HOUSE OF ASSEMBLY

Thursday 6 March 1997

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

CONSTITUTION (CASUAL VACANCIES IN HOUSE OF ASSEMBLY) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 26 February. Page 1056.)

Mr ROSSI (Lee): I oppose the Bill before us, because I believe that the member who is elected enters Parliament in a similar way to entering into a contract and that he or she should be in that position for the duration of the term. Reasons of ill health are understandable, but when a person resigns for political or Party reasons I feel that that is a breach of contract and trust between that member and the electors. I would like the Bill changed to provide that such member pays the expenses for the election of a new member. I understand that the principles on which the Bill was introduced were based on history. It is known that a political Party holds that same seat if a by-election is held six or 12 months after a normal election, therefore the taxpayer at present is spending money on an election the results of which are already known.

I believe that if we are to tamper with the election of members to any Parliament, then it should be made tougher for members to resign on a whim rather than making it easier for them to resign for personal or political gain. I am disturbed, of course, in terms of the election of members in the other House, in that, following the resignation of a person for political or mischievous reasons, or his or her appointment to another position in a Government department or overseas, the same Party can nominate a person to that vacancy. That again involves a breach of trust between the electors and that member, and I oppose the Bill in that regard. In fact, a party who does not abide by a contract entered into by two individuals or two organisations usually pays a very heavy fine, and I find no reason why members of Parliament should be treated any differently.

Mr OSWALD (Morphett): I support this legislation; I happen to think it is a good idea. The conventions of the House are very clear as regards replacement of Senators by the State Parliament, and there are other issues that are based on convention. We do not have a convention in this regard but, if this Bill is passed, I think it will save the taxpayer a lot of money. Let us look at a case in point where a member, and we will call him member A, for some reason known only to him or her decides to resign after an election and sits in a seat with a safe majority of 65 per cent as at the time of that election.

As I understand it, this Bill if passed would require that a replacement must be selected within six weeks of the general election. It is pretty obvious that the member's majority would not alter very much over the course of six weeks from a general election. It might fluctuate one or two per cent, but an incoming Government always experiences a honeymoon period, and may not even have met as a Parliament, and certainly its popularity would not have dived to any extent where the retiring member's 65 per cent margin would have changed.

The way in which the Liberal Party works—and I assume the same rules apply to the Labor Party—is that if someone resigns and the Party must select a new candidate, then an electoral college system takes place and the Party system selects the new candidate. If someone resigned, the Liberal Party would go through that process and put up a nominee; however, if we do not have this particular legislation, we go through the same process. We must still select the candidate. So that the Liberal Party's selection would be the nominee at the by-election, whether or not there was a 60 or 70 per cent margin, and that Liberal Party nominee would in fact win the election.

I put to the House that if the person selected by the Liberal Party, or the Labor Party, is certain to win the election because the Party system has preselected that candidate, and the previous member retired on a vote which the other Party has no chance of ever overcoming, that is, the retiring member held a 60-70 per cent margin, and the election was to be held within six weeks, then it is in the taxpayers' interests for that election to be waived and for this Parliament to endorse the candidate coming from the Party of the retiring or resigning member. We are about saving taxpayers' money and being practical in the legislation that we put in place. On that basis, I believe that the Bill should receive the support of all members.

Mr BUCKBY (Light): I rise to support the Bill, which is about commonsense. If a member of this place happens to resign within six weeks of a general election, it is very unlikely within that time, particularly where the winning candidate received 60 per cent or greater of the vote, that there would be a swing greater than 10 per cent in voting intentions by constituents. I could well imagine it occurring within a period of six months, but certainly not within a period of six weeks. That is why I believe that this Bill is about commonsense.

A benefit of the Bill is that it would minimise the costs of a by-election, which is necessary under the current system. That would not be needed, because the candidate who won the election and then resigned would be replaced by a candidate from that same Party. As I said, rightly so, because the margin is significant, with the previous member gaining greater than 60 per cent of the two Party preferred vote.

As the member for Morphett just stated, in the Liberal Party where a preselection for another candidate could occur very quickly, the constituency would not be at any disadvantage under this system. The member could be selected and then brought into Parliament in a very efficient and quick manner. As I said, the cost to the community would be less because a by-election would not be required and, as a result, the cost to any political Party contesting the by-election is also reduced.

In the plain light of day, where a margin is greater than 10 per cent, the Party that does not win the seat would have to recognise that there is very little chance of winning it in a by-election, especially within a six week turnaround. The Bill also looks at the provisions which would apply in relation to the Constitution and the proceedings of the assembly in the choice of the person to occupy a vacancy. The Bill provides that the assembly must meet at a time and place appointed by proclamation and that a member of the House of Assembly or the Legislative Council appointed by proclamation is to preside at the assembly. That is all commonsense, and it follows a very efficient and structured program so that there could not be any misuse of this rule.

As I said, I think the Bill is about commonsense. Within six weeks there will not be a vast turnaround in the voting of constituents unless the Government has pulled an absolute clanger in that time. Even then I do not think it would change by 10 per cent. It means the community could save money by not having a by-election and that the person who comes into that seat does so in a very orderly manner.

Mr BASS (Florey): I support the Bill. In a time and in an environment where we need to be conscious of where we spend money—especially the public's money—we should consider ways of maintaining parliamentary representation without incurring unnecessary costs. I use my colleague the member for Peake as an example of a high profile member of Parliament who seems to win a seat no matter where it is. If the member for Peake stood at the next election, resigned six months later and a man or a woman were nominated to take to his place, there could be some criticism. However, the person's tenure will be for only a three or four year period. By the time a by-election is held six months hence, that tenure will probably be for only 2½ to three years. If the public does not like what has happened, it will remove the person who was appointed in place of the elected member.

It is a lot different from what happens at present in the Upper House where a member who is on the Liberal, Labor or Democrat ticket can be elected for eight years but can stand down within three or four weeks. In that situation, the replacement candidate can be appointed for eight years without having been elected by the public. Notwithstanding that it saves money to do this, it is probably worse than the system in the Bill where if someone is appointed to take the retired member's position they are in office for only three to four years before they must face the electorate. If the electorate believe that what has happened is wrong, it will remove that person at the next election. The Bill provides a sensible way of handling resignations—be it through someone retiring to go to Canberra or be it through illness. The Bill has more good points than it has bad and it should be supported. We should investigate exactly how this system could be managed in the future.

Mr De LAINE secured the adjournment of the debate.

REHABILITATION OF SEXUAL OFFENDERS BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1061.)

Mr LEGGETT (Hanson): I applaud the member for Kaurna for her research into the Bill and for her diligence in its introduction. We live in a society that has gone very softly, softly on offences, and I would go so far as to say extremely softly. The Bill seeks to rehabilitate sexual offenders and not, as some would perhaps argue, provide some compulsory or enforced procedure for the offender. This is rehabilitation—the voluntary seeking of help for a particular sexual problem that the offender may have. It involves more than a deliberate breach: it involves an addiction that has certainly got well and truly out of control.

Some years ago I was fortunate, I suppose, to watch an interview with the United States mass killer Ted Bundy, who was interviewed by psychologist, James Dobson, the night before he was executed in Florida. He talked about the bizarre killings he had committed, carefully explaining how he had become desensitised the more he killed and murdered, yet he explained, surprisingly enough, that in many ways he was normal, having emotions and being sensitive to the problems of the world, yet part of him could be described only as screwball and absolutely evil.

So it is with some sex offenders, as the member for Kaurna said, where people—men in this case—commit offences against innocent children. When children are involved, I become very upset, because I have had 25 years of teaching children. I believe they are innocent and in many cases simply victims. Each year there is an increased number of reports and incidences of child abuse. In 1992-93 throughout Australia there were 59 122 reports of child abuse and neglect involving 50 671 victims, and 23 per cent of those involved sexual abuse, child abuse and neglect. I find that absolutely and totally abhorrent. Children as victims of sexual abuse represent 1.1 per cent of the Australian population in the zero to 16 year age group.

Sexual offenders often have personality differences and a range of sexual activities, including fantasies. As the member for Kaurna said, many have a range of problems, and the use of one solution to their problems may not work. Obviously, there needs to be long-term contact with a therapist, psychologist or psychiatrist. Tragically, there are those offenders who have sexual preferences for children and they are known as paedophiles. We have seen much written in the past few years and especially in the past year about paedophilia.

For all these people, it is a tragic illness. Some of them are not aggressive, and they may be non-violent, unassertive and socially inhibited. Obviously, they initially feel less threatened by children, feeling more comfortable surrounded by children because it is a comfort zone for them. A majority of paedophiles are attracted to girls, a minority to boys and some to both. Under this Bill there is provision for each offender to have individualised assessment and an ongoing treatment plan. That really makes sense. It gives the offender the opportunity to accept the responsibility for their actions and to understand the consequences of their crime. It would deal with their thoughts and feelings around the arousal stimuli that cause such extreme behaviour. Not only can we make an individual study of the paedophile but paedophiles could understand the violation effects on the victims, the young kids. As the member for Kaurna clearly states, each residential sex offender needs a prolonged period during his or her treatment to test their newly acquired insights without harming members of the community.

It is of paramount importance that we protect the victims—the children in this case—at all times, because they are, indeed, innocent victims, damaged by extremely sick and distorted human beings. The rehabilitation and restoration of sexually abused children in the next generation will be vital. Paedophiles are known to groom their victims over a long time, even luring them into paedophilia itself. As the member for Kaurna said, there is no direct correlation between the abused becoming abusers, but a range of other external factors can make that happen.

In conclusion, this Bill is not about forced castration. It does not make it compulsory to seek help. However, all sex offenders are offered entrance to a chemically reduced treatment program two weeks prior to release from prison. That makes sense. They must continue treatment until the Parole Board and the appointed psychologists are satisfied that the treatment is no longer a requirement. This Bill makes

sense and I would like to see it read a second time and go into Committee.

Mr EVANS (Davenport): I support the Bill. I have been ascertaining the thoughts of my electorate on this matter since the member for Kaurna introduced the Bill, and I can say that my electorate is well and truly in favour of the principle behind it. Therefore, in reflecting the views of my electorate, I am happy to support it.

I understand that this is a simple Bill and it has some very good aims. It relates to sexual offenders having compulsory counselling when they are convicted to determine whether or not they are suited to this treatment and whether or not there would be some benefit to them and to society from their receiving the treatment. The counselling is compulsory and they must undergo examination by psychiatrists and psychologists to determine whether this treatment would be of benefit to them and whether they are suitable for the program.

At that stage, the convicted sex offender is offered a voluntary choice as to whether to undergo that program, which is ultimately judged to be of their benefit and that of society. The convicted sex offender has a choice as to whether or not they want to have the chemical treatment. I understand from evidence given to me by the member for Kaurna and presented to the House that the treatment is totally reversible.

It is important to note the point raised by the honourable member in her speech that this is not a reward system for a convicted sex offender, that is, that, if the sex offender undergoes this treatment, that person gets some benefit by way of decrease of penalty or early parole. That is certainly not the case. It is simply a way of offering to sex offenders a treatment that will reduce their sex drive, for want of a better term, and reduce their chance of re-offending if and when they are released into the public arena.

Given that it is a voluntary measure, that it is reversible and that it is not a reward system for the convicted sex offender, my electorate has quite rightly judged that this is a sensible Bill. My electorate strongly supports the Bill and I am happy to give it my support and to make these few remarks in favour of it.

Ms GREIG (Reynell): I would also like to contribute to the debate on this Bill and, in doing so, I commend the member for Kaurna for putting the issue before the House. I put on record my appreciation of the assistance that I have received in my research from the Southern Women's Community Centre, community women, the staff and management committee of the Southern Women's Community Health Centre, and the Southern Domestic Violence Action Group, who have all contributed to giving me a better understanding of issues pertaining to the misuse of power, abuse and violation.

One really significant point I want to highlight, because I have learnt the importance of it, is that sexual abuse is not about satisfying fantasies or lust: it is about power. Child sexual abuse is based on the power differential between the dominant position of the perpetrator and the dependency and the subordinate position of the victim— quite often the child. The authority and power of the perpetrator enables him implicitly or explicitly to coerce, intimidate, or otherwise force a child into being sexually abused. The child is often unable to understand and is unable to alter the perpetrator's behaviour due to his or her powerlessness in the situation.

Research clearly indicates that clinical experience with perpetrators has established that child sexual abuse is, correspondingly, the use of sexual actions to express power and anger—that is, to satisfy aggression and obtain status, control and dominance. Like all forms of rape, it is the use of sexual behaviour to meet the non-sexual needs of the perpetrator.

It is horrifying to note that research shows that child sexual abuse occurs frequently. Victims find themselves involved, on average, over a three year period and it commonly involves oral, anal and/or vaginal penetration. It is a continuous premeditated, pre-planned and systematic rape of a child, and not sex, that satisfies the male perpetrator's need for power and control. Sex offenders are a heterogeneous group with few shared characteristics, apart from a predilection for deviant sexual behaviour.

Furthermore, there is no psychological test or device that reliably detects persons who have sexually abused, or will sexually abuse, children. There has been no documentation of a typical offender personality: rather, these men are characterised by their diversity. An offender could as well be a professor, a minister, an atheist, a teetotaller or an alcoholic; an offender might have a series of arrests or none at all. There are no definable demographic or personality traits to render them distinctive. In fact, the most striking characteristic of sex offenders, from a diagnostic viewpoint, is their apparent normality.

Current data on sexual offending draw a sobering picture. It appears to be a highly compulsive and repetitive behaviour, the tenacity of which is truly horrendous. The most chilling aspect of this behaviour is its invisibility. Very few crimes are ever reported to the police and even fewer result in arrest. Sadly, a large number of victims survive with the nightmare of the crime against them.

Whether we talk about rape, incest or paedophilia, they are all offences—abuse and violation of another person. They are wrong and should be treated as such. I do not understand why, in the latter part of this century, our supposedly understanding, civilised society allows these crimes to happen. Why is it that the victim—be they six, 16 or 60—is left feeling like a criminal? Why are women and children reluctant to report the crime? Why must some children live with a nightmare? Why do people commonly believe, 'She asked for it'? No woman asks to be raped, no child wants to be violated and no person has the right to break the trust of those who depend upon them. We all have a right to feel safe.

For years there has been a view in South Australia that a rehabilitation program needs to be established incorporating the best aspects of programs developed elsewhere and adapted to suit our legal system. In 1986 the Parole Board drew attention to the lack of dispositional alternatives currently available for dealing with convicted offenders. In fact, in their submission to the 1986 Government task force on child abuse, the Parole Board highlighted the fact that there were insufficient resources for effective treatment programs in correctional institutions and it may be that not all of these offenders should be detained in such an institution, except where it is clear that no treatment program is likely to be effective. Their submission went on to outline alternatives to sentencing under section 77A of the Criminal Law Consolidation Act, and spoke highly of scheduled treatment programs.

When confronted by a topic as emotive as that pertaining to sexual offences, it is a natural reaction to call for harsher penalties. The community demands justice—and rightly so.

However, it is clear that an entirely punitive approach by no means provides the solution to all problems. Rather than simply insisting that perpetrators be detained for longer periods, the important priority is to ensure that while incarcerated or undergoing some form of sentence the minority who may pose a significant physical threat to victims and the larger group of non-violent but chronic offenders receive some form of treatment.

Currently there are very few programs for treating sex offenders who have come into contact with South Australia's correctional systems. There is a significant need for more programs to be developed and evaluated. I believe it would be wrong of us to think offenders can be cured: instead, it is more realistic to regard the problem in the same fashion as a drinking problem. Rather than hoping to be cured, the offender must accept responsibility for maintaining a conscientious and life long effort to keep sexually abusive behaviour under control. There is always the risk of recidivism; what treatment can do, though, is reduce this risk.

To date, no single method of treatment or type of intervention has proved totally effective, and whether that is because of the lack of treatment available, the type of programs available or the lack of motivation to participate in established programs, I am not completely sure. However, what I know—or I should say I believe—is that we as a Government have a responsibility to ensure offenders are given every opportunity to correct their behaviour, and to do this it is important to implement programs that are proven and can be adapted to suit our needs.

It is important that rehabilitation and legal proceedings should occur in tandem. It is inappropriate for the perpetrator to be given the option of trading off attendance at treatment for dismissal of criminal proceedings or a reduced sentence, and I note the Bill supports this. Rehabilitation has to be defined as any type of intervention designed to inhibit or eliminate the perpetrator's desire to rape. The perpetrator has to take full responsibility for his actions and acknowledge the harm he has done to the victim.

The member for Kaurna has clearly outlined a rehabilitation program that will assist in inhibiting this socially unacceptable desire. She is presenting an holistic approach to ensuring that perpetrators have an opportunity to take control of their problem and do something about it. With this, this Bill is moving another step forward in an attempt to ensure the safety and protection of many hundreds of women and child victims. If the Bill saves just one victim, one child, one woman or man, it will mean something.

Mr MEIER secured the adjournment of the debate.

SUMMARY OFFENCES (PROSTITUTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1068.)

Mr MEIER (Goyder): During my comments last Thursday, I indicated my support for this Bill and referred to the fact that the Summary Offences Act has not been updated since 1953. I then detailed a few examples about my concerns on the prostitution trade, and how I felt this Bill was a step in the right direction to bringing in appropriate penalties where necessary.

I also alluded to the fact that Victoria had both legal and illegal prostitution rings in place. It is interesting to note an article in the *Sunday Age* of 19 March 1995, which was some 10 years after prostitution was legalised in Victoria. In fact, some 10 years after changes had occurred to the Victorian legislation to allow legalised prostitution, statistics showed that Melbourne had more than twice as many illegal massage parlours as legal parlours. Therefore, anyone who advocates that we could clean up prostitution in this State by legalising prostitution should think again.

The article to which I am referring was written in 1995, and further legislation was to be introduced into the Victorian Parliament subsequent to that which sought to control both legal and illegal brothels and escort agencies; I do not have available more up-to-date information as to how effective that legislation has been. The irony is that illegal brothels still exist in Victoria and, therefore, we in South Australia through this Bill have an excellent opportunity to ensure that the prostitution trade is tightened up.

The article in the *Sunday Age* indicated that more than 125 illegal brothels and massage parlours operated from private homes, flats and offices throughout suburban Melbourne. One may ask how that figure compares with the legal brothels? At that time there were some 60 legal brothels and, therefore, the illegal trade doubled the legal trade. A random survey of 20 parlours showed that most offered various sexual services at a rate of $30 for half an hour, $60 an hour or $100 for full services, so they made no secret of what they were seeking to offer.

I also refer to an article which relates to Sweden. Sweden in the 1960s adopted some of the most liberal pornography laws in the world, but in March 1995 was considering a move to outlaw prostitution. An article in the *Advertiser* of 24 March 1995 states:

> 'All sexual commerce is a crime and must be stamped out', insisted Inga-Brit Toernell, head of a Government appointed inquiry commission that has just issued its report. 'It debases and humiliates women, who are the victims.'

I think we need to take this into account in South Australia as it comes from a country that has introduced legalised prostitution and recognises that it does not work.

This Bill put forward by the member for Hanson, in essence, seeks to: record a conviction for lesser brothel offences; impose a statutory fine on both prostitute and client; apply a total ban on advertising; provide a search and entry power—at present, the police are denied access and cannot force entry, and that problem would be overcome; and insert a section for the confiscation of assets. It is a step in the right direction, and I trust that it will have the support of this House.

Mrs ROSENBERG secured the adjournment of the debate.

EXECUTIVE SALARIES

Adjourned debate on motion of Mr Quirke:

That this House requests the Economic and Finance Committee to investigate all public sector salaries of $100 000 or more, regardless of how they are constructed, and the salary fixation methods which underpin these salary determinations.

(Continued from 14 November. Page 564.)

Motion negatived.

FREEDOM OF INFORMATION (PUBLIC OPINION POLLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 463.)

Mr CLARKE (Deputy Leader of the Opposition): I rise to speak briefly in support of the member for Spence's Bill which deals with freedom of information and, in particular, public opinion polls. The member for Spence has already explained this piece of legislation. It is quite basic. If a Government of the day commissions an opinion poll, it cannot suddenly declare it to be a Cabinet document and therefore withhold it from the public domain. As has become only too obvious over the past couple of months, opinion polls have assumed quite a bit of significance for the Liberal Government. Not only did the current Premier (when he was the Minister for Infrastructure) commission an opinion poll on how well the Government was doing in trying to sell the water privatisation deal but, at the same time, he commissioned a poll with respect to the standing of the Government.

Also at that same time, the then Premier (now the Minister for Industrial Affairs) commissioned an opinion poll on the water contract and the fall-out that that would have politically for the Liberal Government. It also checked on the then Minister for Infrastructure who succeeded him some months later as Premier. All this was done at taxpayers' expense. Not one scintilla of evidence can be put forward by the Government to warrant those public opinion polls being declared confidential documents by Cabinet and therefore excluded from freedom of information regulations. They cost South Australian taxpayers some tens of thousands of dollars to commission and, as it is the taxpayers who paid for that opinion polling, it is rightfully within the public domain to find out the results.

It is an obscenity in a democracy for that type of information to be withheld. There is no commercial confidentiality about it. There is no risk of worrying private companies with which the Government may be dealing. All it can do is possibly embarrass the Government of the day concerning its own policies. That is a decision of its own choice. If it wishes to pursue certain policies which are unpopular electorally so be it and, if it wants to know what public opinion is concerning a particular Government action, it can commission opinion polling: the Government is perfectly free to do that—but at its own political Party's expense, not the taxpayer's.

If taxpayers' funds are used, it is their property and they are clearly entitled to know the results of it in a timely fashion, without it being spuriously claimed to be exempt simply because a Minister or the Cabinet of the day suddenly pass a resolution to say that that document is a Cabinet document and therefore exempt from public scrutiny. It is self-evident legislation and, if there is a scintilla of decency in this Government at all, its members will vote unanimously for the member for Spence's legislation.

Mr MEIER secured the adjournment of the debate.

RETAIL SHOP LEASES (SELECT COMMITTEE RECOMMENDATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 470.)

Mr CLARKE (Deputy Leader of the Opposition): I support the Bill. I believe that when the member for Spence becomes the Attorney-General in the Rann Government in the not too distant future (after the next election) he will go down as one of the most reformist Attorneys-General that this State has ever known. With respect to the retail shop leases legislation, the Olsen Government has proclaimed itself to be the friend of small business and has consistently done so as a credo of the Liberal Party since the birth of that Party. But, when push comes to shove, the Liberal Party is not interested in small business but only in the big end of town. We witnessed that only too clearly a year or 18 months ago in respect of the extension of shopping on Sundays in the central business district.

Mr Evans interjecting:

Mr CLARKE: The member for Davenport correctly interjects that he voted against it. The honourable member was true to his word and a friend of the shop assistants' union and of the small retailers in his area. I might also say that I believe the member for Kaurna in respect of one of those key amendments also voted against the Government's decision to extend Sunday shopping in the CBD area, and for that I give the honourable member due credit. However, what we have seen from this Government to date is that it is pandering to the Westfields of this world. All of us as local MPs know from personal experience, from dealing with small retailers in particular, how they get screwed by the big developers. It is not as though there is a whole host of major shopping centres out there, where there is much competition in the way of landlords, given the overwhelming dominance of the Westfield group in the major retail shopping centres in the metropolitan area of Adelaide.

The member for Spence's legislation is demonstrably fair. In fact, it is so demonstrable in its fairness towards redressing the imbalance in the power relationship between the very large landlord and the small business person, in particular small retailers who are often flying by the seat of their pants, so to speak, financially, that the Government should leap at the opportunity to vote for the legislation and should hang its head in shame that it has not done anything about it at all. All they did when they rammed through Sunday trading legislation was to buy off the Democrat vote on the basis of getting a Legislative Council select committee established to look into the issue of retail shop leases.

Mr Evans interjecting:

Mr CLARKE: Yes, as the member for Davenport rightly points out—who I know follows the careers of the Democrat members of the Legislative Council extremely closely—all the Democrats achieved was to sell out small retailers in return for a Legislative Council select committee, which brought down majority recommendations on some very, very important issues about which the Government was not doing anything.

Mr Evans interjecting:

Mr CLARKE: The member for Davenport says that that is rubbish. I find it hard to reconcile his views in support of small business; from his interjection I gather that he is not supportive of this legislation.

Mr Evans interjecting:

Mr CLARKE: The member interjects to say that the Government is doing plenty. That is not the message we get from the Small Retailers Association or from the Small Business Association, because they are unanimous in support of new section 36A, which deals with harsh or unconscionable terms, as provided for in the member for Spence's Bill.

I would have thought that that section alone would have warranted the attention and support of the member for Davenport. Also there is the issue of the existing tenants being able to give the first right of refusal and for greater disclosure of the on-costs that are shoved on to small business and small retailers. That type of information would be of particular value to small businesses, which the member for Davenport stoutly proclaims he supports.

The Liberal Party, as I understand it, the modern Liberal Party—there have been several versions over the years—basically, at the end of the day, has only ever supported the big end of town. But in 1944 when Bob Menzies established the Liberal Party he did so for the forgotten people, apparently, and in particular as the champion of the rights of small business. Here is a classic opportunity for the Liberal Party of this State to actually support small business in a tangible and real way—not just rhetoric—to help redress that power imbalance and to do something worthwhile to help those tens of thousands of small businesses that the Premier keeps saying form the engine room of our economy and where the future growth and job opportunities will be. Well, if that is to be the case, then those small businesses need breathing space. They need help, they need Government intervention to help redress that power imbalance between them as tenants and their landlords.

We are not dealing with small landlords; in the main, we are not dealing with landlords who own only one or two shops and basically do it on a part-time basis or anything of that nature and therefore deal basically on the same basis as the tenants. We are dealing with the Westfields of this world and the AMPs and the like who own huge slabs of our retail outlets and they are quite merciless when they deal with their tenants. We have all had practical experience of where those tenants have had their rents jacked up, often without any justification other than being told, 'This is what you will pay,' and where there has been discrimination between tenants in terms of what rent and charges are paid. In terms of the mix of businesses in a particular shopping centre, small retailers on the one hand have been told, 'Yes, you will be the only shop of this type in this part of the shopping centre,' only to find several months later another shop in competition with them has opened up in close proximity to themselves and with no redress able to be had. I find that to be a scandalous position.

Once again, the Labor Party supports the battlers, as it always has. It is about time the Liberal Party lived up to its credo, notwithstanding that it is shamefaced, in the sense that members opposite have not moved this legislation and should at least now recognise their roots, if they have any roots all in respect of small business, and support the member for Spence's Bill.

Mr MEIER secured the adjournment of the debate.

CORRECTIONAL SERVICES (VICTIM PROTECTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 471.)

Mr CLARKE (Deputy Leader of the Opposition): I rise in support of the member for Spence's Bill. As members can see, as shadow Attorney-General the member for Spence has been exceptionally active in bringing forward a whole range of reformist legislation, which is like a breath of fresh air in this place after the dead hand of the Liberal Government over the past 3½ years.

Mr Lewis interjecting:

Mr CLARKE: In response to the interjection from the member for Ridley, I might say that the member for Spence in this Notice Paper alone has brought forward significant legislation that will benefit tens of thousands of South Australians. And the member for Ridley has yet to produce one piece of legislation or one resolution that has any impact whatsoever on the broad scheme of things in this State. The member for Ridley may well mock the member for Spence, but he is out there fighting for people, putting forward legislation which is worthy of consideration by this Parliament and which, if enacted, will benefit tens of thousands of South Australians. After having dealt with the member for Ridley, I want to turn to the legislation at hand.

I am pleased to see that the Minister for Correctional Services is in the House, because she should be able to leap to her feet today. This is not a long Bill; it is not very complicated, even for a new Minister. It simply provides that, before the Parole Board considers the release of a prisoner who has been held in custody over a serious crime, particularly of murder, the victims of the murder (the next of kin and the like) have the right to address the Parole Board and make representations to it. I would have thought that in a compassionate society that is not too much to expect, and that this Government should be able to very quickly accept the Bill from the member for Spence. Again, I might say, it might do it in a shamefaced sort of way because it is an issue that it should have been able to address itself, with all the resources available to the Government.

It is not a difficult thing to ask that, before the Parole Board makes a decision with respect to a prisoner in that type of situation, the next of kin of the murder victim have an opportunity to make submissions to the Parole Board as to whether or not the prisoner should be released. That is a relevant factor for the Parole Board to consider, because the board has to look at the impact that the release of a prisoner might have on the next of kin of a murder victim. It does not exactly pertain to this Bill, but a constituent came to see me only last Friday. She was the sister of a person murdered in his home only two years ago.

The alleged killer was convicted by a jury but the conviction was overturned on a technicality and the matter listed for retrial. She described to me the devastation this tragedy has caused her, as a sister of the brother who was murdered, the impact it has had on her sister-in-law and her two young children who, at the ages of 10 and eight saw their father collapse in a pool of blood and die from stab wounds, and the impact it has had on her parents, who have moved house on three occasions because they want to get away from Adelaide, and part of their problem is that this tragedy is not over: they have buried their son but they have not been able to move on with their lives because, at this stage, they have not achieved a result in the courts whether or not this person is guilty, in an attempt not to forget but to get on with life.

All I am saying is that if this person is convicted and some years later the Parole Board considers releasing him, then I believe the impact of the loss to the sister, the wife, the two young children who saw their father die before their very eyes, and the parents, if they are still alive at that time, ought to be taken into account by the Parole Board. It is not obligatory but it is a point that the Parole Board should weigh up very carefully. It is important that the victims of the crime, not just those who are the unfortunate victims of the crime

itself (those who have suffered serious injury or death), but their loved ones feel that justice has been done; that their voice has been heard; that their pain has been felt and understood by our society; and that all of that is registered with those authorities who will ultimately make a decision as to whether or not parole is issued.

We have the Minister here today. As I said, it is not a complicated piece of legislation. It would be an act of compassion, as well as an act of responsibility, on the part of the Government if the member for Spence's Bill was agreed to by the Government forthwith.

Mr MEIER (Goyder): I move:

That the debate be now adjourned.

The House divided on the motion:

AYES (26)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J. (teller)
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Such, R. B.
Wade, D. E.	Wotton, D. C.

NOES (7)

Atkinson, M. J. (teller)	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.
Geraghty, R. K.	Rann, M. D.
White, P. L.	

PAIRS

Caudell, C. J.	Hurley, A. K.
Venning, I. H.	Quirke, J. A.

Majority of 19 for the Ayes.

Motion thus carried.

APEX AUSTRALIA

Mr EVANS (Davenport): I move:

That this House congratulates Apex Australia, its current and past members, on 60 years of service to the South Australian community.

In moving this motion I declare an interest in that I am a current member of two Apex clubs and have been a past national President of Apex. This Saturday night marks the sixtieth year of the establishment of Apex within South Australia, and approximately the sixty-sixth year of Apex's establishment throughout Australia. It is important that the House notes the significant contribution that Apex Australia has made to all local communities within Australia, and in this case the South Australian community. There is no doubt in my mind that Apex has been one of the very big Australian success stories. Many members may not realise that Apex is the only Australian-formed service club. Rotary, Lions, Soroptimists, Kiwanis and others were all formed outside Australia, but Apex was formed in Australia in Geelong in 1931 at the height of the depression.

Apex was formed by three young men who wanted to lift the spirits of young people of the day. Of course, the 1930s were years of depression, and these three young architects from Geelong—Langham Proud, Ewen Laird and the now Sir John Buchan—decided that they would form a young businessmen's club with a view to lifting the spirits of the local youth within their district. With the assistance of the then Geelong Rotary Club they formed what was then a young businessmen's club which spread throughout Victoria. Eventually, the name 'Apex' was chosen because it represented the height of ambition. They designed the Apex triangle, which I am sure members have seen when they drive through local and country communities throughout Australia. They specifically chose the triangle with each side representing service and fellowship founded on a base of citizenship. The rising rays of the sun, which are illustrated in the badge of Apex, represent the rising generation of youth.

This organisation, which started in Geelong in 1931, has now spread worldwide. It is a credit to Australia, to those people who started it and to those involved that it has been so successful. It is now an international association spread right throughout South-East Asia and other parts of the world. Its membership in Australia peaked at about 18 000 in about 800 clubs. There were at least 800 communities throughout Australia—and obviously 80 or 90 of those at that time in South Australia—that were serviced by a local Apex club.

Like other service clubs, Apex has some excellent philosophies and ideals behind it. It has the ideals of service, citizenship, fellowship and of international understanding. With those ideals it is no surprise that it has been so successful and that it has been adopted as a model worldwide. When establishing Apex its founders deliberately chose to kick people out when they turned 35. They wanted to keep the organisation young and to rotate the membership, thereby forcing the membership to always rebuild itself. Apex established that concept in the 1930s, but it was changed to a 40 year old limit during the Second World War when many serving Apexians went overseas. To this day, once you reach the ripe old age of 40 you unfortunately can no longer be involved in the service side of the organisation.

Mr Clarke: Have you had to resign?

Mr EVANS: No. Unlike the member for Ross Smith, who I understand would not be eligible because of his age, I have a few years to go. I want to touch base and bring to members' attention some of the outstanding schemes in which the organisation has been involved. Members may be surprised by what the organisation has achieved over its 66 year history in Australia and 60 year history in South Australia. One of the first things in which Apex became involved on a national basis was a campaign to promote compulsory X-rays for TB. In the 1940s there was great concern about the number of children and people being affected by tuberculosis. Apex made a three year commitment to lobby Governments and politicians of the day to provide compulsory X-rays.

At the 1947 Federal election Apex manned every single polling booth throughout Australia which, if you think about some of the outback posts it would have had to staff, was a significant effort for a volunteer group. Apex took a petition to the then Federal Government seeking the introduction of compulsory X-rays. As a result, after the 1947 election, the then new Federal Government adopted Apex's call by introducing compulsory X-rays.

The establishment of the Spastic Centres Association was assisted by Apex. It started with the Mosman Spastic Centre in Sydney, which was taken under the wing of the then local Apex Club because it was struggling to get off the ground as a new style of organisation. In 1948 in Australia there were about 8 000 people under the age of 16 who suffered that particular affliction and they decided to develop Spastic

Centres throughout Australia.What we now recognise as the Spastic Centres Association throughout Australia had its start in life through local volunteers in New South Wales under the Apex banner. There is no doubt that the Spastic Centres themselves have contributed significantly to their communities.

One of the more interesting developments was the Flying Doctor Service, which Australia and South Australia holds proud. Its establishment was assisted by the Association of Apex Clubs. When Reverend Flynn wished to establish the Flying Doctor Service and could not get funding for his truck to go out to the outback to service the radio equipment and so on, it was Apex that provided funds and provided the mechanism for the Royal Flying Doctor Service to get off the ground. Australia and South Australia are very proud of the Royal Flying Doctor Service and, in fact, an Apexian, Robert Ryan, has served at a senior level in that organisation for some time. Apex has brought great credit to itself and Australia with its help in the development of the Royal Flying Doctor Service. Members may be interested to know that in 1981, when I was considerably younger and fitter, I had the pleasure of riding to Perth on a pushbike for the Royal Flying Doctor Service and raising $8 000. It was a most enjoyable trip.

Mr Clarke interjecting:

Mr EVANS: No, the member for Spence was not on the road to Perth door-knocking. Another success story of the organisation is the Guide Dogs Association. On its establishment, Sir Robert Menzies described it as one of the great social discoveries of our time. The Western Australian clubs picked up the concept of training guide dogs for the blind and developed that as a service project.

The Claremont Apex Club decided to fund that project, and it was through the Claremont Apex Club in Western Australia funding guide dogs for the blind that that has developed into a significant service organisation not only in Australia but throughout the world. Apex has helped to establish not only the Flying Doctor Service and other organisations but also the Guide Dogs Association. There are some members in this place, and Angus Redford in another House, who serve on the board of the State Guide Dogs Association. There is an Apex involvement as Angus Redford is still a member of the organisation.

Apex has not just stuck to fund-raising or developing other service organisations. It may surprise members to know that in 1955 it was Apex that took up the cause of Aboriginal welfare. It was Apex that said it was its view, as a community organisation, that Aboriginal people should be fully integrated into the community and that there was a need for better housing, better employment opportunities and for Governments to come up with policies to help break down prejudice. Indeed, in 1955 it was Apex that was arguing for the reconciliation that has now been debated for some time.

It might surprise members that what might be perceived to be a conservative organisation back in 1955 took up the cause of the Aboriginal people. It is interesting that local volunteers in 1955 had the vision and courage to stand up and publicly debate the issue. There would not have been a lot of people at that time with the courage to debate that issue.

Another significant success story for the organisation is the Civilian Widows Association. Apexians were concerned about the plight of the widows, most of whose children were deprived of the love of a father, so it was decided that the organisation would adopt civilian widows as a nationwide project. Again, it was in Western Australia that this project developed and that association exists today because Apex at a grass roots branch level decided to sponsor it. Some clubs such as the East Perth club decided that all 25 members would adopt or foster a child through the Civilian Widows Association. It was a big commitment on behalf of the organisation but that association exists today due to the support of the Association of Apex Clubs.

Apex has also been involved in some other very diverse schemes. One of the more interesting aspects is that it was Apex which argued in the 1950s for a Chair of Race Relations in the Rhodesian University, the idea being that a Chair of Race Relations should be established in an effort to get cooperation between the races. This conservative Australian organisation funded a university position in Rhodesia to try to solve racial problems, and that shows great vision on behalf of local community groups. As members drive around Australia looking at the performance of Apex clubs, they might see the playgrounds they build and the local youth centres, but they probably do not realise that there is an international link, and that, through service, they have taken up other opportunities.

Another successful program was Operation Handclasp, through which 5 000 British families were brought to Australia. Those people were sponsored here, they were found housing and employment, and their children were sponsored into schools. That was a very successful scheme. The following year, Apex introduced a scheme which saw 50 000 people take out Australian citizenship. In more recent times, Apex has been very successful in establishing Foundation 41, which is Australia-wide.

It also established the Magic Castle at Smiggins Hole in the Snowy Mountains. It was established so that children from disadvantaged backgrounds can have the opportunity of a holiday in the snow. Many children do not get that opportunity. Apexians worked for 18 months through the winter and summer to build this Magic Castle. Malcolm Fraser opened it in the International Year of the Child and it was nominated for a Nobel prize. It was a significant contribution.

Apex has had a very broad impact on Australia and South Australia. If members look at the history of the organisation, they will see that it has been very successful. One of its most successful schemes in South Australia was the establishment of the cranio-facial surgery unit. That was funded by Apex to the tune of $600 000. Dr David David was involved in a national service scheme promoted by the Salisbury Apex Club in South Australia to get that up and running. The reason that cranio-facial surgery has been so successful is that, at the initial stages, Apex chipped in $600 000 to get it started. It has been a very successful program for South Australia.

It is no surprise that Apex has spread worldwide. There are clubs not only throughout Australia but also in Malaysia, India, Sri Lanka, Pakistan, Fiji, Papua New Guinea, Bangladesh, the Philippines and Japan, just to name a few. They have links with other service clubs through an organisation called the World Council of Young Men's Service Clubs. They have links in Canada, throughout Europe and Africa, and in many other nations. A person involved in the organisation has the opportunity to be involved in a world organisation.

The greatest achievement of Apex has not been its physical achievements or what it has done for the disadvantaged. Perhaps its greatest achievement is what it has done for all those individuals who have been involved in the organisation over its 65 years and who have obtained personal

development, friendship and a sense of community from the organisation. One of the best things Apex has done for Australia and the local community is that it has brought together people with a sense of community who are willing to develop the community for the benefit of other people. That is probably its greatest achievement. While all the achievements that I have recorded—and that was only some of them—the most important has been the promotion of what each person can do for the community for the benefit of others. That has been Apex's greatest achievement. I commend the motion to the House.

Mr BROKENSHIRE (Mawson): I cannot let a moment like this go past. I am delighted that my colleague the member for Davenport has moved this motion. The honourable member has been extremely committed to Apex for a long time. When he was the organisation's national President, he travelled all around the country talking up and building up Apex. He has covered a lot of the specific Apex projects which have been successful over many years, although as he said, that was only a thumb sketch of what Apex has achieved for Australia.

This applies particularly to Apex and Rotaract, because they involve some of the younger people and they help to develop our future leaders, as well as to all the other service clubs. I have said in this Chamber before—and I stand by it—that never in Australia's history has there been a time when we need to support and develop our young people for the future leadership roles of Australia. Young people have fantastic energy, lots of ability and, by and large, they are very committed to further develop this country. But it is the organisational structures such as Apex that pull all this together. I therefore have great pleasure in supporting the motion of the member for Davenport.

Mr BUCKBY (Light): I also support this motion. Apex, as the member for Davenport has already indicated, is an extremely successful organisation in South Australia and indeed Australia. In fact, in Gawler we have two Apex clubs: a women's Apex Club and also the original Apex Club that was formed in 1951. So, the Gawler club has been a part of Apex for quite some time. Apex also has undertaken a lot of projects around the Gawler area. One in particular is the Australia Day barbecue, on which it has done an excellent job. They cater for between 1 500 and 2 000 people. It is a free barbecue for the community, and the Apex Club is the predominant organiser, along with the other service clubs of Gawler. However, it was Apex's idea, and it does an excellent job.

A tremendous number of service hours are given by the Apex Club in the Gawler community. It shows that they have not changed much, because in 1956 (just five years after their commencement) it was estimated that 1 500 man-hours had gone into community service during that year, and it carried out some interesting projects: it supplied pensioners with fire wood, painted the institute, improved the appearance of Pioneer Park and worked on bagging river sand at Renmark to help residents in times of flooding. So, not only has it done work in its own area, but also it has done work outside the area.

The Gawler Apex Club has also been involved with the community recreation centre. This has been a project of all service clubs in Gawler, but the Apex Club, along with the Rotary Club, has been particularly active in raising funds for that, and it saw the development of a $1 million centre in Gawler some years ago. That centre is now used to the extent where it is very difficult to obtain a booking for a time slot if anyone wants to undertake some form of sporting activity there.

I read the other day an article which talked about voluntary time given to the community. Of course, that is the role of Apex and that of many other service clubs in our community. The article compared the amount of volunteer time given in countries right across the world. Australia, it turns out, is at the higher end of the scale in terms of communities in the world which give of their time voluntarily to undertake community projects. That is an excellent effort and, again, it is underpinned by Apex and other service clubs whose members give of their time to undertake projects which otherwise might not take place. It is a tremendous resource within the community, and those people who give of their time in these organisations are to be commended for it.

Finally, I reiterate the words of the member for Davenport in congratulating Apex on achieving 60 years of service in Australia: it is an excellent organisation. I also commend both Apex clubs in Gawler for the excellent support that they give to the Gawler community.

Mr De LAINE secured the adjournment of the debate.

CRICKET, AUSTRALIA DAY TEST

The Hon. M.D. RANN (Leader of the Opposition): I move:

That this House condemns any steps to move the Adelaide test cricket match from the Australia Day weekend and calls on the Australian Cricket Board to reinstate the Australia Day test to Adelaide Oval for the next year and seeks a commitment from the ACB that Adelaide will continue to have its test at that time in future.

Although I realise that this motion is somewhat out of time, I want to reinforce the Opposition's support for the Adelaide international test series to be held over the Australia Day long weekend. I also want to express our disappointment at the way that the Australian Cricket Board's decision has impacted on our State. It is well known that the long weekend test attracts many visitors from interstate and from the country areas of South Australia who come along to enjoy the test in the best setting in the world for cricket.

One thing that was particularly disappointing was the fact that the South Australian Government was told that we were going to lose the test, so I am advised, and did absolutely nothing about it. It is the classic thing—that the public of this State wants a South Australian Government that is prepared to fight and, indeed, prepared to fight to win. However, I am pleased—and I want to acknowledge this in a bipartisan way—that I went to the test as I do every year, and I was there on the weekend with John Howard and Mrs Howard. I was very pleased because John Howard is a genuine supporter of cricket—

An honourable member: Like you.

The Hon. M.D. RANN: Yes, just as I am; exactly—and it was very interesting to see that he, unlike the Liberal Party in this State, went straight onto the front foot—

An honourable member: Like Greg Blewett!

The Hon. M.D. RANN: Yes—and came out and said that this was wrong, that this was part of the cricketing tradition and the cricketing calendar, and that it was something that he as Prime Minister was prepared to come over and see. He came over to see the test and visit his old friend Don

Bradman. Yet we got such a whimpy attitude from the South Australian Government. I certainly hope that, because South Australians are sick and tired of losing out to Melbourne and Sydney, we see a bit more energy in ensuring that the Australia Day long weekend match at Adelaide Oval is reinstated. It is an Australian institution and it is now a South Australian tradition. We want to see support from all levels of the Government in terms of its reinstatement.

Mr BASS secured the adjournment of the debate.

UNIVERSITY OF SOUTH AUSTRALIA

Ms WHITE (Taylor): I move:

That this House acknowledges the important educational opportunities provided by the University of South Australia campuses at Whyalla and Underdale to country and western suburbs students and strongly opposes any plan to close or diminish learning opportunities at those campuses.

I move this motion on behalf of the Labor Opposition in support of the future of the Underdale and Whyalla campuses of the University of South Australia. I do so at this time because recent history has shown that closure of a campus and removal of programs from a campus can happen very quickly.

Just over three years ago, we had the first hints that the University of South Australia would remove educational programs from Salisbury campus. At that time, there was strong denial that Salisbury campus would close. In April 1994, the Labor Opposition appealed to this Parliament to support a motion opposing plans to downgrade and close that campus. The Liberal Government refused to support our motion. The responsible Minister at that time accused the Labor Opposition of 'creating mischief' by its motion, which raised concerns about the future of Salisbury campus. On 4 April 1994, the Minister said::

On the information given to me, it [the university] is not into the business of flogging it [the campus] off, getting rid of it or closing it down.

That is exactly what happened. At the end of last year the Salisbury campus of the University of South Australia closed down for good and is in the process of being sold off. Last Tuesday in this House I asked the now responsible Minister what action she would take in light of the corporate planning document that was to be presented to the Council of the University of South Australia last Monday. That document, which had been prepared by the corporate planning group of the University of South Australia, contained options which were of concern to both me and, indeed, the Labor Opposition. In fact, the summary stated:

Closure of either Underdale or Whyalla warrants further investigation.

Clearly, it is an indication for concern. But the Minister was not concerned: in fact, her response was quite extraordinary. In a ministerial statement, she heaved abuse on the Opposition for raising its claims and suggested that it was involved in 'scurrilous misinformation', and foolishly she indicated that its concerns had no basis. She quoted conversations she had had with the Vice-Chancellor in order to indicate that there is nothing to worry about.

On Monday, the Council of the University of South Australia considered this document—which the Minister said was an internal paper with no status—and voted to accept the document without amendment. The Council of the University of South Australia has now set up a review committee which will review both Whyalla and Underdale campuses and look at options from no change right through to full closure. I would have thought that would be reason for concern by the Minister.

I asked the Minister yesterday whether she had further information to give the House, whether she stood by her statement from the day before and whether she was concerned about the threatened closure indicated by events of the last week. Instead of recanting information, which she must now know to be false, the Minister said, 'I stand by all that.' I am not sure which part of the statement the Minister stood by, whether it was the abuse or the content, but the fact is that she indicated to this House that her position had not changed. That is not good enough for the people of South Australia and the students who will potentially be affected if what is being investigated by the university comes to pass.

This motion seeks the support of this House and this Government. It clearly states that the closure of those campuses or even diminishing the learning opportunities for students at those campuses is unacceptable. A few years ago, the Government did nothing. It would not even recognise that there was a danger. Nothing has been learnt. The Salisbury campus was closed. The university now indicates that the future of other campuses is being examined, but the Government is not concerned. Well, the Government should be concerned not only for the future of the university but for all the students who will be affected.

The University of South Australia is unique in that it provides unique opportunities for students in the northern regions near Whyalla and the northern and western suburbs. It is unique because, when the University of South Australia was set up, its charter, which was drawn up by the now Leader of the Opposition when he was Minister, has a strong focus on access to and equity in educational programs. The University of South Australia has done much in this regard. In this motion, I acknowledge the important opportunities that are provided, particularly by the Whyalla and Underdale campuses.

It is not good enough for us to sit back and do nothing. We have seen what happens when we do that: the Salisbury campus of the university was closed. Our three universities are under strong financial pressures because of budgetary cuts by the Federal Liberal Government. That situation is forcing the University of South Australia to consider options such as this. It is not good enough for the Minister to sit back and say, as she has during the past week, 'I have had no indication of a threat.' The Minister has had an indication of a threat in the form of a decision of the Council of the University of South Australia, and she must now act.

This motion supports student opportunities, particularly opportunities for those students in South Australia who, without those campuses and the programs they currently offer, will not have the same opportunities as other students in this State. I urge all members to consider this motion seriously and to recognise that it is important to take action at this time. We must not sit on our hands again and repeat the history of the past three years. I urge all members to support the motion.

Mrs ROSENBERG (Kaurna): I rise to make some comments on this motion. First, as part of the discussion, the member for Taylor has raised the issue that we as a Government need to be working very hard because we do not seem to be taking this issue seriously. Let me say that from the time the member for Taylor first raised this issue in the House—

and as a person who has managed through the education system in South Australia to gain three degrees in this State—I had a considerable problem with what was being said and was rather concerned about some of the comments being made and suggestions that there were to be closures. So, because of that, I immediately took up that issue with the Minister and indicated that I had some concerns about what I was hearing, and I asked about the Minister's attitude to those comments.

I put on record very clearly that, in contrast to the member for Taylor's comments that the Government is not taking any of these issues seriously and that the Minister in particular is not listening to the questions and not answering them adequately, that simply is not the case. I take issue with the wording of the motion—and perhaps the honourable member will comment on that if we are to vote on this motion today. The wording refers to the House acknowledging the important educational opportunities of the University of South Australia. I certainly support that, as I think also would every other member in this House. Any members who have had tertiary education in South Australia would understand the absolute importance of both of those campuses, as well as all other campuses in South Australia.

The motion goes on to say that 'we strongly oppose any plan to close or diminish the learning opportunities of those campuses', and that is where I take issue with the wording of the motion: not the intent of the motion but its wording. The wording of the motion clearly shows that the member for Taylor believes there is a plan to close those campuses, and I believe that on several occasions now the Minister has put clearly on record that that is not the case. We know from information available to us that there is an options paper, which seeks to examine a whole range of ways in which the campus can continue to operate within the budget situation. However, nowhere have we received any clear information that there is a plan. So, I take issue with the word 'plan' in the motion.

I also have to say that I am unhappy when motions come before the House which tend to put at risk the feeling of confidence that people would have with particular institutions, which I believe are doing a good job—and the member for Taylor recognises that. However, to suggest through a purely suggestive process that those particular areas are under threat by its very nature poses a threat because of the problem it generates in a community. I make an analogy; that is, the scare campaign that operated during the last election when, if we had listened to all the claims being made in the electorate of Kaurna, we would have ended up having one primary school left, because the candidate was telling everyone in every suburb that the local school was about to close. That is an upsetting process for the parents and the children who are thinking of enrolling in that school in the next year. The same situation occurs whether it involves younger children, high school children or people of university age.

As I said before, I took up this matter with the Minister as soon as I heard the member for Taylor's question a couple of days ago. I asked her about the draft options paper, which I now understand outlines a whole range of targets that the university's Vice-Chancellor, Professor Denise Bradley, is taking into consideration as part of the overall planning process. The Vice-Chancellor, I understand, has advised the Government that a whole range of options are being looked at and, most importantly, I put on record that those options are to meet the savings targets and that those targets can be met without closing campuses: I repeat, without closing campuses. In a memo—a copy of which I was given by the Minister—from Professor Bradley to the Minister she said:

> We are disappointed that no member of Parliament other than the Minister has contacted the university's senior management.

I understand that the Minister raised that issue in one of the answers. The member for Taylor then said that that was not quite correct and that she and the member for Peake had spoken to the Vice-Chancellor. I understand that in fact the Vice-Chancellor, Professor Bradley, actually chased the member for Taylor by telephone and it was Professor Bradley who instigated the conversation with the member for Taylor and not the other way around. The reason for Professor Bradley's conversation with the member for Taylor was to explain to the honourable member the incorrect statements that she had been making and to ask her to desist from making such statements because, as I have explained, they put pressure on universities to have those—

Ms White interjecting:

Mrs ROSENBERG: The incorrect statement that there is a plan to close the campus—are you completely thick? It put pressure on students and the Vice-Chancellor has asked quite clearly that the member for Taylor either get the facts right or desist from making those sorts of comment. Quite clearly it was not the member for Taylor who instigated that conversation but rather the Vice-Chancellor in an effort to get the member for Taylor to start telling the facts in the House rather than telling us something that she would prefer us to believe.

Ms White interjecting:

Mrs ROSENBERG: That there are plans to close the campuses, for the second time. How many more times do I have to explain it? I cannot put it in any other language. Professor Bradley made very clear to the member for Taylor that she was not helping the situation because fears over closures would hurt next year's enrolments at Whyalla and Underdale campuses. I will repeat that, in case the honourable member did not hear it: Professor Bradley made clear to the member for Taylor that she was not helping the situation because fears over closures would hurt next year's enrolments. Maybe that will help the member for Taylor, who would perhaps love to see that the ultimate end to her conversation would be the closure of those campuses.

Did this prevent the member for Taylor from continuing to move that speculation in the House and from asking more questions or speaking in another grievance? No, it did not, because even after receiving that information from Professor Bradley the member for Taylor continued with the same line. The member for Taylor owes an apology to all the students, to all the staff, to the broad community and, most particularly, to the Vice-Chancellor for continuing to cause this sort of distress and anxiety in the community using information she knows and knew at the time to be incorrect. She created this unwarranted panic at the same time that the Dean of the Whyalla campus was also ruling out the closure of the Whyalla campus. At the same time that he was saying that no closure was proposed for the Whyalla campus, the member for Taylor was in this House asking the Minister questions about that very matter, making the assumption that that would happen and that the Minister was doing nothing about it.

The Dean of the Whyalla campus said that the options papers had hastened 'putting into practice a new plan for the campus, which involved building on its strengths as an education base for the entire northern and western regions of

the State'. I ask the member for Taylor to note that: building on its strengths and not closing. Do you get that? Do you understand or shall I say it again? Mr Harvey said that the fact that the university had this month opened two new telelearning centres, which had linked the Whyalla campus, was proof of South Australia's commitment to the Whyalla campus.

Members interjecting:

Mrs ROSENBERG: Yes, always get back to the dirt, that is right. Last week the Opposition, in its usual form, took the extremely positive announcement of the opening of the City West campus and attempted to smother it in more negative diatribe, for which it is renowned. Members opposite are the prophets of doom and gloom; I am thankful that most South Australians are sick and tired of hearing Labor's constant downturns and fear campaigns, and I do not think that many have listened to the statements by the member for Taylor, anyway. Members should not be fooled for a moment when the honourable member says that she is actually standing up for students' rights when, in reality, she is misleading the very students whom she claims to be representing. I think it is quite clear to the House that Labor will never change.

Mr WADE secured the adjournment of the debate.

MITSUBISHI

Adjourned debate on motion of Ms Greig:

That this House congratulates Mitsubishi Motors Australia on the outstanding national success of the Verada and all of the Mitsubishi work force who made it possible for the Mitsubishi Magna Verada to be named the 1996 *Wheels* Car of the Year.

(Continued from 13 February. Page 984.)

Mr De LAINE (Price): I am happy to support this motion, as the vehicle is an excellent one. Since Mitsubishi took over from the old Chrysler company quite some years ago, it has come a long way and is now really able to compete and even to excel at an international level. That is a great achievement, because the construction of motor vehicles is a very competitive area and one involving very high capital investment. Having worked for 34 years in the motor vehicle industry prior to coming to this place, I know the enormous effort required to succeed in this area, especially at international level, in terms of capital and project investment, expenditure and the hard work and dedication of the employees of such a company. I am glad that the honourable member has recognised the work force and paid tribute to it in making possible the outstanding results of the company, because it is true that the work force is the backbone of a company.

Equally important is the fact that companies or shareholders are willing to invest the enormous sums of money required not only to set up motor vehicle manufacture but also to tool up for a new model. It is an enormous capital cost and I pay a tribute to those people who have the courage to make that commitment. It is a long-term commitment, and with sometimes dubious results. They are never sure; they are subject to the vagaries of the marketplace, therefore it is a very big risk and I pay a tribute to these people who invest these enormous sums of money—many hundreds of millions, sometimes even a billion dollars or more—to tool up for a new model. I take my hat off to those people.

All this is backed up by the work force of that particular company, which must show enormous commitment and dedication over a long period of time to prepare all the elements necessary to put together a motor vehicle. It is an enormous commitment by all the people involved and I certainly pay a tribute to them. This is another reason why the ongoing debate on tariff protection is so important. We must keep the industry in this State in order to protect people's jobs and to ensure that, with these sorts of successes, the company can move onto bigger and better projects, can design and manufacture different models and, hopefully, can further break into the international market. That will ensure the ongoing success of the company and the provision of a good return to the shareholders and it will also ensure that we maintain much needed jobs in this State. I support wholeheartedly the member for Reynell's motion. Well done Mitsubishi!

Motion carried.

AUTOMOTIVE TARIFFS

Adjourned debate on motion of Ms Greig:

That this House calls on the Federal Government to freeze automotive tariff cuts beyond 15 per cent post the year 2000 and to take urgent action prior to 2000 on microeconomic reform and at the same time to ensure predictability and certainty in industry policy to provide assurance for the long term viability and competitiveness of our industry base, in particular the South Australian motor vehicle industry.

(Continued from 6 February. Page 885.)

Mr WADE (Elder): I support this important motion regarding the automotive tariff cuts and their effect on the Australian motor vehicle industry. Australia accounts for just over half of 1 per cent of the world's output of motor vehicles. Apart from 16 other nations that produce more motor vehicles than Australia, the emerging industrialised economies, such as Korea, have burst onto the world economy. They are underpinned by lower investment, lower production costs and strong Government support. When faced with what is happening in the world and the government support given to manufacturing concerns throughout Asia, Australia is not in a very good position.

The global restructuring of the motor vehicle industry as a result of increasing global competition has led Japan, for example, to transfer much of its production offshore to the USA, Europe, South-East Asia and, of course, Australia. Australia, with its half of 1 per cent of world output, will not be a major player in the world's automobile production stakes, and that is a fact and a reality with which we should come to terms. Another reality for Australia is that the motor vehicle industry is one of the largest manufacturing industries in this country. It represents 1 per cent of our Gross Domestic Product and 6 per cent of our employment.

It should be noted that Australia is producing fewer motor vehicles than it was 10 years ago. For example, Australia produced 29 000 units of utilities, vans and trucks in 1984-85, yet produced only 7 000 units in 1993-94. The local component industry comprises transmissions, electrical systems, exhaust and braking systems, fasteners, wipers, glass, heating and air-conditioning, plastics, steering, seating, suspension components, wheels, tyres, seat belts and bearings, to name a few. They became exposed to increasing overseas competition when tariffs were lowered for each component, and the requirement for local content was then abolished in 1989. These changes have resulted in a fall in employment in the component industry by 25 per cent over the past 10 years.

So, when we talk about tariffs and world competition, our experience in facing the world on the world's terms is that we

will lose out. We will lose out in our production and employment prospects, and we will lose in a big way. The health of the South Australian economy is totally dependent on a healthy, viable, competitive motor vehicle industry. About 110 firms manufacture motor vehicles or components in South Australia. South Australia accounts for more than 33 per cent of employment and 55 per cent of exports in the national automotive industry. It can be seen that Australia may not be a big player on the world stage, but South Australia is a major player on the national scene. Our Holden and Mitsubishi plants supply over 40 per cent of domestic production of motor vehicles.

The motor vehicle industry, including its components suppliers, employs over 17 000 people in this State. This is a very small scale by world standards, given that one Chrysler factory in America employs 50 000 people under one roof. Even though we are small by world standards, we must remember that we have a lack of growth prospects in our domestic market. For our survival, we have no option but to integrate ourselves into the global world market. The motor vehicle industry has been willing to do this. It took a little bit of a nudge and shove in the beginning, but it is now quite willing to do that, and it has approached the world challenge with enthusiasm and a great deal of courage.

'Courage' is the right word. We are producing just over one half of 1 per cent of the world production in motor vehicles. It takes a great deal of courage to go out, face the world and say, 'We can give you what you want'. That is what Mitsubishi has done very well with the Verada, and it is what General Motors-Holden's has done and hopefully will continue to do. It is the responsibility of our Governments, both State and Federal, to assist in this transition to the world's global economy and not desert our industry at such a sensitive stage in this transition.

The Button plan abolished import quotas. It gave incentives for exports and set about reducing tariffs from 57.5 per cent to 15 per cent. Tariffs are now 22.5 per cent, and they will go down to 15 per cent by the year 2000. Over this Button plan period, Nissan closed down, General Motors-Holden's Dandenong plant closed, Ford's Homebush plant closed, and imports grew from 20 per cent to 46.5 per cent of the passenger vehicle market, and they are still increasing. Some say that by the year 1999 imports will have reached 60 per cent.

Meanwhile, our trading partners are still imposing 100 per cent and more tariffs on Australia's automotive exports. Only a fool would suggest disarmament on the basis of a promise from competitors that they would also come to the party and disarm themselves some time in the future. Only a greater fool would listen to that type of advice. Only the greatest fool would actually act on that advice! We must bite the bullet and freeze tariffs at 15 per cent. We need to let our 'global level playing field' associates catch up to us and fulfil their promise to us that they will lower tariffs. There will be zero gains for Australia in reducing tariffs below 15 per cent. There are very good indicators that South Australia and Victoria will suffer negative movements in real private consumption if tariffs are lowered below 15 per cent. They are the facts that come from the dismal doctrine otherwise known as economics.

The Premier has, is and will be doing everything possible for South Australia's sake to stop this tariff madness. I urge all Australians to back him to the hilt. I urge our South Australian Senators and Federal members of Parliament to stand up and be counted publicly. I urge them to state publicly that they support our State and not let the Prime Minister take actions which he or some productivity commission feels will be better for Australia in the long term. All our indicators tell us that it will not be better for South Australia. If this goes ahead, with what will they replace our motor vehicle manufacturing industry if it collapses in a heap? If imports reach 80 per cent, what will the Federal Government do? How will the Federal Government employ 17 000 South Australians—not to mention those in Victoria and New South Wales—who will be unemployed as a result of Government action or, in this case, Government inaction? It is vital that our Federal politicians recognise that South Australia needs the motor vehicle industry.

Motion carried.

MULTICULTURALISM AND ABORIGINAL RECONCILIATION

Adjourned on motion of Mr De Laine:

That this House calls on the Premier to support multiculturalism and Aboriginal reconciliation by—

(a) intervening in the Government's decision to close the Parks High School;
(b) visiting the school to see at first hand how it operates; and
(c) entering into meaningful discussions with the school community on options they have developed for the school's future, and to assist in the retention of this excellent multicultural school for the benefit of the multicultural and Aboriginal population of the Parks area.

(Continued from 28 November. Page 687.)

Mr De LAINE (Price): Time has overtaken this motion, which I moved on 14 November 1996. In fact, as all members know, The Parks High School has been closed and I have said most of what I have wanted to say previously, but I do want to highlight that the Premier, Hon. John Olsen, has undertaken to review the decision to close the school. The school has been closed but I believe that the Premier in good faith is still working on this issue and perhaps there is a chance further down the track for the school to be reopened or reopened in some other form. I am confident that the Premier is sincere in this endeavour and I look forward to hearing his final decision. Last week I asked him a question in the House and the Premier reassured me that he was continuing to look at the situation. Comment on this motion was mainly directed to the former Premier, Hon. Dean Brown, but as he is no longer Premier I will not continue with those comments.

In closing, I refer to comments by the member for Unley in response to my previous comments about The Parks High School. The member for Unley said that The Parks High School had been somewhat of an experiment, had not really got off the ground, had gone wrong and was not really a successful operation. However, I can say that that certainly is not the case: it is a successful school, being internationally acclaimed, and information to hand only yesterday verifies that point, in as much as the former school principal advised me only yesterday that, of the 50 students at the end of the year who applied to do tertiary education at university, 40 have been accepted. That is 40 students out of 50 and that is out of an overall school population of just under 500. That good result makes a mockery of the statements by the Minister, the former Premier and the member for Unley that the school was not an excellent one.

With those few remarks, I will conclude because, as I said, time has overtaken the motion to some extent. The Premier has agreed or promised to review the situation and to come

up with an answer as soon as he can. As far as the multiculturalism and racist elements of the motion are concerned, they were aimed at the former Premier, so they are no longer relevant.

Mr BASS secured the adjournment of the debate.

[Sitting suspended from 12.56 to 2 p.m.]

GLENTHORNE RESEARCH STATION

A petition signed by 284 residents of South Australia requesting that the House urge the Government to obtain ownership of 'Glenthorne' at O'Halloran Hill from the Federal Government and develop the site for community use was presented by Ms Greig.

Petition received.

EARTHQUAKE

The Hon. S.J. BAKER (Treasurer): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.J. BAKER: I wish to provide the House with details of yesterday's earthquake. The earthquake of Richter—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The earthquake of Richter magnitude 5.0 occurred at 4.44 p.m. yesterday at an epicentre approximately 10 to 20 kilometres south of Burra, in the State's Mid North. The effects were felt over a wide area of South Australia, including the Adelaide metropolitan area, over a radius of more than 200 kilometres from the epicentre. A number of small aftershocks were also felt overnight. The event duration was less than half a minute. Immediately following the commencement of the event, contact was made with other recording centres to determine the location of the epicentre. As soon as details were available, the State Emergency Services was informed by the Department of Mines and Energy of the nature and approximate location of this incident. This process was completed within 20 minutes of the incident's commencement.

The exact location of the epicentre was determined by the Department of Mines and Energy, with additional information from the Australian Geological Survey Organisation in Canberra and the Royal Melbourne Institute of Technology, within one hour of the event.

I am pleased to advise the House that at this stage there have been no reports of significant damage. It is important for us to determine the exact epicentre, the cause and influence, as well as to record any aftershocks, as this provides important information which can be used in relation to building design and construction codes. The Department of Mines and Energy will therefore be locating temporary instruments in the epicentre area today to measure any aftershocks.

The last earthquake event of this size in South Australia occurred in 1986. The Richter magnitude was 6.0 and the epicentre was just south of the Northern Territory border. The Department of Mines and Energy, which maintains a network of earthquake monitoring stations across South Australia, recently released two benchmark reports on earthquakes in South Australia. The first report reviews earthquake hazard in South Australia, and the second report provides a graphic account of the four most significant earthquakes felt in Adelaide. These earthquakes occurred in 1883, 1897, 1902 and 1954. In terms of earthquake hazard, Adelaide has only a slightly greater susceptibility than Perth, Melbourne or Sydney.

ADELAIDE CITY COUNCIL

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: I am pleased today to advise the House of an important decision that will help restore public confidence in the conduct of the Adelaide City Council. The Government has established a governance review advisory group to investigate all aspects of governance relating to the City Council. The group will report to the Minister for Local Government by 31 December this year. Its terms of reference include the powers, functions and responsibilities of the council and elected members, the size of the council, the external boundaries of the council and whether the electoral franchise should be extended to electors outside the council's boundaries. The full terms of reference are attached to the statement that I am delivering to the House.

The advisory group will comprise a panel of three independent members: Mrs Annette Eiffe, Chairperson of the Local Government Reform Board and Mayor of the Prospect City Council; Mr Malcolm Germein, Chairman of the Local Government Grants Commission, Chairman of the Yorke Peninsula Regional Development Board and a member of the Local Government Boundary Reform Board; and Mr Neill Wallman, a member of the Environment, Resources and Development Court. I thank these members for their participation.

In addition to this decision, the Government will introduce supporting legislation relating to the elections for Adelaide City Council. While this year's poll is for a three-year term, the Government will give consideration for a further election to be held between 2 May and 5 September 1998, subject to successful passage of the legislation, together with advice from the advisory group. I am sure that there is almost universal agreement on the need to secure better governance of the Adelaide City Council because of the city's importance as a symbol of South Australia. It will be recalled that the Adelaide 21 Report recommended that the present governance needed to be reviewed to overcome existing structural problems and to meet the requirements of the twenty-first century. I am sure that all will agree that resolving these issues surrounding the future governance of the Adelaide City Council has been somewhat frustrating. The decision then is a positive step forward.

I thank, in particular, the Minister for Local Government for his efforts in having this matter resolved, working through it and participating in discussions with a range of interested parties. In the final analysis I thank the other parties for now agreeing to this proposal put forward by the Government endorsing this decision so that it now may be processed through the Parliament in the interests of the Adelaide City Council, its governance and the State of South Australia.

QUESTION TIME

EDS BUILDING

Mr ATKINSON (Spence): Given the Premier's statement to the House yesterday that the Cabinet had considered

pulling out of the Government's head lease on the EDS building on North Terrace, does the Premier have full confidence in the handling of negotiations leading to this deal by the former Premier and now Minister for Information and Contract Services?

The Hon. J.W. OLSEN: What an inane question for the Opposition to ask as its lead question. Are you so bereft of ideas that you cannot even frame a question about the economic revival of South Australia? Are you so inept that you cannot focus on job opportunities for South Australians in the future? Is there such a dearth of talent existing on that side of the Chamber that members opposite cannot formulate a policy option for South Australia with any vision for the future? This lead question from the Opposition today indicates—

Mr Atkinson interjecting:

The Hon. J.W. OLSEN: —that they have not learnt anything from the 1980s; they have not developed any policies for the future; and it clearly illustrates, day after day, that this Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —has no claim, no right, and should have no opportunity given to it to occupy the Treasury benches and to form Government in the future. Unless and until members opposite start addressing the real substance of questions for South Australia, they will be consigned to the Opposition benches in this State.

WOMEN, STATUS

Mrs PENFOLD (Flinders): My question is directed to the Premier.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Flinders does not need the help of the member for Mawson.

Mrs PENFOLD: Will the Premier advise the House of the achievements of this Government on issues relating to the status of women in this State, and will the Government recognise International Women's Day on Saturday 8 March?

The Hon. J.W. OLSEN: Yesterday, I attended the South Australian Meals on Wheels Findon kitchen centre where I delivered the twenty-six millionth meal to a 97-year-old woman in her home at Findon—and she was delighted to receive that meal. It reminded me that Meals on Wheels was established in South Australia by Doris Taylor in 1953. So, after 44 years, from a concept by Doris Taylor, we have a community service that has assisted many people to stay in their own home and retain some pride and dignity.

It also reminded me of International Women's Day, which will be celebrated on Saturday. It is appropriate to recognise that in some way and to acknowledge the significant contribution that women make to the economy of South Australia. Women are important to the State's economy in a number of respects, which I will detail as follows, because they are not generally noted by the wider community: sole owner of a business—13 per cent are women; women in share partnership activity—a further 19 per cent; and most businesses operated by women are more than six to 10 years old, which shows outstanding ability and planning skills.

The Minister for the Status of Women will host a luncheon tomorrow for the 20 women award recipients named in the Australia Day honours list, and that will be attended by women members of Parliament. The achievements of those women are acknowledged in their service to sport as medallists at the Atlanta Olympics and their key contributions to community service involving health, drug and alcohol rehabilitation, education, people with disabilities, Aborigines and war veterans, and music. In other words, their contributions cover a whole perspective of life.

South Australia is the first State of Australia to have more than 30 per cent representation by women on paid Government boards and committees, and there has been a 77 per cent increase in the number of women employed at executive level in the public sector since the Liberal Government took office in 1993. That is not a bad track record within just three years. Nearly 20 per cent of all executives in the public sector are women. In addition, the Government has subsidised 600 participants in the 1997 Women in Small Business Management program which is run in both metropolitan and country areas of South Australia through the Adelaide TAFE.

That simple snapshot of those statistics indicates clearly the valuable contribution that women are making to all walks of life—economically and in every other aspect of life in South Australia—and I think it only right that, virtually on the eve of International Women's Day, in some way we acknowledge their contribution to society in South Australia.

EDS BUILDING

Mr ATKINSON (Spence): My question is directed to the Premier. Why has EDS reduced its tenancy of the North Terrace building by 33 per cent, and how much will that increase the risk to the South Australian taxpayer? Yesterday, the Premier announced that the Government would proceed with the leasing of 20 000 square metres of office space at numbers 102 to 114 North Terrace but that EDS would now sublease only 8 000 square metres rather than the 12 000 originally claimed. The Premier also said that the South Australian taxpayer had a potential exposure of up to $14 million under the deal.

The Hon. J.W. OLSEN: I will pick up the last statement of the member for Spence. It has all been detailed in a ministerial statement to the House but, if he wants to use up Question Time today and regurgitate yesterday's discussion, that is all right by me. I thought that under Standing Orders repetition was not appropriate in this House, but repetition from the Opposition is something to which we have become accustomed as it is simply not capable of framing new and different policy questions on the future of South Australia. Let us pick up the figure of $14 million. I notice that the member for Spence did not talk about it being $5 million to $14 million—he simply picked the outer side mark. He ignored the $7 million of revenue coming back in through $105 million worth of construction. He also ignored the accommodation for 1 000 employees on North Terrace Adelaide in the rejuvenation and revival of the CBD of Adelaide—a contribution by us to assist in the rebuilding of the CBD.

What do we get for that net exposure of perhaps $7 million? We get a locked in position for the Playford Hotel, a 180 all-suite hotel on North Terrace, to meet the convention market needs of South Australia because we are having a growth in convention take-up in this State ahead of the other States of Australia. Does the Opposition talk about that? No: it is a good news story. It wants to ignore that. How do you take a good news story and turn it in some way into a doubtful bad news story? That is what this Opposition is about. It is its only talent: fabrication and manipulation of the

facts and truth to try to get a story that is different in perception from reality.

The ministerial statement yesterday outlined the work that my predecessor did in getting the EDS building and the sign-off for it. The Playford Hotel will be a good deal for South Australia. I invite the member for Spence and the Deputy Leader of the Opposition to come with me and meet the construction workers, the guys who will get a job down on North Terrace as a result of this contract. Come and tell them who was prepared to back them in, to create jobs for them in South Australia. It was not the Opposition, but a Liberal Government, which is about revival of the economy and about job creation.

Mr Atkinson interjecting:

The Hon. J.W. OLSEN: The honourable member would not know anything about that. The only legacy passed on to us by the former Administration is the debt, the debt, the debt.

LABOR ECONOMIC MANAGEMENT

Mr LEGGETT (Hanson): My question is directed to the Premier.

Members interjecting:

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

Mr LEGGETT: Will the Premier advise the House of the range of services that the Government is not able to provide to the people of South Australia because of Labor's extensive debt bungles left behind for ordinary workers in this State to pay off?

The SPEAKER: The honourable member is now commenting.

The Hon. J.W. OLSEN: I would be delighted to inform the House of the constraints on this Government as a result of the legacy we inherited. I clearly put on the record that we did not create the debt or the problem but we accept responsibility to clean it up. In fact, we are so doing. This Government has had a strategy for three years to stabilise that debt, to start reducing the debt and to start reducing the interest payments on the debt. We are saving around $2 million in interest a year as a result of the firm and responsible policy decisions of this Government over the course of the past 3½ years. Had we not had that $3.5 billion debt at a 10 per cent interest rate, which equals $350 million a year recurring, I assure members that we could have done much more for South Australia in respect of the arts, education, health, police services, roads and a whole range of services for which the community calls upon Government to provide.

Labor's debt could have built three Alice Springs to Darwin railway lines. The level of debt and legacy that members opposite inflicted on South Australians and the taxpayers of this State is such that members opposite ought to hang their heads in shame. But not once has the Leader of the Opposition ever stood up and apologised to South Australians for what Labor inflicted upon us.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: On a point of order, Mr Speaker, the member for Mawson constantly interjects concerning the whereabouts of the Leader of the Opposition. As the Government knows, he is at the funeral of a personal friend.

The SPEAKER: Order! There is no point of order. The member for Mawson was warned twice yesterday. I would suggest to him that, if he does not want to join another prominent member on a little holiday, he should cease interjecting. He is now officially warned again. The Premier.

The Hon. J.W. OLSEN: Over the course of the last few weeks, we have noted with great regularity the absence of the Leader of the Opposition during Question Time. He might spend five minutes here and then he is out. He is not in the Chamber for one of the most important sessions during which the Opposition has the opportunity to question the Government of the day, to put up policy options and to demonstrate a worth as an alternative—none of which this Opposition has demonstrated—

Members interjecting:

The SPEAKER: Order! The Deputy Leader.

The Hon. J.W. OLSEN:—in the course of the last month. In relation to the Leader of the Opposition, seeing we are on the State Bank and the legacy of the past that we had to inherit, we ought to refresh our memories as to what the Leader had to say about that. The Leader said:

> The State Bank is one of South Australia's great success stories.

Not only that, Mr Speaker, the Leader of the Opposition also said:

> Our bank is entrepreneurial and aggressive, and is careful, prudent and independent.

I am not quite sure about that last part. To quote it all:

> The State Bank's success is not confined to the boundaries of South Australia.

Therein lies the problem—Fisherman's Wharf, Surfers Paradise, Queensland. Why on earth did they allow the bank to buy Fisherman's Wharf, Surfers Paradise, Queensland? How was that serving the taxpayers of South Australia? That is but one example. You can add to that New York, London, and around the world they went, spending the money of the taxpayers of South Australia. It was that total disregard—

Members interjecting:

The SPEAKER: Order! The member for Peake.

The Hon. J.W. OLSEN:—for prudent management of the Treasury benches, management of the finances of South Australia, for which the Labor Party ought to be eternally condemned. With the collapse of a financial institution—as I understand it, it was within the 10 largest collapses worldwide—it visited on South Australia's 1.5 million people their having to pick up the tab at the end of the day, and they never had the hide to stand up and apologise for what they delivered on South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Let's go one further—

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Also, Mr Speaker, the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! The Minister for Local Government.

The Hon. J.W. OLSEN: The Leader of the Opposition praised one Tim Marcus Clark, who happens to be before the courts as a result of this Government's action to get a little bit of redress for the South Australian taxpayer. What did he say of Tim? He said:

> He was brilliant. Getting him for South Australia and the State Bank was a major coup for South Australia.

Not only did you have it wrong in that respect, and the Leader had it quite wrong, but as a Government they totally abdicated responsibility for the stewardship of the finances of South

Australia to the extent that they have inflicted upon future generations a legacy that will take us a decade or more to wipe off the books. This Government has had to make a range of decisions over the course of the last three years that we would have preferred not to make.

Mr CLARKE: On a point of order, Mr Speaker, I take your point from yesterday concerning the abuse of Question Time by Ministers, where answers are more appropriate in ministerial statements.

Mr Condous: Sit down, you goose!

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

Members interjecting:

The SPEAKER: Order!

Mr Cummins interjecting:

The SPEAKER: Order! The member for Norwood may attempt to hide behind the column, but he is warned. The Deputy Leader knows full well that, if he wants compliance with Standing Orders, he ought to set an example, because both today and yesterday he has consistently carried out a commentary from his place with little or no regard to Standing Orders. Ministers have far more discretion in answering questions than do members in asking them. The honourable Premier.

The Hon. J.W. OLSEN: In accepting responsibility to clean up your mess, we have had to take a range of tough policy decisions that by choice you would prefer not to take, but it would be an abdication of responsibility not to do so. We have taken the right responsible course for South Australians, stabilised the debt, reduced the debt and got the debt servicing costs down so that we can start returning some dividend to South Australian taxpayers, in that those dividends to taxpayers will be removing the shackle of the past. But there is one thing we will not let South Australians forget, that is, who was responsible for delivering this financial debacle on all South Australians and generations of South Australians to come. If there is a shortfall in education, health, the arts, roads or whatever, let the responsibility rest where it ought to rest—on those who took off the option for Governments to meet all those requirements as we would wish. It is the Labor Party of the past, the Labor Party of today that has not learnt from the past, and the Labor Party that has no policy options or ideas for tomorrow.

YOUTH TRAINING SCHEME

Ms WHITE (Taylor): My question is directed to the Minister for Employment, Training and Further Education. Is the Government committed to the continuation of the Youth Training Scheme when its current funding runs out and what commitments have been sought and obtained from the Commonwealth towards funding of the scheme in the future? The Youth Training Scheme provides up to 1 500 training places in the public sector and is jointly funded by the State and Commonwealth under an agreement struck by the previous State Employment Minister and the former Federal Labor Government. The scheme commenced in February 1996 and was to run for 12 months.

The Hon. D.C. KOTZ: I thank the honourable member for her question, which is an important one as it addresses the projects and implementations of this Government in looking to provide employment programs for young people in this State. The youth recruitment scheme that the member for Taylor is talking about probably represents the largest single intake of youth trainees into the South Australian public sector. Young school leavers plus the short and long-term unemployed have been targeted through this scheme. To date, 1 250 trainees have been placed in the scheme.

I can also advise the House that the traineeships range in a whole host of areas, but the majority of 789 are in office practice, and other prominent vocations include 74 dental assistants, 37 laboratory assistants, 37 in grounds maintenance and 31 in recreation and sports administration. Also, 25 have been placed in the multi-media area and there are 27 in information technology. It is expected that the target of 1 500 placements will be reached by the end of March and, as the member for Taylor rightly said, the scheme was originally initiated at the beginning of the year. So, this is all very good news for the youth of South Australia, for the public sector and for the economy of South Australia. It represents a substantial investment by the State and Federal Governments, which have jointly put in $10.2 million.

Members interjecting:

The Hon. D.C. KOTZ: Obviously, the member for Taylor has not realised that this is the beginning of the scheme: it has only been initiated and is only beginning to come into place. At this stage the targets have been met, the training will now take place and the employment will take place. The scheme will continue until the end of this year and at that stage, as well as many other employment programs that are being put into place, it and many other schemes will continue to take place in this State. I thank the member for Taylor for asking an important question about a priority of this Government, because it means that for once there is a serious question that informs not only the House but the people of South Australia that this Government does intend to continue with priority programs for the unemployed which, unfortunately, cannot be said about the Labor Party when it was in office.

At this stage we have the unfortunate circumstance of almost 8 200 young unemployed in this State. If this Government had the $3.1 billion that was lost by the former Government we could employ 8 200 young people at $570 a week for 12 years and seven months. Thank you for the question: yes, this Government is seriously taking up the employment programs and initiating programs that the Labor Party never looked at.

LABOR ECONOMIC MANAGEMENT

Mr WADE (Elder): Will the Minister for Infrastructure, Police, Emergency Services and Racing tell the House what he sees as the major challenges within his portfolios arising from the disgraceful management of the State Bank by the former Labor Government?

The SPEAKER: Order! The member for Elder should be aware that the last part of his question was purely comment. The Deputy Premier.

The Hon. G.A. INGERSON: As all members know, this State has borne the brunt of the biggest fiscal disaster of any State in the history of Australia. That occurred basically because of greed and ambition which went haywire and because of the rampaging egos of members opposite who were in the previous Government—the Leader of the Opposition, the member for Hart, the member for Giles and others—and who did not have an understanding of financial management. They totally messed up this State—$3.2 billion of State debt was created purely and simply from a single issue.

Further, millions of dollars went down the gurgler because of Labor's mismanagement. One only has to look at the statutory authorities of ETSA and the old EWS to see how badly managed they were compared to how they are managed today. At the height of Labor's power in 1987, ETSA lost $13 million: the cost to taxpayers under Labor was $13 million. However, in 1995, ETSA was contributing $174 million in profit to Government coffers, and in 1994 it was contributing $160 million.

The tragedy is that, despite that magnificent turnaround, the undergrounding program and the reorganisation of ETSA has not taken place at the desired rate because most of that money has had to go towards paying off debt. And why have we not been able to do that? It is because of the mismanagement by members opposite. The Labor Party left this State in such a mess that the turnaround of ETSA and its contribution of $160 million a year is now going towards helping service debt instead of going towards the undergrounding program and enabling us to do all the things that we should be doing.

The old EWS Department for the last two full years of Labor's mismanagement cost the taxpayers of South Australia $70 million. In the three years of this Liberal Government there has been a $199 million profit, contributing $100 million to State Government coffers. And where has that money gone—also towards repaying debt. The challenge for us is to make sure that we continue to run these organisations profitably so that we can repay the debt with which we were left. The major reason for us to turn these organisations around was Labor's debt. All the things we could and should have done have not come about because the Labor Party had no idea how to manage this economy.

YOUNG OFFENDERS

Mr CLARKE (Deputy Leader of the Opposition): Does the Premier support the administering of summary corporal punishment for repeat juvenile offenders? The member for Eyre was quoted in yesterday morning's press as saying that repeat juvenile offenders should be given an 'odd whack on the backside'. The Attorney-General said yesterday:

> It is not acceptable physically to give any young person, or any adult, for that matter, a clip around the ears or a kick up the backside or anywhere else. It is unacceptable.'

The Hon. J.W. OLSEN: I would be delighted to know what the policy of the Labor Party is on a number of these matters.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The Labor Party is going out into marginal electorates.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: It is dropping off these leaflets time and again. But one aspect is missing: any coherent policy for the future.

Members interjecting:

Mr CLARKE: I rise on a point of order.

The SPEAKER: Order! I point out to the Deputy Leader that he needs to be particularly careful, or he might be the victim of the suggestions I was putting forward.

Mr CLARKE: Please, no spanking in public.

The SPEAKER: Perhaps he should have had them as a child.

Mr CLARKE: My point of order is that the Premier is not responsible for the policies of the Labor Party, but he is responsible, finally, for his own Government.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: So, what is his answer?

The SPEAKER: Order! The Deputy Leader of the Opposition has had more than a fair go in taking points of order. They are frivolous, he knows they are frivolous, and I suggest that he contain himself and allow the Premier to continue his answer. The honourable Premier.

The Hon. J.W. OLSEN: What the Opposition demonstrates time and again is that it likes to pose the question, but it never wants to answer one. In the electorate, just simply to repeat—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —it is the Opposition that is out there all the time, raising concerns, raising doubts, raising fear, raising anxiety, but doing so in the absence of any policy determination for the future. Let me give an example. When the John Martin's decision was being announced, or when Esanda was announcing a decision, it was the Opposition which had had briefings prior to the event and arranged for selected media to be told in advance of some job losses. What did that do? One person who works with my wife in one of the stores went to work in the morning, took a packed lunch, but before leaving said to her husband, 'I don't know whether I'll be eating this at work or at home', because of the publicity that had been generated in advance. That is the sort of fear, anxiety and uncertainty that you are prepared—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —to inflict upon people. You could not care less about the impact on individuals. You are only interested in base political purposes. That is what you are interested in: base political purposes.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The electorate will see through you in that. The other thing that ought to be well understood is—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —the way in which the business community is coming to disregard the Labor Party. You cannot take them into your confidence in any respect.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: What members opposite do is telephone selected journalists, as happened with one channel on Monday night in relation to Esanda—we know the direct line between the Leader of the Opposition's office and one newsroom in particular in this town—and they play on people's fear. Well, I have some news for the Opposition. The public of South Australia will see you for what you are. As we go through this period of the next month or two—or whatever the case might be—to the next election, as we continue to point out the policies that we have put in place to look after the interests of people in this State, they will then contrast it to this Opposition. And there is only one conclusion you can come to: this Opposition has not earned the right to be given any consideration to form the Treasury benches because it has not been prepared to put any policy on the table for any consideration by the public of South Australia.

LABOR ECONOMIC MANAGEMENT

Mr BRINDAL (Unley): In light of the Premier's previous answers, can the Treasurer provide details of this Government's action in clearing up the State Bank mess? The South Australian Asset Management Corporation was formed in July 1994 and took over the non-performing assets and certain other functions of the former State Bank. I notice that since then the Treasurer has regularly made announcements about the sale of various assets held on the SAAMC books, with the most recent sale by the Asset Management Task Force being that of 333 Collins Street, Melbourne.

The Hon. S.J. BAKER: The South Australian Asset Management Corporation, which was formed on 1 July 1994, has done an outstanding job in winding out the assets of the bad part of the bank. There has certainly been a considerable amount of publicity given to the parlous state of the finances and the difficulty involving some of the assets being managed by the South Australian Asset Management Corporation.

Referring back to the issue of $3.15 billion, if we add up all the interest and opportunity costs associated with the provision of that capital, we see that the losses are far more extensive, amounting to over $4 billion. Those are offset, of course, by a $649 million bail-out by the Commonwealth Government. But, again, it was taxpayers' money and some of it was South Australian money. So, the losses have been significant. In terms of what the bad bank started with at the time of its formation, we had $8.4 billion of assets on the balance sheet and corresponding liabilities. They are made up of $1.1 billion in properties, $1.7 billion in corporate loans, $1.4 billion in bonds and bills, $3.3 billion in loans to BankSA and $.9 billion in investments to London, New York and New Zealand.

I am pleased to report that in February 1997 the assets had been reduced to $2.7 billion, with a corresponding reduction in liabilities. Most of those are held in security and liquid form, assets remaining to be wound out, which will now be done by Treasury, amount to only some $134 million.

The Premier informed the House just how widespread was the activity of the State Bank in terms of the operations in London, New York and New Zealand, which the South Australian Asset Management Corporation was responsible for winding out. The crystallised losses in those locations to date amount to some £90.9 million sterling in London, some $US36.8 million in the United States and some—

The SPEAKER: No mobile telephones are to be used in the gallery.

The Hon. S.J. BAKER: —$NZ211.7 in New Zealand—

The SPEAKER: Otherwise, the Parliament will have an extra couple of mobile telephones. There is a shortage of them on the staff. If they continue to be used in the gallery, I will direct the appropriate people to seize them.

The Hon. S.J. BAKER: If we look at just those three centres, we find that $426.5 million was squandered overseas. We are still involved in some legal contest in New Zealand and in London with a view to getting some more money back. However, $426.5 million was lost overseas in ventures that in most cases were never going to work. So, the record stands for itself. I wish to raise two other—

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader appears to be suffering from a lack of sleep or some other problem. He is particularly disruptive. The Chair has a number of options, and he is aware of them all. I do not want to have to curtail his activities by not seeing him—it is most difficult not to hear him—but I suggest that he calm down and let us proceed. The Opposition wants to ask a number of questions: by continually interjecting the Deputy Leader is only encouraging Ministers to give longer answers, which I do not think any of us want.

The Hon. S.J. BAKER: In terms of some of the outstanding achievements by the South Australian Asset Management Corporation, there was the complete repayment of the $3.3 billion funding facility to Bank SA in September 1995; the sale of 333 Collins Street; the disposal of the Myer Centre; the preparation for sale of 91 King William Street; and the winding up of Pegasus losses involving over $60 million. Of course, we also operated very ineffectually—in fact, with great losses—in a number of other jurisdictions including Mindarie Keys, $112 million; Kern-McArthur in Queensland, $114 million; and Darling Harbour in New South Wales, $50 million. In fact, we spread South Australian taxpayers' money around the world.

I would like to raise one other issue in relation to the Asset Management Corporation and the management of the bad bank. Not only did we lose that money but we became the laughing stock of the world. Our credit rating was downgraded to the extent that it has cost us tens of millions of dollars to raise money on domestic and overseas markets—tens of millions of dollars of losses as a result of the debacle visited upon this State by the former Government.

Mr CLARKE: Mr Speaker, I rise on a point of order. The Minister has been giving an answer for seven minutes and, in light of your ruling the other day concerning the greater applicability of ministerial statements, I ask you to ask the Minister to wind up.

The SPEAKER: The Chair would suggest to the Treasurer that he has given an extensive answer, and I would ask him to round off his comments.

The Hon. S.J. BAKER: Sir, I was actually on the last sentence. We suffered not only these massive losses but also a loss of face and a loss of credibility, and the loss of self-respect of this State was just as damaging.

POLICE, PORT AUGUSTA

Mr CLARKE (Deputy Leader of the Opposition): Does the Minister for Police believe that the concerns of the member for Eyre regarding policing in Port Augusta could be best addressed by restoring police staffing levels in that city? Police sources have advised the Opposition that in Port Augusta there are currently eight to 10 fewer sworn officers than the 55 which is the full contingent, and that one eight person patrol is down to six, with another one on special operations. They are described as being 'at the absolute minimum acceptable safe operational level'.

The Hon. G.A. INGERSON: One of the exciting things that has happened in South Australia over the past three weeks has been the appointment of the new Police Commissioner, and one of the most important comments he has made to me—and to the Opposition—is that it is important he be given the opportunity and time to look at the total policing needs for this State. The new Shadow Minister for Police ought to take the opportunity to talk to the new Commissioner, because he will then understand the Commissioner's need and desire to take South Australia in a new direction.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: One of the most important issues that both the Police Union and I have put to the

Commissioner is in relation to the configuration of police in this State and the issues he believes ought to be in place and at what cost. I would have thought it was fairly reasonable to expect—

Mr Atkinson interjecting:

The Hon. G.A. INGERSON: We have cut the police numbers, but why? Who left this State in the mess in which we now find ourselves? Why have services been cut back? They have been cut back because Labor left this State in an absolute, disastrous mess. Why do we have to pay off the debt; why do we have to pay the interest rates; and why do services get cut back? They get cut back because of the mess that the previous Labor Government left. The most important issue is that we have a new Police Commissioner. I would have thought that it was in the best interests of everyone in the South Australian community for him to tell us how he believes this State should be policed and the direction we should be taking.

HOSPITALS, PUBLIC

Mr ROSSI (Lee): Will the Minister for Health advise the House of any financial constraints with which the South Australian public hospital system is coping?

The Hon. M.H. ARMITAGE: The $3.15 billion State Bank debt is one of the heaviest burdens on the health of South Australians, not only now but in the whole history of South Australia. It is that situation which makes me so angry about the State Bank debt. South Australia has a proud history, yet in one short term of Government the ALP managed to squander all the hard work put in by dedicated, industrious South Australians—South Australians who looked to the future. It was all gone in the blink of an ALP Government eye.

It is hard to visualise the magnitude of the State Bank debt. School groups often visit Parliament House and, if they are anything like my children, they deal in $1 coins. If you laid 3.15 billion coins end to end, they would go around the world twice. That is the figure that the ALP Government squandered in one term in Government, leaving us with the dilemma that we now face. It is 79 000 kilometres of $1 coins.

What would have happened if the Labor Government had left that money to the people of South Australia as an asset which had been built up? What could we have done in health care? Capital investment in health is one of the most important areas and, in 1993-94, the consumed capital of State hospitals was $1.345 billion. That means that, if it were not for the State Bank debt, the total capital fabric of the health care of South Australia for one year could have been restored three times over. The Labor Government during its time in office was promising, for instance, a new hospital at Mount Gambier, but it wasted the money rather than putting it into infrastructure. We are building a $28 million hospital at Mount Gambier: the debt would have built 112 Mount Gambier hospitals.

The recurrent needs of the health portfolio are of enormous importance. What could we have done with the money if the Labor Party had not squandered it? We all know about the number of people who were left on the waiting list when the Labor Party lost office. We could have decimated that list. On a recurrent basis, the total of $3.15 billion would have run the whole health system for 2¼ years—2¼ years total budget gone because of Labor Party stupidity.

The choice for South Australians at some stage this year is absolutely stark: should they re-elect a Government which is restoring the health budget and which is re-presenting health services for South Australians, or should they re-elect a failed Government whose leader is the No.1 fan of Mr Tim Marcus Clark? The choice for South Australians is absolutely clear.

The SPEAKER: The member for Elizabeth.

Members interjecting:

The SPEAKER: Order! I hope members will show a little courtesy.

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence. He is interfering with the member for Elizabeth's asking her question.

HEALTH, PRIVATISATION

Ms STEVENS (Elizabeth): Given the Minister for Health's attempt in 1996 to attract Kaiser Permanenté to introduce US style managed health care to South Australia, is the Minister still seeking the involvement of the giant US health group, Columbia, in the management or ownership of South Australian public hospitals? In February 1996, the Minister confirmed that the Government had met with Kaiser Permanenté and discussed its involvement in our public health system, including the management of the Queen Elizabeth Hospital. On 3 March 1997, after the Ashford Hospital rejected a bid by Columbia, the Minister was reported as saying that the State Government 'is still keen for US health care group, Columbia, to invest in South Australia's health system.'

The Hon. M.H. ARMITAGE: Again, the member for Elizabeth bases all her slurs and innuendo on a false premise. I am surprised at that, because I have explained endlessly to the House the Government's involvement with Kaiser Permanenté. There is a most interesting aspect to this. I would like the member for Elizabeth to tell the House what she thought about Kaiser Permanenté on her visit there about three months ago. She visited all Kaiser Permanenté's hospitals and talked to its management. I ask the honourable member to tell us why she visited Kaiser Permanenté about three months ago and what she found. I am sure the House will be delighted to know why the member for Elizabeth spent the taxpayers' money on that trip. If she is not interested in the Labor Party's becoming involved in some way with Kaiser Permanenté, why did she waste the taxpayers' money on this trip?

The only reason the honourable member visited Kaiser Permanenté was that deep down she knows that, despite all the rhetoric and the stupidity about not wanting to move into the twenty-first century, a number of good things are being done around the world, and it is important for the improved health care of Australians that we not be xenophobic like the Labor Party of the past but that we learn from what other people are doing well.

Let us deal with Columbia. This Government has had one involvement with Columbia HealthCare. When Columbia HealthCare said that it would come to Australia with or without the Government's involvement, the Government said, 'If, as the ninth largest company in America, you are going to base yourself in Australia, please establish your head office in Adelaide', because, wherever the head office of Columbia is established in Australia, it will create 100 jobs. If the member for Elizabeth with her ideological straitjacket and

stupid ideological blinkers does not want 100 jobs for people in South Australia with all the flow-on benefits, let her stand up and tell the people of South Australia that she does not want a major company to set up its head office in South Australia.

The member for Elizabeth may not have wanted this, but Victoria certainly did. The Premier of Victoria had many discussions with this company in an attempt to get it to set up its head office in that State, but it chose South Australia. If that creates 100 jobs, that is a great positive for the South Australian economy.

YOUTH PROGRAMS

Ms GREIG (Reynell): Will the Minister for Youth Affairs tell the House what the State Government is doing to promote young people and overcome some of the negative images that are being portrayed of them in the media?

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence has reflected on the Chair. I request that he withdraw forthwith.

Mr ATKINSON: I meant in your capacity as the member for Eyre, Sir.

The SPEAKER: Order! The honourable member knows better than that. He will withdraw without qualification the comment he made, and he will not attempt to qualify it in any way.

Mr ATKINSON: I withdraw, Sir.

The Hon. D.C. KOTZ: Young people are the hope, the heart and the future of our community, and it is this Government's intention to highlight their achievements. We are pursuing this goal in the youth portfolio in 1997 through several significant youth celebrations. Recently, I had the pleasure of launching Youth Week, a State-wide celebration which will be held for the first time in South Australia in September in cooperation with local government. Youth Week will celebrate the achievements of the State's 300 000 young people through performances, exhibitions, conferences, sporting and cultural activities, and environmental projects.

The State Government will provide $100 000 in funding, which will be made available through local councils to support activities in council areas with a particular emphasis on remote and rural youth. I am also pleased to report that the entries for the youth media awards, which will be presented in May, have substantially increased over last year's and include a wide range of entries from rural areas with a good cross-section from within the radio and television sectors. Arrangements for the second Youth Parliament, which will operate from 15 to 17 July in cooperation with the YMCA, are well under way, and that promises to be a great event for all who are involved.

This Government will also provide grants to community groups, such as the South Australian Great Events Committee, the Duke of Edinburgh Scheme, the Channel 9 Student of the Year award, and Rostrum, to support their initiatives in bringing skilled and outstanding young South Australians to public notice. I believe that members on both sides of the House will agree that these initiatives are worthy and play their part in restoring a proper balance to the public view of young people as worthy citizens.

This Government recognises that addressing youth unemployment is the best way to increase and improve self-esteem and the well-being of our youth. Whilst the unemployment rate for young people has fallen by 10 per cent—which I am sure the Deputy Leader would be pleased to hear—since this Government came to power, finding jobs for the remaining 8 200 young people who are seeking work is a priority. Obviously, the Deputy Leader of the Opposition is considering the fact that when the Leader of the Opposition held the employment portfolio for almost two years youth unemployment grew by 30 000. Between November 1989 and September 1992, the Leader of the Opposition while he was the Minister for Unemployment supervised the transfer of 909 workers a month (30 a day) to the dole queues.

This Government is taking positive action to address youth unemployment through the $30 million youth employment strategy, which is far more than the Labor Party has ever done to support youth in this State. From a perusal of the policies that the Labor Party will present for the election, it still appears that the Opposition has no policies whatsoever for youth.

PEST CONTROL OPERATORS

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Health. In the light of the South Australian Health Commission's allowing unlicensed pest control operators to operate illegally in the past, what action is the Minister taking to indemnify the many owners of relatively new houses who have had their house pre-treated for termites by operators whose insurance will be worthless because of their unlicensed status? The Opposition has received a letter from the Australian Environmental Pest Managers Association, dated today, which states:

> One of the companies identified by the South Australian Health Commission as currently operating without a licence, Global Pest Control, apparently do much of the pre-treatment work for one of Adelaide's largest volume builders. Many hundreds of house owners could be without insurance in the event of a termite infestation occurring and an insurance company denying liability because the pest control company was unlicensed.

The letter goes on to say:

> The Government has a duty to South Australian consumers in this issue, which it seems oblivious to.

The Hon. S.J. BAKER: It is has nothing to do with health. That was explained to the honourable member when she asked the previous question. It has nothing to do with health. I say it again so that it gets through: it has nothing to do with health. The only relationship that pest extermination has with health involves the material used and the safety of that material, not the quantum of the material that goes onto the ground, concrete or wherever to stop infestation. Obviously, the owners of those properties have a right of civil suit against the pest extermination or control company. They can go back to the builder who was meant to supervise the job. Remedies prevail now. The Government recognises the import of the honourable member's question and as a result—

The Hon. Dean Brown interjecting:

The Hon. S.J. BAKER: Yes, there are indemnity schemes and builders have to guarantee their work for at least five years. A number of insurances are in place. However, I share the honourable member's concern that people are holding themselves out to be responsible pest control operators but are doing it on the cheap and leaving people exposed. The Government has not taken on that responsibility in the past. It was not done by the former Government and it has not been done by this Government but, in view of the case to which the honourable member refers, we are examining the most effective means of providing some penalty in the

system if people in the industry do not do the right thing. That is a matter of discussion between the Attorney and us in the process.

TRANSPORT FUNDING

Mr ANDREW (Chaffey): Will the Minister for Industrial Affairs representing the Minister for Transport advise the House of the benefits to South Australians from the Government's commitment to transport infrastructure and capital works and advise whether the cost of construction of the Alice Springs to Darwin railway line could have been met from the State Government's budget had the people of South Australia not bailed out the State Bank four times?

The Hon. DEAN BROWN: We are back on the State Bank once again.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I agree with the Deputy Leader of the Opposition that the State Bank is certainly nothing for this State to celebrate. We all know that the cost of the State Bank to this State has been horrific and we could have constructed the Alice Springs to Darwin railway line three times if that collapse had not occurred. The one thing we can say is that, despite the collapse of the State Bank, this Government has got on and invested money in the road infrastructure of South Australia.

We have got in there and, for all the promises of the Labor Party in terms of what it would do with roads, whilst it was promising the Southern Expressway from 1983 to 1993, we have got on and built it, despite the State Bank collapse. We also got on and are building the tunnel on the South-East Freeway, despite the State Bank collapse. We are not just promising but actually doing it. We are actually building the Berri bridge, and that is obviously why the member for Chaffey wanted to raise this point, despite the State Bank collapse. We are also now getting on with the extension of the Adelaide Airport runway, despite the collapse of the State Bank. We have sealed—as Labor members would know as it is in their districts—the South Road-Salisbury Highway connector and we have done the Port Road bridge.

The important thing is that this State spends $237 million a year on road construction and maintenance. If it were not for the State Bank collapse, we could have in hand 14 years of expenditure on our roadways, both in terms of construction and maintenance, out of what the Labor Party lost between 1989 and 1993. That is the significance of the State Bank loss. Just imagine what other roadworks could have been carried out throughout the whole of South Australia—not just building the Alice Springs to Darwin railway, not just building the second half of the Southern Expressway immediately and not just building some of the other roadworks that people in the country have been waiting for but so much more. We could have immediately sealed the whole south coast road on Kangaroo Island and immediately sealed more roads in the Flinders Ranges.

However, the facts are these: despite the State Bank collapse this Government has continued to get on and invest in an active road program to the benefit of South Australians. We are doing the projects when the Labor Party for 10 years could only promise them and not do a thing.

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader has gone far enough.

MINISTERIAL STATEMENTS

The Hon. S.J. BAKER (Treasurer): I table two ministerial statements made in another place by the Attorney-General, one on legal aid funding arrangements and the other on the Retail Shop Leases Bill 1996.

GRIEVANCE DEBATE

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

Ms STEVENS (Elizabeth): We all know that in 1996 it was revealed to this Parliament that the Minister for Health had been holding secret discussions with Kaiser Permanente and one of the topics of discussion was Kaiser Permanente taking over the entire management of the Queen Elizabeth Hospital. The Minister made great play of the fact that I went to the United States and visited Kaiser Permanente, and that is true, but he did not tell the House about some of the issues that Kaiser raised and why Kaiser was not interested in taking up the Queen Elizabeth Hospital. I will enlighten the House because Kaiser Permanente certainly enlightened me.

Kaiser Permanente is not interested in managing hospitals. It is actually getting out of hospitals. Perhaps the Minister has not caught up with the latest advances in health care as far as Kaiser is concerned. It is interested not in hospitals but in other forms of health care. When in the United States I found that one of its hospitals was standing empty because the direction has changed, but our Minister is not quite up with that.

One of the other things about which Kaiser Permanente spoke to me was the importance of our having a universal health care system and a public health care system. When it was here in Adelaide last year I know that it took up this matter with the Minister, but he was not particularly interested in hearing anything that was different from his own 'doctor knows best' opinion.

I now refer to Columbia Health Care. Kaiser Permanente, we must acknowledge, is a not-for-profit company. The Minister has referred to that many times in this House. Columbia Health Care of America is quite a different kettle of fish. It is a go-for-broke, for-profit, Kentucky Fried, American managed health care multi-national. It is the ninth biggest company in the United States. This Minister is saying that he would be quite happy to have its involvement in South Australia. I would like to re-visit the nature of the involvement he envisaged for Kaiser Permanente before it pulled out, because it was not what that company had in mind, as this is what he will have in mind for Columbia. I refer to a transcript of the Keith Conlon show of 12 February 1996 when Keith Conlon asked the Minister:

> Can we see that the Government is perhaps negotiating to bring another Asian base to town, along the lines of EDS in the computer world and United Water in the water world?

The Minister's reply was:

> Keith, that is a perfect analogy.

Can't you hear him saying this? Can't you hear those words coming out of his mouth? What the Minister had in mind with Kaiser was that it would come in and do another United

Water. That would have fitted in perfectly with what he had been saying previously—that he was no longer in the business of running health care but that he would outsource the entire health system. He was hoping that Kaiser would take this up, but Kaiser was not interested, so we have another American multi-national sniffing around, and this one has indicated that it has $1.3 billion to spend. We need to remember that $1.3 billion is almost equivalent to the entire South Australian health budget, so it easily has the resources to do it, and it has the idiot we have as a Minister who would be willing to allow this to happen. All he can say is—

The ACTING SPEAKER (Mr Bass): Order! I think it is inappropriate for the member for Elizabeth to call the Minister an idiot. I would ask her to refrain from that sort of comment.

Ms STEVENS: Thank you, Sir. All he can say is that we are ideologically bound against some idea, when in fact it is he who is very much so. Look at what has happened with Modbury Hospital. Look at what has happened with his very first tiny experiment with privatisation. That famous contract is now in deep trouble.

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

Mr BRINDAL (Unley): I inform this House that today I have offered to the Premier my resignation as parliamentary secretary to the Minister for Education and Children's Services. Those who understand my commitment to education will realise the difficulty I have had in reaching this decision. However, increasingly my commission has presented me with a conflict of interest and now threatens to compromise not only what I believe in but my responsibilities towards my electorate.

Among the first speeches that I made to the House were two that sought to establish a second linear park along Sturt Creek. I was proud to have suggested to my Party room and to have had adopted as Party policy a suggestion that Adelaide's natural waterways form the basis of a series of linear parks. The Water Catchment Authorities Bill is the first important step in that direction.

Where Brownhill Creek runs towards the Patawalonga through the Goodwood Orphanage, we have one of the few remaining sites available for sympathetic development in the metropolitan area. For this reason, and because of my implicit belief in the value of those open spaces, especially in areas which suffer from a systematic neglect of local government authorities over decades, I have consistently argued for the retention of open space. Increasingly, however, it has become apparent that my attempts to compromise and protect the creek environments by sacrificing other open space to built development are not fulfilling the wishes of many of my electors.

I have, therefore, conveyed their feelings to the Executive Government and in all other forums available to me. I have suggested alternatives which I believe fulfil the needs of all interested parties. As yet, those alternatives have fallen on deaf ears. However, because the Minister for Education and Children's Services has clearly indicated his intentions as to site usage and, understanding the firmness of his resolve, I find myself with a classic conflict of interest. In that choice, there is no choice. As a Liberal, I was elected to do my best, and to do my best in the interests of my electorate. I would serve my Government best by continuing to do just that.

Were it not for about one month to go before finalisation of what might already be binding agreements, it seems pointless to point the finger. However, I would feel less than honest in this House if I did not record that, had the Corporation of the City of Unley, in my opinion, behaved in a manner that was less duplicitous and more active, my electors and I would not be faced with this problem. If there is in the end blame to be laid, I lay it squarely at its feet.

The Minister and I now find ourselves in different corners. I respect the Minister and I respect the direction from which he is coming, which has always been what he considers to be in the best interests of his teachers. As his parliamentary secretary, I have also tried to see that interest, but my interest is also my electors and wider interests outside education within South Australia. The Minister and I thus find ourselves in different corners on this issue. The Minister is a formidable opponent: so was Goliath.

Mrs GERAGHTY (Torrens): I wish to draw the attention of members, and particularly the Minister for Health, to an appalling situation which was faced by one of my constituents, who is an aged pensioner, regarding post operative, short-term acute disability care services, or perhaps in this case I should say the lack of it. My constituent is a 63 year old pensioner who suffered from a damaged tendon in her shoulder. The lady was advised by her local doctor that she would need surgery, and the waiting lists for such surgery in Adelaide were very long.

My constituent was advised that, in order for her to avoid continuing discomfort from the pain in her shoulder, she could get around the long waiting lists regarding shoulder surgery by having her operation at the Riverland Hospital in Berri. My constituent decided to have the surgery in Berri and, prior to entering hospital, sought information regarding post operative care from Eastern Domiciliary Care. She was told that Eastern Domiciliary Care could not help because it did not have the resources, funding or terms of reference to look after short-term post operative cases that needed acute disability care. No further information was given as to who would look after her after the operation.

My constituent believed that she would be advised of post operative acute health disability care services after her surgery. The lady travelled to Berri with a friend and underwent surgery on 31 January this year, and was released from the Riverland Regional Hospital on 4 February. Upon release, she was given no instruction about post operative acute health disability care services. She was driven by her friend to her daughter's house, where she stayed for several days. Unfortunately, the daughter was unable to continue caring for her mother as she had small children, so my constituent went home to her retirement village in Hillcrest.

At this time, my constituent needed regular exercise, could not dress or shower herself and was in acute distress because, without air conditioning in her home, the extreme hot weather which we have recently experienced was taking a toll on her health as well. When she contacted my office, she was receiving three visits per week from the Royal District Nursing Service. It had originally visited her four times a week, but that was reduced to twice a week and then increased to three times a week because of her acute distress.

The Royal District Nursing Service expressed its concerns to me regarding the future welfare of my constituent but did not have the funds to assist her seven days a week. Eastern Domiciliary Care insisted it did not have the resources to help either. If it had not been for a personal friend who was visiting this lady every day to help her with her exercises,

with dressing and with showering, I shudder to think—as would most members—what would have happened to her.

I was eventually able to get assistance from the Adelaide Central Mission for post operative acute care services. I cannot speak too highly of the help and concern for my constituent by the people from the Adelaide Central Mission. They identified an immediate available resource in the Aldersgate Village complex at Felixstow for resident care, should she require that. The Adelaide Central Mission utilised one of its own community aged care package programs to assist this lady.

I have been informed that $85 000 in funding for post acute community care services was channelled by the South Australian Health Commission in January 1995 through to the Modbury Hospital. This program involves three other organisations and encompasses the Adelaide Central Mission. The Adelaide Central Mission has been aware of the availability of funding under this program and has accessed the resource along with two other organisations to deliver post-acute community care. However, the irony is that the Minister did not actively promote this funded resource until earlier this year, when post-acute community care services came under the eye of the media.

When the Minister did promote the resource I am informed that he did so only some weeks prior to the $85 000 funding being totally exhausted. This gave the impression to the media and the public that post-acute community care funding was in a healthy position. This could have placed those organisations involved in the delivery of such services in a difficult position in that, instead of being at the beginning of the funding of the program, they were actually at the end. As there is much more that I would like to say about this, I will continue at my next opportunity.

Mr ANDREW (Chaffey): Last Monday, 3 March, marked 100 years of operation of the Renmark Hotel, which was the first community hotel in the British Empire, a unique historical event in my electorate. Last Saturday, 1 March, I had the pleasure, together with my senior colleague, Treasurer Stephen Baker, to be involved in official functions. The Treasurer, as official guest, unveiled a garden arch which was a replica of the arch originally used in the early history of the hotel in the riverfront garden. The celebratory events continued at a dinner that evening, with the Treasurer's launching a book by local historian Johnny Gurr. I want to congratulate and compliment all those involved in organising these celebratory events, which are continuing this week and this weekend. I congratulate particularly the current board and its Chairman, Alex Minnis.

I would now like briefly to trace the history (particularly the early history) of the hotel, as it largely mirrors the fortunes of the Renmark community, especially during its formative years. Renmark was the site of the first irrigation colony in Australia under an 1887 agreement with the Chaffey Brothers and the State Government. To attract the right sort of people it was intended that the colony would be dry, based on the Chaffey Brothers' model in the United States. However, the 1890s was a period of bank crashes and depression and the colony suffered from settlers with unsuitable skills and education; there were unsuitable plantings and difficulties with distribution, and this led to considerable difficulty for the Chaffey Brothers.

To ensure their survival, remaining growers established the Renmark Irrigation Trust in 1893 to keep the water and irrigation pumps running. Out of a period of considerable adjustment and hardship grew a thriving community based on the production of quality fresh and dried fruit. Overlooking the Murray, the lifeblood of this region, the Renmark Hotel was established. While licensing legislation at the time included a clause prohibiting the sale of alcohol in the irrigation colony, it obviously did not prevent its consumption. Early estimates were that there were 13 sly grog shops for a population of 900, giving some idea of the likelihood of drunkenness. Various temperance bodies, which were against the sale of liquor, became influential at the time, and so it was not easy to convince the community that a licensed hotel would benefit the town.

However, under the guidance of C.J. Ashwell, proprietor of the local newspaper, the *Murray Pioneer*, a local committee and a hotel trust were formed to plead for the granting of a licence. The community would own and run its own hotel and provide good meals and accommodation and the net profits would benefit the town, based on the Gothenburg system in Sweden which had been established successfully. Ashwell and others were convinced that the consumption of alcohol should be legalised. It was impossible to legislate for people to be teetotallers, and illicit traffic would otherwise undoubtedly continue. The hotel trust purchased the Meissner's Temperance Hotel, a boarding house, with a mortgage of £800. As the Renmark Hotel had no capital to start the business, Mrs Trussel, the previous owner, agreed to lend a further £500, as well as loaning money on other occasions.

Subsequent to that there was a very progressive history of the hotel. The First World War was a critical point in the settlement's history. This followed the return of many soldier settlers. Renmark had one of the highest enlistments *per capita* in the history of the country: 600 14 to 18-year-olds volunteered and, when they returned, it certainly put pressure on for the growth of the hotel. In the 1920s the hotel was described as the most significant enterprise in the town and it was fulfilling the hopes and dreams of those early settlers. Similarly, after the Second World War and in 1946 after 49 years in business the hotel had contributed £120 000 to the community, an average of £2 500 a year.

In its second 50 years the hotel has had to fight for its existence in the face of fierce competition within the hospitality industry in the current climate. However, donations and sponsorship by the hotel to more than 34 organisations in 1995-96 amounted to over $34 000. Over more than 100 years of history, donations have totalled more than $600 000 and, without that financial assistance, many clubs and organisations would not have started in the local area let alone develop as they have done, reflecting today the development history of Renmark.

The ACTING SPEAKER: Order! The honourable member's time has expired. The Deputy Leader of the Opposition.

Mr CLARKE (Deputy Leader of the Opposition): Today is of some significance to the Government as it is 100 days since the accession to the premiership by the current Premier. One would have thought that this would be met with a great deal of celebration—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I can understand why the Deputy Premier would also celebrate 100 days, since he knifed his colleague, the former Deputy Premier and Treasurer, for the position, and I can understand why he is no doubt drinking Moet champagne with his colleague the Premier over their act of

treachery on 27 November 1996, when three years of disloyalty by the current Premier ultimately triumphed when he overthrew the now Minister for Industrial Affairs for the leadership of his Party.

We look back over those 100 days and find that nothing has been done but bungling and ministerial difficulties of grave proportions since the appointment of the current Premier to his office. We have had the problem of the current Deputy Premier, whom we all remember having to apologise to Parliament for misleading the House, even though he claimed it was only a technical breach. We all know the difficulties he is in, and these are currently before a select committee in another place. We are also dealing with the issue of the Minister for Finance.

The Hon. G.A. INGERSON: Mr Acting Speaker, I rise on a point of order. There is no select committee set up in another place and I ask the Deputy Leader to withdraw.

Mr CLARKE: I withdraw the error on my part. However, that does not take away the difficulties he finds himself in with respect to his handling of the tourism portfolio. We have also had a Finance Minister who has had to stand aside from his position as his affairs as the then Minister for Primary Industries are being investigated. We know of the massive leaking that has occurred from within the Liberal Party itself—first from the Olsen forces and then the Brown forces, each destabilising the other. Yes, it is a real celebration for the Labor Party after 100 days of this massive disunity, backbiting, personal hatreds and factional feuds culminating in that obscene photograph in this morning's *Advertiser* where we saw the Premier in his athletic outfit pretending to be a member of the Village People. There he was, arms outstretched, legs splayed—not exactly the most dignified position, I would have thought, for a Premier to be photographed in, but that is in the hands of the Premier and his press officer—and all he needed was an Indian headdress and we would have had a member of the Village People.

That is how the affairs of this State have been conducted over the past 100 days. We have seen our water system privatised to a French/British consortium. The Premier claimed it was a rock solid commitment, that the consortium would be 60 per cent Australian owned within 12 months and that it was written into the contract, guaranteed. We are still waiting for the share issue and there has been no repudiation of that contract or any enforcement of it to ensure 60 per cent Australian ownership within the time frame set by the Premier himself.

We also found, through the revelations of one of the other companies which lost out on the bid for the water contract, all sorts of allegations with respect to massive improprieties concerning the signing of that water contract, including the miraculous way the tender was received four hours after the appointed time. What a massive bungle! Here is a Premier who claims that he knows how to run this State but he cannot organise for a tender to be received on time for the biggest contract ever signed by any Government in Australia's history—outsourcing our water supply to the French. Every time we pay our water bills the cash registers ring in Paris and London. That is the hallmark of this Premier and this administration.

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

Mr LEGGETT (Hanson): Today I want to voice my concern about and warn this House against adopting some rather controversial recommendations which were put forward under the auspices of the Standing Committee of Attorneys-General of Australia. I am aware that public meetings will be held on this matter over the next two weeks. The discussion paper, known as the 'Model Criminal Code, Sexual Offences Against the Person', contains many recommendations which are first-class and also some controversial recommendations. This discussion paper was released by advisers to the Attorneys-General in November 1996.

I am aware that the views expressed in this paper do not necessarily represent the views of the Standing Committee of Attorneys-General throughout Australia. I am aware that their comments are not mentioned here, but nevertheless they are of concern. I am disturbed that paid Government advisers have displayed what I believe personally to be considerable ignorance on some very key recommendations. The most controversial recommendations concern the lowering of consent for homosexual and heterosexual sex from 17 to 16 years, which I think is a mistake; the restricted age of consent to years between 10 and 16 in some cases; and the abolishing of the offence of incest. This is clearly recorded in the discussion paper on pages 99 to 107 and 133 to 139 inclusive.

Regarding incest, an article written to the South Australian Attorney-General from his own department states:

> Again, in general terms, incest is a crime which has independent operation only in relationship to sexual behaviour between—

and this is the part that worries me—

> consenting adults and there is little case for its retention as a crime at all.

I find this quite unbelievable and unacceptable. I think that sex crimes should be at the top of the list, but that this one in particular should be at the very top. I am concerned that paid Government officials are apparently ignorant of the reasons why the age of consent was set at 17 years in South Australia—and it was set many years ago. Incest has been seen as abhorrent in almost all cultures. About a century ago the British police were faced with a massive trade in child prostitution. Their problem was that it was hard to obtain sufficient evidence to prove in court that prostitution, the payment of money or a lack of consent was involved. After the Government raised the age of consent to 17 years the police were able to wipe out most child prostitution rackets and were able to provide concrete evidence that sex with a child had taken place and, therefore, ensure that the offenders were convicted.

I am concerned that if the discussion paper's recommendations as to the age of consent are adopted child prostitution could get out of hand in this country. I am concerned about these recommendations, particularly the abolition of the laws holding incest as a crime. We have laws against incest for two main reasons: one is genetic in that inbreeding produces a high incidence of genetic defects. But there is an even more important reason, and that is a moral reason so far as society is concerned: incest is taboo to protect the family unit from the destructive impact of sexual jealousy and subtle sexual manipulation. Again we come back to this softly-softly approach that we seem to adopt regarding obvious criminal and sexually abhorrent behaviour in our community, of which incest is a part. Abolishing incest as a criminal offence and lowering the age of consent for sex sends a very dangerous message to our community.

SELECT COMMITTEE ON YUMBARRA CONSERVATION PARK RE-PROCLAMATION

The Hon. S.J. BAKER (Treasurer): I move:

That the bringing up of the report of the select committee be extended until Thursday 20 March.

Motion carried.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Treasurer): I move:

That this Bill be now read a second time.

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

Leave granted.

In November, 1995 the Electoral Commissioner provided a draft report on the 11th December, 1993 Parliamentary elections. The document is a comprehensive review of, *inter alia*, the election administrative arrangements, the election period and the post election period. The Electoral Commissioner identified a number of areas where the electoral process can be improved and made recommendations to that end. That document provided the basis for many of the amendments in this bill.

Appointment of Electoral Commissioner

The first amendment proposed in new section 5 provides that on a vacancy in the office of the Electoral Commissioner, the Governor may appoint a suitable person to the office on a recommendation made by resolution of both Houses of Parliament. The task of inquiring into and reporting on a suitable person to occupy the office has been given to a new Statutory Officers Committee established under the *Parliamentary Committees Act 1991*. The necessary amendments required to establish the committee and provide for its functions are set out in Schedule 3 of the Bill.

Remuneration of Electoral Commissioner and Deputy Electoral Commissioner

The amendment to section 7 of the *Electoral Act 1985* provides that the remuneration of the Electoral Commissioner and the Deputy Electoral Commissioner are to be fixed by the Remuneration Tribunal. Their remuneration is now determined by the Governor. The Government believes that it is more appropriate for an independent body to fix the remuneration of the Electoral Commissioner and the Deputy Electoral Commissioner to reflect the independence of those officers. Their remuneration was fixed by the Remuneration Tribunal until 1990 and the Government believes that this was correct.

Provision of information to prescribed authorities

Unlike the Commonwealth *Electoral Act* and the legislation in some other States, the South Australian *Electoral Act* is silent on the provision of non public electoral enrolment details to government agencies. Section 91 of the Commonwealth *Electoral Act* enables the Australian Electoral Commission to provide non public enrolment information to prescribed authorities. Enrolment claim forms disclose the fact that the prescribed authorities have access to non public roll information.

Non public information is provided by the South Australian Electoral Office to the police and this is disclosed on electoral claim forms. The Office provides the information to several other authorities including the Sheriff's Office, the Public Sector Employees Superannuation Scheme, the State Superannuation Office and the South Australian Health Commission. There is no authority in the Act for the release of this information to these bodies but the Privacy Committee can authorise the release of the information.

The release of non public information by the Electoral Commissioner should be put on a formal basis and new section 27A does this by allowing the Electoral Commissioner to release non public information to prescribed authorities.

Electoral claim forms at present only disclose that non public information is released to the police. When claim forms are next reprinted they will contain the names of other bodies receiving this information.

Registered Officer

New section 42A deals with 'registered officers'. The qualifications of registered officers have been changed. Previously 'registered officer' was defined in section 4 of the Act as the person shown on the register of Political Parties as the registered officer. Section 27A now requires that the registered officer be an elector, that is, a person whose name appears on the roll of electors. By definition such a person will have to reside in South Australia. There have been occasions when registered officers have resided interstate and could not be located.

It is implicit in Part 4 of the Act that registered political parties have registered officers and the new section 42A makes this clear and requires changes of registered officers to be notified to the Electoral Commissioner.

Registered officers play an important part in the electoral scheme and if it is to operate smoothly these people must be available to perform their functions.

Multiple nominations of candidates endorsed by political parties.

Provision is made in new section 53 for the registered officer of a registered political party to nominate, on the same nomination form, candidates endorsed by a party for an election as members of the House of Assembly or the Legislative Council.

This system, which operates in the Commonwealth, has several advantages. Candidates can delegate authority to registered officers to apply for the print of party names on ballot-papers and to lodge voting tickets on their behalf. An added advantage in permitting all nominations for the Legislative Council on the one nomination form is that candidates can be listed on the nomination form in the order the party wishes their names to appear on ballot-papers. Furthermore, registered officers would have considerably more control over the nominations of their endorsed candidates and the possibility of a party endorsed candidate lodging an incomplete nomination would be removed.

An amendment will be moved by the Government to restore to new section 53(2) the time limit of 48 hours before the hour of nomination as the closing time for receipt of such nominations. As the clause stands currently, nominations close only 24 hours before the hour of nomination. This period is very short to allow for all that must be organised and done to occur.

Provision is retained for the nomination of a single candidate (including a candidate who is endorsed by a political party) on a nomination form. This is contained in new section 53A.

Proceedings on nomination day

Section 55 of the *Electoral Act* provides that where the number of candidates for the Legislative Council is not greater than the number of candidates required to be elected, the returning officer shall declare the candidates elected on nomination day. Similarly if only one candidate nominates for a House of Assembly seat, that candidate is declared duly elected on nomination day.

It is possible to envisage scenarios where this section could cause problems for candidates, bearing in mind section 45(2) of the *Constitution Act 1934.* Section 45(2) of the *Constitution Act* provides that if a candidate holds an office of profit from the Crown, he shall, unless he resigns that office before the date of the declaration of the poll, be incapable of being elected. Candidates would not expect to be elected on nomination day and would expect that they would not have to resign their offices of profit until prior to the declaration of the polls after the election.

Candidates who hold offices of profit should not be expected to resign from their offices before the day of nomination in order to guard against contingencies, however remote, which would render their election invalid. Accordingly, section 55 is amended to provide that where the number of candidates is no greater than the number of vacancies in the Legislative Council, or there is only one candidate for a House of Assembly seat, the candidates will be taken to have been elected as from polling day.

Display of certain electoral material

There are problems with section 66 of the *Electoral Act*. This section requires each returning officer to prepare for display in his or her polling booth, posters containing the how-to-vote cards that have been submitted by candidates not less than 7 days before polling day. Section 66(6)*(a)* requires sufficient quantities of these posters to be prepared for display in each voting compartment.

In order to provide time for returning officers to prepare the posters for display in voting compartments, section 66(2)*(b)* requires candidates to deposit sufficient quantities of their how-to-vote card with returning officers not less that 7 days before polling day. The quantity required for each district varies according to the number of polling booths and the proposed number of compartments. However, as a general rule, returning officers require 200 for metropolitan districts and 250 for some country districts. Similar quantities are required for candidates and groups of candidates contesting Legislative Council seats.

The Electoral Office has, for several elections, offered to forward bulk supplies of how-to-vote cards to returning officers, providing they are delivered to the Office not less than 10 days before polling day. This provides sufficient leeway for them to be dispatched to returning officers so that they are in their hands within the statutory 7 day period.

There are several weaknesses in the present system. There is a risk that how-to-vote cards posted to a returning officer may not reach the returning officer, as happened in one electorate in the 1989 election; there is a risk that how-to-vote cards may not always be placed on posters in the order determined by lot and advised by the Electoral Office. Furthermore, instances have arisen where electors have removed how-to-vote cards from posters in the polling booth.

Section 82(5) requires pre-poll voting issuing officers to make available to electors any candidates' how-to-vote cards in the possession of the officer that are to be exhibited in the polling booth on polling day. Candidates are now invited to deposit how-to-vote cards with the Commissioner 72 hours after the close of nominations so that they can be included in a booklet which is provided to all pre-poll vote issuing officers for use at hospitals, nursing homes, mobile polling booths and other pre-polling centres. It is advantageous to candidates if pre-poll electors have access to how-to-vote cards that will be displayed on polling day.

As there has generally not been any difficulty in supplying small numbers of how-to-vote cards within 72 hours after the close of nominations, it is proposed that these arrangements be built on to streamline the preparation of the how-to-vote posters and eliminate the weaknesses in the present procedure.

New section 53 gives the Electoral Commissioner responsibility for the printing of how-to-vote card posters. These can be printed in multi-colour to replicate the how-to-vote cards submitted for inclusion. The cards will need to reach the Commissioner within 4 days after the close of nominations to allow for colour printing.

The size of the how-to-vote posters has also caused problems and the Electoral Commissioner has recommended amendments to the regulations to overcome the problems.

The size of the poster is effectively constrained by the size of the backing of the voting compartment which is approximately 600mm wide and 500mm high. Existing regulations (Regulation 7) prescribe that how-to-vote cards must be 90mm by 190mm.

At the 1993 election, 17 independents and groups contested the vacant seats in the Legislative Council and, in several House of Assembly seats, there were 8 candidates. This required the production of oversized posters which wrapped around the sides of the voting compartments and protruded over the top of the compartments. Several of the candidates whose how-to-vote cards were located at the extremities of the posters complained.

The proposed changes to the regulations will reduce the size of how-to-vote cards. The name and address of the person authorising the card and the printer's name will no longer be required to be printed on the card and there will no longer be a requirement that the card contains a statement that the Electoral Commissioner is satisfied that the card is in the prescribed form. The Electoral Commissioner will be satisfied of all these matters before he includes the card on the poster.

The amendments to the regulations will be made once the amendments to the Act are in place.

Declaration voting

Amendments are made to the provisions relating to declaration voting. Section 74(3) provides that the Electoral Commissioner must maintain a register of declaration voters. Section 74(4) requires that only the names of declaration voters be included on the register. Candidates have requested copies of the names and addresses of declaration voters but there is no authority for the Commissioner to release the addresses of declaration voters or to provide a copy of the register. Section 74(4) is amended to provide that the register of declaration voters must contain the addresses of declaration voters, except those addresses that are suppressed from publication, and that a person may inspect the register and, on payment of a fee, receive a copy of the register.

Some voters, whose names have been suppressed from publication, have objected to having to provide their addresses before being issued with voting papers at a polling booth. This is a legitimate objection and provision is made in new section 74(3*(a)* to allow persons whose names have been suppressed to be included on the register of declaration voters so that they qualify for a postal vote.

Mobile polling booths

Section 77(2)*(b)* provides that mobile polling booths in remote areas shall open and close at such times as the Commissioner determines, being times that fall within 4 days up to and including polling day.

Compliance with the 4 day time frame for the 1993 elections meant that 2 aircraft had to be chartered for mobiles 1 and 2 in the District of Eyre. The charter costs were $11 820 and, when accommodation and such like were added to this, the result was that a vote cost an average of $14.22.

All other mobile polling booths used ground transport and the cost per vote was estimated to be less that 50% of the cost incurred on mobiles 1 and 2.

The taking of votes at declared institutions can commence 3 days after the close of nominations in contrast to the voting at mobile booths in remote areas which can only commence 4 days before polling day. Extending the mobile booth polling time would eliminate the need to charter 2 aircraft in the District of Eyre. The Commonwealth *Electoral Act* allows voting at mobile polling booths to commence 12 days preceding the polling day and section 77(2) is amended to similarly provide.

Voting near polling booth in certain circumstances

On occasions voters travel to a polling booth but because of physical disabilities are unable to leave the car in which they travelled to enter the polling booth. In these circumstances, even though the Act is silent on the matter, electoral staff have assisted voters by taking ballot papers outside the polling booth area. This is only done where scrutineers are aware of what is proposed and are invited to observe the proceedings. The Queensland Act makes specific provision for this and a new section 80A is included in the amendments to regularise the procedure as has been done in Queensland.

Compulsory voting

The Government will be moving an amendment to restore to the Bill a clause amending section 85 that provides for the Electoral Commissioner to have a discretion not to prosecute where he is of the view that it is not in the public interest to do so.

Section 85(7)*(a)* of the Act provides that every elector who fails to vote at an election without a valid and sufficient reason for the failure shall be guilty of an offence. Similarly, an elector who fails to fill out, sign and return a 'please explain' notice or knowingly makes a false of misleading statement is guilty of an offence (paragraphs *(b)* and *(c)*).

The Electoral Commissioner is obliged to prosecute all offences that fall within sub-section (7), irrespective of whether it is in the public interest to do so. For example, the costs of prosecuting itinerant electors in remote areas are prohibitive and the costs cannot be recouped. The Government believes that the Electoral Commissioner should be given such a discretion.

Preliminary scrutiny

If an address at which a declaration voter claims to be entitled to vote does not correspond with the address in respect of which the elector is enrolled, the vote is rejected (section 91(1)).

Following the 1989 elections, an internal review was conducted to assess the degree to which House of Assembly Returning Officers were complying with a range of procedural requirements, including those associated with the scrutiny of declaration votes. That review revealed that the requirements of section 91(1) were not being consistently applied. It also revealed that many declaration votes were rejected on the grounds that the electors' addresses, as shown on their declaration vote certificates, failed to match their enrolled addresses.

The practical application of the section is difficult. 'Correspondence' of address does not necessarily require 'exact identity' but a nexus must be established.

Following the 1991 referendum where 108 724 declaration votes were accepted and 16 534 rejected, an analysis was undertaken to determine how many were rejected on the grounds of non-correspondence of addresses. 4 165 (or 25%) were rejected on the grounds of non-corresponding address with a high percentage occurring in country electorates.

Although resources have not permitted a detailed analysis to determine the reasons for rejection of declaration votes at the 1993 elections, 19% of all declaration votes in country districts were rejected, compared with 14.4% in metropolitan districts.

Unlike the State Act, the Commonwealth *Electoral Act* does not impose such a stringent test of acceptance on declaration votes. That Act provides that if the returning officer is satisfied that the elector, who has cast a declaration vote, is enrolled anywhere within the electoral Division for which the vote was obtained, the House of

Representative and Senate ballot paper may be accepted for further scrutiny. Furthermore, in the event that the elector is found to be enrolled in another electoral Division of the same State, the Senate ballot-paper may be accepted for further scrutiny.

In view of the significance of declaration voting, section 91 is amended to repeal the requirement of a corresponding address and replace it with a provision that the returning officer must be satisfied of the elector's entitlement to vote in the district in relation to which the voter has recorded a vote.

Electoral advertisements, commentaries and other material

Division 2 of Part 13 of the *Electoral Act* deals with the publication of electoral advertisements and political commentary. Section 113 provides that a person must not publish or distribute, or cause or permit to be published or distributed an electoral advertisement in printed form unless it contains the name and address of the author of the publication or the person who authorised its publication. Section 116 similarly provides that all published material containing or consisting of political commentary must identify the person responsible for the publication of the material.

Experience has shown that these provisions are difficult to enforce in the absence of an admission of responsibility by the author.

Accordingly a new section 116A is included which provides that in proceedings for an offence against the provisions of the Division, persons identified in material as having, for example, authorised or printed it will, in the absence of proof to the contrary, be taken to have authorised or printed the material.

It has been the practice of the Electoral Commissioner, when satisfied that an electoral advertisement is inaccurate or misleading, to allow a person the opportunity to withdraw the advertisement. This is given statutory backing in new section 113. It also provides for the Electoral Commissioner to require the publication of a retraction. The court, in determining the penalty for authorising, causing or permitting the publication of an electoral advertisement that contains an inaccurate or misleading statement, should take into account the defendant's actions in relation to any request made by the Electoral Commissioner for the withdrawal of the advertisement and the publication of a retraction. The Supreme Court may if satisfied beyond reasonable doubt on application of the Electoral Commissioner, order a person to withdraw an offending electoral advertisement or to publish a retraction.

Injunctions

Section 132 has been repealed and a new section substituted providing for injunctive relief. New section 132 allows the Electoral Commissioner to apply to the Supreme Court for an injunction restraining a person from engaging in conduct which constitutes a contravention or an offence against the Act or to compel a person to take specified action. This remedy does not apply to Division 2 of Part 13 (the misleading advertising provisions) as new section 113, as previously discussed, specifically provides for injunctions in relation to electoral advertising.

Prohibition of advocacy of forms of voting inconsistent with Act

Two paragraphs in section 126(1) are repealed. Firstly, section 126(1)*(a)* makes it an offence to advocate publicly that a person who is entitled to vote at an election should abstain from voting under section 85 of the Act. To encourage somebody to commit an offence is an offence under section 267 of the *Criminal Law Consolidation Act 1935*, thus section 126(1)*(a)* is not necessary. The penalty for an offence under section 267 is the same as the penalty for the main offence.

Secondly, section 126(1)*(c)* is repealed. Section 126(1)*(c)* makes it an offence to advocate publicly that a voter should refrain from marking a ballot paper. Section 85(2) provides that an elector who leaves the ballot paper unmarked but who otherwise observes the formalities of voting is not in breach of the duty to record a vote. Section 61(2) provides that each ballot paper must contain a clearly legible statement that 'You are not legally obliged to mark the ballot paper'.

The Government does not believe that it should be an offence to advocate something that other sections of the Act specifically allow.

Miscellaneous

The opportunity has been taken to bring the penalties for offences under the *Electoral Act, 1985* in line with the new standard scale for penalties and expiation fees. The penalties for bribery (section 109) and undue influence (section 110) have been substantially increased to bring them into line with the public office offences in the *Criminal Law Consolidation Act, 1935*. The opportunity has also been taken to draft the Act in gender neutral language. Schedule 2 of the bill contains statutes law revision amendments, including the gender neutral amendments.

Amendment of Freedom of Information Act 1991

Section 26 of the *Electoral Act* provides that the latest print of the electoral rolls shall be available for public inspection free of charge and be available for sale at a cost determined by the Electoral Commissioner. The effect of section 20 of the Act is that these printed rolls contain only names and addresses of electors, in alphabetic order of surname. To assist in the maintenance of the rolls, the Electoral Office, in conjunction with the Australian Electoral Commission produces from time to time, lists of electors in street and locality order. These lists are not made available for either inspection or purchase by the public and requests for their release for commercial or purposes are declined. It is not clear whether a request for these lists under the *Freedom of Information Act 1991* could be successfully defended. Accordingly Schedule 3 contains an amendment to the *Freedom of Information Act* which provides that electoral rolls are exempt documents under that Act. The Commonwealth Act has been similarly amended.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Substitution of s. 5

5. Appointment of Electoral Commissioner and Deputy Electoral Commissioner

The Governor may appoint a person to be the Electoral Commissioner on a recommendation made by both Houses of Parliament. The Governor appoints the Deputy Electoral Commissioner. When the office of Electoral Commissioner becomes vacant, the Statutory Officers Committee is charged with inquiring into and reporting on a suitable person for appointment to the office.

Clause 4: Amendment of s. 7—Remuneration and conditions of office

Many of these amendments are of a statute law revision nature. The substantive amendments proposed to the section provide that the remuneration of the Electoral Commissioner and Deputy Electoral Commissioner will be determined by the Remuneration Tribunal and that such a remuneration cannot be reduced during the term of office of either Commissioner.

Clause 5: Amendment of s. 27—Power to require information

It is proposed to increase the penalty to $250 for a person who fails to provide information when required under section 27 within the time allowed.

Clause 6: Insertion of Part 4 Division 5A

New Division 5A is to be inserted after section 27.

DIVISION 5A—PROVISION OF INFORMATION TO PRESCRIBED AUTHORITIES

27A. Provision of information to prescribed authorities

The Electoral Commissioner may, on application by a prescribed authority, provide the authority with information about the gender, age and place of birth of an elector. A fee may be charged for the provision of information under this new section.

Clause 7: Amendment of s. 32—Transfer of enrolment

It is proposed to increase the penalty to $75 for an elector who fails, without proper excuse, to give a notification under section 27.

Clause 8: Insertion of s. 42A

New section 42A is inserted after section 42.

42A. Registered officers

A registered political party must have a registered officer who must be an elector. If a registered officer of a registered political party ceases to be an elector, he or she ceases to be the registered officer of the party.

It is an offence for a registered political party to be without a registered officer for a period longer than one month. (Penalty: $750. Expiation fee: $105.)

A registered political party must, within one month after any change in the identity or address of its registered officer, give notice in writing to the Electoral Commissioner containing details of the change. (Penalty: $750. Expiation fee: $105.)

It is a defence to a charge of an offence against new subsection (4) or (5) for the registered political party to prove that the matters alleged against it did not arise from a failure by the party to exercise proper diligence.

Clause 9: Amendment of s. 43—Changes to Register

Subsection (3) is to be struck out as a consequence of the insertion of new section 42A.

Clause 10: Substitution of s. 53

Proposed amendments set out in new sections 53 and 53A will allow for multiple nominations of candidates by political parties as well as the nomination of a single candidate.

53. Multiple nominations of candidates endorsed by political party

The registered officer of a registered political party may, after the issue of the writ for the election, nominate on the same nomination paper candidates endorsed by the party for election by lodging, at least 24 hours before the hour of nomination, at the office of the Electoral Commissioner a duly completed nomination paper and a deposit in respect of each candidate nominated.

A nomination paper must be signed by the registered officer and contain a declaration (signed by each candidate) that he or she—

- consents to stand as a candidate in the election; and
- is qualified to stand as a candidate in the election; and
- authorises the registered officer to make an application under section 62(1), and to lodge a voting ticket under section 63(1), on behalf of the candidate.

If a nominated candidate, by notice in writing lodged with the appropriate district returning officer before the hour of nomination, withdraws consent to stand as a candidate in an election, the nomination is revoked and the returning officer must immediately inform the registered officer of the party of the revocation of the nomination.

The registered officer of the party may, if the nomination of a candidate is revoked or a nominated candidate dies before the hour of nomination, nominate some other person as the candidate endorsed by the party for the district.

A nomination is not invalid because of a formal defect or error if the provisions of the Act have been substantially complied with.

This new section does not prevent a person who is endorsed by a party as a candidate who is not nominated under this new section from nominating under new section 53A.

53A. Nomination of single candidate

A person may, after the issue of the writ for the election, nominate on a nomination paper a candidate for election by lodging, before the hour of nomination, at the office of the appropriate district returning officer a duly completed nomination paper and a deposit.

A nomination paper must be in a form approved by the Electoral Commissioner and be signed by 2 electors enrolled for the relevant district and contain a declaration, signed by the candidate, that he or she—

- consents to stand as a candidate in the election; and
- is qualified to stand as a candidate in the election.

If a nominated candidate, by notice in writing lodged with the appropriate district returning officer before the hour of nomination, withdraws consent to stand as a candidate in an election, the nomination is revoked and the candidate's deposit must be returned.

A nomination is not invalid because of a formal defect or error if the provisions of the Act have been substantially complied with.

Clause 11: Substitution of s. 55

55. Proceedings on nomination day

New section 55 provides that—

- in the case of a Legislative Council election—if the number of candidates nominated is not greater than the number of candidates required to be elected, the returning officer will make a declaration to that effect, and the candidate(s) will be taken to be duly elected as from polling day;
- in the case of a House of Assembly election—if one candidate only is nominated, the returning officer must make a declaration to that effect, and the candidate will be taken to be duly elected as from polling day.

If, in any election, the number of candidates nominated is greater than the number required to be elected, the proceedings will, subject to the Act, stand adjourned to polling day.

Clause 12: Amendment of s. 66—Display of certain electoral material

The proposed amendments move the responsibility for displaying electoral material in polling booths from returning officers to the Electoral Commissioner.

Clause 13: Amendment of s. 74—Issue of declaration voting papers by post

The proposed amendments to subsection (3) and (4) of this section provide that if an elector, on application to the Electoral Commissioner, satisfies the Electoral Commissioner that the elector's address has been suppressed from publication under the Act or because of—

- physical disability; or
- membership of a religious order or religious beliefs; or
- the remoteness of his or her place of residence,

the elector is likely to be precluded from attending at polling booths to vote, the Electoral Commissioner may register the elector as a declaration voter. The register of declaration voters must contain the name and address of the elector or, if the elector's address has been suppressed from publication under the Act, the elector's name in addition to the information currently required to be kept in the register.

New subsection (6) provides that the register of declaration voters may be inspected at the office of the Electoral Commissioner (as can be done currently) and, on payment of a fee, a person may obtain a copy of the register or part of the register.

Clause 14: Amendment of s. 77—Times and places for polling

The proposed amendment provides that, in the case of polling at a mobile polling booth in a remote subdivision, the poll must open and close at such times that fall within the 12 days up to and including polling day as may be determined by the Electoral Commissioner. Currently, this period is only for 4 days.

Clause 15: Insertion of s. 80A

80A. Voting near polling booth in certain circumstances

New section 80A allows for voters who are unable (because of illness, disability, advanced pregnancy or other condition) to enter the polling booth to vote, to be allowed by the presiding officer to vote at or near the polling place outside of the polling booth.

The presiding officer must, before issuing the voter with a ballot paper, inform any scrutineers present of the proposed action and invite 1 scrutineer for each candidate to be present at the place where the voting will occur. The secrecy of the voter's vote is maintained. After the voter has marked a vote on the ballot paper, the presiding officer must, in the presence of the scrutineers, ensure—

- that the ballot paper is folded to conceal the vote and placed in an envelope that is then sealed; and
- that the envelope is opened inside the polling booth and the folded ballot paper is placed in the ballot box.

Clause 16: Amendment of s. 91—Preliminary scrutiny

The proposed amendment provides that the returning officer must, at the preliminary scrutiny, be satisfied that the address in respect of which the voter claims to be entitled to vote entitles the voter to be enrolled for the district in relation to which the voter has recorded his or her vote. New subsection (1a) is inserted to provide for the mechanics of dealing with the preliminary scrutiny of the separate ballot papers for House of Assembly and Legislative Council elections.

Clause 17: Amendment of s. 109—Bribery

New subsection (1) makes no substantive amendment to the offence in respect of an electoral bribe except in relation to the penalty for such an offence. The penalty has been increased to imprisonment for 7 years. This is in line with the penalties imposed for public offences committed by public officers. (*Cf:* Part 7 Division 4 of the *Criminal Law Consolidation Act 1935*—Offences relating to public officers.) Currently the penalty is imprisonment for 2 years.

Clause 18: Substitution of s. 110

110. Undue influence

The provision has been redrafted in a modern way and it is proposed to increase the penalty for an offence against this section from imprisonment for 2 years to imprisonment for 7 years. (*Cf:* Part 7 Division 4 of the *Criminal Law Consolidation Act 1935*—Offences relating to public officers.)

Clause 19: Substitution of ss. 112 and 113

112. Printing and publication of electoral advertisements, notices, etc.

New section 112 has the same substantive effect as current section 112. It is proposed to increase the penalty for an offender who is a natural person from $1 000 to $1 250 in line with other penalty increases.

113. Misleading advertising

New section 113 applies to advertisements published by any means (including radio or television). A person who authorises, causes or permits the publication of an electoral advertisement (an advertiser) containing a statement purporting to be a

statement of fact that is inaccurate and misleading to a material extent is guilty of an offence. The penalties are as follows:

- if the offender is a natural person—a fine of $1 250;
- if the offender is a body corporate—a fine of $10 000.

It is a defence to a charge of an offence against new subsection (2) to establish that the defendant—

- took no part in determining the contents of the advertisement; and
- could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.

If the Electoral Commissioner is satisfied that an electoral advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Electoral Commissioner may request the advertiser to do one or more of the following:

- withdraw the advertisement from further publication;
- publish a retraction in specified terms and a specified manner and form,

(and in proceedings for an offence against new subsection (2) arising from the advertisement, the advertiser's response to a request under this proposed subsection will be taken into account in assessing any penalty to which the advertiser may be liable).

If the Supreme Court is satisfied beyond reasonable doubt on application by the Electoral Commissioner that an electoral advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Court may order the advertiser to do one or more of the following:

- to withdraw the advertisement from further publication;
- to publish a retraction in specified terms and a specified manner and form.

Clause 20: Insertion of s. 116A

116A. Evidence

New section 116A provides that, in proceedings for an offence against Part 13 Division 2—

- an electoral advertisement that includes a statement that its publication was authorised by a specified person; or
- an electoral advertisement that includes a statement that it was printed by a specified person; or
- any material consisting of, or containing, a commentary on a candidate or political party, or the issues being submitted to electors, that includes a statement that a specified person takes responsibility for the publication of the material; or
- an apparently genuine document purporting to be a certificate of the Electoral Commissioner certifying that the Electoral Commissioner made a request for the withdrawal of a misleading advertisement or the publication of a retraction,

is, in the absence of proof to the contrary, proof of that fact.

Clause 21: Substitution of s. 119

The offence provisions have been redrafted in a modern way and it is proposed to increase the penalties. However, other than that, the substantive nature of the offence has not been altered.

119. Offender may be removed from polling booth

A person who engages in disorderly conduct in a polling booth, or fails to obey the lawful directions of the presiding officer, is guilty of an offence. (Penalty:$750.) A person who has been removed from a polling booth by direction of the presiding officer and who re-enters the polling booth without the permission of the presiding officer, is guilty of a further offence. (Penalty: $2 500 or imprisonment for 6 months.)

Clause 22: Amendment of s. 126—Prohibition of advocacy of forms of voting inconsistent with Act

New subsection (1) provides that a person must not publicly advocate that a voter should mark a ballot paper otherwise than in the manner set out in section 76(1) or (2). (Penalty: $2 500.)

Clause 23: Substitution of s. 127

127. Failure to transmit claim

There has been no substantive changes made to this section but the wording has been modernised and the penalty upgraded. A person who accepts an electoral paper for transmission to an officer must immediately transmit it to the appropriate officer. (Penalty: $1 250.)

Clause 24: Amendment of s. 130—Employers to allow employees leave of absence to vote

New subsection (2) provides that an employee must not, under pretence that he or she intends to vote at the election, but without a genuine intention of doing so, obtain leave of absence under this section. There has been no change in the effect of this subsection but the penalty has been increased from $500 to $750.

Clause 25: Substitution of s. 132

132. Injunctions

If a person contravenes or fails to comply with this Act or some other law of the State applicable to elections, or there are reasonable grounds to suppose that a person may contravene or fail to comply with this Act or some other law of the State applicable to elections, the Supreme Court may, on application by the Electoral Commissioner, grant an injunction for one or more of the following purposes:

- to restrain the person from engaging in conduct in breach of this Act or the other law; or
- to require the person to comply with this Act or the other law; or
- to require the person to take specified action to remedy non-compliance with this Act or the other law.

An injunction cannot be granted under this new section in relation to a contravention of, or non-compliance with, Division 2 of Part 13. (*See new section 113.*)

The Court may grant an injunction on an interim basis, or discharge or vary an injunction.

No undertaking as to damages is to be required as a condition of granting an injunction under this new section.

Clause 26: Amendment of s. 139—Regulations

The amendment to section 139 provides that a penalty not more that $750 may be prescribed for an offence against the regulations.

Clause 27: Further amendments

This clause provides that the principal Act is further amended in the manner set out in Schedules 1 and 2.

SCHEDULE 1—AMENDMENT OF PENALTIES FOR OFFENCES AGAINST PRINCIPAL ACT

Schedule 1 contains amendments that upgrade the penalties for offences against the Act.

SCHEDULE 2—FURTHER AMENDMENTS OF PRINCIPAL ACT

Schedule 2 contains amendments of a statute law revision nature.

SCHEDULE 3—CONSEQUENTIAL AMENDMENTS

Schedule 3 provides for amendments to 3 other Acts.

Schedule 1 of the *Freedom of Information Act 1991* is amended by inserting after clause 6 a clause that provides for electoral rolls to be exempt documents. However, the part of an electoral roll that sets out the particulars of an elector is not an exempt document in relation to that elector.

The *Ombudsman Act 1972* is amended as a consequence of the changes proposed to the *Parliamentary Committees Act 1991* dealing with the establishment of the Statutory Officers Committee. Currently, there is an Ombudsman Parliamentary Committee charged with the task of making recommendations as to a suitable person to occupy the office of Ombudsman in the event that the office is vacant. The provisions providing for these matters have been amended or repealed as it is proposed that this task will now be taken over by the Statutory Officers Committee under the *Parliamentary Committees Act*. Clause 3 of the Bill provides that this new Committee will carry out that task in respect of a vacancy in the office of the Electoral Commissioner.

The amendments proposed to the *Parliamentary Committees Act* provide for the establishment of the Statutory Officers Committee and set out the functions of the Committee.

Mr CLARKE secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION BILL

In Committee.

(Continued from 5 March. Page 1193.)

Clause 47 passed.

Clause 48—'Constitution of Trust.'

Ms STEVENS: I would like to revisit some of the things that were mentioned yesterday concerning the percentage of people smoking—both adults and children—which seems to have been static in South Australia over recent years, I think over the past 10 years or so; in other words, there was a drop-off but we have reached a plateau. I think that that really begs the question that we ought to be examining just what we are

doing about that issue and deciding whether we ought to be reviewing the programs and mechanisms that we are using to address that matter.

With that in mind, I again refer to some suggestions that were provided to me—and I know the Minister also has these documents—from the Anti-Cancer Foundation and the National Heart Foundation. They suggested that the Minister and the Parliament ought to consider some amendments that could address the imbalance of the membership of the trust of Living Health. What they are suggesting is that the constitution of the trust be altered so that it consists of eight persons: two in the area of public health with expertise and knowledge in that area, two with experience in the sports field and two in the area of the arts and arts administration.

Their reason for suggesting this was that these amendments address the imbalance on the trust, where sport is represented by three and the health and cultural fields by only one each. Under the suggested amendment each discipline would have two, thereby providing equal representation. The rejigging of the board in this way might provide greater impetus particularly in respect of health issues. I also refer the Minister to what I said before about our need to address health issues and the levelling out of tobacco consumption. I would like to hear what the Minister has to say about that.

The Hon. M.H. ARMITAGE: As I said last night, the Government is interested in very carefully analysing the programs which are presently in place to see people either cease or, perhaps even more importantly, not commence smoking. I assure the Committee that an assessment of the value which the taxpayer is getting for every dollar that is at present being spent in those programs will be done and, if it is found that there is a more efficacious way of spending the taxpayers' dollar, I will have no hesitation in accepting that advice. I do not believe that that requires a change in the constitution of the trust, because at no stage have I been briefed at all about health losing its influence because of the membership of the trust. Whilst the legislation is ceded to the control of the Minister for Health, I believe that the important thing is to achieve value for the dollars that are spent on the programs and, as I have indicated, we will certainly address that.

Ms STEVENS: Following on from what the Minister has just said, in terms of achieving value for dollars in the outcomes of programs, will the Minister take into account the issue I raised in terms of the levelling out of the consumption of tobacco—the fact that it is not decreasing, and it has not been decreasing much over the past 10 years—and in doing that will the results of this assessment and evaluation be made public?

The Hon. M.H. ARMITAGE: That is exactly what we will be assessing. The fact that the programs have had a fall off and then a plateau is exactly why we will be questioning whether the present programs are the ones we ought to support or whether we ought to try something else.

Ms STEVENS: I also asked the Minister whether those deliberations would be made public.

The Hon. M.H. ARMITAGE: The outcome of the deliberations will obviously be seen in whether we decide to support the present programs or move on to something else.

Clause passed.

Clauses 49 to 55 passed.

Clause 56—'Functions and powers of trust.'

Ms STEVENS: Again, I would like to place on the record the suggestion from the group that I mentioned before. Clause 56(1)(b) provides:

To conduct or support public awareness programs.

It has been suggested that 'conduct' should be deleted so that there is a change in function so that the body is only supporting public awareness programs. The suggestion is that with Living Health conducting the programs there is a strong possibility of duplication of that work and that it could easily be done by other agencies.

The Hon. M.H. ARMITAGE: I cannot contemplate this, because it may well be that the conducting of a public awareness program by an organisation such as Living Health will provide better results. Obviously, as Minister for Health, I would be remiss if I prevented the South Australian population from at least looking at that as an option. I certainly understand about the dilemma of duplication, and I would not want to repeat that; but equally, if a program was put up whereby Living Health was able to demonstrate a greater success rate than some of the present programs or programs being run by other agencies, I would be silly not to allow that to occur.

Clause passed.

Clauses 57 to 64 passed.

Clause 65—'Powers of authorised officers.'

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

Page 32, line 32—Leave out 'person' first occurring and substitute 'officer'.

This is only a machinery amendment, so I will not speak to it.

Amendment carried; clause as amended passed.

Clauses 66 to 68 passed.

Clause 69—'Application of fees revenue.'

Ms STEVENS: I would like to reiterate a concern which I raised earlier, because I believe it is very important. About $600 000 is currently spent on programs designed to reduce smoking. This is about 40¢ per head of population in South Australia. By any measure, this is an inadequate amount. The children of South Australia consume about 1 per cent of tobacco and contribute the same by way of licence fees and excise taxes. As was stated last night, the amount for 1996 is about $4.2 million.

Out of $4.2 million contributed in taxation through the consumption of cigarettes by children in this State, the Government spends $600 000 to discourage their smoking. Western Australia, the Northern Territory and Victoria spend considerably more per capita on tobacco youth prevention programs. As I said yesterday, California, which reduced smoking prevalence from 27 per cent (about where we are now) in 1989 to 17 per cent in 1994, spends about $3 per head. As I said yesterday: you get what you pay for. I would have thought that that is the sort of change that we want to see in South Australia.

I raise again the suggestion made by the Anti-Cancer Foundation and the Heart Foundation that not less than 2 per cent of the total money collected under this legislation by way of fees for tobacco merchants licences, not being restricted licences, should be spent on education and publicity programs designed to give effect to the object of clause 3(b) of this Bill, and this relates directly to the prevention of smoking and certainly the prevention of taking up smoking in our State.

If the Government is serious about this being a health Bill, this would be probably the single most important thing that it could do to make a difference in the number of people who smoke, particularly in the number of young people who take up smoking in our State. This is not saying that this is the entire amount of money that will be generated by this new

tax. It is simply saying that out of all money that this Government takes as a result of the consumption of cigarettes—

The Hon. S.J. Baker: But you must balance that out.

Ms STEVENS: Already you hypothecate about $11 million into this other fund. Perhaps you have to do some hard thinking about where that money goes.

The Hon. M.H. Armitage interjecting:

Ms STEVENS: I will be pleased to hear it. Surely it is reasonable that this State makes a commitment to the health of future generations and tackles smoking where it is absolutely most critical, that is, the taking up of smoking by young people in South Australia, and that we seriously fund attempts to address this by not giving a pittance of $600 000 a year to those sorts of programs—

The Hon. S.J. Baker: We spend millions.

Ms STEVENS: You do not. I am talking about direct programs in relation to tobacco consumption. You do not spend millions in that area. The suggestion is that this Government should legislate to commit not less than 2 per cent of the money collected to be spent on education and publicity programs designed to give effect to the object of clause 3(b) of this Bill.

The Hon. M.H. ARMITAGE: The nature of the member for Elizabeth's discussion of the amendment suggested by the Anti-Cancer Foundation and the National Heart Foundation clearly suggests that she will take to the Labor Party Caucus meeting—which she identified will occur next week—a position of support for what this amendment is all about, that is, a 100 per cent smoking ban in restaurants. That is the only conclusion—

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: I am coming to that. It is the only conclusion that one can draw—

Ms Stevens: Answer the question.

The Hon. M.H. ARMITAGE: I am answering the question. The member for Elizabeth may not wish to have the inevitable conclusion of her statements pointed out to her, but this amendment is about stopping people suffering from environmental tobacco smoke. Therefore, recognising that that is the case, I would have expected that she would be more than happy to support—

Ms STEVENS: Mr Chairman, I rise on a point of order. I want to clarify that we are talking about clause 69 which is headed 'Application of fees revenue' and which is not about environmental tobacco smoke.

The CHAIRMAN: We have not yet put clause 69 to the vote.

The Hon. M.H. ARMITAGE: I am pleased that the member for Elizabeth will support that proposal next week. The member for Elizabeth, in reading into *Hansard* material prepared by other people, is not looking at the facts. The fact is that not only $600 000 is spent in this area. I accept that, if that were the only effort, it would be 40¢ per head of population, because that is the information that has been supplied by the organisations, and I presume it is correct.

The member for Elizabeth fails to acknowledge that millions of dollars are spent through Living Health providing other moneys for sponsorships and grants. The approximate sponsorship budget of Living Health is $6.5 million. The population of South Australia is 1.5 million, so there is $4 per head immediately. I have indicated that as Minister for Health I am interested in analysing the programs presently in place. If we find that those programs are not producing value for the dollars spent, we will alter the programs and our sponsorship. That may require some rejigging within the Living Health budget, but that is done on a yearly basis. That is nothing new. The member for Elizabeth should speak with the member for Giles who, as a former Minister for Health and former Treasurer, would know that budget variations are brought up at least annually and sometimes more frequently.

The issue which the member for Elizabeth is discussing will certainly be of interest to the Government and to Living Health, but money is not hypothecated to particular expenditure. To hypothecate to particular expenditure automatically assumes that the way the money is presently expended is the best and only way of achieving that expenditure. The Government happens not to believe that that is necessarily correct. We will be supportive of programs which see a reduction in cigarette smoking. That is what this amendment is all about.

Ms STEVENS: I acknowledge that the Minister said he would be looking at and evaluating the programs, but he also said that there was rejigging on an annual basis of the way funds are—

The Hon. S.J. Baker: All the time.

Ms STEVENS: For the past 10 years, the smoking rates have remained static and you have been rejigging—

The Hon. S.J. Baker: That is not true. It is your sex that causes the problem.

Ms STEVENS: I will not become involved in a discussion about my sex at this juncture, but the Minister did say that funds are rejigged on an annual basis and that this is nothing new. The fact that smoking rates in our population, amongst both adults and children, have remained static over the past 10 years means that rejigging on an annual basis does not seem to have changed what is happening. I hope that the rejigging that the Minister is about to do is significantly different from the rejigging that he says has been happening on an annual basis, because it has not led to any change, which, I think one might be forgiven for suggesting, means that it has not been very effective.

The Hon. M.H. ARMITAGE: I am prepared to accept responsibility for the past three years, but I am not prepared to accept responsibility for what happened in the seven years before that.

Ms Stevens: We just want some action.

The Hon. M.H. ARMITAGE: The member for Elizabeth wants some action. The trouble is that in any parliamentary debate there is some theatre and one does not always listen when a lot of things are going on. That is not a criticism: I understand that. But I indicated to the Committee last night that within the past 10 days or so I had received a deputation from Living Health, which indicated that it was seeking a budget variation that would provide a program with a real difference that would utilise a component of the reserves referred to by the member for Peake. That is exactly the rejigging about which I am speaking.

If the current programs have unfortunately reached a plateau, I think it is legitimate to ask whether those programs are the best way of spending the money. That is all I am saying. However, I believe that the member for Elizabeth is suggesting that the money should be hypothecated to education and publicity programs. That is the effect of the suggestion. I am saying that that may not be the best way to reduce smoking. I am desperately prepared to look at measures that will reduce smoking, but I do not necessarily want to hypothecate the money necessarily to those things. I agree with the member for Elizabeth that it is most unfortunate that the rate is not continuing to decrease. As the

Minister for Health, I am disappointed about that. I am taking submissions to look at different ways of spending the money so that, hopefully, we can all say in here in five or 10 years, 'Isn't it terrific that the rate of smoking continues to go down?' So, I am not disagreeing—

Mr Clarke interjecting:

The Hon. M.H. ARMITAGE: We'll see.

The CHAIRMAN: The Chair cannot deal with speculation.

Ms STEVENS: I am not suggesting that the way to solve things is necessarily by throwing money at them, but I would like the Minister—and perhaps the Treasurer—to consider the fact that the evidence provided in terms of the differential rates of expenditure when comparing this State with other States where it is significantly higher is certainly a factor. Obviously, that evidence must be combined with the nature of the programs, but how much you are prepared to resource issues is extremely significant in determining just what you can do, particularly when you are looking at the smoking rate amongst youth and the need to use a lot of global and expensive forms of advertising that will attract youth.

The Hon. S.J. BAKER: I will respond quickly, and I will cite some examples as evidence of the comments made by the Minister for Health. One of the things in this State that disappoint me, if we are fair dinkum about road safety, is the pathetic little advertisements that we have had on television over a long period of time and the extent to which they impact on people. It simply has not worked. The Government determined that not only would it increase the effort of identification but that, if it used advertising, it would be somewhat more significant than the pathetic little attempts that have been made over a long period of time.

We have convinced the people who are responsible for putting those advertisements on television of the need to do that, because over a period of time we have seen that Victoria, which started behind us in terms of road safety, is now well ahead of us. The Government's change of attitude in that respect took some time, and there are still some people in the road safety area who have to get up to the mark, but more vital advertising efforts can be made to bring to the consciousness of people the need not to drink and not to speed. The Minister for Health has quite clearly pointed out that what we have done might not have been as effective as we would like. However, in terms of the effort that has been made in the Northern Territory, I still think that it has the highest smoking population in Australia. However, I am not sure whether significant inroads have been made.

It is all about effectiveness. It is not about putting forward a block of money. During the short period of three years that we have been in government, I know that when you put forward a block of money it is got hold of by people who make an industry out of it—and it just does not work. I am simply saying that the Minister for Health is being totally responsible in giving an undertaking to this Committee that, if we are spending millions of dollars—as we are within the schools system—and it is not working, then we have to do better. That may not involve spending more money; in fact, it may involve spending less money and simply targeting the audience effectively and pricking their conscience either directly or indirectly through family and friends. There are a number of advertising techniques which have not been taken on board, which do have impact and which need to be adopted.

I would like to respond to questions raised by the member for Elizabeth. I refer to her question about the definition of 'place of public entertainment' and the relevance of the words 'seated in rows'. If that definition was widened, it could take in a whole range of circumstances that I do not believe the Minister for Health contemplated when the Bill was put together by the joint efforts of the Department of Health and the Treasury. It could lead to bizarre circumstances. For instance, when people get together in a normal place of entertainment, how do you measure that? I think the member for Elizabeth would understand the difficulty of deciding whether you should stop people from smoking when a venue is half full or full or simply when people congregate. That would be the outcome of the proposal that has been put forward. If the honourable member has further thoughts about that matter, the Minister for Health or I would be pleased to receive them.

In terms of unlawful consumption, I was not correct in the answer I gave off the cuff to the member for Elizabeth. Back in the good old days of 1986 when the Tobacco Products (Licensing) Act came into vogue, there was a case involving a Mr Stokes which involved the 1987-88 financial year. Mr Stokes was operating as an unlicensed tobacco merchant, and several consumption licences were issued at that time. No further licences were issued from 1988 to 1996. However, an auction of New South Wales tobacco in the form of cigars was held in South Australia this year and, in order for those people to purchase that tobacco, they had to buy a consumption licence. So, seven consumption licences were issued in 1997 to allow those people to buy that tobacco at auction. There have been no prosecutions in relation to a person not holding a consumption licence. I suspect there are more severe penalties in terms of illegal trading that may be invoked in such circumstances.

In terms of the Internet, discussions were held between officers on advertising on the Internet. It was rejected on the base of practicality, for several reasons. First, the Federal Telecommunications Minister has refused to even attempt to control the Internet on all issues that we know cause difficulty for those who are searching and for young people. There is some horrific material on the Internet which people can obtain by accessing various programs. The practicality is that the Federal Government has refused to apply restraint to the Internet. The issue of advertising on radio, TV and in the papers is that the advertising is provided directly. However, with the Internet you have to find something in the Internet program, so it is not naturally a form of advertising.

Ms Stevens interjecting:

The Hon. S.J. BAKER: If you are going to advertise something, people need to see the advertisement. With the way the Internet works—

Ms Stevens interjecting:

The Hon. S.J. BAKER: I know, but they do have to look for it. I do not know that any child wants to find out how to smoke a cigarette as there are plenty of practical examples from the age of 10 years and all the brands are on display in the shops. The Internet in that sense, first, is not an effective form of advertising and, secondly, it is impractical to attempt to do so. Other issues are far more compelling in relation to the Internet on which the Federal Government has to come up with answers, including some of the pernicious material on the Internet that can be accessed by minors as well as the extent to which the Internet could affect the capacity of the States to control their own gambling revenues if there was offshore gambling activity.

We are attempting to push the Federal Government into putting down rules that may be useful in controlling Internet

activity in areas where we have severe reservations about access to material by minors. This is not one that has come to our attention as an issue, simply because of the access medium but if, when you first accessed the Internet a cigarette packet flashed on the screen, it would become far more important.

Ms Stevens: Cricket?

The Hon. S.J. BAKER: If the member for Elizabeth wishes to provide me or the Minister for Health with further material that she would like us to consider, we would be happy to do so. Cricket is controlled federally, as the honourable member would recognise. Exemptions are provided federally and in some State jurisdictions because some major international events are tied into advertising regarding the major sponsors of those events. The Grand Prix is one example.

Ms Stevens: I was suggesting that the clause was irrelevant and should be deleted because of that fact.

The Hon. S.J. BAKER: I take the honourable member's suggestion.

Mr BECKER: Has the Government looked at the allocation of 5.5 per cent to Living Health and is the Treasurer aware of the percentage given to similar organisations in other States, particularly Victoria and Western Australia? I understand that a few years ago the Kennett Government reduced the amount of funding to Vic Health by about 50 per cent. I seek information, because I am wondering how effective the campaign has been. Does the Treasurer, or the Government, have any statistics or information on the percentage reduction of smoking in South Australia over the past nine years since the establishment of Foundation SA, now Living Health?

I was surprised to hear this morning on the Bazz and Pilko radio show their concern that one in four children in South Australia admit to smoking. They worked out that the amount of pocket money children would need to support that habit was about $20 per week. The question is raised: where would the average young person get $20 per week to spend on cigarette smoking? Through this debate in the past 48 hours, there is an awareness of the impact of cigarette smoking, particularly in relation to children. How successful has the campaign been when one considers the amount of money being spent? The letter from the Anti-Cancer and Heart Foundations refers to about $600 000, or the $585 000 Quit program.

If we look at the last annual report of Foundation SA for the financial year ended 30 June 1996, we find that expenditure for sponsorships was $7.4 million and for health programs $2.1 million, which means that Foundation SA spent $9.5 million of its total expenditure of $10.4 million, with about $900 000 going to administration. The Anti-Cancer and Heart Foundations are being a little harsh when they put the whole health program at only $585 000 when that is purely for Quit. For every health sponsorship there is a component written in for health reasons that relates to anti-smoking. What statistics and data does the Government have after all these years in relation to this program?

The Hon. M.H. ARMITAGE: A number of those matters were addressed in answers to the member for Elizabeth. We do not spend only $600 000 in this area. That amount of money may be spent on particular health programs and $2 million on other programs, but I refer to the money spent as tobacco replacement sponsorship for something like the SANFL, which has gone smoke free, and full credit to it for so doing. It is one of the largest sporting organisations really grappling with the problem and making the decision to do so, partly because of the input from one of the members of the trust of Living Health, who is one of the sport representatives. That is why I do not believe that the trust needs to be changed.

There are many ways of skinning a cat and having $6.5 million in sponsorship, where the organisations are required to expend that money in line with Living Health goals, in other words smoke-free areas and so on, represents a very cogent health program. It certainly sends a message to South Australians and to young South Australians. We know of the adulation of young South Australians for, for example, the Crows. If they see that it is a smoke-free area and that perhaps their parents and their parents' friends who used to smoke there now are not now allowed to do so, it is a very solid message. Each time the Crows—and I presume Port Power (much as it pains me to say so, being a Crows barracker)—play at Football Park, 45 000 people or more will get the message that it is unacceptable to smoke when you are in an enclosed area next to somebody.

That has flow-on effects for all the children, and I know from being a regular attender at Crows matches down there that a good third of the spectators will be people under 15, and that is fantastic. I would contend that the money spent has broad application rather than just involving the particular programs to which the member for Peake refers. May I also say that I am delighted that, a little bit like Saul on the road to Damascus, the member for Peake is indicating—

The Hon. S.J. Baker: Great support.

The Hon. M.H. ARMITAGE: —exactly—great support for these programs that would see a number of young children not taking up smoking. That is fabulous, and I applaud the support of the member for Peake. Because of the Saul-like conversion on the road to Damascus overnight, I look forward to his support for the amendments. As to the information requested, I will obtain that for the honourable member.

Clause passed.

Remaining clauses (70 to 86), schedules 1 and 2, and title passed.

The Hon. S.J. BAKER (Treasurer): I move:

That this Bill be now read a third time.

Ms STEVENS (Elizabeth): The Opposition's argument in relation to this Bill has been that its prime purpose was a tax increase which the Government has attempted to dress up as a health measure: I think we have very clearly demonstrated that over the hours of debate on this measure. The Australian Labor Party's position on tobacco smoking and health has been very clear. We believe and accept the dangers to health of tobacco smoking. We accept the enormous cost in both health and economic terms that this leads to in our community. We note that the previous legislation that is now being amended, collapsed and brought together—the initial legislation in this State in relation to tobacco smoking and the control and sale of tobacco products, the establishment of a hypothecated fund to try to deal with some of the issues involving cigarette advertising in relation to sports and the arts, and other measures, all were introduced by a Labor Government. So, our position on this matter has been well established over many years.

We acknowledge that there is no such thing as a safe cigarette, in terms of both the actual person smoking and, of course, the dangers of passive smoking. We acknowledge that we are in a difficult position as a society in relation to tobacco

smoking because, on the one hand, we are now acknowledging the health dangers and, on the other hand, we have something in our community that none of us has been prepared to ban outright, so we have had to tackle it with a harm minimisation approach. However, that being said, we do not accept at all that this Bill is really about health. We do not think the argument linking the increased price of cigarettes to an increase in tar is conclusive in terms of health, as stated by the Minister in his second reading speech.

The Hon. S.J. Baker interjecting:

Ms STEVENS: No, we do not accept that at all. We think things are a little more complex than that, and that this was a convenient measure for the Government to use to generate an extra tax. It does not stand up from a health point of view. We have previously established that there is no such thing as a safe cigarette. Tar is not the only compound that causes concern, and we made the point that this measure could actually be seen as an anti-health measure and could possibly encourage people and cause them to think that the cheapest cigarettes are actually safer. Of course, we all know they are not.

As to the Government's argument that an increase in price would be a disincentive, I also believe it does not stand up. People addicted to tobacco, those who have been smoking for some time, will not give up smoking because the cigarettes cost 35c extra per pack. They will give up other things but not cigarette smoking. We all know that nicotine is very addictive and that it takes a lot more than that to make that difference.

In respect of smoking and young people, even though it is considered that young people are price sensitive, we acknowledge that an increase of 35c, standing as a measure on its own, will certainly not make large inroads into the smoking habits of young people. We are disappointed that the Minister did not seem to be prepared to consider a number of other suggestions in relation to health measures. I was interested in the Treasurer's comment a moment ago with respect to the issue we raised in relation to seating in rows. I think he said that, if we wanted to get into that, it would open a lot of other issues in relation to the congregation of people and how we might define this, and it was not what the Minister for Health was prepared to tackle at this point. That same answer was given yesterday when I also asked the question about the auditorium.

I cannot remember on which clause that was, but the Treasurer answered on behalf of the Minister for Health and said that this was not what the Minister for Health had taken to the Party room. That has been disappointing because it indicates that the Bill was fine as a tax Bill, but as a health Bill I would have expected a much more substantial contribution in terms of health measures from the Minister for Health. I noted that even yesterday the Minister was not prepared to admit to the House that there was an agreed target by all Australian Health Ministers. He could not actually say it and the Treasurer said it later. The Minister for Health was not able to state to the House that the Australian Health Ministers had decided on a set target for reducing smoking levels, I think, to 20 per cent by the year 2000.

The Minister for Health was not able to tell us that that was the case. I am not sure whether he was not aware of it or whether he could not bring himself to say it, because I had asked him about that when I suggested that perhaps it would be a good idea to build those targets into the legislation. It seems to me that the Minister for Health does not want to be pinned down to producing a particular outcome in a certain time frame. That seems to indicate a lack of will and resolve to get in and tackle the big issue of reducing consumption of tobacco smoking from the current levels of 27 per cent for adults and 25 per cent for young people at age 15. Those levels have remained static and have reached a plateau over the past 10 years. We have got to a certain point and we have not been able to bring it down any further. I am concerned that there seems to be a lack of will by the Minister to commit himself in legislation to achieving that. Again, it seems to indicate that the approach of the Minister for Health has been very superficial in this regard.

Turning to the Minister's recommendations about environmental health involving the smoke-free zone amendments, if we are going to argue this on health grounds, again the Minister is skating on thin ice. As has been said many times, the Opposition had no time to consult in the community or with people in various interest groups. Certainly, I know that health lobby groups—the Anti-Cancer Foundation and the Health Foundation—made their position clear, that they were in favour of a 100 per cent ban on smoking in all public places. This legislation is way off that goal.

Also, from my reading and understanding of the amendments, and I have not been able to consult with hotels in general or those in my own electorate, I believe that hotels will manage quite well under these amendments. Restaurants will have to deal with the 100 per cent ban, and it is interesting that this is the way it has turned out. If we are talking about change on purely health grounds, it seems that the level of smoking is much greater in hotels than in restaurants. If we are arguing this purely on health grounds, then I am not sure that the solution the Minister has dropped on us is really the best on health grounds.

Also, great concerns about smoking have been expressed at the Casino but they have been ignored, but it did not have to be that way. That comes back to our concerns and the concerns of all the stakeholders in the process: they are concerns about the process followed by the Minister for Health in arriving at his amendments. We all know that none of these provisions comes into force until January 1999, which is over 18 months away, so there was no rush. There was plenty of time to do it properly, to get people together, to have a proper debate, not via the media with bits and pieces of information flowing out willy-nilly with no proper organisation of the debate.

There was plenty of time and there was a willingness on the part of all the stakeholders to be part of such a process. If that had been done, within six months we could have had something agreed by the stakeholders and all Parties in this Parliament, something that probably could have been set in place by the end of the year. Instead of that, we have something that does not please many people and something that is lacking in terms of tackling the health issues around tobacco smoking, and it does not even start until January 1999. That is unfortunate, it is an opportunity lost, and I hope this method will not be repeated. Perhaps this is an example of the way one should not go about implementing significant change in the community.

In conclusion, the Opposition will be discussing this measure at its next Caucus meeting, but I do not know what the result will be. Certainly, it will be a robust discussion, as always, within our Caucus room, and we will carry the debate further in another place.

Mr BECKER (Peake): The three-tiered system that comes from this legislation will present a serious administrative and financial burden for retail tobacco businesses in

South Australia. Tobacco retailers carry about 80 trademarks of cigarettes alone in their retail outlets and, under the proposed tar-based system, there will now be three different prices for each of those 80 trademarks instead of one price.

The Hon. S.J. BAKER: Mr Deputy Speaker, I rise on a point of order. The third reading is meant for a particular purpose. The member for Peake is now taking up an issue that was not raised in the debate but it has been a matter of discussion between tobacco retailers and me and satisfactorily worked through. That is outside the purview of the third reading debate.

The DEPUTY SPEAKER: The scope of the third reading debate is very narrow and should devolve around the Bill as it emerges from Committee into the third reading stage. The introduction of new material is specifically embargoed.

Mr BECKER: I am simply relating to the House the impact of the legislation, which sets up a tar tax. I am highlighting the impact of that tar tax on the retail industry. That is all I referred to.

The DEPUTY SPEAKER: If that was referred to during the previous debate and it refers to the Bill as it emerges, the honourable member is in order.

Mr BECKER: That is exactly what happened, because I raised it. There are three levels in respect of the tar tax—A, B, C and D, and it goes from 102 per cent to 105 per cent. That will cause a problem for the retail industry. I am quoting a statement of fact. There is nothing new in what I am saying—I am simply analysing the legislation. The situation will present small business with a severe and unnecessary burden of administering a complicated and confusing system—and that is what will happen. The proposed system will create significant potential for the illegal transportation of cigarettes from other States, as South Australia will be out of step with all other States in Australia and unscrupulous operators will take advantage of the situation, as we believe was the case in the past. In fact that was proved, because the State did lose a considerable amount of money when Queensland was charging a much lower tax—I think about 75 per cent when the rest of the country was charging 100 per cent.

This inconsistency with all other States would lead to a loss of revenue for South Australia. One company estimates that only five truck loads of cigarettes sourced outside the State would have to be sold in South Australia to neutralise the revenue benefits in the proposed three-tiered system. One of the biggest operators in that field was a trucking company in the Northern Territory, but I believe that when all the States came into line and imposed a 100 per cent tax that company went out of business. This proposal, which is effectively an increase in the tax rate, will hit low income earners and small businesses. Discriminatory and regressive taxes on tobacco fall particularly heavily on poorer people.

The three-tiered licence fee system also presents constitutional ramifications, as the proposal puts the fee beyond 100 per cent and differentiates between the product variants. During the debate I referred to roll-your-own cigarettes, which are very popular with the average working person, as that is the only type of smoking that they can afford. In fact, Drum tobacco, for roll-your-own cigarettes, is the most popular brand of tobacco in the Correctional Services system in this State and elsewhere in Australia.

I wish to bring to the attention of the House the impact of new clause 46A, which relates to smoking in hotels, restaurants or where meals are served. I have been advised this morning that there is a voluntary code for non-smoking. An industry statement, which came from Ian Horne, the General Manager of the Australian Hotels Association (SA), states:

> The hotel and restaurant sector overwhelmingly support the ability of venues to respond to non-smokers needs under a voluntary process.

The Hon. S.J. BAKER: I rise on a point of order, Mr Deputy Speaker. The honourable member is breaching the rules of the third reading debate. In the third reading debate a member is not allowed to canvass new material.

The DEPUTY SPEAKER: The honourable member is referring to the Bill as it has emerged from Committee. Although he is reading from a recent letter, it relates to the impact of the Bill, and that is precisely what the member said. We are looking at the import of the Bill as it emerges from the Committee stage and goes through the third reading.

Mr BECKER: It is the ramifications of the legislation, whereas the hotel industry had as its base a voluntary code. The letter continues:

> This should not be seen as support for smoking but as the right of small business to respond to customers needs. It is therefore in the interests of the industry to make self-regulation work.

I want to link this up with a further observation that has come from the other States as to the impact of banning cigarette smoking in restaurants or where meals are served. The letter continues:

> As the mix of smokers varies by venue and location, rigid division can create problems. However, the industry believes continued and increasing change will be achieved by the year 2000 in response to changing community expectations. In fact, massive cultural change has already happened in our venues' dining areas in relation to smoking. Indeed if the need for non-smoking in restaurants is sufficiently sizeable, many operators will be commercially astute and go totally smoke free.

In fact, I think that that would happen also in the hotels. The legislation allows for the isolation of smoke rooms. If you have, as I see it, a private function in a hotel by invitation, you can hire a room in that hotel where smoking may be permitted. That is why I queried this legislation during the debate. The letter continues:

> Others do and will look to separate rooms, while many continue to look at and implement improved ventilation in addition to designated areas.

This has already happened, and it is happening in other States as well. It continues:

> Therefore, the industry strongly believes that an ongoing positive response for the provision of non-smoking facilities can be positively achieved through cooperation with and support from Government.

I have been advised that what has really happened is that legislation forced all restaurants in the Australian Capital Territory to become entirely non-smoking in December 1995. The only exception applies to those establishments that meet ventilation requirements in that they receive an exemption to allow smoking in 25 per cent of their dining area. By June 1997, pubs and bars serving food will be subject to the same smoking bans. Here, of course, the whole thing becomes operational from the first working day in January 1999, which I consider is fair and reasonable, because the industry has been given time to make other arrangements.

New South Wales and Western Australia have formed task forces to investigate, among other things, the feasibility of outlets serving food and beverages providing clearly separated smoking and non-smoking eating areas. I think it is a pity that we did not do that here and that we did not take some time to look at the economic impact over all. What we have discovered as a result of this debate is the alarming statistic that one in four children smoke cigarettes, that is, children under the age of 18. I am horrified by that, and I know that the industry would be just as alarmed and concerned. We

hope that the allocation of funds to Living Health will be used to highlight that area. I think that that is the area where we have to really concentrate if we are to have any impact on cigarette smoking in the future. The future generations will have the money, unlike my generation, and they will tend to go out and eat out more and, as living standards change, the lifestyle will change. Therefore, if you are going to have an education program that is where it should be.

I am also concerned at the impact on cafeterias. I did mention that a lot of restaurants and hotels are using streets or footpaths to accommodate their customers, and local government has twigged that this is a way to obtain revenue from restaurants, hotels and so forth by charging an annual fee—as much as $500 a year per table. Local government has done very well again. In fact, local government is a very shrewd organisation.

I hope that both Ministers look at the legislation's economic impact on the hospitality industry in South Australia. It is starting to pick up. The Government has been doing some marvellous work in boosting tourism in South Australia and endeavouring to attract tourists to the State. There had been a significant downturn in that respect by the previous Government, which tended to not pay so much attention to it.

However, the hospitality industry had been lifting. The standards in this State are superb. It is rare to go to a restaurant in South Australia and be served poorly, treated poorly, or not be satisfied with the standard, the quality and the attention. Of course, you can also choose where you sit if you want a smoke-free environment, and that service is provided on a voluntary basis by the industry. So, from that point of view I felt that, if more time had been allowed for this, we could have had a task force to look at all the ramifications so that when the legislation was presented we would not have had this long drawn out debate.

I have been advised that there is one area of concern in that the legislation requires restaurateurs to police the ban, which is contrary to accepted public policy. A restaurateur will be guilty of a criminal offence if someone lights up in their restaurant, hotel, cafeteria, or wherever. That is a situation over which they have no control. Under the liquor licensing laws, a restaurateur or hotelier is responsible for people who drink on their premises but, because they serve the drinks, they are in control. However, a restaurateur or hotelier is not in control if someone lights up a cigarette of their own volition. Of course, it is the impact of the penalty, so who will police it?

We could have a situation where someone quite arrogantly defies everything and lights up a cigarette and causes a scene, which no-one really wants to see. So, that is one of the difficulties we might end up facing. As I said, I believe that we need to look at it. I would have preferred to have a sunset clause in respect of Living Health, which I believe needs to be reviewed in terms of the amount of money that it has expended over the years. The replacement of tobacco sponsorship—

The SPEAKER: Order! The honourable member is now straying.

The Hon. S.J. Baker interjecting:

The SPEAKER: With the greatest degree of respect, the Deputy Speaker has made a ruling, and I would suggest to the Treasurer that it is not appropriate to make those comments.

Mr BECKER: Thank you, Mr Speaker. I appreciate your comment in response to the Treasurer, because the third reading debate, as I have always understood it, allows members to summarise legislation in relation to its impact in the community. It is like much of the legislation we have dealt with over the years—we really need an economic impact statement, and a family statement would not be a bad idea, either. The whole thing hinges around freedom of choice. The difficulty of the argument is that we have a product that is legal to manufacture, sell and use or enjoy—whatever you want to call it. It is a product that you can use for your own pleasure. The problem we have created is that we are now restricting the use of that product in many areas, and those areas are growing wider and wider. The legislation will make it difficult for some people in this community, and it will certainly have an impact. As far as I am concerned, the whole thing hinges on freedom of choice and, for those of us who believe in freedom of choice, this is a sad day.

Mr ATKINSON (Spence): The Bill is founded on a procedural abuse of the Parliament. The Bill that was brought into the House on Tuesday was to increase the tax on tobacco. However, as the debate proceeded we found that the Government, having resolved its internal differences, turned it into a Bill to ban smoking in restaurants, and the parliamentary Labor Party had not had an opportunity to discuss that issue. So, the parliamentary Labor Party is not really in a position to debate the merits of the Bill because we have not had an opportunity to discuss it. That is an abuse of the Liberal Party's record majority in the House.

Unlike some of my colleagues in the parliamentary Labor Party, I am opposed to the whole Bill. I would like to see every clause of it thrown out: I would like to see the tax increase and the restrictions on smoking in restaurants and bars thrown out. The Minister would claim to be a great liberal, but with this Bill he has certainly cracked down on freedom of choice and personal freedom. As I was told at the Marion RSL Club on Monday evening, if this Bill goes through the Marion RSL Club may as well close its doors because of what the Minister for Health is doing to it. When you do not believe in any higher authority—as the Minister for Health does not—you become obsessed with extending your own life by five minutes at a time.

The Minister is imposing his personal prejudices on the State of South Australia. He barely has a majority within the parliamentary Liberal Party for this proposal. Most of the parliamentary Labor Party is opposed to it. He is ramming this law through Parliament without a majority of parliamentarians, because if there was a free vote on this Bill all of it would go down. So, it is an abuse of the parliamentary system. I am not a regular smoker, but smoking is one of the few pleasures of working people and, while I am in the Parliament, I will do what I can to defend their rights.

It is about time the tobacco companies got their act together and opposed health Leninists like the current Minister for Health. It is about time the tobacco companies surveyed the people who buy their product, obtained their names and addresses and put them on a mailing list divided into State districts and Federal divisions so that smokers could know which politicians are persecuting them. It is about time the tobacco companies did this so that there was a bit of political muscle to resist health fascists like the Minister for Health.

The Hon. M.H. ARMITAGE (Minister for Health): It is an inconsistent cheek of the member for Spence to suggest that the Liberal Party should have a free vote on this matter, because we have already demonstrated, by some members

choosing to cross the floor, that in fact that is exactly what the Liberal Party does and—

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: I listened to you in silence, Michael, so you can just keep quiet. I suggest that, if the member for Spence is so intent on free votes, he might exercise that opportunity on occasions when he votes in the Labor Party.

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: The member for Spence cannot get away with saying that a conscience issue is going against the Labor Party. It simply is not. That just indicates the ridiculous nature of the objection of the member for Spence. This is a very important piece of legislation and the health aspects of it are, I believe—according to the contributions of a number of members of the Labor Party last night—well recognised. The member for Giles and the Deputy Leader of the Opposition indicated their acknowledgment of the importance of the substance of the amendments which I brought into the House. The member for Elizabeth has already identified publicly that this is a step in the right direction.

All that I would ask those members to do, having had the theatre and the sport of politics—and I understand that only too well—to next week in their Party meeting assess what is the health issue in this piece of legislation. The question is: are we going to allow people to smoke in restaurants or are we not? When I use the term 'restaurants', I obviously mean enclosed dining areas and eating areas and cafes as described in the Bill. That is the nub of the question. It is a question which 80 per cent of South Australians wish this Parliament to determine in the affirmative, and it is a question which at least 55 per cent of smokers wish to be determined in the affirmative as well. I would urge the Labor Party to address the substance of this important issue when it has its Caucus meeting next week, and I hope it will make a decision which I know it knows is correct for all South Australians. I look forward to hearing of the results of that Caucus meeting when it is completed.

Bill read a third time and passed.

LAND ACQUISITION (RIGHT OF REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 February. Page 997.)

Mr ATKINSON (Spence): The Opposition has been surprised by the Government's making a free will offering of ministerial review of compulsory land acquisition. We have been unable to find any evidence so far to impugn the Government's motives. Under the 1969 Act, a landowner whose land is sought to be acquired compulsorily by the Government may require an explanation of the reasons for the acquisition and may then formally request that the Government not proceed or that the Government alter the boundaries of the acquisition.

The grounds on which a formal request not to proceed may be made are defined: the landowner disputes the price offered and the acquiring authority must go to court to ask for a price to be fixed. The Government says it is desirable that the landowner be able to request a formal review of the acquisition by the relevant Minister. This may not be of much use if it is the Minister's department which is acquiring the land and the Minister is a puppet of his department, such as the Minister for the Environment and Natural Resources. It may be of more use when it is a statutory authority that is seeking to acquire the land compulsorily. The acquisition may not have come to that Minister's attention.

If the review is of an acquisition proposed by local government, who is the appropriate Minister to review it? Let us assume it is the Minister for Local Government. Given the work in the late 1980s and early 1990s on giving local government genuine autonomy from the State, does not ministerial veto and local government acquisitions interfere with that autonomy? If the Minister cannot veto local government acquisitions, what can the Minister's review do about them? I am interested in this, because one of my valued constituents who lives at Gibson Street, Bowden, is having a corner of his property compulsorily acquired by the City of Charles Sturt for the purpose of a corner cut-off. The cut-off will require the demolition of an old and pleasant looking rendered fence and will improve vision on a corner of a street that is hardly ever used.

The Bill seeks to exclude judicial review of the Minister's decision on the review. I say 'seeks', because courts have their methods of getting around sections ousting judicial review. Although it is part of the duty of an Opposition to safeguard judicial review administration, the Government tries to soothe us with the argument that, since the ministerial review is a free will offering by the Government, the Opposition ought not to insist on judicial review of the Minister's decision of the new review procedure. I suppose the Government would withdraw the Bill if the Opposition succeeded in removing the bar on judicial review of the new procedure.

We will be supporting the Bill, relying on the Attorney-General's assurance that the bar on judicial review of the new procedure does not prejudice any other right to judicial review of an administrative action in connection with compulsory acquisition. The Opposition supports restricting the request for review to the landowner. We do not think it is desirable that pressure groups be able to use the review of compulsory acquisition to try to halt a development where the landowner is happy to accept the price offered.

The Opposition agrees with the tight time limits on applying for review and within which the review must be completed. We also accept that a landowner cannot challenge the merit of the development for which the acquisition is made. The landowner may ask for a review of the compulsory acquisition on the grounds that he or she is being individually prejudiced or the acquisition is not necessary to the development. It is not for the landowner to be the Trojan horse for an anti-development campaign, and he or she should not have rights to halt a development greater than that of other citizens in the political process.

In conclusion, the Opposition supports the Bill, but will the Minister tell the House whether, in the case of review of an acquisition proposed by local government, the Minister of Local Government is the appropriate Minister to review the acquisition?

The Hon. S.J. BAKER (Minister for Housing and Urban Development): I thank the member for Spence for his support for the Bill. It adds rights rather than taking away rights. As the member for Spence pointed out, it does not open up this area for widespread disputes, as could occur had the right of appeal been wider than contemplated by the Attorney-General. It does inject a greater element of fairness into the process and allows a further area of challenge, which

relates to whether the full area is required for the particular development. We are pleased with the Opposition's support. In relation to a local government review, my advice is that, if that should be challenged, the Minister for Local Government would be the Minister responsible for organising that review.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Right of review.'

Mr ATKINSON: In trying to fathom why the Government of its own free will is handing out this review process, I wonder whether the answer is not in this clause, in particular in subsection (8) of new section 12A, which provides:

> On completion of a review, the Minister may confirm, vary or reverse the decision the subject of the review.

As I read the existing Land Acquisition Act, the Minister does not seem to have that authority. So, under the guise of a review process to benefit citizens, Ministers are acquiring veto over compulsory acquisitions by departments, statutory authorities and local government. Is that a correct interpretation? Is the authority of every Minister over compulsory acquisitions increasing? Secondly, does it not run against the grain of the move to local government autonomy in the late 1980s and early 1990s for the State Government now to be in a position to veto every compulsory acquisition by local government, including corner cut-offs?

The Hon. S.J. BAKER: I can only respond by saying that it is one of the delicious ironies with which we deal that, in terms of the Government giving a right to a citizen, that right is applied to Government. It is based on very narrow grounds, as the member for Spence would appreciate. My advice is that it extends to the point where, if local government oversteps the boundary in the areas that have been raised as reasonable for review, the Minister has a right of review. Obviously, during the conduct of the review there would be some discussions with the proponents, namely, the councils involved, as well as an understanding of the belief of the landowner regarding his or her property.

In terms of whether we are transgressing by taking away some level of autonomy, I ask the honourable member to reflect on a number of areas where the State has control over local government and where local government itself reflects on that power. The Development Act is probably the best example where the State Government insists that a development be consistent with the overall development plan of the city or State. So, the legislation does not provide for a review of a policy decision: it provides only for a review of the particular areas that are stipulated in the Bill. I presume that landowners would welcome that, and I also presume that councils would not feel threatened by it, given the narrowness of the right of review.

Clause passed.

Title passed.

Bill read a third time and passed.

SUBORDINATE LEGISLATION (COMMENCEMENT OF REGULATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 February. Page 944.)

Mr ATKINSON (Spence): In 1992, the governing Party was in a minority in the House. It relied on the members for Semaphore and Elizabeth for a parliamentary majority. The then member for Elizabeth, Mr Martyn Evans, had been an Independent MP for eight years. He had seen many example of the Government's abusing its authority to make regulations and other subordinate legislation. He had seen occasional examples of Parliaments disallowing regulations and then having the Government gazette the disallowed regulation again within hours or days. This is a practice which the current Government has now mastered. I acknowledge the Minister for Primary Industries as the chief evader of Parliament's authority to disallow regulations.

Mr Evans had also seen Parliament and the public query regulations recently gazetted only to be told by the Government that the Government could not tolerate parliamentary review of the regulations once gazetted and operating. Owing to Labor's being a minority Government, Mr Evans was in a good position to squeeze out of the Government a settlement on parliamentary review of subordinate legislation. It was for the good of Parliament as an institution and for the benefit of the rule of law that in 1992 he obtained this settlement.

The result was section 10aa of the Subordinate Legislation Act, which required that subordinate legislation not come into effect for four months from its gazettal unless the Minister responsible for such legislation certified that it was necessary and appropriate for the legislation to come into effect on an earlier date, usually immediately upon gazettal. If a certificate were issued, which, under the current Government, happens in the case of 75 per cent of its subordinate legislation, the Minister had to send a report to the Parliamentary Legislative Review Committee explaining the reasons for the certificate.

There are, of course, some legitimate reasons why subordinate legislation might need to come into effect immediately. As the member for Norwood, the Hon. Greg Crafter, explained to the House in debate on the Evans' amendment, a regulation might exempt a class of people from compliance without prejudicing any other class of person; a regulation might impose a fee, charge or tax; a regulation might correct an error in another regulation, such as a typo; the regulations might be for an Act that was expressed to come into operation on royal assent rather than proclamation; or a regulation might revoke regulations without substituting new regulations. All those reasons would be good reasons for a regulation to come into effect immediately upon gazettal.

Section 10aa has the virtue of giving the public due notice of the laws that are to apply to them. The rule of law requires that actions that are required or forbidden by law must be of a kind that people can reasonably be expected to do or avoid. As the Austrian-British economist, Friedrich von Hayek wrote, laws should be general, abstract, their incidence predictable and conflict with them avoidable. How can this be achieved when subordinate legislation comes into effect at midnight on a particular day but the *Government Gazette* is available only later in the day? How can this be when Parliament disallows a regulation on one day and the Government gazettes the same regulation the next day? As my former law lecturer, Geoffrey Walker, wrote in his book *The Rule of Law: Foundation of Constitutional Democracy*:

> The main threat to the rule of law is still coming from the same quarter, from the drive to power coupled with a view of society as a machine made of parts with which one can tinker without affecting the rest of the mechanism, and with a view of law exclusively as a tool or instrument rather than as the manifestation of an implied order.

The conduct of Ministers in this Government has echoes of the restored Stuarts and of the 1686 Kings Bench case of

Godden v Hales in which it was held that the Kings of England were absolute sovereigns, that the laws were the King's laws, that the King had powers to dispense with any of the laws of government as he saw necessity for it, that he was the sole judge of that necessity, and that no Act of Parliament could take away that power. If one substitutes 'the State Cabinet' for the word 'King', one has the current situation in South Australia with respect to subordinate legislation. The saving grace of His Majesty Charles II was that he was a legitimate ruler of England and Scotland and that he ruled by the grace of God. The Olsen Government's claims are not quite as strong.

Section 10aa also has the virtue of giving Parliament time to review subordinate legislation before it comes into effect. Speaking to his Bill, Mr Martyn Evans said:

> I believe it is an important part of our democracy that citizens should not simply wake up on Thursday or Friday morning to find that the *Government Gazette* issued at midnight contains hundreds of pages of regulations that impose detailed burdens on them.

I agree with that. Mr Evans then went on to predict how his proposal might work, but here he was wrong. He said:

> I believe it would be a very brave Minister—indeed, a courageous Minister—who would set out on a course of flouting the law and this Parliament by granting certificates in the full glare of publicity for regulations where there was clearly no need for such certificates to be issued. I believe that any such Minister would soon be brought to book although I would not imagine he would have such a problem.

The Minister for Primary Industries wrote the book and the book is entitled 'How to Subvert Parliament on Subordinate Legislation'. Martyn Evans' Bill has been honoured in the breach rather than the observance. Mr Evans did not anticipate the size of the Liberal Party's majority, its arrogance in office and the indolence of some of its Ministers, especially the Minister for Primary Industries.

The then Attorney-General, the Hon. Chris Sumner, was less optimistic about how Ministers would treat section 10aa. He said that Parliament should read the Legislative Review Committee's annual reports on how the provision was operating. He then added:

> The Parliament could then consider whether its original intention was being adequately implemented by the Government and, if it was not, could move to tighten up the provision.

That is what the Opposition is doing today. After being elected to office the Liberal Party quickly acquired all the vices of office in regard to subordinate legislation. Regulations disallowed by Parliament were quickly regazetted by the Executive to frustrate Parliament's intention. As I mentioned before, 75 per cent of regulations were certified as needing to be exempted from the four-month requirements and appropriate for immediate effect. This has led the Legislative Review Committee, which has a Government majority on it, to report to Parliament as follows:

> This year once again it is necessary for the committee to note that a large preponderance of regulations are accompanied by ministerial certificates for early commencement. Rarely is anything but a perfunctory reason given for early commencement. The widespread use of these certificates leads the committee to conclude that they are in danger of becoming (if they have not already become) a mere *pro forma* which serves no useful purpose.
>
> The committee repeats the request made in its 1994-95 annual report that Ministers refrain from issuing certificates under section 10aa 2(a), except in cases of genuine urgency. If this provision is not applied more rigorously, it ought to be repealed.

Now the Government wants to institutionalise its abuse of Parliament and of regulation making by abolishing the requirement for a four-month delay before regulations come into effect. This would have the consequence of abolishing the requirement that the Minister give reasons for bringing regulations into effect immediately.

During debate in another place earlier this year the Hon. Mr Elliott, together with the Labor Opposition, succeeded in turning the Government's Bill on its head. The clause abolishing the four-month delay was defeated and the clause providing for the consequential abolition of the requirement that the Minister give reasons for immediate effect was amended to retain the requirement and insist that the reasons be detailed reasons.

It is in that form that the Bill comes to us from another place and it is in that form that the Opposition supports it. I warn the Government and the Minister for Primary Industries in particular that if the abuse of subordinate legislation continues the Opposition and the Australian Democrats will not flinch from tearing the regulation-making clause out of every Government Bill. If the Government complains, our answer will be that it can include the contemplated regulations as clauses in the Bill and we will be happy to await the return of the Bill to Parliament with the necessary changes.

The Hon. S.J. BAKER (Treasurer): The member for Spence has transgressed again in terms of the debate. The Bill before us is quite emasculated.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: You cannot foreshadow the debate on amendments, as the member for Spence would recognise. However, given that the honourable member has transgressed so badly, it will not be too much of a fault if I respond to his comments. The matter will be debated when we put forward the amendments and I have no doubt that the member for Spence will pursue the matter with a great deal of vigour. It is sheer and gross hypocrisy on behalf of the Labor Party and the Democrats.

Mr Atkinson: I supported the Evans Bill.

The Hon. S.J. BAKER: The honourable member's Attorney and Government did not support it. The Government was hijacked or blackmailed into it only because it was a passion of Martyn Evans. That was the only reason that the regulation-making process changed. It was a passion of Martyn Evans for some years. He discussed the matter with me personally for a long time. I thought that there was some merit in his argument until I got into Government. From an Opposition's viewpoint it sounded like a meritorious argument. The only problem is that the world has changed dramatically since I first had that view up until this point.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is true, but it has changed more fundamentally because many of our Bills, as rightly pointed out by the member for Spence, provide the framework and the regulations provide the flexibility to operate in the real world to date. So, we have a framework in the Bills and the regulations provide the level of detail necessary for the law to be exercised. I did not share Mr Evans' passion, and because he held the balance of power with the Labor Government at the time he got it across the wire. The former member for Elizabeth put three or four items on his agenda early in the piece and said to the Labor Government, 'If I don't get some satisfaction on these items, then don't count on my support.' Of course, the Labor Government, which should not have been in power and should have been thrown out at that time—and they wish like hell they had not won, because—

Mr Clarke interjecting:

The Hon. S.J. BAKER: That is probably quite true, as history will tell us.

Members interjecting:

The DEPUTY SPEAKER: Thank you, members.

The Hon. S.J. BAKER: On the election night of 1989 there was a level of despair among the Liberal Opposition from the Leader down. On reflection, and having seen the State Bank fiasco unfold and all the other dilemmas we have faced in the process, we could have managed Government a whole lot better but would have had to put the screws down and bear a lot of pain in the process. We had an illegitimate Government.

Mr Clarke interjecting:

The Hon. S.J. BAKER: We had a minority Government of the day that acceded to the request of Mr Martyn Evans, who had a passion for the rights of Parliament, and in many respects I shared that passion.

Mr Clarke interjecting:

The Hon. S.J. BAKER: You have the answer; you do not need to ask the question.

Mr Clarke interjecting:

The Hon. S.J. BAKER: You have been playing up a bit lately and I understand why that agreement should have been broken, but that is another issue. In terms of practicalities of Government, the Attorney-General is injecting some honesty into the process by saying that, irrespective of the legislation, the practical ramifications are that more than half the regulations need to come in as a matter of some urgency and therefore the continuance of this Evans provision reduces the capacity of Government, or Government has to break the rules.

As it turns out, the Government sees fit to sign a certificate on most occasions to allow the regulation to come into effect straight away. I believe that that was consistent with what both sides of politics would have wished, because there are some practicalities of operating Government, of which I have become fully aware since becoming a Minister. We are debating not the Bill but the amendments which the member for Spence knows will be moved in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 2A—'Substitution of s.10AA.'

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

After clause 2—Insert new clause as follows:

2A. Section 10AA of the principal Act is repealed and the following section is substituted:

Commencement of regulations

10AA. Subject to any other Act, a regulation (whether required to be laid before Parliament or not) comes into operation on the day on which it is made or on such later date as is specified in the regulation.

The matters involved have been canvassed in the second reading debate. This measure was in the Bill when it was debated in another place. It was disagreed to and we are now re-inserting it in the Bill.

Mr CLARKE: I strongly oppose the Treasurer's submission with respect to this matter. Over the past three years, in particular the past 18 months, this Government has gone out of its way to annoy the Opposition no end with respect to its rights in Parliament. Every time there is a serious regulation, such as one involving shop trading hours, recreational net fishing or some other issue where one House of the Parliament disallows the regulation, this Government then immediately re-gazettes it—

The Hon. S.J. Baker: Just like you did.

Mr CLARKE: That is not so. I rely particularly on the evidence of the member for Giles and his impeccable memory with respect to these matters. We do not object to, for example, a temporary re-gazettal, if you like, of some matter while the Government works out with the Opposition why disallowance of the regulations is being sought, involving an attempt to get together over the issue so that some acceptable compromise can be worked out. But we do not get that from this Government, because of the sheer arrogance of having 36 of you down here, because you think you are in Government for perpetuity, which you are not (as you will find out soon enough at the next election), and because you believe you can ride roughshod and ignore at least one House of Parliament. That is not the way things are done, and the Opposition will not help the Government one iota—on this Bill or any other. We have put this Government on notice that, from now on, we will oppose any Bill introduced which provides for substantial parts of it to be governed by regulation.

I gather that we will receive considerable support from the Australian Democrats in another place, because they are only relevant in the Parliament whilst they hold the balance of power. If these disallowances can be constantly overturned and made a nullity by virtue of the fact that this Government then immediately re-gazettes them and ignores the wishes of at least one House of Parliament, you will get it rammed right between your eyes. We will not give you that power, because we do not trust you. The Opposition will support the Legislative Council on this matter and we will enjoy the deadlock conference.

The Hon. S.J. BAKER: They have had a debate in another place on this matter. I just simply point out some practicalities. If we have to continue giving certificates, we will continue to give certificates. All the Attorney-General is attempting to do is say, for the purposes of good government, on many if not most occasions, as the former Government found, there is a need for regulations to come into effect as soon as possible. Those examples have been well canvassed.

From a practical point of view, the Attorney is saying, 'Let's be fair dinkum about this issue.' The issue is about the practical workings of Government. If the Opposition says it will refuse all Bills that contain a regulation-making power, obviously we will have some interesting times ahead. If that is the way the Opposition approaches its job, I am sure the people would be delighted to know, when there are issues of safety and risk associated with changes to legislation, that members opposite will simply adopt a bullying attitude and refuse that legislation.

Mr Clarke: You are well qualified to speak on the subject.

The Hon. S.J. BAKER: I just believe it is absolutely pathetic. A group of people who fall far short of the mark are saying they will hang on the coat tails of the Democrats to hijack the Government. Everything the Opposition does is to hijack the Government. It hates any form of development in this State. It holds up, frustrates and criticises anything that happens in this State because Opposition members believe that, if you can undermine Government, if you can undermine progress, people will actually vote for them. Well, I have news for the Opposition. Can I say that, as far as the people out there are concerned, the Opposition stinks. You might say that the Government is not actually doing as well as it should, but the people out there are saying, 'They can't even get alongside development in this State'. I can tell the Deputy Leader of the Opposition: you stink!

The Opposition's attitude is, 'Unless we get our way—our small group of people, combining with the Democrats—we will refuse all legislation which has a regulation making power.' That is pathetic; it is second rate. It is everything the Opposition represents in this Parliament and this State. Irrespective of whether this Bill is refused, and irrespective of whether or not the conference is successful, the fact of life is that life goes on; that cannot be prevented by members opposite who, in respect of the daily requirements of Government, have no capacity to make decisions and no capacity to support the future development of this State. The only thing they want to do is tear down this State. There is nothing productive or constructive about anything I am currently seeing from the Opposition.

Mr CLARKE: I can understand why the Treasurer is upset, and I can well understand that today is not a good day for him. This is the 100-day anniversary of the knife, when the present Minister for Infrastructure took his job. I can understand why the Treasurer has a sore head today, but abusing the Opposition is not one way of winning friends and influencing people. Indeed, if that is how he went around counting the numbers in his backbench, and that is the way he addressed them, no wonder he got the knife. If that is the way he treated his backbench, he thoroughly deserved the knife—probably a double-headed axe, blunt at that!

We are a constructive Opposition. We are simply saying that you will not roll over the top of us. I am sorry about democracy, Mr Minister: the fact is that there are two Houses of Parliament, co-equal in powers, and you can yell, scream, abuse, stamp your feet and bash your head against the wall and make a big hole in it but, at the end of the day, up that corridor, you do not have the numbers, and we will ram it right between your eyes.

Mr ATKINSON: The Treasurer seems to be confusing the idea of power with the idea of law. He does not seem to have any respect whatsoever for the rule of law, which is what subordinate legislation is about. Subordinate legislation is a form of law. The idea behind the Evans amendment was that subordinate legislation would not come into effect for four months from its gazettal. The idea of that amendment was that citizens could know the law and order their affairs to take into account what the law was going to be; and also that Parliament, when it sought to exercise its constitutional right to review subordinate legislation, which is an important duty of Parliament, could know that that subordinate legislation was not yet in effect and therefore Parliament would not prejudice existing rights and obligations in disallowing or seeking the amendment of subordinate legislation.

So, the Evans amendment was a very good idea. It is the way Parliament should be run, ideally. If the subordinate legislation in question could not wait four months, a provision was made for the subordinate legislation to come into effect immediately and, if it did come into effect immediately, all the Minister had to do was write a note to the Legislative Review Committee saying, 'This is why my subordinate legislation has to come into effect immediately.' It is not a very heavy burden to impose on Ministers, but Ministers in this Government are so busy leaking on each other and trying to arrange each other's downfall that they do not have time to do that simple analysis of determining whether one lot of subordinate legislation can wait four months—as most of it can—or whether it has to come into force immediately.

So, 75 per cent of the regulations that come before Parliament are certified as emergency regulations. That is just not right; it is a fiction; it is evasion of the rule of law; and it is an attempt by Ministers in this Government to undermine the rule of law and parliamentary oversight of subordinate legislation. It is undermining due process. I ask the Treasurer: what is so difficult about trying for the first time in your Government's life to comply with the intent of the Evans amendment? What is the great inconvenience in writing a note of excuse to the Legislative Review Committee? Sure, it is embarrassing when the Legislative Review Committee, consisting as it does of a clear Liberal Party majority and chaired by the Hon. Robert Lawson, tells the public that the Government is rorting due process, as it did in both its most recent annual reports. What is the great burden on Government that this legislation has to be trashed, as the Minister is seeking to do?

The Hon. S.J. BAKER: I will explain.

Mr Atkinson: I expect every question to be answered!

The Hon. S.J. BAKER: The honourable member kept asking the one question: why cannot it be done? We are simply saying that the practicalities of Government mean that the idea of the legislation in the first place was founded on good sound principles. In relation to the practicalities of the situation, the Attorney has said, 'Rather than sign off, we will do it by certificate'. With all the best intentions in the world, that is done in the majority of cases rather than the minority. Despite what the member for Spence suggests, why should we have legislation which dishonestly represents the practicalities of the workings of Government? It is no skin off my nose if I say that I need regulations to go through, either because something has happened in the Commonwealth arena—which is often the case—or because there is some urgency about a measure. I will simply sign off a certificate. I am pointing out to the member for Spence that the provision is an accident by a minority Government.

Mr Atkinson: But it's the law.

The Hon. S.J. BAKER: That is why the law is being changed; that is what we are here for. If you say that we cannot change the law, we might as well pack up the Parliament and let the Opposition run around spreading its normal negative comments about the future of this State. We are changing the law to make it meaningful in today's context, which basically says that most of the regulations that come into force have an element of urgency about them, and that means that this measure should go through as a means of practically running Government.

Mr ATKINSON: What a remarkable expression it was—and very indicative of the values of this Government—that the Treasurer referred to the law of our State, which is so important that we might say that it is in the nature of constitutional law, as an accident of a minority Government. He did so in the context of saying why he did not need to obey it, and he told us that he habitually breaks the law. What an admission from the Minister.

The Hon. S.J. Baker: I use a provision in the law—get it right. That is the law so, if you are going to be concise, be concise.

The CHAIRMAN: Order!

Mr ATKINSON: The provision of the law is that regulations do not take effect until four months after their gazettal unless—and it is defined in the Subordinate Legislation Act—they are in the nature of emergency regulations. This Minister is telling us that every regulation he has ever signed has been emergency legislation. I just do not believe

that, and nor should the Committee believe it. The Government is trying to tell the Committee that 75 per cent of subordinate legislation gazetted in South Australia is emergency regulations. I do not believe that.

When the House agreed to this law the Minister representing the Attorney-General made it clear that there were regulations that needed to be exempted. They were that regulation might exempt a class of person from compliance without prejudicing any other class of person; a regulation might impose a fee, charge or tax; a regulation might correct an error in another regulation such as a typo; the regulations might be for an Act that was expressed to come into operation on royal assent rather than proclamation; or a regulation might revoke regulations without substituting new regulations. They are the grounds on which the exemption from the law might be sought, but the Treasurer has told the Committee that he will seek an exemption for anything. It is a very rare occasion when a Government Minister comes in here and tells the House that he deliberately breaks the law, especially law of a constitutional nature. That is the reason we ought to resist this amendment.

The Hon. S.J. BAKER: The honourable member should read the provision: it says 'necessary or appropriate'—not 'emergency'. That is the provision under which it is exercised. The member for Spence should go back and read the law book.

New clause inserted.

Clause 3—'Regulations to be referred to Legislative Review Committee.'

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

Page 1, lines 16 and 17—Leave out 'from subsection (1a) "the reasons" and substituting "detailed reasons"' and insert 'subsection (1a)'.

The amendment is consequential.

Amendment carried; clause as amended passed.

Title passed.

The Hon. S.J. BAKER (Treasurer): I move:

That this Bill be now read a third time.

Mr ATKINSON (Spence): The Bill in the form in which it emerges from Committee shows what a contempt for the rule of law this Government has.

Bill read a third time and passed.

ADJOURNMENT

At 5.59 p.m. the House adjourned until Tuesday 18 March at 2 p.m.