have no sympathy at all for that argument. I support the Bill totally. It is very important, however, that we do not forget the attitude that I started with: a paedophile is a paedophile, whether they are related to or a parent of the child. It is very important that society does not lose a grip of that and starts to call all these people 'paedophiles' and not 'fathers', 'stepfathers' or 'mothers'.

Mrs KOTZ (Newland): After listening to members' contributions, it never ceases to amaze me—but it confirms my feeling—that members of Parliament, in debating issues such as this Bill, have a great deal in common, crossing political forums. The strength of conviction and feeling that is generated by the situations that have occurred in our society through this issue has certainly brought a range of people together. I am very pleased to hear not only the different contributions but also the different views, which perhaps in the past we have not considered to be part of the problem.

The subject of paedophilia fills parents with a great deal of horror. I totally support the comments of the member for Kaurna regarding the interpretation of 'paedophilia' or 'paedophiliac', those who abuse children, regardless of their relationship to the children. We should not forget that abuse of children occurs far more regularly in our community today than any of us would care to acknowledge, as we have learnt through the circumstances that have been brought to our attention on behalf of constituents or through the research that we have done in talking to members of the Police Force who deal with this issue.

Those who are associated with paedophilia are extremely devious and manipulative in order to disguise what is an abhorrent and perverted activity as a means to entrap young people and children into participating in sexual practices which, in many cases, lead to extreme grievous bodily injury. Most responsible adults could not help but feel repugnance and abhorrence of the acts committed against children by the insidious paedophile. But it is also an area where legal sanctions are difficult to define in law, particularly when we accept that a crime needs to be committed before any charge can be laid. Here lies the difficulty in curtailing the activities of paedophiliacs. Suspicion of illegal activity is not sufficient to exact a penalty or sanction. Gathering evidence to effect a prosecution against paedophiliac activities is certainly extremely difficult, and quite often the victims are not prepared to offer evidence on their own behalf. It can also be that only the victim and the offender have any knowledge of the offence or offences committed, and it then becomes a matter of one person's word against another's word.

The member for Norwood pointed out that the unsworn evidence of a child of seven that cannot be corroborated will not accepted. The question of the collection of evidence for prosecution is such a minefield that it is extremely difficult either to ratify in law or to proceed with convictions against paedophiles. There are many reasons why it is very difficult to secure convictions against paedophiles, but I make the point for the purpose of identifying the need to improve the law to present a greater opportunity to protect our children from the paedophile. Therefore, I support this Bill, which provides on the balance of probability reasonable provisions to restrain a convicted paedophile from loitering where children are regularly present.

I have already foreshadowed that I will move an amendment, which adds a paragraph to clause 8, and I will speak to that in the Committee stage. The other great difficulty we have involves those paedophiles who are known to the authorities but who have not yet been convicted. It is known that there is a network of paedophiles across Australia. It is known that there are some 50 to 55 paedophiles in this non-convicted status in our State. They are the untouchable paedophiles as far as the law is concerned, but they are certainly paedophiles who are doing great damage to the children in our society. I have not yet been able to discover a means in law of attacking those people, but I believe that the more recognition that is given to their existence and the manner in which they operate the more that will assist. We have heard from the member for Mitchell and others about the responsibility of parents, those in our schools and education systems, and all responsible adults who come in touch with children on a regular basis and who have the opportunity to educate and inform children of the dangers. These are all steps that need to be taken on one side of the spectrum.

It is also known that this group of known paedophiles works in conjunction through the network and through a computer system with on-line modems that pass on information about appropriate children who are available on the streets for paedophiles to pick up. I am also informed that one such person, who is a hairdresser by trade—I do not want to reflect unfavourably on the hairdressing trade—picks up these children, cuts their hair to a particular design and puts them back on the street so that they are recognisable to other paedophiles and can be picked up for their own use. A great deal more can be said on this issue, but I should like to make further comments during Committee. I strongly support this Bill.

Mr SCALZI (Hartley): I support this Bill in its entirety. I listened carefully to the member for Spence and—

Mr Atkinson: It always pays to listen carefully to the member for Spence.

Mr SCALZI: Yes, and I could understand his concerns. Not having a legal mind, I was reassured by the member for Norwood that those matters would be dealt with in the Bill,

but I will not go into that. All I should like to say is that I believe the Government is heading in the right direction to send a message to the community that we have to deal with this problem. I have no doubt that many paedophiles have been victims of some past abuse, and their history tends to show that. As the member for Norwood pointed out, it is very difficult to catch these people when the offences take place. Nevertheless, we have to do our utmost to ensure that the community, especially children, are protected. As we know, the law will not catch everyone. It is not able to serve justice to the whole community. Nevertheless, we must aim for that. We must ensure that we move in that direction and therefore allay some fears.

A child has the right to dream, to feel secure, and to be in control of his or her own childhood realm. Children must be able to grow, to know and to understand, and to be free of danger, whether it be from a parent or a stranger. The right of a child must be paramount. Whilst I understand that many paedophiles are themselves victims of past abuse, we must ensure that the community and the Government act foremost in the interests of those who are most vulnerable to these sorts of practices, and we all know that children are vulnerable. The actual danger is not only to the actual victims but also to those who are the victims of the fear that is perpetuated in the community. We have all been children and we are all aware of the fear in our community that sees children picked up from school because it is not safe for them to walk, say, two streets to their home. I support the Bill because it is heading in the right direction. It sends a clear message to the community while at the same time it respects the rights of individuals and ensures that individual freedoms are not abused.

Mr BRINDAL (Unley): I rise to speak on this matter because it is of legitimate and contemporary concern to our community. The protection of our children is always a difficult matter and one which falls not only to parents but to every responsible adult in society. It is regrettable that we find it necessary as a legislature to place increasing attention on practices that all intelligent, reasonable adults find abhorrent, unnatural and worthy of nothing but the greatest degree of condemnation. While I am a strong believer that everyone is entitled to their own sexuality, they are not entitled to any practice which preys upon others who are less empowered than themselves, especially when their practices may be to the long-term detriment of those on whom they prey.

In the case of paedophilia, all the writing clearly shows that the real problem is not for the paedophile but for his victims, who will probably spend the rest of their life suffering because of the thoughtless, insensitive and inhumane treatment they received from a predatory adult. I do not believe that any thinking member of our society would, could or should condone the practice of paedophiles. I, for one, abhor the notion that paedophiles are trying to convey that somehow or other they are part of the educative process of the formation of sexuality in children. I approve of free speech but sometimes free speech gets to the point of idiocy, and that is one such case.

I support the Bill but, while it may be a step in the right direction, I do not think it goes far enough. This is a very serious crime. Whilst we acknowledge that it is a serious crime, all we are doing with this Bill is tinkering at the edges. This Bill is supposed to make us all feel good, so that we as members of Parliament can go out and say legitimately to our constituents that we are doing something about paedophiles.

Mr Atkinson interjecting:

Mr BRINDAL: The member for Spence interjects. I am trying not to detain this House, so I hope that he will not distract me. This Bill, as I read it and as the member for Hartley says, is commendable in what it attempts to do, but it does not go far enough. It allows us to deal with people whom we already know to be paedophiles. Let us identify them as paedophiles. I will be interested to ask the member for Norwood (who is more learned in the law than I) whether, if a defendant has been found loitering, there must be a reasonable suspicion that they have been convicted previously as a paedophile. I may be wrong and I would like the member for Norwood to explain it to me afterwards.

Nevertheless, I do not care what the member for Spence says, as he thinks that he knows everything about everything and that he is the definitive conscience of this House on all matters, moral and religious, but I am not always guided by the honourable member. I support the Bill, although I do not think it goes far enough, and I call on our Ministers, this Government and this House to introduce, in the next session of Parliament, another Bill to deal with predatory aspects of the sexual exploitation of children involving some of the other issues that are not countenanced in this Bill. I am sure the members for Florey, Newland and Kaurna would all support measures that contain considerable gaol terms and some compulsory rehabilitation for people who offend against this area of the law. This Bill is fine in what it sets out to do, but it does not go far enough. I hope that in the next session of Parliament we will see a further attempt to address the law on this matter.

In conclusion, if the member for Spence wishes to ask questions on another Bill which may be before the House in private members' time, he can put it into Committee and ask those questions then. We should not detain the House with that matter now.

Ms GREIG (Reynell): I support this Bill. We have heard the legal perspectives today presented by my learned colleagues with a background in the legal field, but I want to speak from a community viewpoint. Child abusers have no rights, nor should they. Not only are they sick, they are dangerous. Worse, only 5 per cent of offenders ever face prosecution. Like the member for Kaurna, I believe that the punishment is still too light and castration is probably too kind.

Jane Read from the *Advertiser* recently highlighted the fact that 95 per cent of alleged molesters are never prosecuted. Office of Crime Statistics figures show that most offenders spend just a few short years in gaol. The average sentence for a man convicted of indecent assault on a person under 12 years is just under two years, with a non-parole period of 11½ months. For unlawful sexual intercourse with a victim under 12 years the average non-parole period is 2½ years. Parents of sexually abused children claim paedophiliacs are given too many chances to reoffend and, as a police investigator added, you can get a heavier sentence for house breaking than for abusing a child.

Recently we had a series of attempted abductions surrounding my local schools. Fortunately, no harm has come to the children as yet, and this is the very reason for our having to tighten up the law. The recent media release highlighting the activities of a paedophile on a suspended sentence again supports the need for strengthening the Act.

Children are too trusting and, unfortunately, this trust in all its innocence can no longer be taught. Children have to be aware that not all adults are trustworthy. They have to be taught how to protect themselves and that the message of stranger danger is important. As parents we have to ensure that our children are aware of protective behaviour and we have to do our utmost to ensure that our children are reasonably supervised.

This Bill is a step in the right direction. I cannot emphasise strongly enough how important it is to start protecting the rights of the victims, in this case the children.

The Hon. S.J. BAKER (Deputy Premier): I thank all members for their contribution. The theme was consistent, strong and in support of the Bill. Those who have had a number of cases brought before them and those who have a deep interest in this issue obviously still believe that the law is inadequate. That matter will be canvassed over time. I note that at least in one or two States in America when people continue to be involved in this activity some extremely heavy gaol sentences are imposed, with the alternative of a chemical solution.

Mrs Rosenberg: An absolutely wonderful idea.

The Hon. S.J. BAKER: Yes, a wonderful idea. We all accept as parliamentarians that this area of activity continues to affect many people in the community, because those who involve themselves are habitual and continue to affect children indelibly for rest of their lives.

The issue of those who on the one hand require protection, particularly children who have no protection themselves, against the issue raised by civil libertarians will be a matter of continual debate. However, I am pleased that the Attorney has brought forward this measure because it is one more step in the process and we can reflect on the issues raised in this debate and determine, once a person has been caught on a number of occasions for either offending or attempting to offend, what we do in a more permanent sense to ensure that that person does not continue to offend and affect children's lives. The issue is worthy of scrutiny as some of the harsher penalties have already been brought to the attention of this House. It is a matter of importance and concern to all members of this place. I thank members for their contribution to this Bill, for which I am pleased to say there has been total bipartisan support.

In the civil liberties area the member for Spence questioned the situation where a person has not been convicted of an offence previously but has been found loitering, presumably with intent. The honourable member again takes some time to read legislation and digest it. I presume that that applies also to this measure. The member for Spence would be well aware that the Democrats, given that they have a poor history of providing much protection to anyone except those who offend—whether they be drug offenders or those who would trash private rental accommodation—would hardly let this measure through unless they were satisfied. They always err on the side of the offender, no matter how bad the offence. Their record is clear.

The fact that it has been through the Upper House is testimony to the fact that there must have been general satisfaction with the measure. The reason why there may well be general satisfaction with the measure is that there are a number of important steps in the process. I refer the member for Spence to clause 5 and proposed section 99AA(1)(c), which provides:

> the Court is satisfied that the making of the order is appropriate in the circumstances.

Therefore, there must be preconditions for this draconian step to be taken as that step could affect someone's reputation. The court must be satisfied in relation to several issues. It must be satisfied that the child or children involved have been affected in some way by that behaviour. Proposed section 99AA(3) provides:

> (a) whether the defendant's behaviour has aroused, or may arouse, reasonable apprehension or fear in a child or other person;
>
> (b) whether there is reason to think that the defendant may, unless restrained, commit a child sexual offence or otherwise act inappropriately in relation to a child;

Those are just two of the issues that the court must satisfy itself on before it makes a restraining order. There are some gates, if you like, which must be entered before the court takes a decision in the matter. We have tried to reach a balance between accusing a person of an offence while, at the same time, members of the law would say that, unless a person has been found guilty, you cannot presume that he has committed, or is about to commit, that offence.

The guilt is established by a previous conviction. The capacity to restrain, if a person does not have a previous conviction, is assisted where certain circumstances exist, as I have outlined to the House. The member for Spence raised the issue, and I respond that the court must satisfy itself on a number of matters before such a restraining order can be issued. I believe that those safeguards are in the legislation and that they will prevent the kind of circumstances that the member for Spence may reflect upon.

This is a serious matter. We have all had examples in our electorates of this particular activity. It causes enormous distress to all concerned. I was reflecting on the issue of people who expose themselves to children. This is another matter which members of this place would have come across during their time as members of Parliament.

I recall a case involving someone in my area. This person had a habit of exposing himself before school children in three schools in my electorate. When I finally received some information on the case, I discovered that he was a perpetual offender and that he had been put in gaol. He was not an evil person; he simply had an uncontrollable urge to expose himself before children and, indeed, cause mental harm to those children.

The issue at that stage was that, if that person had been taking his medicine, those offences would not have occurred. Active steps can be taken once such people have been convicted to provide greater safeguards than we have perhaps been able to provide so far. Although I am going back four or five years, the person concerned should have been checked by his parole officer to ensure that he was taking his medication because, once he took that medication, he was in no way prone to that type of activity. The proper use of pharmaceutical prescriptions can reduce the incidents that we are talking about. A number of steps can be taken, and what we are considering now provides another element of protection for the public. I am pleased that everyone in the House supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Paedophile restraining orders.'

Mr ATKINSON: Proposed section 99AA(1) provides:

On a complaint under this division, the court may make a restraining order against the defendant if—

(a) the defendant has been found loitering near children; and

(b) —. . .

(iii) the defendant has been found loitering near children on at least one previous occasion and there is reason to think that the defendant may, unless restrained, again loiter near children; and

(c) the court is satisfied that the making of the order is appropriate in the circumstances.

Earlier, during the second reading debate, I thought that the words 'without lawful excuse' were in that provision, but they are not. I am a little worried by the clause, despite the Deputy Premier's explanation. I share the concern of Government members about paedophilia. I am the father of three small children under nine and another is on the way.

Mr Bass: Well done!

Mr ATKINSON: Thank you. As a father, I am worried that it could be me who is loitering near children. It could be me who loitered on one previous occasion, as I shall shortly be the father of four. The only thing standing between me and an order under this section is the following:

The court is satisfied that the making of the order is appropriate in the circumstances.

If the Deputy Premier considers other provisions in the Bill, he will see that such an order can be obtained over the telephone. It can be obtained *ex parte*, that is, without representations by the defendant.

We are politicians. Half the members of this place have been in the game for almost two years, and the rest of us have been in it for rather longer. What would it do to a member of this place if he were the subject of such a telephone order on the basis that he was found loitering near children on two occasions? What if the order was granted by the court and the member later went before the court and gave a perfectly reasonable explanation as to why he was loitering near children and the order was not made permanent? However, imagine the effect on a politician or any public figure of the making of an interim order over the telephone when he does not have the right to represent himself. Will the Deputy Premier think about the effect that the provision could have, in particular on public figures, and on anyone?

The Hon. S.J. BAKER: I think that there is some validity in the remarks made by the honourable member, but I remind him that it was his Government that took away any right to control loitering.

Mr Atkinson: No it did not.

The Hon. S.J. BAKER: You did. Goodness gracious! You said, 'The civil libertarians say that you cannot do that.' If someone is hanging around, the police have no right. It is only if the police are of the opinion—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: It was under the Summary Offences Act, and it was deleted from the statutes.

Mr Atkinson: Wrong, wrong, wrong! I thought the way you did, and I checked it.

The Hon. S.J. BAKER: The member for Spence should go back and check it again, because the offence of loitering was deleted. The offence of loitering with—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, the only way the police can impact on loitering is if they believe an offence is about to be committed. Get it right! It was his Government, his mates, who made life more difficult and made it more difficult to control particular behaviour. A lot of harm has been done, and his Government is responsible for most of it.

Getting back to the issue that the honourable member raised, this is not the first time that this has happened. If you get it over the telephone, it has to be clear in the court's mind that the person previously has been apprehended or noted by an authority such as the police. So you have to have been involved in this activity previously. Secondly, the fears in respect of the child have to be satisfied. The court must also be satisfied that the person needs restraint, such as that proposed in the Bill. As the member for Spence would know, a telephone order can, has been and will be obtained in situations of domestic violence. As he knows, that is the—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The member can debate the merits, but he should read the whole clause. The person must have been involved previously in the same activity. One of the issues that must be looked at is whether there has been a fear or there is a likely fear in the mind of the child. One of the considerations is the probability of an offence being committed and therefore the need for restraint. One would hope, under the circumstances, that there is no injustice.

There are circumstances of which the member for Spence would be well aware, and they involve marital breakdowns where all manner of things are accused by one or other of the marriage partners. One thing that is quite common in such circumstances—and in some cases it is true—is that one or other of the partners has abused the children in a variety of ways, including sexually. Under those circumstances, the matter becomes complicated by the fear and loathing that is associated with a marital breakdown under difficult circumstances.

It is important to understand that there is nothing foolproof about any law. We suggest that, where there is debate regarding the issues that the honourable member is talking about, the application and granting of a restraint order would have to be seriously covered in the process. We are aware that in the past in marital breakdowns retraining orders have been obtained for a variety of reasons, some of which were untrue, and that there have been victims under these circumstances. We are trying to do the best we can, but the law is not foolproof.

Mr ATKINSON: I was interested to hear that one of the grounds on which the Deputy Premier sought to defend this provision was that the Australian Labor Party, when it was in Government, had abolished the law on loitering. It so happens that I had the same thought when I was a back-bencher in the previous Labor Government. At a meeting of the Woodville and Kilkenny sub-branch of the ALP, I moved a motion that the law of loitering be restored to the statute book as part of improving the criminal justice system and removing from the Labor Party the impression that we were left-liberal and soft on crime.

To my embarrassment, when I was sending the motion to the ALP State Secretary for inclusion on the agenda at the State Council, I discovered that the Labor Party had not changed the law on loitering and that it stood in its pristine form. For the benefit of the Committee I will read that law to members. Section 18 of the Summary Offences Act (the Deputy Premier will not be able to check my version because I have the volume) provides:

Where a person is loitering in a public place or a group of persons is assembled in a public place—

so that is an individual or a group—

and a member of the Police Force believes or apprehends on reasonable grounds—

(a) that an offence has been, or is about to be, committed by that person or by one or more of the persons in the group or by another in the vicinity; or—

and that is not even the people who are the subject of the order to move on; the offence might be committed by someone else—

(b) that a breach of the peace has occurred, is occurring, or is about to occur, in the vicinity of that person or group; or—

so again it need not be the person who is ordered to move on—

(c) that the movement of pedestrians or vehicular traffic is obstructed, or is about to be obstructed, by the presence of that person or group or of others in the vicinity; or

(d) that the safety of a person in the vicinity is in danger,

the member of the Police Force may request that person to cease loitering, or request the persons in that group to disperse, as the case may require.

(2) A person to whom a request is made under subsection (1) must leave the place and the area in the vicinity of the place in which he or she was loitering or assembled in the group.

Penalty: Division 8 fine or division 8 imprisonment.

The CHAIRMAN: Can the honourable member justify his recital in relation to the clause before us? The clause before us creates a new offence of loitering near children. The honourable member seems to be justifying the existence of existing legislation, which is not relevant to loitering near children.

Mr ATKINSON: Thank you, Mr Chairman. If you were following the debate as closely as I was—

The CHAIRMAN: I am following it very closely. I am trying to follow the honourable member's line of logic.

Mr ATKINSON: Mr Chairman, you would know, then, that the Deputy Premier said that there was no justification for my criticism of clause 5(b)(iii).

The CHAIRMAN: The Deputy Premier's argument may have been just as irrelevant.

Mr ATKINSON: That's right: he said that there were no grounds for my criticising that clause in the Bill because another law which once existed and would have covered the circumstances no longer existed. Well, here it is, and I have just read it to the Committee.

Mr Bass: It's not. It's another law. You go back to the Police Offences Act.

Mr ATKINSON: The Police Offences Act has become the Summary Offences Act.

Mr Bass: We lost the loitering law under the Dunstan Government.

Mr ATKINSON: I'm sorry, but I thought—

The CHAIRMAN: The matter before the Chair is the insertion of proposed section 99AA. Any other references are irrelevant.

Mr ATKINSON: No, Sir, because the clause before us is about loitering.

The CHAIRMAN: It is about loitering near children.

Mr ATKINSON: That's right, and germane to our deliberation is what other laws exist in relation to loitering. For instance, if I were so minded, I could oppose this clause on the basis that the mischief is covered by section 18 of the Summary Offences Act, so this clause is superfluous. As it happens, that is not what I am arguing, but I assure the member for Florey that, like him, I thought that the Dunstan Government, as part of its left-liberal approach to the criminal justice system, had done away with the law of loitering. But the truth is that it did not: it is there in all its glory. I had to write to the ALP State Secretary to withdraw my motion because it had been made on the incorrect assumption that the member for Florey still makes. The Police Offences Act no longer exists; it is now the Summary Offences Act, and it has a different name.

The CHAIRMAN: The Chair is firmly of the opinion that that was largely an exercise in self-justification rather than a debate on the issue before the Chair. The argument was triggered by a comment by the Deputy Premier, which again the Chair rules was irrelevant. I ask the Committee to stick to the issue before it.

The Hon. S.J. BAKER: The honourable member almost suggested that he could rely on the loitering laws. What he would like to do under those circumstances is to say that, if someone is loitering outside one school, he can go to the next school. The honourable member would repudiate that. I have great respect for the member for Spence. Without prolonging this debate, I simply say to the honourable member, 'Go back to the debates and find where the offence of loitering changed and the extent to which pressure was placed on the Government of the day to ensure that some caveats were inserted.' Regarding the issue that we are discussing, a number of important criteria must be applied, so it does not really relate to the loitering laws. The member for Spence obviously went off the rails.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—'Conditions of release on parole.'

Mrs KOTZ: I move:

Page 4, after line 37—Insert:

(c) a condition preventing the prisoner from providing or offering to provide accommodation to a child who is not related to the prisoner by blood or marriage or of whom the prisoner does not have lawful custody.

My amendment complements the section of the Act that refers to conditions of release on parole. Paragraphs (a) and (b) set out conditions that prevent a prisoner from loitering without reasonable excuse in the vicinity of a school or a public toilet, etc. where children are present or engaging in remunerative or voluntary work with children or at a place used for the education, care or recreation of children. My amendment adds the situation of accommodation to further tighten the prevention that I hope this clause will provide. Not all children need to be abducted to become a victim of a paedophile. Paedophiles offer the illusion of a safe retreat for children where they can feel secure, where their needs are met, and where they have a loving and caring adult to pamper them and make them feel good and provide material goods.

The reality of a paedophile providing accommodation to children is that it may result in rape, acts of bondage, child slavery and many atrocities that defy rationalisation or any possible justification. Often it is difficult to retrieve a child from these types of situations. So, I take the view that, by way of this amendment, we are preventing the possibility of a paedophile having another form of access to a child by offering or providing accommodation. I hope that this amendment will prevent that situation and provide further protection for children.

The penalty of an $8 000 fine under this provision comes under the Summary Offences Act. I want to place on record that I believe that that penalty is totally unacceptable. Because persons who commit these sorts of atrocities have already been imprisoned for other offences, I would prefer that a penalty of a further gaol sentence rather than a fine be imposed. I put that on record in the hope that the Attorney-General will look again at this provision when the Bill goes

from this House to another place. I ask all members to support my amendment.

The Hon. S.J. BAKER: The Government is happy to accept this amendment. I congratulate the member for Newland for the thought that she has given it. Recently, a child voluntarily visited the home of a person who had a particularly bad record of paedophilia. As far as I am aware, it was difficult if not impossible to prosecute that person because the child was not willing to give evidence, yet there was more than a reasonable doubt that an offence had been committed. I believe that this amendment strengthens the arm of the law. It provides a further safeguard in the system. I congratulate the member for Newland. Her comments about the penalty will be looked at by the Attorney. The amendment is a worthwhile addition to the Bill.

Mr ATKINSON: The Opposition supports the amendment and congratulates the member for Newland on her resourcefulness. The Opposition thinks that this provision amounts to justified discrimination.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PUBLIC TRUSTEE BILL

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

ADJOURNMENT

At 5.30 p.m. the House adjourned until Tuesday 18 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 July 1995

QUESTIONS ON NOTICE

GOVERNMENT VEHICLES

128. **Mr BROKENSHIRE:** Why did the driver of Government vehicle registered VQQ-140, when driving on Main South Road between Reynella and Morphett Vale at approximately 1.55 p.m. on 8 September, cut across a continuous white line without indicating and then tailgate the car in front to Morphett Vale?

The Hon. S.J. BAKER: Vehicle registered VQQ-140 is leased to Noarlunga Health Services. While the vehicle records show that the vehicle was in the area of the alleged incident at the time, the chief executive officer of Noarlunga Health Services has spoken to the staff member who was the driver of the vehicle at the time mentioned, and the staff member has no recollection of the alleged incident.

Staff are aware of the need to observe road rules and adopt safe and courteous driving practices, and this is reinforced with them as necessary.

DRINKS LABELLING

141. **Mr ATKINSON:** Why was the lettering for standard drink labelling set by the Ministerial Council on Drugs Strategy at only 1.5 millimetres on the front or back of the drink container instead of the three millimetres on the front of the drink container preferred by the Australian Medical Association?

The Hon. M.H. ARMITAGE: The Australian Food Standards Code requires that the labels of alcoholic beverages reveal the alcohol content of the beverage by displaying the percentage of alcohol by volume in lettering of no less than 1.5 mm. The recommendation that the lettering for the standard drink labelling be 1.5 mm recognises the regulation already in place and acknowledges that minimal disruption will occur with the introduction of standard drink labelling.

The Ministerial Council on Drug Strategy did not determine the size of the lettering. The recommendation regarding the size was contained in the final determination of the National Food Authority and the subsequent recommendation to the National Food Standards Council (NFSC). The issue of standard drink labelling was on the agenda of the MCDS meeting on 30 September 1994 in response to a request from NFSC for a clear statement from MCDS on the reasons underlying standard drink labelling.

The final determination forwarded to NFSC was the result of extensive consultation between interested parties, including a joint submission from a subcommittee of the National Drug Strategy Committee on Alcohol Advertising and Labelling (CAAL) and the Winemakers Federation of Australia. This submission recommended that the size of the lettering remain at the size already specified for the alcohol by volume statement on labels.

The Minister for Health has been advised that no submission relating to the preferred size of lettering on the label was received by the subcommittee from the Australian Medical Association, nor did the National Food Authority or the National Food Standards Council receive a submission from the Australian Medical Association regarding this issue.

While some interest groups may prefer larger lettering, the introduction of standard drink labelling at all was only achieved after lengthy negotiation and consideration at a number of ministerial meetings. The South Australian wine industry is to be congratulated for its part in progressing the issue by negotiation and voluntary adoption of standard drink labelling in advance of the legislative requirement.

Education plays an important part in reinforcing messages about alcohol misuse and promoting the development of low risk drinking habits. The Commonwealth Minister for Human Services and Health has indicated that the implementation of standard drink labelling will be supported by a comprehensive education campaign.

PETERBOROUGH HOSPITAL

145. **Mr ATKINSON:** Why does the proposed service agreement between the Peterborough Hospital and the South Australian Health Commission not allow the hospital's visiting gastroenterologist to continue his customary service to the town and instead requires him to treat Peterborough residents in Port Pirie?

The Hon. M.H. ARMITAGE: The service agreement between Peterborough Hospital and the South Australian Health Commission does allow the visiting gastroenterologist to continue to provide services to Peterborough Hospital. It should be noted that this financial year is the first time that Peterborough has had an approval to provide this particular service. The hospital had previously been providing this service outside its designated role.

Additional moneys were provided to regional hospitals under casemix funding to provide public same day gastroenterological procedures (ie only to Port Pirie in the Mid North). The budget of Port Pirie Hospital has been adjusted to allow for the additional public workload, and a travelling allowance is available for visiting specialists to provide services at this regional centre.

BREAST IMPLANTS

171. **Mr ATKINSON:** What is the answer to Question No. 70?

The Hon. M.H. ARMITAGE:

1. The Minister for Health is most sympathetic to the plight of women suffering from the ill-effects of breast implants and appreciates the concerns of the Mastectomy Association and Silicone Implant Support Services about this issue.

2. The Government-funded Adelaide Women's Community Health Centre has a key role in providing support for women with breast implants. In particular they provide assistance in the following areas:

- provision of an extensive information file including research reports and medical literature. In addition the Commonwealth Department of Human Services and Health has an extensive information list.
- a resource kit.
- a telephone counselling and information service for women needing help.
- provision of advice about a range of medical and legal issues and medical and legal practitioners with experience in this area.

Whilst Adelaide Women's Community Health Centre do not run a support group they provide support for women with a need in this area. This is the Government's preferred method of providing high quality, accountable, information, counselling and referral services to women with breast implants at this stage.

3. The provision of comprehensive and coordinated support and information services needs to be addressed at a national level by the Commonwealth Government given their responsibility under the Therapeutic Goods Act. The Consumers' Health Forum has addressed this issue and recently presented a position paper to the Commonwealth Government. It is hoped that the Commonwealth will develop a strategy to address the health needs of this group of women.

4. The Mastectomy Association and Silicone Implant Support Service provide valuable support to women with breast implants however any additional funding at present will be the responsibility of the Commonwealth Government.

WOMEN'S AND CHILDREN'S HOSPITAL

172. **Mr ATKINSON:** What is the answer to Question No. 69?

The Hon. M.H. ARMITAGE: Following the release of the Women's and Children's Hospital budget strategy, and recognising that the hospital was suggesting some cuts to service areas, I negotiated with the board and instructed that, in the context of that budget strategy, administrative efficiencies were expected, not cuts to services.

TITLES SEARCHES

207. **Ms WHITE:** Will the Government consider the section 90 search by land agents being brought forward to a time just after the vendor appoints the agent so that potential purchasers could be fully informed about encumbrances, easements, Aboriginal sites, etc. and, if not, why not?

The Hon. S.J. BAKER: Section 90, along with the other provisions of Part X Division II of the Land Agents, Brokers and Valuers Act 1973, was considered by the Legislative Review Team recently. Draft proposals were circulated to a wide variety of consumer, industry and relevant Government organisations for comment. None of the submissions received from the various stakeholder groups requested the acceleration of the section 90 search.

In the absence of a request, Parliament passed the Land and Business (Sale and Conveyancing) Act 1994 without changing the existing requirements for the provision of prescribed information.

It is quite common for a property to be on the market for more than three months. Should an agent make what will probably be termed a 'section 7 enquiry' under the new Act, just after having been appointed by the vendor, it is likely that another 'fresh' search will have to be made closer to settlement. This would be necessary to protect the interests of the purchaser, and in any event, to trigger the cooling-off period (by service of the appropriate Form, Form 1 or 2, containing the prescribed particulars).

A section 7 enquiry currently costs $104.00. It seems unwarranted to charge vendors for 2 searches, when purchasers have a right to cool off within five days of receiving the Form 1 or 2. An interested purchaser may be able to ascertain certain information at low cost by a visual search at the relevant Government agencies.

There is a working party made up of representatives of the conveyancing industry, which is conducting its own review of the prescribed information searches. It will advise me in due course of the outcome of its deliberations.

INDUSTRY RELOCATION

211. **Mr ATKINSON:**

1. Does the Government have a fund or program for relocating industry from residential areas and, if so, what is the name of the fund, which department administers it and what is its budget?

2. When will the Bowden Residents Action Group receive a reply to its letter of September 1994 about EPA monitoring of the BTR Foundry?

The Hon. D.C. WOTTON:

1. There is no fund for relocating industry from residential areas. However a project to investigate the feasibility of establishing an area dedicated to foundries has been undertaken by an interdepartmental working group convened by the Economic Development Authority.

Foundries in metropolitan Adelaide are under increasing pressure to improve their performance to maintain economic viability. Simultaneously they are subject to demands to reduce their environmental impact caused by noise and air pollution emissions affecting nearby land uses. In the inner suburbs, redevelopment of once-industrial land for housing has resulted in encroachment of residential land upon the foundries.

2. The Bowden Residents Action Group now has had a detailed response to their outstanding correspondence.

TAXI DRIVERS

212. **Mr ATKINSON:**

1. Has the Passenger Transport Board received complaints that taxi drivers risk their privacy being invaded by a requirement for them to include their driver's licence number on the new Accredited Taxi Driver Card displayed on taxi dashboards?

2. Was allocation of a number to each taxi driver to include on the card instead of the driver's licence number considered and, if so, why was this not proceeded with?

The Hon. J.W. OLSEN:

1. No complaints have been received by the Passenger Transport Board from taxi drivers regarding their privacy being invaded by a requirement for them to include their driver's licence number. In fact the taxi industry was involved in development of this approach.

2. Allocation of a number was considered, and was not proceeded with as it had no advantages over use of the driver's licence number. Use of the driver's licence number assists in linking the renewal of accreditation and driver's licences.

Information on the licence or accreditation holder can not be obtained by a third party even with access to this number, whether it is a driver's licence number or another allocated number. This is the same as having access to vehicle registration numbers.

RAILWAY SERVICES

213. **Mr ATKINSON:**

1. Why did the 7.26 a.m. train scheduled to leave Woodville Park for Adelaide on 23 May 1995 not arrive?

2. Why was the 5.18 p.m. train leaving the city for Grange on 23 May 1995 unable to stop at West Croydon and how far was it on its way to Kilkenny before it was stopped and reversed to West Croydon?

3. Has the number of people employed on maintaining TransAdelaide trains changed since December 1993, has the system of maintenance also changed and has the rate of breakdowns and mishaps changed in the same period?

The Hon. J.W. OLSEN:

1. A thorough search of the records maintained by Trans-Adelaide's operational control centre shows that on the day in question, 23 May 1995, the 7.26 a.m. train did in fact arrive at Woodville Park Railway Station as scheduled.

However, on the previous day (22 May 1995) the 7.26 a.m. train arrived at Woodville Park 11 minutes late due to a previous train movement developing mechanical difficulties.

2. Again a thorough search of records has indicated that there were no problems with the 5.18 p.m. Grange train stopping as scheduled at West Croydon on 23 May 1995.

However, on 25 May 1995, two days later, the 5.18 p.m. train did overshoot West Croydon station by approximately 200 metres and was 'set-back' (reversed) under the direction of the Operations Control Centre to allow passengers to alight at West Croydon. The difficulty in stopping was brought about by extremely adverse weather conditions and the large number of leaves that were deposited on the track by nearby deciduous trees.

Orders were issued to all drivers at the time to exercise caution on the Outer Harbor line but this did not prevent this incident from occurring.

3. Since December 1993 the overall number of positions within the railcar maintenance area has been reduced by seven positions.

These reductions have been achieved by multi-skilling and removing demarcation barriers that previously existed. They have been implemented with the full agreement of workshop staff.

The system of maintenance of the railcar fleet has not been altered since December 1993. The servicing requirements of Red Hen railcars has been amended to more accurately reflect the requirements due to fewer running hours. This has been necessitated by the increase in number of new 3000 Class railcars. During this period the number of breakdowns and failures that affect customer service delivery has decreased.

TRANSLATING SERVICES

214. **Mr ATKINSON:** How much translating by Government departments is being sub-contracted to overseas translators by E-mail?

The Hon. DEAN BROWN: This office has no knowledge of any translating work originating in Government departments and subcontracted to overseas translators by E-mail. Our interpreting and translating centre had no need to contract overseas translators in the past, nor does it expect to have to do so in the future. It is, however, possible that private contractors, such as SALS (South Australian Language Services), who regularly advertise their extensive international network, may have obtained translation work from the Migrant Health Service on behalf of some units in the health area and contracted overseas translators.

It is also possible that State Government agencies with offices overseas such as Tourism and the Economic Development Authority may have, on occasion, checked the accuracy of translated material with their own overseas translators.

BARTON ROAD

215. **Mr ATKINSON:**

1. Was the bus operator who complained to Police on or before 10 April 1995 about vehicles using Barton Road, North Adelaide, thus prompting the Police enforcement there, an employee of TransAdelaide and, if so, what was his job description?

2. Will the Minister supply a copy of the media release issued by Police on 10 April 1995 after enforcement had begun at Barton Road?

3. To whom was the media release issued, at what date and time

was it issued, and will the Minister disclose any information the Police have about where and when the terms of the media release were published, broadcast or telecast?

4. What is the name of the Northern Traffic Division supervisor who ordered the enforcement and did that officer inform the Police Commissioner before starting the enforcement?

5. On what grounds did Police enforcing the restriction at Barton Road on 10 April 1995 issue traffic infringement notices to four person and cautions to seven persons and did any or all of the seven cautioned live in North Adelaide?

6. Why was the Member for Spence cautioned and not fined, despite his request to be fined, for riding a bicycle through Barton Road on Tuesday 11 April?

7. Will the Police Commissioner now withdraw the four traffic infringement notices issued without prior warning to persons at Barton Road on Monday 10 April?

8. Was the March 1995 decision of the Minister for the Environment and Natural Resources to reclassify as road reserve under the Roads (Opening and Closing) Act the parkland on which the Barton Road bus lane partly lies a necessary element in the Police decision to enforce the restriction on 10 April and, if not, what was the change in circumstances which was the proximate cause of the first Police enforcement at Barton Road in more than three years?

The Hon. W.A. MATTHEW:

The Commissioner of Police has advised the following:

1. The bus operator who complained to police on or before 10 April 1995 about vehicles using Barton Road, North Adelaide, was a private bus operator. All buses are exempt from the closure of Barton Road.

2. Due to the number of motor vehicles using the closure, the police patrol at the scene on 10 April requested a media release. The police media liaison section advised relevant media outlets, some of whom attended at Barton Road. As is the normal practice for this type of incident, no documented release was provided.

3. As above.

4. A Sergeant of the Northern Traffic Division acted on the complaint from the private bus operator in relation to a dangerous situation created by private vehicles using Barton Road, and he ordered the policing of this closure. He did not inform the Police Commissioner before starting the enforcement but decided intervention was necessary to alleviate the problem.

5. Under General Order 3110, police have the prerogative to use their judgment when deciding whether to caution offenders or to issue an expiation notice. In this instance the number of vehicles disobeying the closure made it more expedient to caution some of the drivers. None of the cautioned drivers reside in North Adelaide.

6. Police used their prerogative to caution the member for Spence, as above.

7. The four expiation notices issued on 10 April 1995 at Barton Road, North Adelaide will not be withdrawn. The offenders have the option of not paying the expiation and having the matter heard in a court.

8. Due to doubts over the legality of enforcing the closure, the Adelaide City Council took steps to rectify the legal position. A Crown Law opinion obtained by the Police Solicitors Service earlier this year confirmed that all appropriate steps had been taken to satisfy legal requirements and that there was no impediment to policing the closure. The cause of police enforcement on 10 April 1995 was the complaint of a bus driver.

SCHOOL BUSES

216. **Mr ATKINSON:** When will the Minister for Transport report the findings of the investigation into overcrowding on country school buses announced in the reply to Question on Notice No. 176 on 7 March 1995?

The Hon. J.W. OLSEN:

It is the responsibility of the principal of a school to notify the School Bus Services of the Department of Education and Children's Services (DECS) of any overcrowding situation immediately, for advice and appropriate action to be taken.

All overcrowding situations are managed locally by principals in charge of school bus services, in conjunction with DECS transport service team.

School bus travel could be withdrawn for all ineligible children travelling on buses, in all instances, if an overloading situation still exists. Options to be considered are:

1. Divert another bus with room available.
2. Pay parents a car travel allowance.
3. Assign a larger bus.

DECS applies the code of practice as laid down by the Department of Transport seating legislation, which permits three children up to the age of 14 years to occupy a double seat, taking into consideration the actual physical size of the children.

A State-wide review of DECS school bus services is in progress. The aim of the review is to ensure the services are operating within policy and are safe and cost efficient.

The first phase of the detailed survey into school bus safety and accidents has now been completed by DECS.

The working party established by DECS and comprising representation from the following departments: SA Police, Transport, DECS plus Bus and Coach Association (BCA), sought information from 126 school communities. The school bus services surveyed are those provided by DECS, which in accordance with their policy provides transport assistance for eligible students, who live five kilometres or more from their nearest Government school or department school bus.

Consequently, the information gathered relates primarily to country-based school bus services and a small number of services that transport students from country areas to schools located near the outskirts of metropolitan Adelaide. Of the 126 school communities canvassed, nine comments were reported in regard to overcrowding. According to DECS, some overcrowding fluctuates with shifting community population.

The most commonly cited problem which rated as a 'major concern' appeared to be cars exceeding the 25 k.p.h. speed limit past stationary school buses. The working group will now assess the collated survey information to determine issues considered to be critical by the school communities. It will then decide, with reference to the locally developed and suggested strategies, what is the best course of action to effectively and efficiently rectify unsafe situations and practices. Staff of the Passenger Transport Board will continue to monitor future developments.

GRAND PRIX

217. **Mr ATKINSON:** Has the Adelaide Australian Formula One Grand Prix office sold the names and addresses of people who have bought tickets to the Adelaide Grand Prix to the Melbourne office and, if so, how will that affect the 1995 Adelaide Grand Prix?

The Hon. G.A. INGERSON: The Grand Prix Gold Club mailing list, with approximately 10 000 names and addresses as at December 1994, was sold to the Australian Grand Prix Corporation in Melbourne, as part of the total asset sale agreement.

The list of names has been used by the Australian Formula One Grand Prix office in Adelaide twice for direct marketing of gold tickets for the 1995 event prior to its use by the Melbourne Grand Prix. Consequently, it is believed that its use now will not have any effect on the 1995 Adelaide Grand Prix.

EXPORT ASSISTANCE

222. **Mr ATKINSON:**

1. What is the Government doing to ensure coordination between Government agencies encouraging the export of food from South Australia to South China?

2. Will the Government indemnify Poseidon Seafoods for its loss of 2 000 lobsters worth $90 000 from Kai Tek Airport, Hong Kong and, if not, why not?

The Hon. DEAN BROWN:

1. The Government's efforts to expand exports from South Australia through establishing markets for South Australian food products are being coordinated by the Economic Development Authority and the Department for Primary Industries

2. While the Government provides considerable resources to advise and assist exporters in their marketing efforts, including warnings, where appropriate, about difficulties in specific locations, it cannot be held financially liable in cases where exporters suffer loss from individual consignments. To provide the indemnity suggested in the question would set a precedent which would expose the Government to other similar claims at significant cost to taxpayers.