HOUSE OF ASSEMBLY

Tuesday 18 March 1997

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

CROYDON PRIMARY SCHOOL

A petition signed by 1 459 residents of South Australia requesting that the House urge the Government to reverse its decision to close the Croydon Primary School was presented by Mr Atkinson.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 16, 44 to 48, 53, 66 to 69 and 71 to 73.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

Public Sector Management Act 1995—Appointment of Minister's Personal Staff

By the Deputy Premier, for the Minister for Health (Hon. M.H.Armitage)—

Dentists Act—Regulations—Variation

By the Minister for Racing (Hon. G.A. Ingerson)—

Racing Act—Regulations—Deductions from Bets

By the Treasurer (Hon. S.J. Baker)—

Regulations under the following Acts—
Legal Practitioners—Miscellaneous and Fees
Public Corporations—Dissolution of TransAdelaide—
Mile End
St Agnes
Rules of Court—Supreme Court—Supreme Court Act—
Appeal from District Court

By the Minister for Industrial Affairs (Hon. Dean Brown)—

Occupational Health, Safety and Welfare Act 1986—Code of Practice—Tuna Farm Diving
Regulations under the following Acts—
Art Gallery—Opening Times
Harbors and Navigation—Person Towed by a Vessel

By the Minister for Primary Industries (Hon. R.G. Kerin)—

Dairy Industry Act 1992—Review of Operation.

POLICE RESPONSE TIMES

The Hon. G.A. INGERSON (Minister for Police): I seek leave to make a ministerial statement concerning recent claims by the Deputy Opposition Leader on police staffing levels.

Leave granted.

The Hon. G.A. INGERSON: The Deputy Leader contacted media outlets on Sunday and supplied them with a release headed 'Dwindling police take 30 minutes to respond to dire emergency'. In this release he referred to the case of a 13-year-old girl who called police to her home at Wynn Vale last Tuesday because she wanted police assistance. The honourable member claims the girl was trapped inside her family home while an intruder was attempting to break into the house. The details were kept sketchy in the release, with a man involved in the case refusing to identify himself publicly.

The Deputy Opposition Leader was there on the steps of the Holden Hill Police Station speaking of an innocent 13-year-old girl being 'incoherent with fear' as she waited for police to save her from the intruder attempting to break into her family home. This was the result, he claimed, of a so-called police staffing crisis. There are details the honourable member has not supplied. In the interests of accuracy, I would like to report to this House some more details behind something I can only describe as a political stunt.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: The police report that the girl had contacted her father on his mobile phone on Tuesday 11 March concerning a family dispute and that he had advised her to call the police. The police have logged this call as being received at the Police Communications Centre at 4.29 p.m. on that day. The caller, initially identified as a female teenager, reported that the 'intruder' outside the house was her 23-year-old stepbrother who was at the property and refusing to leave.

Members interjecting:

The Hon. G.A. INGERSON: Did you know that?

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat.

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader and I warn the Minister. If the House wants to continue in this fashion, we will dispense with Question Time. It is purely at the discretion of the Speaker.

Members interjecting:

The SPEAKER: Order! Members should contain themselves.

Members interjecting:

The SPEAKER: Order! The Speaker is on his feet. I will not sit down until those on my right in particular learn to conduct themselves in an appropriate manner, and no further warnings will be given to members on my right.

The Hon. G.A. INGERSON: The girl who the honourable member claimed in his media release on Sunday was 'incoherent with fear' was later interviewed by police. She told them that her stepbrother did not try to break in but had knocked on the front and back doors and had then sat outside the house until her father arrived some time later. The case was classified by police as a minor domestic disturbance and, on the initial information they received, was not rated as being life threatening. The girl told police at the Police Communications Centre that she would like her brother removed from the property.

Shortly before the time the first call was logged, at 4.20, the three Tea Tree Gully uniform patrols were called to a large brawl involving youths carrying bottles at the Modbury Civic Centre Park on North-East Road, Modbury. A number of arrests were made and the alleged offenders were taken to the Holden Hill Police Station. This kept all the patrols in the Tea Tree Gully subdivision from being able to attend the Wynn Vale matter as quickly as they would have, had the brawl not been taking place. In all, the Modbury incident required four cars, including the sergeant and a traffic patrol,

which was in the area at the time. Police received a second call about the Wynn Vale matter, apparently from the teenage girl's father, around 4.35 p.m. On this basis, the urgency of the matter was upgraded and a patrol—

Members interjecting:

The Hon. G.A. INGERSON: Just listen to the whole lot.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON:—from a neighbouring division was despatched at 4.36 p.m. and travelled to Wynn Vale from Walkerville through peak hour traffic. This is not nor ever has been a rare instance. Patrols are often called upon to cover other divisions during periods of heavy workload. The despatched patrol arrived at the Wynn Vale address at 4.58 p.m., some 28 minutes after they were tasked. I am told the average attendance time—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: You weren't right, and you should listen.

Mr Clarke interjecting:

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

The Hon. G.A. INGERSON: No police action is anticipated against the young man who was at the house when his father arrived, before the police patrols. Police advised that the son spoke to his father at the scene and the situation was averted. I am not here to question the right of this person to call on the police. It was an incident police should have attended earlier. I am told that there will be an internal review of the incident to find ways to improve the service. However, I cannot condone the Opposition's using this incident and this family's problems to try to sell a political ideology. This was most unusual but not an unheard of situation, and one which happened in an area where police were operating at full operational strength at the time.

I point out that there has been very little operational change between this and the previous Government in this area. There were two general patrols and a patrol supervisor, just like any other day of the policing week in Tea Tree Gully. This is the accepted patrol strength for a patrol area of that size. It might be too much to hope that the Opposition spokesman on policing matters would be well enough versed in the realities of day-to-day policing to find this out for himself, instead of trying to score cheap political points by exploiting—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Just listen to this.

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

The Hon. G.A. INGERSON: It was obviously a difficult family matter for those concerned. The honourable member's press release claiming that the problem happened because of so-called police understaffing smacks of trying to get a story on a quiet day. Police were not understaffed. It is a situation that can arise from time to time in urban policing and one which the shadow Minister will very quickly learn to understand.

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition has had more than a fair go. If he keeps this up, he will join the member for Hart.

AUSTRICS SOFTWARE

The Hon. DEAN BROWN (Minister for Industrial Affairs): I table a ministerial statement made earlier today in another place by my colleague the Minister for Transport.

WOMEN'S SHELTERS

The Hon. D.C. WOTTON (Minister for Family and Community Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. WOTTON: I have become increasingly concerned lately about some of the misinformation being circulated regarding proposed reforms in South Australia's women's shelters. There have been statements that two women's shelters within the State will close and that funding for women's domestic violence services will be cut. This is not the case, not my intention, nor the Government's plan. This Government is committed to not only maintaining but improving the delivery of social welfare services in this State. Total grants by the Department for Family and Community Services have soared by more than 56 per cent from $73 million in 1992-93 to $114 million in the current year; and concession expenditure has climbed 22 per cent from $54.6 million to $66.6 million. Since 1993-94, funding for services for families and children at risk has risen from $37 million to $41 million, with funding for women and children escaping domestic violence growing from $3.7 million to nearly $5 million.

I do not think there can be any doubt that, under this Liberal Government, concern for people in need has been a matter of priority. This Government, because of Labor's 11 years of economic mismanagement, has had to look very closely at how services are delivered, how efficient and effective they are, and query whether those services best suit the needs of the community. The review for women and children escaping domestic violence is part of the Government's ongoing appraisal of its services provision. The review examined the operation of 15 shelters, the Migrant Women's Emergency Support Service and the Domestic Violence Outreach Services in South Australia with a view to measuring their effectiveness and to improve models of service delivery.

The review process, which involved consultation with more than 365 key agencies and stakeholders, placed a major emphasis on the expressed needs of women and children escaping domestic violence. The process involved interviewing users of services who had been nominated by the shelters themselves. It was designed to generate information and allow analysis of the service system, including its existing strengths, weaknesses and gaps. While no decision has yet been made in relation to recommendations in the review, I can say that it has highlighted the need for greatly improved access for women and children escaping domestic violence.

The review also recommended a number of strategies for achieving this, including some redistribution of existing funds, ensuring that the services are structured in a way that provide efficiency and effective responses for this client group, the need to improve productivity and to diversify service delivery responses. The independent authors of the review (Thomas Goodall Associates) stated quite emphatically that, while there should be a realignment of resources and changes in service delivery and management practices, the number of beds across the State were to be retained. I

categorically state now that the number of beds in domestic violence shelters in South Australia will not be reduced.

The report, funded by the State and Federal Government, has recommended that a number of areas in service delivery need to be addressed to improve the quality of the responses for women and children with special needs. An overwhelming finding is that outreach services in South Australia need to be expanded in order to meet the demand from women who choose not to enter a shelter for support services. The services provided by the Domestic Violence Outreach Services are targeted for expansion with a recommendation that consideration be given to amalgamating this service with the Migrant Women's Emergency Support Service, thereby providing an improved and expanded service with a visible access point.

The consultants have suggested that there are some efficiencies and other benefits to be gained through amalgamation in management and administration without losing the unique service for women from non-English speaking backgrounds. I am aware that a number of groups do not agree with this recommendation and are making their views known and are putting forward other options for consideration, and that is precisely why the report was released for public discussion and feedback. In relation to the provision of ethno-specific services, I make it very clear that this service will be maintained in some form and, I would hope, improved as part of the implementation of the review.

I will be seeking to ensure that services for women and children from non-English speaking backgrounds are more culturally sensitive under any new arrangements. The management of the Migrant Women's Emergency Support Service, together with funded agencies, will also need to consider how they may improve their service delivery and targeting. The Government has the responsibility of ensuring that the services it provides are relevant, efficient and effective. My own view is that there are significant benefits to be derived for women and children escaping domestic violence in the reshaping of existing services and that this objective must be our key goal for the future.

The recommendations of the review have not been approved by me or by the Federal Minister, and they have not been tabled in Cabinet for consideration. I have established an independent implementation advisory committee which will examine the report and consider recommendations and the feedback on the report provided by various organisations. The implementation advisory committee will advise the Commonwealth-State Joint Officers Group, which will then provide final recommendations to both me and the Commonwealth Minister for Family Services.

PUBLIC WORKS COMMITTEE

Mr OSWALD (Morphett): I bring up the forty-ninth report of the committee on the Adelaide Dental Hospital redevelopment and move:

That the report be received.

Motion carried.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the report be printed.

Motion carried.

QUESTION TIME

AUTOMOTIVE TARIFFS

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier join me in inviting South Australian Federal Cabinet Ministers Ian McLachlan and Alexander Downer to spend a day or two—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN:—visiting local car manufacturing and components makers, including Plympton wheel firm Performance Industries, so they can understand first-hand the massive damage—

An honourable member interjecting:

The SPEAKER: Order! The member for Unley.

The Hon. M.D. RANN:—that the Industry Commission's proposed tariff cuts would do to jobs in South Australia? Mr Downer and Mr McLachlan have refused to oppose publicly the Industry Commission proposal, claiming that to do so would be a breach of Cabinet conventions. Two other Federal Cabinet Ministers from South Australia, Senators Amanda Vanstone and Robert Hill, have found no difficulty in coming out publicly against the tariff cuts. The Opposition has been informed by the head of one car components firm, Performance Industries, that several years ago Mr McLachlan visited its plant in Plympton and, when the damage caused by tariff cuts was raised, he advised the Managing Director, Ed Sanders, that, if the going got tough, he should shut up shop and open a plant offshore in a low wage Asian country. Mr Sanders, the Managing Director of Performance Industries, angrily reminded Mr McLachlan of his obligations to long-serving workers and their families and of Mr McLachlan's obligations to Australia.

Other South Australian Liberal members of Federal Parliament who have either supported further tariff cuts or who have refused to state a public view include Senators Grant Chapman, Alan Ferguson and Nick Minchin, and Barry Wakelin, the member for Grey, whom the Premier will hopefully be able to re-educate on his visit to Canberra next week.

The Hon. J.W. OLSEN: Talk about Johnny come lately—the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: This debate has been going for six to eight months in Australia and it is only now, on the slipstream of the presentation of the South Australian Government, that the Leader of the Opposition wants to get in on the act in some way. I simply pose a question to the Leader of the Opposition: has the Leader of the Opposition made a written submission to the Productivity Commission?

The Hon. M.D. Rann: Yes.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann: You asked the question; the answer is 'Yes.'

The SPEAKER: Order! I warn the Leader.

Members interjecting:

The SPEAKER: Order! It appears to the Chair that members have had gunpowder for lunch. I suggest to all members that, if they carry on such as this, they either want Question Time shut down or I will name three or four; it

makes no difference whatsoever to the Chair. The conduct is unacceptable.

The Hon. J.W. OLSEN: This debate today highlights the tardiness with which the Leader of the Opposition has been prepared to join the debate on tariffs. I welcome his late arrival and support—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann: Watch your back—

Members interjecting:

The Hon. J.W. OLSEN: That interjection from the Leader of the Opposition indicates that he is not interested in the importance of this issue: he is interested only in using the issue for political point scoring, as he does with a number of other things. This issue is one of the most important policy issues to affect South Australia in several decades. It is an issue that deserves bipartisan support, not an attempt of one-upmanship in this or any other forum.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Does the Leader of the Opposition want an answer, or does he want to constantly interject—

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: I can tell the Leader of the Opposition that, despite his comments and interjections and despite his late inane attempt to support us in tariffs, we will push on regardless and champion this issue to the Federal Government when the final report is presented to it in the first week of May. I have advised this House before that not only have we taken up this issue with the Productivity Commission with presentations initially last year and again this year but we have also taken it up with the Prime Minister on a number of occasions. I have advised this House that the Prime Minister has given a clear commitment that he will give South Australia the opportunity to present its case prior to the Federal Cabinet making a determination on the matter. It is a commitment I welcome from the Prime Minister. It is an important commitment for South Australia, because it means that prior to a submission and determination of the Federal Cabinet we as a State will have an opportunity to argue the case for South Australia, based on whatever might be in the final report.

At this time we do not know what will be the basis of the final recommendation of the Productivity Commission. We do know that the Productivity Commission itself is doing some further modelling in relation to its final report. That is encouraging, because it would tend to suggest that our argument that the original modelling was fundamentally flawed has struck a chord and has registered with the Productivity Commission. That being the case, there is well the basis for an argument for the Productivity Commission to modify its draft to the final report to be presented in the first week of May. I have also indicated to this House and publicly, I have gone interstate to speak one on one with Federal Ministers, and will continue to do so in the course of this—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: I have already had discussions with Mr McLachlan, Mr Downer and the Deputy Prime Minister (on three occasions)—who happens also to be Minister for Trade. I have also spoken to the Minister for Industry on some four occasions on this issue. So, do not comment to me across the Chamber about how many times I should take up the matter with them. I will leave no stone unturned in the interests of South Australia to get the right policy outcome for this State and for the 17 000 workers in this State who are directly reliant on the automotive and motor vehicle industry, and for the 44 000 people directly employed in the automotive industry in this State.

If the Leader of the Opposition wants to get into the slipstream, that is fine by me. It would be about the only occasion, the first occasion, on which he has not come out in the negative, carping, opposing and criticising mode to which we have become accustomed regarding the actions of the Leader of the Opposition in recent times. This issue has been highlighted to the automotive industry in this State. We have communicated to the 17 000 workers directly what the Government of South Australia is doing on their behalf in arguing the case in the Federal arena. The Federal Government has not yet received a report. The draft report has been released by the Productivity Commission for comment, consultation and further advice.

Our argument at this point is clearly with the Productivity Commission, and clearly with the areas of fault identified by no less than Bill Scales, the Chair of the Productivity Commission, who has argued publicly that we need to reduce tariffs to reduce the cost of motor vehicles for the domestic car market. In the body of his report. he talks about taxation reform. In the recommendations, he is totally silent in relation to taxation reform, yet the collapse of tariffs from 15 to 5 per cent from the year 2000 to 2010 will simply take $2 000 off the price of a motor vehicle, whereas taxation reform has the capacity to remove $5 000 from the retail price of a Magna or a Commodore. If the Productivity Commission were fair dinkum about reducing the price of motor vehicles to increase the domestic car market in Australia, to increase economies of scale and production and to give a greater advantage for our motor vehicles in the international marketplace, and removing the 4 to 6 per cent cost disadvantage that payroll tax, wholesale sales tax, has in the cost of producing a motor vehicle, its report would have some substance.

However, to suggest that tariffs going from 15 per cent to 5 per cent over that 10-year period might generate a .6 per cent benefit in gross State product, clearly is not something of gain putting at risk 17 000 direct jobs in the automotive industry in South Australia. I have indicated previously the actions I have taken. I have also indicated that I will continue to argue this case—

Mr Clarke interjecting:

The Hon. J.W. OLSEN: This is the most important issue in South Australia. Does the Opposition not want to debate this issue? It is their question and they will get the full answer whether or not they like it. I have indicated the course of action we will take in arguing the case for South Australia, and we will continue to do so until the final decision is made by the Commonwealth Government in the course of the next three to four months.

HARDIE IRRIGATION

Mr ANDREW (Chaffey): Will the Premier tell the House about recent changes in creating jobs in rural South Australia? In the past financial year regional development boards have been responsible for creating or maintaining almost 2 200 jobs throughout regional South Australia. I understand that an announcement today by Hardie Irrigation company will have a further positive impact on jobs throughout rural South Australia.

The Hon. J.W. OLSEN: I would be delighted to respond to this question, because there is good news for South Australia again. The fact is—

Mr Brokenshire interjecting:

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

The Hon. J.W. OLSEN: Obviously, the Leader of the Opposition knew a good news story was coming, so he is absent from the Chamber again. At least this week the Leader of the Opposition has asked a question, when several weeks ago he went the whole week without asking one. He would have to go down in history as the only Leader of the Opposition who sits mute during Question Time.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: I have—

The SPEAKER: Order!

The Hon. J.W. OLSEN: —a report for the Deputy Leader in a minute.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Hardie Irrigation has announced that it has consolidated its national operations into South Australia. It is relocating its operations out of Victoria into South Australia, and the $20 million boost in export sales as a result of the consolidation will bring about 100 new jobs at Murray Bridge, a regional area of South Australia. It has chosen South Australia for its headquarters, just as organisations such as Bonaire, Vulcan and SAFCOL have done. Does the Deputy Leader of the Opposition identify those companies coming to South Australia when they do? Of course not. The other day the member for Elizabeth was talking about Webster Manufacturing closing—and disappointed to see that close—but the only time the Opposition puts out a press release is when there is some bad news.

When Bonaire or Vulcan located in the north-eastern suburbs, did the member for Elizabeth welcome that publicly? No! She just ignored the fact that a couple of hundred jobs had been created. They want to champion the bad news stories for South Australia; they do not want to stand up for this State. Another example is when the Deputy Leader of the Opposition appeared on most television stations about a week or 10 days ago and said, 'AN workers will get their notice; 250 will be sacked by Friday.' That is what the Deputy Leader said. I have news for the Deputy Leader. Despite what he said, they are still there today. We have an Opposition that is hell-bent on beating up bad news stories and putting despondency in the hearts of South Australians when they want to look positively to the future.

One thing that members opposite will not be able to do is overcome the facts: Bonaire, Vulcan, SAFCOL, Hardie and SABCO all leaving Victoria, locating in South Australia and creating jobs in the central CBD, outer suburbs and regional areas of South Australia. They are the facts. Changes will be made in various industries. That is why it is absolutely important and critical that, through the Centre for Manufacturing, we provide the capacity for manufacturing industry to upgrade so that they do not find themselves in the position of Webster Manufacturing, whose plant and equipment has become so obsolete it is no longer able to keep up efficient productivity gains and win markets interstate and overseas.

That is why this year we have upgraded expenditure for the Centre for Manufacturing, so that we can help industry to upgrade plant and equipment to protect jobs in manufacturing industry, so that these companies can become internationally competitive, and so that they can reach out in the marketplace, get contracts and bring them back here to secure jobs for South Australians. Despite the doom and gloom preached by the Opposition, the simple fact is that a number of companies are now locating and expanding in South Australia, and that is good news for every job seeker in this State.

MIGRANTS, SKILLED

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Premier.

Members interjecting:

The SPEAKER: Order! The Deputy Leader has the call.

Mr CLARKE: What a bunch of carrion. My question is directed to the Premier.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: Why did 5 600 people leave South Australia in the year to September 1996 to live in other States when the Premier is promising 4 500 permanent jobs for overseas migrants who come to South Australia? A recent report by the South Australian Centre for Economic Studies states that South Australia has been experiencing 'the highest sustained interstate migration on record'. The centre says that up to 75 per cent of those leaving do so to find employment. The Government has announced a three-year program to attract 1 500 skilled migrants per year into our State. The Premier yesterday told radio that the program had led to a flood of calls by potential English migrants. What about doing something to keep South Australian workers in South Australia?

The SPEAKER: Order! The Deputy Leader knows full well that he is right out of order. If he continues in that vein he will suffer one of two fates, and I will leave it up to him to work out what that might be.

The Hon. J.W. OLSEN: The question from the Deputy Leader, in the absence again from the Chamber of the Leader of the Opposition—

Mr Clarke: Just answer the question!

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

The Hon. J.W. OLSEN:—Mike Rann, is once again prefaced on a negative story, one that seeks to carp and criticise. The Opposition is not prepared to get on the front foot and put in place or even recommend some policy options that will be good for South Australia in the future. This Government has just put in place—

Mr Brindal interjecting:

The SPEAKER: Order! I warn the member for Unley for the second time.

The Hon. J.W. OLSEN: This Government has just put in place a policy to attract migrants to South Australia. It is not attracting migrants at the cost of other jobs: it is attracting skilled migrants to meet the requirements of major companies investing in South Australia now. Let me give as an example Motorola, which has made a major investment of $125 million in South Australia and has a target of 400 employees. When I last visited Motorola, its employee level was of the order of 150, 85 per cent of whom came from overseas to join that work force. That company wants software engineers to expand its facility in South Australia, but there is a dearth of software engineers in this State and around Australia.

We have joined forces with major companies such as Motorola and British Aerospace and the Government unit, and we have spoken to graduates in Brisbane, Canberra and

Sydney, identifying to them the range of opportunities in the information technology, telecommunications, defence and electronics industries in South Australia, all employing some 20 000 South Australians and contributing almost the same as the wine industry to gross State product. If our defence and electronics industries, which do almost as much for South Australia as the wine industry, are to expand further, we must have the skills base to allow them to do so.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The Deputy Leader of the Opposition must be totally deaf, because in the past the Government has told this Chamber how, with the three vice-chancellors of the three universities of South Australia, we have put in place a course designed to assist our young people to become software engineers and so take up these job opportunities. Only last week I signed off letters and CD-ROMs to primary and secondary schoolchildren asking them to consider a career as a software engineer in the defence and electronics industries. I asked them to look at the CD-ROM, look at the opportunities and consider their subject choice now so that the opportunity will be available to them later.

An honourable member interjecting:

The Hon. J.W. OLSEN: Doubling the undergraduates. Indeed, one of the reasons we got Motorola was that we were able to negotiate with the three vice-chancellors of the three universities in South Australia to put in a course that will meet the requirements in the long term. However, there is a gap between the investment today and the skills required to develop these software engineer centres, so we have gone to the United Kingdom, and we have said that South Australia is a great place in which to locate. We will also probably go to Milan, where Olivetti has just laid off a number of software engineers. The office in London has had 1 500 inquiries as a result of the promotion we put in place.

The plan is not to take someone else's job here in South Australia but to fill a gap for an industry that wants to expand here but cannot do so because we do not have the skills base. Our $1.6 million investment in an immigration program is about building a secure South Australia for the future. As Motorola expands its investment and those skilled migrants come in, there will be a spin-off benefit to the small and medium businesses of this State with the purchasing power of those additional employees.

Let us not forget who criticised the Government when Westpac relocated here. It was the Opposition, claiming that we paid too much for Westpac. Between 600 and 700 people are employed there now. A year ago no-one was employed, and there is a prospect of 1 000 people being employed within the next year. Does the Deputy Leader of the Opposition mean to say to me that 1 000 extra pay packets every week from people purchasing a whole range of goods and services from delis, newsagents and petrol stations, etc., is not a good thing for small and medium business in South Australia? Is not that about rebuilding the economy of this State in a tangible way, with a solid foundation for the future? All I can say to the Deputy Opposition Leader is this: carp all you want because we are just going to get on with the job.

The SPEAKER: Order! The member for Flinders.

Members interjecting:

The SPEAKER: Order! There have been far too many interjections. The member for Flinders does not interrupt other members and I expect that she will be treated with the courtesy she deserves. The member for Flinders.

DEPOSIT 5000

Mrs PENFOLD (Flinders): Will the Premier advise the House how first home buyers in rural South Australia are benefiting from the Government's efforts to reduce the cost of owning a first home?

The Hon. J.W. OLSEN: There is no doubt that the Government's Deposit 5000 scheme has been outstandingly successful and has played a critical role in helping first home buyers achieve the dream of acquiring their first home. Those stamp duty exemptions—the Deposit 5000 scheme—have had a significant impact for first home buyers, and I am delighted that country people have also been participants in and have supported the scheme. Home buyers in all regions are represented, whether that be the Riverland, Yorke Peninsula, the South-East or the Barossa.

As of last week, there had been 136 registrations for country areas, worth something like $606 000. That is the extent of the commitment to help country people into a home. The average cost of those 136 homes was $93 000, so more than $12 million worth of housing has been facilitated by this policy. That benefits a whole range of small business in addition to the home buyers. That represents 16 per cent of total funds. However, as 32 per cent of the people live outside the Adelaide statistical division, we want to ensure that the country benefits equally with the metropolitan area. Therefore, the Government has announced a decision that will benefit first home buyers in country areas. That decision will ensure that country residents receive their fair share of Deposit 5000 allocations in accordance roughly with the population balance.

The sum of $1 million in the additional $4 million funding for Deposit 5000 will be quarantined specifically for country areas and country applications for residents outside the Adelaide statistical district, and the arrangement will operate through to 30 June this year. That action will ensure that country South Australia has access to Deposit 5000 funds on a fair and equitable basis. That decision is part of the Government's commitment to rural areas of South Australia.

We are seeking simply to ensure that country South Australia has the same opportunities and the same priority as the metropolitan area in terms of Government spending. That comes on top of a range of other policy initiatives put in place over the past three years; for example, the commitment of $110 million to water filtration for country and regional areas of South Australia, and that is now being constructed. We will maintain the Statewide water and power price with a subsidy of about $60 million in electricity and $28 million in water. We have committed $9 million to the Port Lincoln hospital, and $9.3 million has been committed to roads so that we can start the process of rebuilding our road infrastructure in country areas.

Only last week, to address the reduction in the number of doctors servicing country areas in the provision and maintenance of essential services, we committed $1.65 million to 30 June this year to attract and retain doctors in country areas with a recurrent cost of $6.06 million in subsequent years. That snapshot indicates what this Government has been and is doing to support country regional areas of South Australia, and it will continue to do so.

EMAIL LIMITED

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Premier. Why is the Government

attempting to import migrants with skilled jobs such as tool making when South Australia is losing jobs from companies such as the Email tooling operation at Beverly, and what will the Government do to save these skilled South Australian jobs? The Email tooling operation provides tools for the company's own requirements and the automotive industry. It has been revealed today that 20 jobs will be going from the Beverly plant. So what about looking after their jobs?

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader of the Opposition; therefore, he will not get the call for the rest of Question Time.

The Hon. J.W. OLSEN: If the Deputy Leader of the Opposition had read *Hansard* for the past year or so, he would have seen that we have talked about the establishment of a cast metal precinct—a very important foundry precinct to underpin the manufacturing industry in South Australia. The Deputy Leader of the Opposition also ought to look at the initiatives we are taking in relation to the tooling industry in South Australia, the tooling network that has been put in place through the Centre for Manufacturing. He is a little late. Again, the Deputy Leader of the Opposition has got it wrong. We understand that the Deputy Leader identified his response to a press position on Monday to embellish the truth a little, to set a perception to score base political points, which does not bear resemblance to the facts of the case. We well understand what this Opposition is prepared to do in terms of creating a press release to get a run and its resemblance to the facts—there is a gulf between the two.

I can assure the House that the establishment of such a cast metal precinct is the first in Australia, and it is an initiative of this Government. In addition to that, there is the tooling network. I advise the House that, in terms of networks, South Australia was held up as a model for the rest of Australia in establishing networks in this State to underpin industry groups such as tooling. What are we doing? We have the policies in place to build the foundation for our manufacturing industry, and we are going overseas to bring in skilled migrants to plug the needs in the industry here so that we do not lose industry sectors from South Australia in this economy in the future. This is a proactive way to ensure South Australia's future in manufacturing—in stark contrast to the policy free zone of the Opposition. It does not have any new ideas or initiatives—none!

Members interjecting:

The Hon. J.W. OLSEN: Just wait! We will be interested to see these policy initiatives because, working on the Labor Listens program, it is apparent that it has been running into some difficulties. The education spokesman had this initiative down south, where he letterboxed everybody and said, 'Come along to Labor Listens. The Leader of the Opposition wants to hear your views.' He could not have got too much out of that meeting because only two people turned up, and one was the wife of a local member. So much for the public responding to Labor Listens!

An honourable member: That's not true.

The Hon. J.W. OLSEN: Well, try this one on. I understand that the Leader of the Opposition had a small business breakfast scheduled for Thursday week ago.

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes, it was very small in the end. He circulated a letter and invitation. Coincidentally, he happened to send one to the member for Lee. He was delighted to receive this invitation to come along to the Labor Party small business breakfast. Having received the invitation, the member for Lee decided he would accept—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Obviously the Deputy Leader knows what is coming and wants to diffuse the answer. The Deputy will get the full story whether or not he likes it. The member for Lee received his invitation on the Monday and he rang up on the Tuesday and said, 'I would like to come.' However, he received a phone call on Wednesday saying—

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

Members interjecting:

The SPEAKER: Order! Until the House comes to order, the Chair cannot possibly hear the Deputy Leader's point of order.

Mr CLARKE: I refer to Standing Order 98 in respect of relevance. In particular, you may not give a stuff about 20 workers, but I do.

The SPEAKER: Order! I have no alternative but to name the Deputy Leader for his behaviour. The behaviour today is just outrageous. Does the Deputy Leader wish to be heard in apology or in explanation?

Mr CLARKE: I apologise for transgressing Standing Orders and particularly to you, Mr Speaker.

The SPEAKER: Order! I note that there are only 10 members on the Opposition benches. If the Deputy Leader will comply strictly with Standing Orders, I will accept his apology. However, if he makes one further transgression, he will be on three days, too.

The Hon. J.W. OLSEN: I will pick up the story. Having accepted the invitation on the Tuesday and having received a phone call from the Labor Party saying, 'Look, we are terribly sorry, but the function's full,' the member for Lee, knowing about these occasional fabrications of events, decided to turn up on Thursday morning. The function was not only not full but it had been cancelled. As the function was not on as obviously no-one had accepted the invitation for this small business breakfast, the member for Lee decided to come back to Parliament House to have breakfast. Lo and behold, who did he see in the refreshment room having breakfast by himself? None other than the Leader of the Opposition.

This clearly indicates that, when Labor goes out to listen, nobody wants to talk. Those in the community know what members opposite did in the 1980s. The community knows that they have not been contrite or apologised for their actions of the 1980s when they bankrupted South Australia. Members opposite are in a policy free zone, and they have not identified a policy direction for the future. In other words, members opposite are not relevant to the future of South Australia, because they have not been prepared to look at policy options for South Australia in the future.

WEBSTER MANUFACTURING

Ms STEVENS (Elizabeth): My question is directed to the Premier. What did the Government do to ensure that the 130 jobs at Webster Manufacturing stayed in South Australia, and why were the Government's efforts unsuccessful? Last week, it was announced that the electric motor company Webster Manufacturing, located next to GMH at Elizabeth, had been taken over by a Sydney company and would close with the loss of 130 jobs. A company spokesperson said that, while the Centre for Manufacturing had offered some

assistance, there was no overall strategy to help local companies survive.

The Hon. J.W. OLSEN: The statement is just fundamentally wrong, because 95 per cent to 96 per cent of all our support funds go to South Australian industry to expand, upgrade plant and equipment and become internationally competitive. As for the other components of the honourable member's question, she should look at all my answers to previous questions, because they cover every point she raised.

Members interjecting:

The SPEAKER: Order!

COUNTRY FIRE SERVICE

Mr LEWIS (Ridley): I direct my question to the Minister for Emergency Services. Does the CFS have sufficient financial reserves to continue its role of protecting life and property in our rural areas? As we approach the end of the bushfire season there has been speculation (I will not say it is mischievous, because that would be commenting) that our CFS is short of cash, so that it may have difficulty meeting its continuing operating costs.

The Hon. G.A. INGERSON: I thank the member for Ridley for his question and his continuing interest, and particularly the way he has continually supported the 18 000 regular CFS and SES volunteers. Earlier in the year the Mount Brown fire cost about $650 000; and, although the figure for the fire on Kangaroo Island is not yet available, it will be very close to that. Over the past 12 months the CFS responded to more than 1 400 calls for road accident rescue alone, and more than 8 200 call-outs over the year, of which more than half involved fire incidents.

One of the major concerns for the CFS was the $14 million debt that the previous Bannon Government left it. That major debt has been a significant problem sitting in the background for the CFS over the past eight to 10 years. Over the past three years, nearly $1 million of that debt has been repaid, and we are moving very slowly toward clearing that debt completely so that we can significantly improve the service that we give. As well as attempting to clear that very significant debt, last year we upgraded 25 appliances. With each truck worth between $130 000 and $150 000, a good portion of that money went back into rural South Australia. We are well placed to continue the service but, clearly, the long-term debt that was created in the 1980s is a major concern which this Government is working very hard to overcome.

UNITED WATER

The Hon. M.D. RANN (Leader of the Opposition): I direct my question to the Minister for Infrastructure.

Members interjecting:

The Hon. M.D. RANN: What was that?

The SPEAKER: Order! The Leader should ignore interjections.

The Hon. M.D. RANN: I am trying very hard to do so, Sir. Did United Water fulfil all the company's contractual commitments to develop South Australia's water industry in 1996 and, if not, has the Government applied any of the penalties provided under the contract for non-performance?

The Hon. G.A. INGERSON: On advice from SA Water it is my understanding that the contractual arrangements have been fulfilled and that a full report on the detail and extent will be with me in the next few weeks. When I receive it, I will make sure that the Leader of the Opposition is aware of the information. That is important because, as the Opposition has run out so much nonsense about the effectiveness of the United Water contract, it would be of great help to all South Australians if it started with the facts before it peddled its nonsense.

TAFE, DISABLED STUDENTS

Mr VENNING (Custance): Will the Minister for Employment, Training and Further Education tell the House what TAFE SA is doing to assist people who may have disabilities and who are studying in regional TAFE institutes?

The Hon. D.C. KOTZ: This is a very important, positive good news story for South Australia. TAFE SA has led the country for more than a decade in providing support for people with disabilities who are seeking vocational education, particularly in regional areas. Currently about 2 000 people with disabilities are undertaking studies at TAFE SA. Many of those have been assisted by the TAFE SA Statewide disability support service, which is focused on the individual needs of students. In addition to the disability support services, several of the institutes have their own disability officers. There has also been a major drive within TAFE SA to make all its campuses physically accessible. The Murray Institute, which has campuses at Gawler, Renmark, the Barossa Valley, Berri and Loxton, made a concerted effort in 1996 to ensure that access was of the highest standard. Other measures included providing modified equipment such as computers with voice synthesisers, assistance with transport, career planning and an out of hours tutorial service.

This May, five students with intellectual disabilities will complete the training component of the National Amenity Horticultural Traineeship, after working at Paracombe nursery in the Adelaide hills. The first multi-skills pre-vocational courses for students with a disability began last November and will finish this May. Students can then choose from commercial cookery, engineering, retail and horticulture. Also, a cafe operated by the Adelaide Institute is being used as a wonderful learning tool for people with disabilities to gain experience in kitchen attending. The program, which began some four years ago, has expanded into a six month, full time course, including back and front of house service. Of the 64 students who have completed this course over the four years, 63 have graduated, and I am sure you will agree that this is an excellent success rate, Sir.

TAFE SA ensures that those with disabilities stand as good a chance to develop their potential as does any other student, by providing support and facilities to help people succeed in their chosen career. This Government's commitment to supporting South Australians with disabilities is evidenced further by the naming of this State's first Minister for Disability Services, my parliamentary colleague, Dr Michael Armitage.

PICA ACTIVATED CARBON

The Hon. M.D. RANN (Leader of the Opposition): I direct my question to the Minister for Infrastructure. Where is PICA Activated Carbon's regional headquarters and factory in Adelaide, and how many people are employed in that factory? On 31 December the Premier announced that PICA had established a $2 million plant in Adelaide as a result of the contract with United Water.

The Hon. G.A. INGERSON: That is a very important question. I will get the exact number and all the details for the honourable member.

ROADS, COUNTRY

Mr BUCKBY (Light): I direct my question to the Minister for Industrial Affairs, representing the Minister for Transport. Will the Minister provide the House with details on the State Government's significant spending on South Australia's country roads network?

The Hon. DEAN BROWN: The Minister for Transport has made a commitment that all rural arterial roads in South Australia will be sealed by the year 2004. This is a very substantial commitment, because it involves all those country arterial roads that were completely ignored by the previous Labor Government, simply because they were in electorates represented by Liberal members of Parliament, and we could be sure that the Labor Party would never spend a dollar on those Liberal electorates in country areas. So, this Liberal Government gave a commitment to seal all those rural arterial roads over a 10 year period. It is interesting to see—and in a moment I will detail it—how far we have gone on that commitment.

Secondly, I highlight how the previous Government had made a commitment in terms of roads, even for tourism projects. I can recall Barbara Wiese, the then Minister for Tourism, making a commitment to seal the southern road on Kangaroo Island, but what happened? Absolutely nothing. I can also recall Barbara Wiese making a commitment to build an airstrip in the Flinders Ranges, but what happened? Absolutely nothing. When in government, all members opposite could worry about were the financial disasters they had created for South Australia.

I highlight some examples that have occurred under this Liberal Government: first, people can drive to Seal Bay—as are increasing numbers of international tourists—entirely on a sealed road. The Minister for the Environment and Natural Resources will confirm that the numbers of tourists to Kangaroo Island have increased substantially. I will list some major projects undertaken by this Liberal Government in the past three years.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Of course, the most important project is the Burra to Morgan road, which was a national disgrace, even though it was part of the interstate link up for heavy transport. This Government has made a commitment to fully seal that road (all 45 kilometres of it) by 1990; we have made an $8 million commitment to the Flinders Ranges; we have made a major commitment and sealed about 20 kilometres of the South Road on Kangaroo Island; and we have made a major commitment on Eyre Peninsula, the member for Flinders being proud that at long last the Elliston to Lock road is being sealed.

An honourable member interjecting:

The Hon. DEAN BROWN: The Elliston to Lock Road.

An honourable member interjecting:

The Hon. DEAN BROWN: I said 'Elliston to Lock', and 3 to 4 kilometres of that road has already been sealed. The Snowtown to Brinkworth road and the Brinkworth to Blyth roads are being widened and improved; four kilometres of the Beachport to Millicent road is being widened; work has started on the sealing of 11 kilometres of the Hawker to Orroroo road; the full length of the Mount Pleasant to Tungkillo road (4.6 kilometres) is being widened; and, in addition, the road from Roxby Downs to Andamooka is being sealed. They are examples of some of the rural arterial roads that are being fixed by this Government under this major commitment to the rural people of South Australia, who make a huge return to the economy of this State, particularly in exports. It is worth noting how far this Government, in its first three years, has gone in ensuring that it meets its commitment to seal all rural arterial roads over a 10-year period.

UNITED WATER

The Hon. M.D. RANN (Leader of the Opposition): Has the Minister for Infrastructure received advice from United Water on why export targets for 1996 were not met? On 31 December 1996, the Premier announced that in the first nine months United Water had identified export orders worth $31 million for South Australian firms. On 10 February, United Water announced that export targets in 1996 were $3.6 million and failed to meet the 1996 export target of $9.5 million for South Australian companies.

The Hon. G.A. INGERSON: As I said in an earlier reply to a question, I will obtain full details and bring back a reply to the Leader. One issue I find quite—

Mr Atkinson interjecting:

The Hon. S.J. Baker: You were making a $70 million loss on water before we came into government.

Mr Atkinson interjecting:

The Hon. G.A. INGERSON: The member for Spence is the member who said on 5AA that the Labor Party will lie during an election, and he is a man who stands in this House and talks about not knowing what is going on—the very member who says, 'Of course we will lie during an election.' The member for Spence said that. What else would we expect to come from the Opposition when the member for Spence makes that sort of public statement?

I am very surprised that the Leader of the Opposition does not understand the difference between orders issued, which was the statement made by United Water, and those that are collected at the time. I am very surprised. As I said, I was advised earlier that I would be receiving a report and, as soon as I receive that report, I will send it to the Leader of the Opposition.

TOURISM, REGIONAL

The Hon. H. ALLISON (Gordon): Will the Minister for Tourism advise the House what the Government is doing in the provision of infrastructure for the promotion, development and encouragement generally of the tourism industry in regional South Australia?

The Hon. E.S. ASHENDEN: I am delighted to answer that question from the honourable member, who, as we all know, has held his seat in Mount Gambier for one reason and one reason alone—because he has shown an absolute devotion to the area and he is always working to ensure that his electorate receives what it needs in terms of services and so on. Of course, the South-East is one area that has benefited from the tourism infrastructure support that this Government has provided the State. It is important for the House to understand just what tourism means, because we have in the present Leader of the Opposition a previous Minister for Tourism, who presided over a Government that did absolutely nothing in terms of supporting the tourism industry, despite

the fact that today tourism is worth approximately $2 billion a year in this State alone, or about $5 million a day.

Tourism employs approximately 40 000 people, and is obviously therefore a very key industry. This Government is proud of the support it has been providing to that industry, particularly in regional areas, such as the South-East. Tourism is unashamedly one of the major focuses for this State Government. With respect to infrastructure, my colleague has already pointed out what has been done in relation to roads on Kangaroo Island, not to mention power, water, accommodation and signs, all of which are absolutely vital in ensuring that private industry is able to provide the tourism industry that we so desperately need in this State.

Wilpena Pound is another example of the work we have done in terms of providing infrastructure in rural areas. This Government provided $3.9 million to enable an expansion of accommodation and the building of an information centre, which will be of tremendous benefit not only to the whole Flinders region but also to the State of South Australia. Other examples where this Government has provided infrastructure support include the Barossa Convention Centre and regional tourism information centres, which cover all the State: the Barossa, the Eyre Peninsula, the Yorke Peninsula, the Fleurieu Peninsula, the Flinders, the Mid North, the Riverland, the Murraylands, the South-East and Kadina. I could give further examples of this Government's allocating money to ensure that we are able to provide the infrastructure necessary for tourism in this State.

There is no doubt that the record shows only too clearly what this Government is doing with respect to tourism: in 1995-96, $5.5 million was put into tourism infrastructure; this financial year, the figure is $15 million, or three times the amount; and next year we are expecting to put in about $20 million. Much of this will be going into regional areas, such as the South-East, which are a key factor regarding tourists from interstate and overseas, as well as from within our own State. All this money is designed to create jobs and provide income to South Australians.

UNITED WATER

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Infrastructure. Has United Water fulfilled its commitments under the water contract for the relocation of Thames Water from Melbourne to Adelaide and, if not, have any penalties been applied? On 31 December 1996, the Premier announced that Thames Water Asia Pacific had relocated to Adelaide as a result of the contract.

The Hon. G.A. INGERSON: I understand that the executive of Thames Water has relocated to Adelaide but, once again, I will need to obtain the fine detail about how many are here. I am absolutely staggered that we continually get—

Mr Atkinson interjecting:

The Hon. G.A. INGERSON: The man who lies at election time? The member for Spence, the man who lies at election time—do we want to hear from him all the time? I cannot understand why we continue to get the carping and the negatives. Why do we not talk about the magnificent improvement in water quality? Why do we not talk about the service improvements? Why do we not talk about the $10 million that has been saved on a yearly basis via a better management contract? Why do we not talk about the international agreements which are worth $2.3 billion over the next 15 years and which have been established in Manila because of the water industry contract? All the Opposition wants to do is carp and look at the negatives. I find it incredible that the Leader of the Opposition has no idea what is really taking place in the water industry in terms of making it grow. He should stick to looking at the positives of the whole exercise.

NATIONAL PARKS

Mr MEIER (Goyder): Will the Minister for the Environment and Natural Resources notify the House of the importance of conservation and national parks to regional economies in South Australia? Many members of communities within my electorate are involved with Friends of the Parks groups and consultative committees which help in managing the parks system.

The Hon. D.C. WOTTON: At the outset, I recognise that one of the primary schools in the honourable member's electorate, the Port Vincent Primary School—a very small rural school in South Australia—only yesterday was judged the best environment primary school in Australia. I have already written to the school. I had the opportunity yesterday to congratulate it. I know that the local member, the member for Goyder, is very pleased about that as well. It is quite a feat for a small rural school in South Australia.

As most members would realise, we have more than 300 parks and reserves in South Australia, 95 per cent of which are outside the metropolitan area. In his question the member for Goyder referred to the fantastic work that the Friends of the Parks undertake in the parks and reserves. In South Australia we are very fortunate to have nearly 7 000 volunteers who help the professional staff of our parks and reserves. As I have said in the House before, South Australia is recognised above any other State in Australia as having the strongest community support for environment projects. That is something of which we can all be very proud.

Catering for visitors is a very important part of the functions associated with our parks system, and it is a function that this Government has recognised and acted upon in contrast to previous Labor Governments. Over the past three years this Government has spent more than $26 million on capital works in our parks. These investments include $4 million for the Mount Lofty summit development, $3 million for a new visitor centre at Naracoorte Caves and over $800 000 at Seal Bay on Kangaroo Island. Although there was assistance from the Commonwealth, most of the money came from the State Government.

These investments have more than paid off. The pay-off comes in two ways. First, the interpretative centres, boardwalks and lookouts enable locals and tourists to learn much more about the places they are visiting. As visitors are given an opportunity to know more about these places of natural beauty, they are more inclined to help to conserve the environment and protect the habitats and the ecosystems that they have experienced. Secondly, the improved facilities encourage more people to visit the parks. When people travel in South Australia and visit our natural wonders, there are always spin-off effects for local economies. Park visitors have benefited regional economies such as Kangaroo Island and Eyre Peninsula in particular. Figures compiled by the Department of the Environment and Natural Resources—and I am sure all members of the House would be interested in these figures—clearly show that visitor numbers to eight of our more popular conservation and national parks in South

Australia have increased by 18 per cent since this Government came to office. In fact, of the top 23 tourist attractions in this State, eight are parks. I shall refer to some examples. In the last year—

Members interjecting:

The SPEAKER: Order! I would suggest to the Minister that he is going beyond a reasonable answer.

The Hon. D.C. WOTTON: In conclusion, in 1995-96 after work on the Seal Bay Road and construction of the visitor centre, tourist numbers jumped to nearly 113 000 people, an increase of 48 per cent. That is not just Seal Bay. Compared with the last year of the previous Labor Government, visitor numbers to Lincoln Park are up 83 per cent; Flinders Ranges National Park, 16 per cent; Naracoorte Caves, 25 per cent; Flinders Chase, 31 per cent; Innes National Park, 12 per cent; and Mount Lofty anticipates an expected 66 per cent boost next year. In contrast, the Labor Government recognised that this was an issue but did absolutely nothing about it. But this Government has recognised the three important roles of our national parks: first, to conserve and protect our national heritage; secondly, to utilise that heritage to educate and inspire our children and park visitors; and, thirdly, to allow this heritage to contribute to South Australia's economy by catering in a sustainable manner for visitors on a scale which the Opposition never even contemplated.

GRIEVANCE DEBATE

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

Mr BROKENSHIRE (Mawson): Recently, members might have noted from newspaper articles that chicken meat prices across Australia have increased by 10 per cent, partly because of the massive heatwave, particularly in South Australia, which affected many chickens and partly because chicken meat consumption is second only to that of beef. Whilst I appreciate that some of my colleagues are not as heavily involved with the chicken meat industry as I am, I am sure that when they visit KFC or are out wining and dining they enjoy a good wholesome piece of South Australian chicken. I highlight that, whilst the price to the consumer has increased by 10 per cent in the last few weeks, there has not even been a 1¢ a kilogram increase to the chicken meat growers. As a member of Parliament who has dedicated and committed chicken meat growers in his electorate and who as a farmer realises the importance of the rural economy to the past, present and, even more so, future well being of all South Australians, this disappoints me. In my opinion, this is not satisfactory.

One of the biggest problems facing all farmers in Australia at the moment is low commodity prices—be it in the chicken meat industry, the dairy industry or any other industry associated with agriculture. You get letters and you see articles in the newspapers in which manufacturers and processors say that commodity prices are low because of the rate of the Australian dollar on the export market and because the cost of production—

The CHAIRMAN: Order! There is too much audible conversation.

Mr BROKENSHIRE: I do appreciate that my colleagues are now interested in chicken meat, and I encourage them to have a few chicken and rice stir fries to see what good wholesome food it is. The important point I am trying to make is that the chicken meat growers in South Australia have not had a price increase for four or five years. I believe that it is time that the processors got serious about supporting the chicken meat growers, and that manufacturers and people who capitalise on the work of farmers got serious about giving them a reasonable return. I am particularly disappointed to see that one processor in particular still seems loath to negotiate new contracts with chicken meat growers. Recently I was talking to one of my constituents who would like to expand in the south, but I understand that he has been advised that that particular processor is not interested in allowing expansion in the south. I believe that is unfair competition and is not fair on the people of the south who would have added job opportunities if we were to have further expansion.

I also remind this House that 70 per cent of all chicken meat grown in South Australia is actually grown in either the south or the east, yet we are not getting the support from the processors to encourage expansion. There is no way that chicken meat growers in South Australia can continue to supply good, wholesome chicken meat if they are not getting adequate increases. If the increase to the purchaser in the last few weeks was 10 per cent, I would have thought that at least 10 to 20 per cent of that should be returned to the growers.

In summary, the challenge that I am sending to the chicken meat processors is that if they are serious about seeing expansion in the industry, if they are serious about supporting the efforts that the growers put in every day—catching birds late at night, making sure that the temperature is right, the growth rates are right, the feeding, watering and so on are right—they should at least start to give them a fair day's pay for a fair day's work. They have an opportunity to set examples for other manufacturing processors, to make sure that South Australia has the opportunity to expand and to capitalise on the growth occurring in Asia by being that clean, green food bowl for Asia.

They will have the opportunity of increasing their markets only if they are prepared to pay a fair dollar for the work being done. I support all workers and farmers in getting a fair day's pay for a fair day's work.

Mr CLARKE (Deputy Leader of the Opposition): I rise in response to the ministerial statement by the Minister for Police. It was an absolute disgrace that he tried to trivialise a very important issue, namely, the cutbacks in sworn police officers and the impact that is having on the safety of the public in South Australia. With respect to the incident concerned, the Minister tried to downplay the fact that a 13-year-old girl on her own at home with another member of the family trying to get into that house was a cause for concern. I do not intend to name the persons concerned, and that is being done at the request of the parents. But let me just read a little from the statement made to the police by this 13-year-old girl and then let us see whether this Minister will trivialise this issue. The statement reads:

> At about 4.20 p.m. On Tuesday 11 March 1997, I was home on my own watching TV, when I heard a car pull up out the front. When I got up and had a look, I saw [a person's] car in the driveway. Then I saw him getting out of the car and walking towards our front door. I ran back into the kitchen and rang dad at work at Port Adelaide. He told me to ring the police, which I did on 11 444.

And would you not expect a parent to do that? It continues:

> While I was on the phone, [the person] was banging on the front door pretty hard. He was saying that he just wanted to talk to me, but I didn't say anything back to him at that stage. I stayed sitting on the floor in the kitchen in the hole under the bench where the dishwasher is supposed to go, so he wouldn't see me. I could see his shadow as he walked around the side of the house, and hear him banging on the side door. . . At one stage, he must have been outside the kitchen window, looking in, and seen the phone cord. I could see his shadow in the kitchen. It looked like he was jumping up and down trying to see in and where I was.
>
> I was really frightened, and yelled at him to go away, but he didn't. . . I'm frightened of [the person], and scared that he will get in the house and hurt me. I've seen him try to beat up dad before, and heard him threaten a lot of people, including [another member of the family].

The reality is that the Minister's statement confirmed the facts of my press release. It did take 30 minutes for the police to respond to a 11 444 emergency telephone number. A police patrol had to be sent from Walkerville to Wynn Vale to answer that call. The father was required to telephone four times to increase the level of urgency concerning this matter. There is no complaint about the Police Force: its members do their best with the resources given to them by this Government. What this Government has done is cut the number of sworn officers by 250 over the past three years, whereas this Government promised prior to the 1993 Federal election to increase the number of sworn police officers by 200.

There is a natural attrition rate of 115 officers per annum and, with only 25 cadets in training at this time, the Government cannot even match the normal attrition rate. This type of occurrence—where a 13-year-old girl left on her own sought police assistance, whether from a member of the family or not but where there was a domestic dispute, where she was frightened for her physical wellbeing, and where the father could get home from Port Adelaide to Wynn Vale sooner than a police patrol could get there—is an absolute disgrace: not on the part of the Police Force, who do their best, but it is an absolute disgrace on the part of this Minister and this Government for cutting police numbers by 250 officers in the past three years. That is the absolute disgrace.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister interjects that that is a lie, when only last week in Parliament in answer to a question he agreed that there had been a cut-back in the number of police officers. There are 250 fewer police and there is less safety on the streets of this State because of those cutbacks in the number of police officers. What the Government ought to do with its extra RBT revenue and extra speed camera revenue is restore police numbers.

Members interjecting:

The DEPUTY SPEAKER: I note that the member for Ross Smith accused the Minister of calling him a liar. The member for Ross Smith was speaking so loudly that the Chair did not hear any of the Minister's interjections. I simply point out that it is improper to call anyone a liar.

Mr BASS (Florey): During the recent trial of Tony Grosser, who was convicted of several serious crimes including the attempted murder of a police officer, my name was raised by the defendant with allegations that I was one of 20 police officers who attended Mafia society meetings at a Tanunda hotel. Mr Grosser also alleged that I would organise criminals to break into homes of persons who opposed them, rape the women, shave their heads, beat up the other occupants and leave a bullet-proof vest as a mark of my visit. These are not the first allegations made against me by Mr Grosser, someone to whom I have never spoken, never arrested during my career with the Police Force and whom I have never even seen in person.

Grosser first made allegations against me in March of 1993. He alleged that I was head of the Drug Squad and involved in drug dealing. I have never been head of the Drug Squad and, in fact, never held a supervisory role while attached to the Drug Squad from 1979 to 1981. In fact, I did not attain the rank of detective sergeant until 1990, some nine years after leaving the Drug Squad. The allegations made by Grosser in 1993 were investigated and I was completely exonerated. Grosser next made allegations during his trial for shooting a police officer: allegations that, once again, were completely new to me. During the trial, much information was led by the defence, but the media as usual chose not to print the full facts, only the allegations that made sensational reading.

Since commencing his 22-year gaol sentence, Grosser has continued to make allegations against me in correspondence to Labor members of Parliament. Again, these allegations in letters are new to me and involve matters that have been investigated. At no time during the police investigations was I alleged to be involved in any way, nor was my name even mentioned. In fact, in one case the offenders have been convicted and sentenced for the offence. I might say that one of the matters raised in the letter to Labor MPs was discussed at length during Grosser's trial, yet at no stage did he mention my name or any alleged involvement. I put on record information raised by the defence's own psychiatrist during Grosser's trial. The psychiatrist called by the defence, in answer to a question from Grosser's lawyers, stated:

> Well, I have suggested that it's my view regarding Mr Grosser that either he was the victim of an extraordinary complicated and complex series of acts against him or he has a severe personality disorder, with strong ideas of persecution.

It was proved during his trial and in other investigations of allegations made by Grosser that he was not a victim of a complex series of acts against him; so, on his own psychiatric evidence, he has 'a severe personality disorder, with strong ideas of persecution'. The defence psychiatrist also stated:

> If his history is completely or partly untrue, because of its complexity, the elaborateness of it, the detailed intricacy of it, my view is that he suffers from a severe paranoid personality disorder.

The defence counsel asked:

> Is that a mental illness?

He answered:

> It's not regarded as a mental illness, but an extreme of personality function.

The defence counsel then asked:

> And a person may have a genuine belief that he is the victim of some sort of campaign conducted by the police to lay false charges, and in an attempt to get back at them fabricate stories about police officers with the intention of embarrassing the police force?

The psychiatrist said:

> Yes, that's possible.

The defence counsel asked:

> What was your opinion about where Mr Grosser fitted in the spectrum?

The psychiatrist said:

> I thought he was at the extreme end of the personality disorder spectrum, if what he says is not correct regarding all of these events.

As one can see, Mr Grosser has a paranoid personality disorder—not a mental illness, but rather an extreme

personality disorder. Mr Grosser has 18 years to sit and write letters making false allegations and nothing can be done at present to stop him, but let me say this to members opposite: if you receive these letters in the future, as no doubt you will; and if you believe what Grosser, a criminal convicted of the attempted murder of a police officer, says is true and that it is in the public interest, then do not stand up in this place or the other place protected by parliamentary privilege but stand out on the steps of Parliament House and make a press statement, and we can then resolve the matter once and for all.

Mr ANDREW (Chaffey): Today I wish to report from my electorate on the production of a rural partnership program submission from the Riverland. Last Wednesday I had the pleasure of hosting the Minister for Primary Industries (Hon. Rob Kerin) as well as at the same time representing the community in conjunction with the Riverland Development Corporation to present to the Minister a rural partnership plan application for the Riverland. This program is part of a strategic planning process catering for long-term change in the region. Effectively, the program is a strategy focusing on community preferred and community agreed options and priorities for the future of the region for projects that will most effectively and most efficiently be delivered via local communities working with both the State and Federal Governments with common goals and via a cooperative, coordinated planning process.

The rural partnership program provides a framework for rural communities, in this case the Riverland, to access a range of Commonwealth and State regional programs to achieve an integrated approach to regional development. This particular submission was based strongly on the 1994 Riverland development strategy produced by the Riverland Development Corporation on which I have reported previously in this place. I have to say that this strategy has already proved to be a valuable asset in local regional successes to date in terms of current infrastructure and service provision to the region over the past two to three years, particularly by this State Government.

Although the rural partnership program follows in the footsteps of the success of the Eyre Peninsula strategy, which certainly had a focus on structural adjustment, in the Riverland the focus has been largely on projects and programs aimed to assist, to capitalise and certainly to further enhance the economic growth that is now proceeding in the Riverland. There is significant growth at the moment in horticultural industries, whether it be in direct production or value adding. I refer particularly to wine grapes, vegetables and fresh citrus exports, with the overall value of Riverland horticultural production increasing by something in the order of 40 per cent over the past three years and now approaching $400 million at farm gate level.

I know that the local community, in their own right, are prepared to put in, whether it involves energy or effort, whether it involves financial commitment, which has already been shown by their commitment to the rehabilitation of the Loxton irrigation area, or whether it involves sharing in the responsibility for getting programs up and ongoing. This process is also a way of convincing Governments that they must continue to invest and increase investment in the Riverland region whether it involves infrastructure, education or services. Why? Because, if they do, they will receive a real and significant return on their investment. The analogy I use is a program of synergy where perhaps, if local government contributes two units of input, the State Government two and the Federal Government two, we will gain perhaps eight or 10 units of output.

Time does not permit me to go through the detail of the specific programs identified, but there were three recommendations incorporating seven projects. The recommendations include, first, that seven individual though interrelated projects be identified and approved in principle as priorities for the region. These come under three headings, the first relating to land and infrastructure development, including project 1—complementation of irrigation infrastructure investment; project 2—land evaluation project; project 3 (under the heading 'Industry Development')—farm viability improvement project; project 4—maximising international competitiveness to value adding in the region; project 5—development of a comprehensive region wide commodity-based marketing strategy; project 6 (under the heading 'Information and Strategy Development')—development of a regional Riverland GIS system; and project 7—industry-related information technology strategy. Recommendation 2 is that funds be provided for a detailed assessment of these seven projects, including planning and prioritisation of them. Recommendation 3 is that a regional strategy coordinator facilitator be appointed to get this under way.

I thank Minister Kerin for his support in offering to take this process forward to the Federal Minister for Primary Industries and for agreeing to provide funding through PISA for the consultancy process. I have certainly been pleased to be part of this process right from the stage of the Riverland development strategy and from the time of taking the original deputation to Minister Kerin in 1996 to get this application under way. I thank the whole community for their continuing support to make this program happen in the future.

Ms WHITE (Taylor): Briefly today I highlight to this House what I believe to be some inconsistencies in certain information provided by the Government. The information in question was provided by the Minister for Education and Children's Services on 5 March and stated that the State Government had agreed to commit a total of up to $14.85 million for public infrastructure works at Wirrina Cove. The Minister tabled a three-page document containing a breakdown of that $14.85 million, which I will provide for the benefit of members, as follows: redevelopment of waste water treatment plant, $700 000; development of water treatment plant, $250 000; extension of water main from Normanville, $4.4 million; reconstruction of public road from South Road to marina, $1 million; and construction of breakwaters and excavated basin for marina, $8.5 million—totalling a funding infrastructure commitment of $14.85 million. Three documents have been tabled in this House under the guise of Public Works Committee reports outlining Wirrina projects.

As I look at the information that has been tabled, I see some inconsistency, so by my reading I wonder whether this total is not correct. In fact, by my estimation, on the information presented, the public funding component should read more like $19.5 million. A Public Works Committee report tabled at the end of 1995 shows the whole of life cost of the water treatment components of the public infrastructure; I seek leave, Sir, to incorporate in *Hansard* part of that document without my reading it.

The DEPUTY SPEAKER: Is the information purely statistical?

Ms WHITE: Yes, it is statistical and it is very brief.

Leave granted.

	1995-96 $ m.	1996-97 $m.	1997-98* $m.	1998-99* $m.
Water Treatment plant	0.3			
Waste water (effluent) treatment plant	0.2			
Reticulated water supply to Wirrina Cove resort from existing system	2.0	2.4		
Upgrade of existing system for Wirrina Cove resort			1.3	1.3
Upgrade of existing system for Normanville/Carrickalinga/ Yankalilla			1.2	1.3
Total Commitment	2.5	2.4	2.5	2.6

An honourable member interjecting:

Ms WHITE: It is factual. That information shows that the total public funding commitment for the water and waste water treatment components amounted to $10 million. It shows a $300 000 water treatment plant component, a $200 000 waste water effluent treatment plant, a $4.4 million reticulated water supply to the Wirrina Cove Resort from the existing system, an upgrade of the existing system at the Wirrina Cove Resort of $2.6 million, and an upgrade of the existing system for Normanville, Carrickalinga and Yankalilla of $2.5 million, making a total of $10 million. In addition to that, the Government is providing $1 million for the roadwork to the marina from South Road and $8.5 million for the marina construction, including the excavation of the basin and construction of the breakwaters. If all that is added together, it comes to $19.5 million.

I also ask the question: will the Government explain this discrepancy? That information has been sought in another place by both the Labor Party and the Australian Democrats. The Government is claiming that it is putting only $14.85 million of public money into this project; yet the evidence presented to this House and to the parliamentary committee shows a commitment of almost $20 million. I would like that clarified.

Mrs ROSENBERG (Kaurna): I put on record today a couple of issues within my electorate which I have found pleasing and which need to be noted. One of those concerns a sponsorship deal for the Seaford 6-12 school by the computer company Novell. It has presented the students at that school with a $40 000 sponsorship which will enable the school to be connected worldwide through a package called Groupwise. This sponsorship of $40 000 is a valuable addition to the DECSTech 2001 policy that the Education Department has put in place. Most schools have received their subsidy and are out madly buying computers.

The Seaford 6-12 school was targeted as a high information technology school, not least because of the newness of the school and the importance of information technology but also because the Acting Principal is Ross Tredwell, who is well known in education circles as highly qualified in the area of information technology and computers. Through this sponsorship deal with Novell, students will be able to communicate with other students and teachers around the world using the Internet. The new technology will allow them to access information and share a whole range of knowledge that they would not otherwise have had available to them. It will also be of enormous benefit to the staff at the Seaford 6-12 school to take part in this sponsorship deal and in the expanded subsidy deal for computer purchase.

The Government recognises that information technology is important and made the decision to subsidise computer purchase because the ability to keep up with that level of information technology and with world trends is very important for our students. Through this sponsorship deal with Novell and the Seaford 6-12 school, those students will become world class. It is an important sponsorship that needs to be positively recognised. The Novell sponsorship was presented by Mr Jules Boyd at the recent annual general meeting of the school council. Also present at the AGM was Mr Denis Ralph, the Chief Executive Officer of DECS. He talked very positively about this sponsorship deal and the DECSTech 2001 scheme for all students in the southern region.

Another matter that I put on record is the progress of the SOS Children's Village which, as members would be aware, I have spoken about at length as it has developed. I put on record my sincere congratulations to that group on the way in which it put forward the proposal and has borne the brunt of a lot of ignorance in the community. I have been in contact recently with the director of the SOS village and, although the number of permanent children within the village is growing only very slowly, children are now present in the village. Most of the people working as foster parents within the village are thrilled to bits with those children. It is important to say—

Mr Atkinson: It has been a very good issue for Hilly.

Mrs ROSENBERG: I should like to pick up on that interjection from the member for Spence that it has been a good issue for Hilly. That is exactly what I was talking about when I raised the issue of these people bearing the brunt of some ignorance in the community. It was the Labor candidate who stirred up the ignorance in the community, but he was not prepared to take a stand himself and have his name attached to it. He made sure that he pushed forward on his behalf some of the misinformed people in the community. That sort of yellow streak in a person does not make them a good candidate for Parliament in the long term.

Mr Atkinson interjecting:

Mrs ROSENBERG: He might be here, but he will still have a yellow streak.

Mr Atkinson interjecting:

Mrs ROSENBERG: The positive side of the work that has been done in the SOS village cannot be overcome by the ignorance expressed in the member for Spence's comments or by anyone else in the community because the work that is being done is being seen in the community. The children at that village have made friends in the community. I also congratulate the schools on the way they have accepted those children into the schools. The community has finally seen that the people working in the village are dedicated to those children, and the children will succeed.

DEPUTY PREMIER'S REMARKS

Mr ATKINSON (Spence): I seek leave to make a personal explanation.

Leave granted.

Mr ATKINSON: During Question Time the Deputy Premier twice told the House that I was in favour of parliamentarians lying. The Deputy Premier was relying on a transcript of Bob Francis's Radio 5AA Nightline program. In fact, the transcript reads as follows:

Atkinson: Well the argument is about standards in Parliament. I mean should members of a Parliament when they are in Parliament itself tell the truth and, if they tell lies, when they are caught what are the consequences? I am not saying that any Party is pure on this. As you say, politicians fudge the truth. Francis: Yeah. Atkinson: All the time—especially during election campaigns.

There is a world of difference between acknowledging man's fallen and sinful state and in particular the sins of politicians and advocating the telling of lies. My remarks on Radio 5AA were self-evidently the former and not the latter. In respect of being criticised by the Deputy Premier on the question of truth telling, I can only say in the words of the *Advertiser* headline, 'Oh really, Mr Ingerson'.

MEMBER'S LEAVE

Mr MEIER (Goyder): I move:

That one week's leave of absence be granted to the member for Mitchell (Mr Caudell) on account of ill health.

Motion carried.

WATER RESOURCES BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 4 (clause 3)—After line 13 insert new definition as follows:

'"prescribed water resource" includes underground water to which access is obtained by prescribed wells;'

No. 2. Page 10, line 1 (clause 7)—After 'drinking' insert 'or cooking'.

No. 3. Page 14 (clause 12)—After line 21 insert new paragraph as follows:

'*(ab)* to authorise a person to erect, construct or enlarge contour banks to divert surface water solely for the purpose of preventing or reducing soil erosion but only if—

(i) the land concerned is in the district of a soil conservation board under the *Soil Conservation and Land Care Act 1989*; and

(ii) an approved district plan or approved property plan that includes guidelines, recommendations or directions in relation to the erection or construction of contour banks is in force; and

(iii) the contour banks are erected or constructed in accordance with those guidelines, recommendations or directions.'

No. 4. Page 14, lines 26 and 27 (clause 12)—Leave out paragraph *(c)* and insert new paragraph as follows:

'*(c)* to undertake an activity that is development for the purposes of the *Development Act 1993* and that is authorised by a development authorisation under that Act or under a corresponding previous enactment.'

No. 5. Page 16, line 25 (clause 15)—Leave out ', occupier or other person'.

No. 6. Page 19 (clause 18)—After line 22 insert new subclause as follows:

'(4a) Subject to its terms, a permit is binding on and operates for the benefit of the applicant and the owner and occupier of the land to which it relates when it is granted and all subsequent owners and occupiers of the land.'

No. 7. Page 19, line 32 (clause 18)—Leave out 'cancel' and insert 'revoke'.

No. 8. Page 20, line 9 (clause 18)—Leave out 'cancel' and insert 'revoke'.

No. 9. Page 23 (clause 22)—After line 13 insert new subclause as follows:

'(6) The holder of a well driller's licence or the former holder of a licence may appeal to the Court against a decision of the Minister under subsection (4)*(a)* or (5) on the ground that the decision was harsh or unreasonable.'

No. 10. Page 28, lines 3 to 6 (clause 34)—Leave out subclause (2) and insert new subclauses as follow:

'(2) Subject to subsection (2a), allocations obtained from the Minister will be free of charge (except for fees to cover administrative costs and expenses) unless the relevant water allocation plan provides for payment.

(2a) Subsection (2) does not apply in relation to an allocation that—

(a) the Minister has purchased; or

(b) has been forfeited to the Minister on cancellation of the water licence on which it was endorsed.

(2b) If the relevant water allocation plan provides for payment, all allocations obtained from the Minister must be sold by the Minister in accordance with the regulations by public auction or tender or, if either of those methods fail, by private contract.'

No. 11. Page 28 (clause 34)—After line 9 insert new subclauses as follow:

'(3a) Before allocating water the Minister may direct that an assessment of the effect of allocating the water be made (at the expense of the person to whom the water is to be allocated) by an expert appointed or approved by the Minister.

(3b) The Minister may refuse to allocate water to a person who has committed an offence against this Act.'

No. 12. Page 28, line 10 (clause 34)—Leave out 'subsection (2)' and insert 'subsection (2b)'.

No. 13. Page 28, line 32 (clause 36)—Leave out 'proclamation' and insert 'declaration'.

No. 14. Page 29, lines 28 to 30 (clause 36)—Leave out subclause (8) and insert new subclause as follows:

'(8) If the quantity of water available for allocation exceeds the entitlements of existing users, the Minister may allocate the excess in accordance with the relevant water allocation plan and section 34.'

No. 15. Page 29 (clause 36)—After line 30 insert new subclause as follows:

'(8a) An entitlement referred to in subsection (1)*(b)* may be transferred to another person with the approval of the Minister.'

No. 16. Page 30, line 36 (clause 37)—After 'regulations' insert 'made by the Governor on the recommendation of the Minister'.

No. 17. Page 30 (clause 37)—After line 38 insert new subclause as follows:

'(5) Before making a recommendation to the Governor for the purposes of subsection (3), the Minister must—

(a) consult the water resource planning committee established in relation to the water resource; and

(b) cause to be published in the *Gazette*, in a newspaper circulating generally throughout the State and in a local newspaper a notice outlining the proposed recommendation, stating the reasons for it and inviting interested persons to make written submissions to the Minister in relation to the proposal within a period (being at least three months) specified in the notice; and

(c) have regard to the views of the committee and to all submissions made in accordance with the notice.'

No. 18. Page 31 (clause 38)—After line 14 insert new subclause as follows:

'(4a) The Minister may refuse to vary the licences if the transfer of the whole or part of a water allocation is to a person who has committed an offence against this Act.'

No. 19. Page 31, lines 25 to 28 (clause 39)—Leave out paragraph *(b)* and insert new paragraph as follows:

'*(b)* be accompanied by the fee prescribed by regulation and the licence or licences affected by the application.'

No. 20. Page 36 (clause 45)—After line 22 insert word and paragraph as follows:

'and

(c) specify the kind or kinds of information to which subsection (4) applies.'

No. 21. Page 36, lines 23 to 28 (clause 45)—Leave out subclause (4) and insert new subclauses as follow:

'(3a) Subject to subsection (4), the Minister must make information referred to in subsection (1)*(d)* publicly available.

(4) Where a person has provided information of a kind to which this subsection applies (see subsection (3)*(c)*) under subsection (3)*(b)*, the Minister—

(a) must seek the consent of the person who provided the information to make it publicly available and must make it publicly available if consent is given;

(b) must not disclose that information to another person without the consent of the person who provided it.'

No. 22 Page 36 (clause 45)—After line 28 insert new subclause as follows:

'(5) Without limiting the directions that the Minister may give to a catchment water management board or a water resources planning committee, the Minister may direct a board or committee to observe practices and comply with standards specified by the Minister in relation to the gathering, recording and keeping of information.'

No. 23. Page 38, line 25 (clause 50)—Leave out 'in the opinion of the Minister' and insert 'in the opinion of the Association'.

No. 24. Page 38, line 28 (clause 50)—Leave out 'in the opinion of the Minister' and insert 'in the opinion of the Council'.

No. 25. Page 38, line 32 (clause 50)—Leave out 'in the opinion of the Minister' and insert 'in the opinion of the Federation'.

No. 26. Page 38, line 36 (clause 50)—After 'board' insert 'who has been nominated from a panel of three persons submitted by a majority of the catchment water management boards'.

No. 27. Page 39, lines 11 and 12 (clause 51)—Leave out subparagraph (ii) and insert new sub-paragraph as follows:

'(ii) the extent to which implementation of the Plan has achieved the object of this Act,

and, where the council thinks fit, make recommendations in writing to the Minister as to changes that should be made to the Plan; and'.

No. 28. Page 39, lines 18 to 20 (clause 51)—Leave out paragraph *(c)* and insert new paragraph as follows:

'*(c)* at the direction of the Minister—

(i) to examine and assess the extent to which a particular water allocation plan has been implemented; and

(ii) to examine and assess the extent to which implementation of the plan has achieved the object of this Act,

and, where the council thinks fit, to make recommendations to the Minister as to the directions that the Minister should give to the appropriate catchment water management board or water resources planning committee in relation to implementation of the plan; and'.

No. 29. Page 39 (clause 51)—After line 22 insert new paragraph as follows:

'*(da)* on its own initiative to advise the Minister on any matter relating to the state and condition of the State's water resources or the management of those resources if it is necessary to do so in order to achieve the object of this Act; and'.

No. 30. Page 42, line 21 (clause 59)—Leave out subclause (iv) and insert new subclause as follows:

'(iv) knowledge of and experience in local government or local administration gained in the catchment area of the board as a member or employee of a council or a local administrative body in an out of council area.'

No. 31. Page 42, lines 29 to 31 (clause 59)—Leave out subclause (3) and insert new subclause as follows:

'(3) When nominating persons for membership of a board the Minister must endeavour, as far as practicable, to include persons—

(a) who are aware of the interests of the persons who use, may use or who benefit in any other way from, the water resources in the board's catchment area; and

(b) who have knowledge of and experience in the use of land or water for the purpose or purposes for which land or water is most commonly used in the board's catchment area.'

No. 32. Page 43, line 21 (clause 62)—After 'situated' insert 'if the owner or occupier agrees to the assignment'.

No. 33. Page 47, lines 34 to 36 (clause 68)—Leave out subclause (5) and insert new subclause as follows:

'(5) Before making a by-law under subsection (1), a board—

(a) must consult the constituent council in whose area the water, watercourse or lake or infrastructure to which the by-law will apply is situated; and

(b) must cause to be published in the *Gazette* and in a local newspaper a notice setting out the text of the proposed by-law, stating the reasons for it and inviting interested persons to make written submissions to the board in relation to the proposal within a period (being at least six weeks) specified in the notice; and

(c) must have regard to the views of the council and to all submissions made in accordance with the notice; and

(d) may amend the text of the proposed by-law in response to one or more of those views or submissions.'

No. 34. Page 50 (clause 75)—After line 24 insert new subclauses as follow:

'(4) A board must make copies of its annual reports available for inspection and purchase by members of the public.

(5) A board must not charge for inspection of a report and must not charge more than the fee prescribed by regulation for sale of copies of a report.'

No. 35. Page 51, lines 31 and 34 (clause 77)—Leave out 'proclamation' wherever occurring and insert, in each case, 'regulation'.

No. 36. Page 52, lines 4, 5 and 6 (clause 77)—Leave out 'proclamation' wherever occurring and insert, in each case, 'regulation'.

No. 37. Page 52, lines 26 to 30 (clause 81)—Leave out subclause (1) and insert new subclause as follows:

'(1) Where a prescribed watercourse or lake or a part of the State in which prescribed wells are situated or a surface water prescribed area is not situated within the catchment area of a catchment water management board, the Minister must, by notice in the *Gazette*, either—

(a) establish a water resources planning committee in relation to the prescribed water resource; or

(b) commit the water resource to an existing water resources planning committee.'

No. 38. Page 52, line 31 (clause 81)—Leave out 'The notice' and insert 'A notice establishing a committee'.

No. 39. Page 52 (clause 81)—After line 35 insert new subclause as follows:

'(2a) A notice committing a prescribed water resource to a committee must identify the resource and the committee.'

No. 40. Page 53, line 1 (clause 81)—After 'notice' secondly occurring insert 'establishing a committee'.

No. 41. Page 53, lines 13 and 14 (clause 83)—Leave out subclause (1) and insert new subclause as follows:

'(1) The members of the committee must be persons who, in the opinion of the Minister, collectively have—

(a) knowledge of and experience in the management or development of water resources or any other natural resources; and

(b) knowledge of and experience in the use of water resources; and

(c) knowledge of and experience in the conservation of ecosystems; and

(d) knowledge of and experience in local government.'

No. 42. Page 53, line 20 (clause 84)—After 'water resource' insert ', or each of its water resources,'.

No. 43. Page 57 (clause 90)—After line 9 insert new subclauses as follow:

'(3) The Plan must—

(a) assess the state and condition of the water resources of the State; and

(b) identify existing and future risks of damage to, or degradation of, the water resources of the State; and

(c) include proposals for the use and management of the water resources of the State to achieve the object of this Act; and

(d) include an assessment of the monitoring of changes in the state and condition of the water resources of the State and include proposals for monitoring those changes in the future.

(4) If the document 'South Australia—Our Water, Our Future' referred to in subsection (1) does not meet one or more of the requirements of subsection (3), the Minister must, as soon as practicable after the commencement of this Act, amend it or substitute a new plan so that those requirements are satisfied.'

No. 44. Page 57, lines 12 and 13 (clause 91)—Leave out 'to achieve the object of this Act' and insert 'to comply with section 90(3) or to achieve the object of this Act.'

No. 45. Page 60, lines 32 to 35 (clause 93)—Leave out subclause (6) and insert new subclause as follows:

'(6) If the board has identified a change that, in its opinion, is necessary or desirable to a Development Plan, it must—

(a) submit proposals for the amendment of the Development Plan to the municipal or district council or councils whose area or areas will be affected by the amendment; and

(b) submit the proposals to the Minister for the time being administering the *Development Act 1993* together with submissions relating to the proposals (if any) made to the board by a council referred to in paragraph *(a)* within six weeks after the proposals were submitted to the council; and

(c) if it has the agreement of that Minister to do so, include the proposals for the amendment of the Development Plan in the proposal statement.'

No. 46. Page 63 (clause 95)—After line 16 insert new subclauses as follow:

'(8) Within seven days after adopting a plan that provides that the whole or part of the funds required for implementation of the plan should be raised by a levy under Division 1 of Part 8 or should comprise an amount to be contributed by the constituent councils of the board's catchment area under Division 2 of Part 8 (in this section referred to as a 'levy proposal') the Minister must refer the plan to the Economic and Finance Committee of Parliament.

(9) The Economic and Finance Committee must, after receipt of a plan under subsection (8)—

(a) resolve that it does not object to the levy proposal; or

(b) resolve to suggest amendments to the levy proposal; or

(c) resolve to object to the levy proposal.

(10) If, at the expiration of 21 days from the day on which the plan was referred to the Economic and Finance Committee, the Committee has not made a resolution under subsection (9), it will be conclusively presumed that the Committee does not object to the levy proposal and does not propose to suggest any amendments to it.

(11) If an amendment is suggested under subsection (9)*(b)*—

(a) the Minister may make the suggested amendment; or

(b) if the Minister does not make the suggested amendment, he or she must report back to the Committee that he or she is not willing to make the amendment suggested by the Committee (in which case the Committee may resolve that it does not object to the levy proposal as originally adopted, or may resolve to object to the proposal).

(12) If the Economic and Finance Committee resolves to object to a levy proposal, a copy of the plan must be laid before the House of Assembly.

(13) If the House of Assembly passes a resolution disallowing the levy proposal of a plan laid before it under subsection (12) the proposal ceases to have effect.

(14) A resolution is not effective for the purposes of subsection (13) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the plan was laid before the House.

(15) Where a resolution is passed under subsection (13), notice of the resolution must forthwith be published in the *Gazette*.'

No. 47. Page 63 (clause 96)—After line 23 insert new word and paragraph as follows:

'and

(c) consult the municipal or district council or councils whose area or areas will be affected by the proposed amendment of the Development Plan.'

No. 48. Page 64, line 18 (clause 97)—Leave out 'If' and insert 'Subject to subsection (7), if'.

No. 49. Page 64 (clause 97)—After line 27 insert new subclause as follows:

'(7) If an amendment provides under subsection (3)*(a)*(iii) that funds should be raised by a levy under Part 8 Division 1 or should comprise or include an amount to be contributed by constituent councils, the procedures set out in section 95(8) to (15) must be followed when the plan is amended.'

No. 50. Page 65, line 34 (clause 101)—After 'water resource' insert ', or each of its water resources,'.

No. 51. Page 66 (clause 101)—After line 12 insert new paragraph as follows:

'(ca) in providing for the allocation of water take into account the present and future needs of the occupiers of land in relation to the existing requirements and future capacity of the land and the likely effect of those provisions on the value of the land; and'.

No. 52. Page 68, lines 9 to 12 (clause 102)—Leave out subclause (6) and insert new subclause as follows:

'(6) If the board or committee has identified a change that, in its opinion, is necessary or desirable to a Development Plan, it must—

(a) submit proposals for the amendment of the Development Plan to the municipal or district council or councils whose area or areas will be affected by the amendment; and

(b) submit the proposals to the Minister for the time being administering the *Development Act 1993* together with submissions relating to the proposals (if any) made to the board or committee by a council referred to in paragraph *(a)* within six weeks after the proposals were submitted to the council; and

(c) if it has the agreement of that Minister to do so, include the proposals for the amendment of the Development Plan in the proposal statement.'

No. 53. Page 70 (clause 105)—After line 34 insert new word and paragraph as follows:

'and

(c) consult the municipal or district council or councils whose area or areas will be affected by the proposed amendment of the Development Plan.'

No. 54. Page 73, lines 11 to 14 (clause 109)—Leave out subclause (6) and insert new subclause as follows:

'(6) If the council has identified a change that, in its opinion, is necessary or desirable to a Development Plan, it must—

(a) submit proposals for the amendment of the Development Plan to any other municipal or district council or councils whose area or areas will be affected by the amendment; and

(b) submit the proposals to the Minister for the time being administering the *Development Act 1993* together with submissions relating to the proposals (if any) made to the council by another council referred to in paragraph *(a)* within six weeks after the proposals were submitted to the council; and

(c) if it has the agreement of that Minister to do so, include the proposals for the amendment of the Development Plan in the proposal statement.'

No. 55. Page 75 (clause 112)—After line 23 insert new word and paragraph as follows:

'and

(c) consult the other municipal or district council or councils (if any) whose area or areas will be affected by the proposed amendment of the Development Plan.'

No. 56. Page 78 (clause 121)—After line 17 insert new paragraph as follows:

'*(ab)* identifying particular problems (if any) relating to the management of the water resource and suggesting solutions to those problems; and'.

No. 57. Page 78 (clause 121)—After line 18 insert new paragraph as follows:

'and

(c) explaining why it is necessary to declare a levy or levies under this Division in relation to the water resource.'

No. 58. Page 79, line 13 (clause 122)—After 'water' insert 'allocated or'.

No. 59. Page 83, line 28 (clause 126)—After 'taken' insert '(except for domestic or stock purposes)'.

No. 60. Page 96, line 5 (clause 142)—Leave out 'a water licence or permit' and insert 'a water licence, a well driller's licence or a permit'.

No. 61. Page 103 (clause 158)—After line 31 insert new paragraph as follows:

'*(ia)* make provisions for, or relating to, the composition, powers, functions and procedures of the Water Well Drilling Committee; and'.

No. 62. Page 107, line 28 (Schedule 2)—After 'water resource' insert 'or water resources'.

No. 63. Page 107, lines 35 to 40 (Schedule 2) and page 108, lines 1 to 11 (Schedule 2)—Leave out subclauses (5) and (6) and insert new subclauses as follow:

'(5) The council, a board or committee may order that the public be excluded from attendance at a meeting—

(a) in order to consider in confidence information or a matter within the ambit of subclause (6) if the council, board or committee is satisfied that it is reasonably foreseeable that the public disclosure or discussion of the information or matter at the meeting could—

(i) cause significant damage or distress to a person; or

(ii) cause significant damage to the interests of the council, board, or committee or to the interests of a person; or

(iii) confer an unfair commercial or financial advantage on a person,

and that accordingly, on this basis, the principle that meetings should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential; or

(b) in order to consider in confidence information provided by a public official or authority (not being an officer or employee of the council, board or committee or a person engaged by the council, board or committee) with a request or direction by that public official or authority that it be treated as confidential; or

(c) in order to ensure that the council, board or committee does not breach any law, order or direction of a court or tribunal constituted by law, or other legal obligation or duty, or in order to ensure that the council, board or committee does not unreasonably expose itself to any legal process or liability.

(6) The following information or matters are within the ambit of this subclause:

(a) legal advice, or advice from a person employed or engaged by the council, board or committee to provide specialist professional advice;

(b) information relating to actual or possible litigation involving the council, board or committee or an officer or employee of the council, board or committee;

(c) complaints against an officer or employee of the council, board or committee, or proposals for the appointment, suspension, demotion, disciplining or dismissal of an officer or employee of the council, board or committee, or proposals relating to the future remuneration or conditions of service of an officer or employee of the council, board or committee;

(d) tenders for the supply of goods or the provision of services (including the carrying out of works), or information relating to the acquisition or disposal of land;

(e) information relating to the health or financial position of a person, or information relevant to the safety of a person;

(f) information that constitutes a trade secret, that has commercial value to a person (other than the council, board or committee), or that relates to the commercial or financial affairs of a person (other than the council, board or committee).'

No. 64. Page 108, line 25 (Schedule 2)—Leave out 'water resource is' and insert 'water resource or water resources are'.

No. 65. Page 112 (Schedule 3)—After line 12 insert new subclause as follows:

'(1a) A proclamation under the *Water Resources Act 1990* referred to in subclause (1)—

(a) will be taken to be a regulation under this Act; and

(b) in the case of a proclamation proclaiming a well, will, unless varied by regulation, be taken to exclude the operation of section 7(5).'

Consideration in Committee.

The Hon. D.C. WOTTON: I move:

That the Legislative Council's amendments be agreed to.

The Government has accepted all the amendments made in the Legislative Council. Although the review of the Water Resources Act was progressed through a lengthy and very comprehensive consultation program, praised by many

members during the second reading stage in this House, negotiations with the major interest groups continued up to and even during debate in the Legislative Council. It is true to say that this is reflective of the length, complexity and wide-ranging importance of this legislation. However, having said that, none of the amendments represents any significant change in policy. The most significant amendments were made in the area of the manner of selection of members for the Water Resources Council, the membership of catchment boards and water resources planning committees, the content of the State water plan and the manner in which changes may be made to councils' development plans. A number of other amendments were made which give extra emphasis to openness and accountability in the administration of the legislation.

Members of the Water Resources Council will be selected by the Minister from a panel of three names submitted by the Local Government Association, the South Australian Farmers Federation and the Conservation Council of South Australia. Each person on the panel of three must have skills in the relevant area, but the amended Bill provides that the skills will be in the judgment of the relevant body rather than that of the Minister. Other amendments give more authority to the Water Resources Council over its agenda. Amendments made to provisions relating to the water resources planning committees will ensure that as far as practicable their membership will mirror the type of skills that will be found on the catchment water management boards. At least one member of a board must be an active participant of a local government authority within the catchment area.

The content of the State water plan is now more closely prescribed. The plan will include an assessment of the condition of the State's water resources and identification of the threats facing those resources. It will also include general proposals for the future use of water in the State and strategies for monitoring the condition of this important resource. Other amendments focus on accountability. Boards must place their budgets before the Economic and Finance Committee of Parliament, and members of boards and committees must include persons who are well linked to their local communities and well aware of the issues facing those communities. The reasons for which a board meeting, normally open to the public, may be closed have been brought into line with recent amendments to the Local Government Act.

I am pleased with the outcome of the legislation. There has been a considerable amount of consultation over a very long period, as I mentioned earlier. That consultation has been worthwhile, and we have come up with legislation that will put us in good stead for many years to come in the management of what is South Australia's most important resource—water. I would like to take this opportunity to thank the member for Chaffey and the committee of parliamentarians who worked with him in assisting with the consultation process. That was very effective, and that initiative was well received in the community, particularly in the rural community.

I would also like to thank the officers of my department. It is very complex legislation, and they have served the State well in the preparation of this legislation and seeing it through both Houses of Parliament. I recognise this as probably the most important legislation for which a Minister for the Environment and Natural Resources could be responsible. It has been needed for some time and, as I said earlier, the legislation now before us will serve this State well for many years to come. I am happy to accept all the amendments made in the Legislative Council.

Ms HURLEY: This Bill was greeted with dismay among many members of the rural community, particularly in the South-East of this State and, more importantly, among some of the Government's own ranks. I understand that there was considerable debate about this, and the Government thereafter belatedly engaged in some genuine consultation on this Bill. As the Minister said, it is a particularly important Bill about a particularly important resource. It amazes me that the Minister did not introduce the Bill in a much better form than he did, given that there was such interest in it among his own Party members. The Bill has been extensively amended, after a number of those groups were finally brought together, and some sense has now finally been achieved. Therefore, the Opposition is in a position to be able to support the Bill in the hope that it will bring some long-term solutions to the issues involved in water resources in this State.

Mr ANDREW: As one who was closely associated with this legislation with the Minister from day one, I offer my commendation to the Minister for his commitment and dedication in seeing this Bill through to a positive conclusion. He has more than appropriately and adequately summarised the fine tuning that took place in another place on this Bill. I will not go into detail on that, but I recognise the input, concerns raised and contribution of the Hon. Angus Redford in ensuring that water resource users in the South-East felt comfortable that the Bill ultimately and adequately satisfied their needs for the long term.

I also thank my colleagues who worked on the backbench committee throughout the progression of this Bill. I also place on record the acknowledgment of that committee to the staff in the Water Resources Department of DENR, Mr Peter Hoey and Megan Dyson, as well as the Minister for Tourism's staff, because they were instrumental in making sure that we were kept informed of a range of facts that needed to be conveyed to us to make sure that we continued to have the appropriate consultation.

I also place on the record that we are all aware that there has been tremendous community consultation in respect of this Bill. All who were involved would agree that it is a monumental Bill. Not only was there tremendous and significant input from water resource users and those with an interest in water resources from around the whole State but certainly those representative bodies who quite justifiably felt they had a responsibility to promote and represent certain interests throughout the State, whether it be local government or the Farmers Federation, provided an intense review and contribution to the progression of this Bill. I believe it was a very genuine contribution, even though, as we all know when we deal with Bills of this size and detail, we will never get total and ultimate agreement among all those representative interests.

There is no doubt in my mind that we now have a structure, a framework, an Act for the management of our valuable water resources to achieve a balance between the preservation of our water resources and the maximisation of the economic benefits that we will ultimately receive by managing our State's water resources in a productive and efficient way. It will take continued cooperation among all those with vested interests—or, indeed, any interest—in managing our water resources. If the cooperative spirit that ultimately achieved the passage of this Bill is maintained, a total water resource management strategy will be implemented fairly and effectively for the benefit of the whole State.

Mr BROKENSHIRE: Like my colleague the member for Chaffey, who led a group of members from the Government side during the development of this Bill, I am delighted that today will be a monumental day for South Australia. I do not say that lightly, because we all know the importance of water and water management to the future of South Australia. Particularly as the member for Mawson, and recognising the very fragile water resources in the Willunga Basin, I see this as a monumental day for all my constituents. This legislation guarantees the protection of that water resource for the future and also provides the flexibility for initiatives which will produce more economic wealth for my electorate and which, over the few years, will help a great many young people, indeed those of all ages, to get new jobs in the Willunga Basin. We all know that the only thing that has been inhibiting growth in economic development and job opportunities in the Willunga Basin has been the problem of water resources.

This Bill is one of the most complex pieces of legislation that has been passed by this Parliament for a very long time. It is one of the three or four most complex and important pieces of legislation that have been passed since I have been a member of Parliament, and it has been driven by primarily by the Minister for the Environment and Natural Resources, Minister Wotton. Environment and Natural Resources Ministers do not get a lot of accolades. They normally get a whack around the ears when there is a spill somewhere or if someone wants to cut down a few specific trees or something like that but, when it comes to the day-to-day responsibility of looking after our environment, Environment Ministers rarely get a real accolade.

I look forward to reading an article that I am informed concerns a Mr David Plumridge, who may still be involved in local government, with which he has had a fair bit to do, and who gave the Minister a whack around the ears the other day. I would say to Mr Plumridge that he ought to have a damned good look at this Bill and at what Minister Wotton and the Liberal Government have done for the environment in just three years since they have been in office. Maybe he would then see how many achievements have occurred.

I also congratulate some bureaucrats and members of the Minister's staff. I confirm the dedication of Megan Dyson, Peter Hoey and their colleagues, and also that of Scott Ashby, Grant Rowland and other staff members in the Minister's office: there has been much tedious work and many late nights in connection with this Bill. As my colleague the member for Chaffey said, the important thing is that, when this Bill is passed and enacted, no-one can come back and say there has not been enough consultation. When we are dealing with a resource such as water, we will not please everybody, but the first thing that a Government must do is to make sure that whatever legislation is put in place is responsible.

The people in the south have been calling for this Bill to be passed for some time. I will take great delight in writing to them and advising them that the Bill will be enacted very soon, that the further community consultation under the legislation on the management plan for the Willunga Basin can now commence and that by about November this year we will have a very responsible piece of water legislation for the people of the south. Again, I congratulate all those involved in this Bill and look forward to watching it work in the best interests of the environment in protecting our water resources and allowing us to carry on with the flexible opportunities of job creation and economic opportunity for all South Australians, and in particular my constituents in Mawson.

Motion carried.

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

A quorum having been formed:

LOCAL GOVERNMENT (CITY OF ADELAIDE ELECTIONS) AMENDMENT BILL

The Hon. E.S. ASHENDEN (Minister for Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act 1934. Read a first time.

The Hon. E.S. ASHENDEN: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill is designed to provide a time frame for the introduction of optimum arrangements for the future governance of the City of Adelaide. It provides that Adelaide City Council members elected at the May 1997 elections may serve a reduced term and that the next general elections for the Council may be held in the period from 2 May to 5 September 1998.

There is widespread agreement with the conclusion of the Adelaide 21 Report that the present governance arrangements for the Adelaide City Council must be reviewed to overcome existing structural problems and meet the requirements of the 21st century but until recently there has been little agreement about how that review should be achieved.

At its first meeting for the year on 28 January the Adelaide City Council endorsed some principles it considered appropriate for a review of governance and submitted these together with proposals designed to form the basis of further discussions. Those principles were that the review should be jointly convened and funded by the Adelaide City Council and the State Government, conducted by a panel of people who are seen to be independent from the Council and the Government in the formation of its recommendations, required to consult widely on proposals for the future governance of the City, conducted openly and within negotiated terms of reference, and completed as soon as is practicable.

Following discussions which involved representatives of all political parties, the Local Government Association and the Council, a plan emerged which was consistent with those principles. As the Premier recently announced, a Governance Review Advisory Group consisting of three Advisers whose independence and expertise is accepted by all parties has been established to report to the Minister for Local Government by 31 December 1997 on arrangements for the future governance of the City of Adelaide.

The terms of reference for the Group will allow it to review all the structural matters which have been identified as relevant to the future governance of the City including the powers, functions and responsibilities of the Council, the size and composition of the Council, the powers, functions and responsibilities of Council members, the system and process for choosing members, the electoral franchise, electoral boundaries within the Council, and the external boundaries of the City. The aim, following consultation on the Group's report and consideration of its recommendations, is to put a fresh structure for City governance in place and hold elections for the Council in 1998.

The discussions which occurred included consideration of the best time frame for the review and whether or not it would assist the review process to defer the May 1997 elections for a period of up to a year. This Bill recognises the importance of allowing sufficient time for the views of all interested persons to be taken into account and for proper consideration of the more complex issues involved, and respects the democratic right of the electors of the City of Adelaide to vote for their representatives. At the same time it ensures that candidates are aware of the fact that they may hold office under the current structure for a reduced term.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 43—The principal member of council

Section 43 of the Act deals with various matters, including the election of the chairman of a council (if appropriate), and of a deputy mayor or deputy chair. The Act currently refers to a person being

appointed to one of these offices for a period "not exceeding 2 years". In view of the move to three-year terms for local councils, and the possibility that another general election for the City of Adelaide will be held in 1998, it is appropriate to make these consequential amendments to replace the references to two years with a more general reference that is consistent with the new circumstances.

Clause 3: Amendment of s. 94—Date of elections

It is proposed to provide that the Governor may determine that an additional general election will be held for the City of Adelaide on a Saturday between 2 May 1998 and 5 September 1988 (inclusive).

Ms HURLEY (Napier): This Bill should perhaps have been introduced late last year. We should have taken the opportunity in late 1996 to do something similar to this, but the Government wasted the chance to initiate a review into the governance of the Adelaide City Council because of its blind determination to sack the Adelaide City Council. Jeff Kennett had done it in Victoria, Richard Court had done it in Western Australia, therefore the Brown Liberal Government in South Australia had to do it and, at the time, it was not prepared to look at any alternatives. The Government came up with many reasons why the Adelaide City Council should be sacked but none that it could back up adequately.

We spent wasted months arguing to-and-fro about whether the Adelaide City Council should be sacked. We spent long hours in conference on the Bill before it was finally withdrawn, following the defeat of the then Premier and his replacement with the current Premier. There was then another opportunity to get a review under way. During those long hours of conference on the previous Bill, agreement had been reached on a number of issues: only a few sticking points remained, the principal issue being the sacking of the council, and, apart from that, there were substantial areas of agreement.

Instead of seizing the opportunity at that time when there was the goodwill and determination to do something about a review of the Adelaide City Council, the Government let the issue wallow for several months. Only in the last month has the issue been re-ignited by the Government's suggesting that the Adelaide City Council elections be deferred, once again throwing the Adelaide City Council into total confusion only weeks before nominations for city council were due to open. Again, we had enormous flurrying, lobbying, dismay and lack of consultation. The Government had once again mishandled the situation.

The proposed deferral of the election was to allow the existing Adelaide City Council to sit for another six months—the very council that the Government and the Minister had said was totally incompetent in only November-December last year, just a few short months ago. In fact, suggestions of corruption were made about the council, and we heard very descriptive stories from several front benchers about how dreadful individual council members were, including the Lord Mayor. This incompetent, unworkable and corrupt council was to be allowed to sit again for another six months, with a Lord Mayor who had officially lost the confidence of the rest of the council as well as the ability to negotiate on behalf of the council.

We were again faced with total confusion. Eventually, the parties drew together for consultation and reasonable discussion. I acknowledge the role of the Democrats, standing together with the Opposition to achieve a sensible solution. A review is now to be conducted by three commissioners (whose appointments were agreed by all political Parties), and the council will then go to election in May this year with a shortened term, going to election again some time next year. I believe it is a great pity that the people who are standing for election this time are faced with a shortened term and the associated expense and difficulty.

If the Government had managed the situation properly, the review would have commenced last year and the council would have been going to an election on the new governance, as in the normal schedule, in May this year. However, that is the situation we have worked towards, and I certainly trust that we will reach a good, long-term solution on the governance of Adelaide City Council, because it is widely acknowledged that we need some changes in the governance to take the Adelaide City Council into the future. In referring to the agreement between all the political Parties, I should mention the importance of that process, because there is almost no doubt that the review will result in the matter coming before the Parliament in order to change the legislation under which the Adelaide City Council operates.

Therefore, I trust that the review process—and I have no reason to think that this will not be the case—will be a very open and public consultation and result in good suggestions that will take a long-term and sensible approach. Certainly, if that is the case, the Opposition will be cooperating fully down the track to ensure that that legislation gets through. Once again, I must emphasise that I believe it is a great pity that the people currently thinking of nominating for the Adelaide City Council must be put through this shortened term because of the mismanagement of the Government, but I wish them well. They have a very important role in the next year to 18 months, as they will be an integral part of this review process and of getting the council in shape under the new governance regime.

The Hon. FRANK BLEVINS (Giles): I support this Bill, even though it has no point or purpose. However, I have supported issues in this place before that have not had a point or purpose, so this is not the first time. This is probably the most useless piece of legislation I have ever had the misfortune to see. It is utterly and totally meaningless. If there is to be a change in the way the Adelaide City Council is governed, that will require legislation. Therefore, the legislation will come here and we will do whatever is required. If the inquiry, which any Minister can set up at any time, with or without cooperation from the Parliament, says, 'Everything is fine; no legislation is required', what is the Bill for?

The Bill is a worthless piece of legislation. It has no value and does nothing whatsoever. However, we ought not be surprised at the way in which this issue has been handled since this Minister has been the Minister for Local Government. I do not believe this would ever have happened with the previous Minister for Local Government but, nevertheless, that is just a judgment we can all make. As a worthless piece of legislation, this is about as rock bottom as it gets. I will not be here if any legislation is introduced regarding the City of Adelaide and, if it is not, what I am saying now does not matter. That is the odd part of this nonsense we are going through. I will not have a say in Parliament on what the form or style of government will be for the City of Adelaide.

I want to make one simple point. I am somewhat old-fashioned and believe that only people ought to have the right to vote. Over many years I fought for everyone to have one vote and for that vote to have an equal value. I am not sure what has happened since those battles took place in Australia at least 30 years ago. If, when Parliament comes back, there is some discussion with regard to who is allowed to vote for

the Adelaide City Council or any other Government body—be it local, State or Federal—I hope that someone around the place will remember that the principle for which all members on this side have been fighting forever and a day is simply that, if you are a resident in the area, you get a vote; if you are not a resident you do not get one; and that there should be no more to the story than that.

I know that that is not the position in local government at the moment, because we had an Upper House (we also had a lot of Lower House members, but they did not count) which throughout the ages insisted on giving some representation to property and wealth—and they still think that way. I have a nasty suspicion that that attitude is creeping in on this side of the House as well— that there are people on this side of the House who either never knew or who have forgotten that, electorally, the Party has been fighting since its inception for one man one vote, one vote one value.

The Hon. E.S. Ashenden interjecting:

The Hon. FRANK BLEVINS: Just keep your mouth shut for a minute. I know that we have updated the sexist language. It may well be that the Adelaide City Council is carved up and disappears. I do not have a great deal of interest in that side of it. As I say, it does not particularly bother me if the Adelaide City Council or some other city council sweeps up my leaves, picks up my rubbish or does whatever else local government feels is fashionable for it to do from day to day. I am happy to go along with whatever administrative arrangements are appropriate. It is not an area in which I have a great deal of interest. However, I will not be able to put my view either in our Caucus or in the Parliament about how sacrosanct is the principle of one man one vote, one vote one value (minus the sexist language).

The Hon. E.S. ASHENDEN (Minister for Local Government): I shall make a few comments, because in her speech the member for Napier took a fair bit of liberty and rewrote history in a number of ways. It is important that I put a few points on the record, because the honourable member suggested that we could have had a Bill in the House last year and that we could have had it all stitched up before the elections in May this year. I remind the honourable member that last year she said that we needed at least 18 months in which to undertake a thorough review. Suddenly, we have gone from needing 18 months to being able to have it ready by May, so I am at somewhat of a loss to understand where the member for Napier is coming from.

Does she believe that this can be resolved quickly, or is it the case that her more sensible suggestion applies in terms of needing some time to do what is necessary? This is the situation I argued for strongly last year in that we needed plenty of time to ensure that the review was undertaken thoroughly and that when the report and recommendations came forward they would be well thought out. It is quite specious for the honourable member to argue now that had we moved late last year we could have had matter this fixed up before the elections in May this year. That is a patent nonsense: it could not have occurred.

I also refer to the honourable member's comment that we will have a council election this year and another election next year. It has always been the Government's preferred position that there be no elections this year and that elections be deferred this year pending the report and a decision on the new governance of the City of Adelaide, so that when the elections were held they would be held on the new governance. The honourable member wants to have it both ways. However, having addressed those points, I am delighted that at last the Opposition and the Democrats have reached agreement and have enabled a Bill to go through, albeit a measure which the member for Giles has said is useless. I point out to the honourable member that this so-called useless legislation is legislation that his Party, the Democrats, the Local Government Association and the Adelaide City Council have agreed to. Obviously everyone, except the member for Giles, is out of step, but that is another story.

The point is that we do now have agreement and a process in place that will enable a review of the governance of the City of Adelaide to be undertaken by three foremost leaders in the local government community: Mrs Eiffe, Mr Germein and Mr Woollman. I have no doubt at all that, with the expertise of those three members of the board, they will put forward a report to the Government which will contain a lot of information that I am sure the Government of the day will find helpful in terms of bringing in legislation to ensure that there is a form of governance in the City of Adelaide which will enable the City of Adelaide to be a leader, leading not only the city but the State in terms of the governance that will have been put in place.

One matter on which I agree with the member for Napier is that all parties acknowledge that the present system of governance is totally unsatisfactory and needs to be replaced. I look forward to the report of the board that is reviewing the governance of the City of Adelaide. I am confident that with Mrs Eiffe, Mr Germein and Mr Woollman on that board we will have a report containing recommendations that will lead to an innovative system of governance which will ensure that the broad issues of the interests of not only the city but the State will be taken into account, and that we will have in place a council representative of the interests of all those who not only live in the City of Adelaide but also use the City of Adelaide for work, relaxation, enjoyment or whatever the case may be. At the moment there is a limited franchise, and that franchise needs to be extended to recognise the fact that the City of Adelaide is far more representative than just the boundaries within which it is contained.

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

RACING (INTERSTATE TOTALIZATOR) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Racing) obtained leave and introduced a Bill for an Act to amend the Racing Act 1976. Read a first time.

The Hon. G.A. INGERSON: 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.

The purpose of this Bill is to amend section 82A of the *Racing Act 1976*. Section 82A provides for an agreement between the TAB and an interstate totalizator authority under which bets are accepted in South Australia by the TAB on behalf of the interstate authority. The point of this is to create a larger pool than would be created if separate totes were conducted in each State.

Section 82A provides for deductions from the amount of bets placed and requires correspondence between the laws of the States concerned on this subject. The purpose of the amendment is to increase the range of percentages for deduction purposes so as to facilitate correspondence between those laws.

The amendment to section 82A(4)*(b)* increases flexibility by providing that the TAB will have the option of terminating the agreement if the law in the other jurisdiction is not in accordance with South Australian legislation.

The TAB entered into an agreement with VICTAB (now TABCORP) in 1992. Victorian law has changed since then and it is necessary to provide in clause 2 of the Bill that it will operate from the date on which section 82A first came into operation.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the Bill from 21 September 1992.

Clause 3: Amendment of s. 82A

Clause 3 amends section 82A of the principal Act in the manner already mentioned.

Ms WHITE (Taylor): I rise on behalf of the Opposition to support this Bill, which has been introduced in Parliament today and which the Minister requests be dealt with today. The Opposition will comply with that request. We do not normally deal with Bills on such short notice, because we usually need a week in which to undertake the normal consultations ensuring that good government takes place.

The Minister has indicated to me that there is urgency associated with passing the Bill this week and, given that indication, the Opposition will comply with the Minister's request. The Bill amends one section of the Racing Act, dealing with the South Australian TAB's capacity to be part of the agreement with TABs in other States by means of which our TAB can accept bets on behalf of other State TABs and *vice versa*, in order to enlarge the betting pool. I am told on advice from the Crown Solicitor that, when the Victorian TAB was privatised and that State's legislation changed, technically we no longer had an agreement there. This Bill seeks to redress the problem that arose in September 1994.

I understand that there would be consequences to the South Australian TAB if we were not to pass this Bill and, although this legislation is retrospective and as a general rule my Party is not enamoured of retrospective legislation, in this case we will not oppose it. The Opposition supports the Bill and undertakes to the Minister that we will play our part in passing the legislation this week. However, I would like to say to the Government that so often of late we have been having legislation dropped on us at the last moment and we are expected to rush it through. This practice of making us deal with legislation on which we have not had time to consult or insufficient time to scrutinise properly does not make for good Government practice.

It is particularly annoying to us in that the Government has had an extremely light legislative program up until now, yet in the last week wants to rush through a number of Bills. We are not an obstructionist Opposition. At all times we have the interests of South Australia at heart, and for this reason we will participate in the passage of this legislation through the House this week.

The Hon. G.A. INGERSON (Deputy Premier): I thank the member for Taylor for her support. There are a few occasions on which the Government asks the Opposition to help in areas that have been pretty difficult, and this is one of them. This matter came up when we were negotiating a contract between the TAB in Victoria and the TAB in South Australia, and the Crown Solicitor pointed out a difficulty and recommended that we should attempt to have it corrected. About a week ago we approached the member for Taylor to look at this matter, and I understand that the TAB briefed her on the issue and ran through the problem. It is a commercial exercise and could create a commercial problem for the Government, and it is necessary that we get the Bill through very quickly. I thank the member for Taylor for her support.

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

PUBLIC FINANCE AND AUDIT (MISCELLANEOUS) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Public Finance and Audit Act 1987. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The Government's tendering processes and contracting arrangements may become subject to scrutiny by a Parliamentary Select or Standing Committee. Parliamentary Committees may have the power to require the production of tender and contract documents. Where this power is exercised and the Government is required to produce the contract document the potential exists for commercially sensitive matters to become public.

As members are aware agreement has been reached between the Government and the Opposition parties as to how outsourcing contracts can be made available to Parliamentary Committees.

In essence the agreement is that:

- Parliamentary Select or Standing Committees may have access to an authentic summary of the relevant contract
- the summary will exclude matters which are commercially sensitive
- the summary will be prepared without delay
- the Auditor-General, an independent statutory officer responsible to Parliament, will have access to all information
- the Auditor-General will certify the summary once he is satisfied that relevant details are being disclosed and that the matters claimed to be commercially sensitive are so.

At the time this agreement was reached amendments to legislation were not contemplated. However, the Auditor-General has requested amendments to the Public Finance and Audit Act 1987 to formalise his role in the process.

The office of Auditor-General is established under the Public Finance and Audit Act 1987 which sets out the Auditor-General's functions, duties and powers. It is not part of the Auditor-General's normal functions to report to Parliament on contract summaries for use by Parliamentary Committees. The Auditor-General has requested amendments to provide a legislative base for him to report to Parliament on summaries of contracts. The Auditor-General will, when so requested by a Minister, examine a summary of a contract and report to Parliament on the adequacy of the document as a summary of the contents of the contract, having regard to any requirements as to confidentiality affecting the contract.

The amendments provide that the Auditor-General's report is to be made to the Minister requesting the report and to the President of the Legislative Council and the Speaker of the House of Assembly. To allow the work of Parliamentary Committees to proceed while Parliament is not sitting, provision is made that a report delivered to the President and the Speaker while Parliament is not in session or is adjourned may be passed on to a committee inquiring into a matter to which the report is relevant.

The Auditor-General has asked that an unrelated amendment be included in the Bill. This amendment authorises the Auditor-General to table a supplementary report to his annual report. The Auditor-General has tabled supplementary reports in the past where agencies have not completed their accounts in time for inclusion in the annual report. It is arguable that there is no authority for this practice and the Auditor-General has requested that it be put on a proper footing.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

The measure is to be brought into operation by proclamation.

Clause 3: Amendment of s. 36—Auditor-General's annual report

Section 36 of the principal Act requires the Auditor-General to prepare and deliver to the Presiding Officers of Parliament an annual

report with respect to the financial transactions of the Treasurer and public authorities.

Clause 3 adds to the section a provision expressly authorising the preparation and submission of supplementary reports on matters required to be dealt with in such an annual report.

Clause 4: Insertion of s. 41A—Auditor-General to report on summaries of confidential government contracts

Proposed new section 41A applies to a contract—

- to which the Crown, or a public authority or publicly funded body (see section 4 of the principal Act for definitions of those terms), is a party; and
- the contents of which are affected by contractual or other requirements as to confidentiality.

The Auditor-General is required, at the request of a Minister, to examine a document prepared as a summary of the contents of such a contract and to report (with reasons, as the Auditor-General thinks necessary) his or her opinion as to the adequacy of the document as a summary, having regard to the requirements as to confidentiality affecting the contents of the contract.

The Auditor-General may, when preparing such a report, consult with any Minister in relation to a matter to which the report relates.

When completed, such a report is to be delivered to the Minister who requested the report and to the President of the Legislative Council and the Speaker of the House of Assembly.

The President and the Speaker are to lay copies of the report before their respective Houses and may, if Parliament is then not in session or is adjourned, deliver a copy of the report to any Parliamentary Committee inquiring into a matter to which the report is relevant.

Mr CLARKE (Deputy Leader of the Opposition): The Opposition is prepared to support the legislation. As the member for Taylor has pointed out, the Opposition has again demonstrated an extraordinary amount of cooperation with the Government to ensure that urgent pieces of legislation that are in the public good be processed forthwith and with all expedition through both Houses of Parliament. With respect to this legislation, we give that undertaking. In so far as one of the points made by the member for Spence by way of interjection, concerning the relative merits of the Treasurer and the now Deputy Premier handling Government business in the House, it is a bit like comparing Vlad the Impaler with Attila the Hun in terms of the generosity of spirit with which the Government treats the Opposition in the conduct of the House.

Nonetheless, on this occasion, as we have shown on other occasions, the Opposition can rise above normal petty point scoring and political exercises and concentrate on the interests of the State as a whole. This Bill is at the request of the Auditor-General and deals in particular with how he is going to report to Parliament through the parliamentary select committees, looking into the outsourcing and contracting arrangements of Government business to private interests; in particular, the hospitals and the outsourcing of our water supply. Obviously, any comment that the Auditor-General might make on the summaries that are to be provided to Parliament through the committees requires that he have the protection of the House.

With those few comments, the Opposition supports the Bill and will do all it can to ensure that it is passed through both Houses of Parliament this week.

The Hon. S.J. BAKER (Treasurer): I note the support for the Bill by the Deputy Leader. This Bill is designed to overcome a difficulty that has been with us for some time, involving the extent to which the Parliament should have scrutiny of contracts. I remind the Deputy Leader that, if as with the State Bank we could have had a measure one-quarter as revealing as those that have now been hammered out between the Opposition and the Government, we might have actually saved a lot of money, rather than having everyone saying that matters were commercially confidential, as the State went down the drain.

While I trust my judgment, that does not necessarily mean that the judgment of others will be similarly of a proper, reasonable and professional nature. As we would all recognise, mistakes are made with contracts—and I have been through a hell of a lot of them in the past three years relating to the previous Government.

An honourable member interjecting:

The Hon. S.J. BAKER: No, it is a matter of history that, even with the best will in the world, contracts are written that do not stand up to the test of time or there is a legal loophole and, in many cases, the Government wears the pain of having to fix up old contracts. Irrespective of how the Government feels about this exercise, the facts of life are that an agreement has been reached to provide details of contracts in a summary form provided that commercial confidentiality is not affected in the process. The Auditor-General felt discomfited that the Public Finance and Audit Act did not give him the right to pass judgment regarding the accuracy of those summaries. That is why we have these sets of amendments before us today. I have no doubt that they will be swiftly proceeded with by the Opposition because, if they are not, they will not get the summaries—a simple fact of life.

I note that the Opposition is being very helpful—and I can understand why—but it is recognised that an agreement has been reached where, in the spirit of that agreement, and recognising the difficulties experienced by the Auditor-General with the current Act, these amendments will now allow the Auditor-General to provide a statement reflecting on the accuracy of any summaries on contracts being demanded. I am pleased to process the Bill.

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

STATUTES AMENDMENT (SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 1074.)

Mr CLARKE (Deputy Leader of the Opposition): In the unjust absence of the member for Hart, who is our shadow spokesperson in this area, and notwithstanding the provocation by the Government on this matter in the handling of the member for Hart, the Opposition is prepared to support the legislation. We have taken careful note of the Minister's second reading explanation. The Bill makes sensible arrangements for the timely collection of administrative expenses with respect to the handling of superannuation matters dealing with State public sector employees; and there is an amendment to cover the handful of officers in the police department who, as a result of other legislation passed by Parliament, are on fixed term contracts of up to five years. The Government of the day will need to discuss with them what type of superannuation, if any, those officers will avail themselves of, given that—unlike commissioned police officers in the past who had tenure of office virtually to the time of retirement—the new Police Commissioner and a handful of assistant police commissioners will not necessarily be guaranteed any length of service or tenure in the police department to enable them to attract sufficient reward under the existing State superannuation provisions.

That is a commonsense amendment and the Opposition supports it. To avoid the necessity of going into Committee, I will ask the Treasurer several questions. If the new Police Commissioner and the assistant commissioners choose to enter into a superannuation arrangement with the Government, what concerns some members of my Caucus is that they may—and this has happened in the private sector—elect to take the majority of their remuneration package by way of superannuation rather than salary to avoid income tax. Therefore, what arrangements will be put in place for transparency? For example, if such an agreement were to be entered into between the Government of the day and any of the officers concerned—and I make no allegations surrounding any of the existing members of the Police Force who might be affected by this arrangement; I am simply putting it as a hypothetical but nonetheless serious point for us to ponder further down the track—and we were not happy with such an arrangement, the question of transparency and its being revealed to the public should certainly be at the foremost in this area.

However, we also put to the Treasurer that such an arrangement should not be entered into by the Government for the purpose of minimising the payment of income tax. One of the problems we have in Australia is that too many people try to subvert our income tax base by such clever arrangements. I understand that some disquieting arrangements have been entered into by other Government authorities whereby some of the executives on contract have taken very large slabs of their remuneration in terms of superannuation entitlement rather than by way of salary, which defeats significantly our overall income taxing regime. We abhor and do not support those sorts of arrangements. First, is it the Government's intention to ensure that no such arrangements are entered into, that is, whereby the officer concerned may elect to take a large proportion of their remuneration by way of superannuation rather than straight salary; and, secondly, if it were entered into, what transparency arrangements would be on foot to ensure that this Parliament was aware of such an arrangement coming into place in the first instance?

The Opposition has consulted with the other relevant trade unions which had members involved in these superannuation schemes in the public sector, and they have all indicated their support for the Bill and believe that it is a commonsense proposition. I commend the Bill to the House and ask the Minister in his reply to address my questions.

The Hon. S.J. BAKER (Treasurer): I thank the Deputy Leader of the Opposition for his support for the Bill. The Bill does as the member suggests. I will address the two questions. If we took a lateral view on what sort of people we may be attracting, they would be police officers of the highest ranks who would have necessarily, if they had had a policing past, built up their own superannuation in their previous jurisdiction. That is probably a fair assumption, particularly if they are drawn from anywhere in Australia.

Mr Clarke interjecting:

The Hon. S.J. BAKER: I do not think we will extend the invitation to Papua New Guinea at the moment. For example, if a senior officer was drawn from Britain, New Zealand or anywhere in Australia, they would have superannuation arrangements which we would assume would continue into the future. The people we would attract are people who have served some substantial time and who may have due to them a large lump sum or a pension arrangement; therefore they would come into this jurisdiction on the understanding that they would not want to enter into a similar arrangement which reflects their past. As the honourable member would be aware, there is significant support for the police superannuation fund. We would attract those individuals and some of them may—and I do not deal with individuals directly or even indirectly, as the honourable member can also—

Mr Clarke: You avoid constituents.

The Hon. S.J. BAKER: No.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Yes, that was on television. They were running half an hour late and I said that I had to go. However, we are transgressing. The answer is that we will not say 'No' to salary sacrifice, but there will be limits on salary sacrifice. It is fair to suspect that people of this rank and calibre will want to work out their financial affairs to their own benefit, and my understanding is that the Commonwealth gives a general direction that no less than 70 per cent shall be taken in salary form. I read that in an article, so I cannot substantiate it.

The general direction that we would be looking at is that there be a cap, and the cap is more likely to be of the order of 20 per cent of salary. If the Deputy Leader can reflect upon those parameters, he would see that we are being very responsible in our employment conditions, but we realise that there must be some flexibility on behalf of the employee. In answer to the honourable member's question, there will be some capacity for salary sacrifice but it will be far more limited than any of the schemes that the Deputy Leader has talked about. I do not think it is relevant to report on a 20 per cent salary sacrifice on individuals who exceed the norm.

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

ST JOHN (DISCHARGE OF TRUSTS) BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1087.)

Mr ATKINSON (Spence): The Bill proposes to release the Grand Priory of the Most Venerable Order of St John of Jerusalem from some trusts over its real estate in South Australia. From 1922 until 1992 the order ran the ambulance service in South Australia. During that time the order had become the owner or tenant of 113 properties in South Australia. In many cases it acquired this land on trust because it was running the ambulances. In other cases it acquired land because of its first aid duties or for the teaching of first aid or for other purposes. Among the most valuable of these properties is the headquarters at 216 Greenhill Road, Eastwood. Many of these properties are now run by the Government-funded Ambulance Service.

The purpose of the Bill is to divide these properties between the order and the Ambulance Service. The Government believes that the cost of judicial proceedings to allocate these 113 properties and adjust the trusts accordingly would be much too expensive to bear. Accordingly, the Bill provides for the order to submit to the Attorney-General a scheme to allocate the properties. The scheme should set out those properties that will continue to be held on trust and, if so, the terms of the trust. Upon approval by the Attorney-General, the scheme shall be published in the *Government Gazette* and by the authority of this Bill take legal effect.

Trusts to be discharged will be discharged by the scheme; trusts to be created or modified will be created or modified by the scheme; and if land is to be transferred it is to be conveyed by the scheme. The Order was worried that the scheme might expose it to suits from people who object to the discharge of certain charitable trusts. Clause 3 of the Bill provides the order with immunity from such suits. The Bill has been to a select committee which has endorsed the Bill in its current form. Accordingly, the Opposition supports the Bill.

The Hon. W.A. MATTHEW (Bright): I am not surprised that the honourable member opposite spoke for a very brief time on this Bill and so quietly and willingly supported it. I am very pleased to support this Bill. It is one in which I invested my own time over a period of two years while Emergency Services Minister. I have met with senior personnel from St John in South Australia and from the Priory in Canberra. This Bill finalises and rectifies yet another Labor Government monumental blunder—indeed, another Labor Government disaster.

Mr Atkinson: Why didn't you reverse it?

The Hon. W.A. MATTHEW: If the honourable member sits back and listens, he will hear all of this. As the member for Spence would well remember, from 1989 to 1992, the three years of turmoil in the Ambulance Service preceding the 1992 legislation put forward by the Labor Government, volunteers in the Ambulance Service were effectively booted out of their volunteer role in the most shameless fashion that this State has ever seen in respect of the treatment of volunteers. What occurred was an absolute disgrace. As a consequence, volunteers mobilised themselves and, in October 1989, the St John organisation through its volunteer action group put out the first of a number of newsletters. I should like to put on the record again part of one of those newsletters. The first newsletter states:

> This newsletter is the first of a series designed to highlight the plight of St John Brigade volunteers in South Australia. It is produced by a group of former volunteers who have no political axe to grind apart from revealing the reality of what has happened to St John Brigade ambulance volunteers over the past few years. Prior to the push to make South Australia's ambulance service a fully paid service, South Australians enjoyed one of the best ambulance services in the world. Today as a result of the constant drip of militant unionism, that fine ambulance service, a service once constantly praised by ambulance authorities around the world, stands on the brink of collapse.
>
> The Volunteer Action Group wants the community to know the ultimate consequences of the paid officers' union action. Why haven't the volunteers spoken out before? Simply the 'culture' and the regulations of the St John Ambulance Brigade has forbidden current members from speaking out. To do so would invite censure at best, expulsion from the brigade at worst. To St John volunteers we ask that, despite the extreme harassment you face from unionists, you turn the other cheek for the moment. The VAG is trying to bring about change and put you back where you belong—at the vanguard of health services in South Australia. More particularly, photocopy and distribute this newsletter as widely as possible.

It was put out at a time when militant unionism was wreaking havoc through the ambulance service in South Australia, and members may well recall that the St John name on ambulances was covered up through the city areas. I would like to share with members the second edition of the newsletter, which was released in November 1989. The editorial states:

> The State election gives you a very real chance to save St John volunteers. When you vote on 25 November, cast your vote for the Party which gives volunteers the best chance of not only surviving, but being strengthened. Because voluntarism is totally opposed—

An honourable member: They put us back.

The Hon. W.A. MATTHEW: St John volunteers certainly didn't. There would not have been one who voted for the Labor Party in this State. Indeed, the majority of South Australians in 1989 did not vote for the Labor Party, as the member for Spence would well remember. The newsletter continues:

> Because voluntarism is totally opposed to the Labor Party's political charter, the present Government has paid only lip service to ambulance volunteers. In the years the Labor Party has been in office, it has sat on its hands over the issue. The former Health Minister John Cornwall admitted publicly after his controversial resignation that he thought ambulance volunteers were no longer needed—but in office he publicly supported us! The Labor Minister Bob Gregory says he supports us—but when volunteers took the issues to him as a backbencher, he unceremoniously 'showed them the door'!

Mr Acting Speaker, you of all people would know—and I well know it, too—that members of your electorate unceremoniously showed former Minister Bob Gregory the door. The editorial of the newsletter continues:

> The Liberals on the other hand have supported us with a strong policy on voluntarism and have undertaken to strengthen ambulance volunteers on coming to government. They have done so not because of political expediency, but because they believe in the invaluable service volunteers provide.
>
> This election is about many things—but of them all, your health and well-being is paramount. Only a strong and efficient volunteer ambulance service will guarantee an ambulance when you need it, when you want it—fast. For that reason alone, you must vote Liberal on 25 November. In a way, your life may depend on it.

I cannot recall a time in history other than this when volunteers were so motivated and mobilised to advocate a vote against a political Party because of the appalling blow it dealt them. St John volunteers will not forget what occurred. When I became Emergency Services Minister after the 1993 election—

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: The member for Spence indicates that I had accepted what Labor had done. In no way will I ever accept what Labor had done. If the honourable member listens, he will find out some things that occurred. The first thing that was absolutely paramount was to get the Ambulance Service's finances back on track. I inherited an organisation which had an inefficient Ambulance Board that had poor control over its budget and which had limited corporate direction and some very frustrated professional senior staff who wanted the opportunity to have the shackles removed from them. The member for Spence and others may well recall that in no uncertain terms I insisted upon the resignation of members of the Ambulance Board—at least those members in relation to whom I was able to so insist. Of course, the Labor Party, in looking after its union mates, insisted that two union members be on that Ambulance Board. The then Liberal Opposition, through amendment to the Bill before the Parliament in 1992, at least arranged for volunteer presence to be required on that board.

After I had the resignations of members of the board, I then appointed a new board and took the shackles off the senior management of the service to enable people, such as Chief Executive Ian Pickering, for whom I have a very high regard, the opportunity to mould the service as it ought to be and also to provide the opportunity to give volunteers a more meaningful role in the Ambulance Service.

One of the first meetings I had as Emergency Services Minister was with the St John organisation of South Australia, and then after that with its Priory organisation in

Canberra. I invited volunteers to put to me their intent for contribution to the Ambulance Service. The St John organisation in South Australia indicated to me that it did not wish to become involved again in the Ambulance Service in metropolitan Adelaide, for it had been so dismembered and so disheartened that it believed that the organisation would never again be able to undertake the role it had undertaken before it was destroyed by Labor.

However, the organisation indicated to me that it very much wished to continue with and to strengthen its role within South Australia. What this Government did—and this was something over which I as Emergency Services Minister was pleased to preside—was to strengthen the volunteer role of the St John organisation in country South Australia. Indeed, we have provided assistance more recently through a $100 000 contribution to the St John organisation to enable it to strengthen its volunteer role. I was pleased to provide strong support to the Country Ambulance Service Advisory Committee (CASAC) to continue to have input into ambulance service in South Australia and, as Minister, I provided an open door opportunity for that organisation to see me any time it believed the need was there to ensure that it had the chance to continue to contribute to the operation of the Ambulance Service in country South Australia.

As for the role of St John in metropolitan Adelaide, it wished to continue strengthening the traditional role for which St John is so well respected—first aid delivery and training. Indeed, many South Australians would still well recognise the black uniform of the St John volunteers at many a public function, and what a wonderful job they do. As a society, South Australians would be lost without that service and would have to pay very dearly for it. I pay tribute to the organisation for the way in which it continues to provide that service. Opportunity has been provided for the St John organisation under this Government, and we have demonstrated that we do not agree with what the previous Government did.

Part of the process of determining the future role for the organisation in South Australia was to resolve the issue of the use of properties. As Emergency Services Minister, I undertook a number of important reviews into emergency service delivery in South Australia. The end result of that process was my announcement of the amalgamation of the Metropolitan Fire Service and the paid Ambulance Service. In order to effect that, it was necessary to settle a number of property issues. Members would be aware that some properties already have combined occupancy where there will be an effect on the current property ownership. For example, there is shortly to be opened a new combined fire-ambulance station at O'Halloran Hill on Majors Road, almost immediately next to the new Southern Expressway, which is under construction. That opportunity for ambulance officers to go to a metropolitan fire property is one in relation to which ownership issues have to be resolved in the Metropolitan Fire Service.

On the other hand, in Whyalla there is a St John owned property into which the Metropolitan Fire Service in Whyalla will be going, and there is a property issue that needs to be resolved in that case. We see in this Bill legislation to resolve the St John issue. Further work has to occur to resolve the Metropolitan Fire Service issue and property holdings. As an interim, a contractual base has been established for the use of Metropolitan Fire Service properties by the Ambulance Service or for the use of St John properties by the Metropolitan Fire Service.

As the member for Spence has picked up, the Bill also covers the ownership of the property on Greenhill Road, the present St John headquarters. That will be an important part of the Bill, because it will enable something that will be far reaching at that Greenhill Road property. As a result of the amalgamation of the fire and ambulance services, the Metropolitan Fire Service will, at its headquarters, ultimately accommodate the paid Ambulance Service at its Wakefield Street site and also at the Wakefield House building, across the road from it. That will then vacate the property on Greenhill Road that is owned by the St John body. That vacated property provides a unique opportunity for the location of other services. While Minister for Emergency Services, I instigated a plan under which the Country Fire Service and the State Emergency Service would utilise that building as their head office, combined with St John. That will give South Australia a strong volunteer presence, physically close to the city, for the Greenhill Road St John building will actually become a volunteer house.

I believe that that is an important tribute to our volunteers and an important monument in the face of the Labor Party, to say that volunteers are alive and well and, despite the Labor Party's efforts, are continuing to contribute in South Australia and will continue to grow stronger. That will be an incredibly important facility in this city.

An honourable member interjecting:

The Hon. W.A. MATTHEW: The member for Spence might not like it, but that is what will happen. He was a member of the Government when it was smashing the volunteers and, despite the Labor Government's efforts, that building will accommodate services for volunteers in South Australia, and this Bill will enable that to occur. It will also enable a complete rationalisation of properties so that collocation at those properties that are suitable for both services can proceed unhindered by challenges as to how they might have became ambulance properties in the first place. It will also enable some properties to be disposed of where they become surplus to ambulance requirements. One such property that comes to mind is the existing Camden Park ambulance station, which will become surplus when the Camden Park branch of the Ambulance Service relocates to the Camden Park fire station, and a number of other examples throughout the State will occur.

Mr Atkinson: Why didn't you bring the volunteers back?

The Hon. W.A. MATTHEW: The member for Spence obviously has not been listening. If he cares to read my remarks when he gets his printed copy of *Hansard*, he will find out what I have said. I am pleased to see this Bill come to this Chamber from another place and that at last there is the opportunity to pass it. I know that the St John organisation here in South Australia and the Priory in Canberra have been eagerly awaiting this Bill. Now, with its passage through this Chamber and its ultimate proclamation, this legislation will provide the opportunity for the sensible management of ambulance properties in the State and the sensible disposal of those that are surplus. This measure will benefit all South Australians, and also the volunteers, because it will free up funds enabling them to better their service delivery.

Before I conclude, it is important that I put some remarks on the record in relation to today's Ambulance Service. While I have read from the volunteer newsletters of 1989, it is fair to say that what was true then is no longer true today. In the eight years since then, the Ambulance Service has undergone considerable restructuring. As Minister, I was proud to

preside over a more professional ambulance service through the introduction of some key delivery changes. Those included the paramedic qualifications, so professional paramedic officers are now involved in the service; and also the introduction of professional qualifications through a Diploma in Applied Science (Ambulance Studies). I have been pleased to officiate at graduation ceremonies as the first of those professionals have graduated and are now providing a professional service delivery in South Australia.

A significant portion of the union problems of the late 1980s have now been dispensed with and we now have professional, skilled, well qualified, full-time ambulance officers who work well with the volunteers in the country and who indeed are providing training to those volunteers, which the volunteers have requested. So, this Government has demonstrated that, instead of beating volunteers over the head as did the Labor Government, we can sensibly utilise the skills of full-time professional officers to impart further skills to volunteers, and the two can work together in harmony. I am pleased to support this Bill.

Mr VENNING (Custance): I support this Bill, given that, as previous speakers have said, it provides for the SA Ambulance Service Incorporated and St John Ambulance Australia to rationalise properties between the two organisations. The South Australian Ambulance Service now operates the ambulance service formerly operated by the Priory in Australia and the Grand Priory of the Most Venerable Order of St John of Jerusalem through its State council, the St John Ambulance Australia—SA Incorporated, referred to simply as 'St John'.

As detailed in the second reading explanation of this Bill, properties currently occupied by the Ambulance Service are owned by, or leased to, St John. Discussions held between St John and the SA Ambulance Service have identified a number of properties whose ownership will be transferred to the Ambulance Service. This Bill provides a means of discharging or replacing charitable trusts affecting property held by St John. According to the 1995-96 annual report of the SA Ambulance Service, it is committed to business and financial independence. I quote its commercial charter as detailed in that annual report, as follows:

> In serving our customers our aim is to ensure that appropriate resources are effectively acquired, economically utilised and, where appropriate, disposed of for best value. We owe it to our customers and to the taxpayer to be able to continuously assure them that the funds they provide to us are used in the most efficient way. The only true test of our efficiency is through market competitiveness in acquiring resources, and by benchmarking our services against world's best practice.

The report states that SA Ambulance will buy by competitive tender or quotation, unless unique products or services are not available anywhere else. Contracts will be reviewed under which goods or services are acquired to ensure market competitiveness. They will minimise stock and other assets to minimal levels consistent with meeting customer requirements, by using economic order quantities and just-in-time techniques, which were referred to by the member for Bright concerning the recent reform of the SA Ambulance Service.

Assets will be maintained and disposed of consistent with legal requirements, occupational health and safety standards and the minimising of life-cycle costs. Significant new endeavours will not be undertaken unless an objective review of costs and benefits has been undertaken of relevant alternatives, using net present value analysis against a current commercial discount rate. The SA Ambulance Service will not proceed with any new project or endeavour unless it shows a positive benefit to cost (calculated using net present value) or is approved on community service grounds by the Ambulance Board or the Minister for Emergency Services. Due regard will be taken to the market positioning of competitors in the pricing decisions. The staff will be taking full account of comparable practices in industry, commerce and Government.

As the previous Minister, the member for Bright, has said, the SA Ambulance Service has certainly been through a period of change. As a result of all this, the Ambulance Service will be able to demonstrate to the stakeholders that in its business its management has been and is commercially sound. It will be able to service the maximum number of customers with its level of resources. I congratulate the Ambulance Service on its vision through this time of change. It sets a high standard of competitiveness whilst keeping a high level of integrity in the service.

The annual report also notes that the transition of the SA Ambulance Service, following the withdrawal of St John Priory and given the impending amalgamation with the SA Metropolitan Fire Service, is continuing. Negotiations are under way with St John to determine property separation, ownership and responsibility, and with the SA Metropolitan Fire Service regarding the building of joint stations. This Bill serves to assist in these property determinations, and the Ambulance Service is committed to, and is acting act upon, the withdrawal of St John from the joint venture and the future amalgamation with the SA Metropolitan Fire Service in such a way as to ensure a smooth transition in line with public sector policy.

I pay tribute to all ambulance services within South Australia, particularly St John and its volunteers, who provide a fantastic service for South Australia, most notably within regional or country South Australia, part of which I represent. I am upset that during the past couple of decades St John volunteers have been under threat by unions and the threat of being taken over by fully-paid staff and, as the member for Bright just mentioned, certainly the previous Government gave them no sympathy at all. I shared my colleague's disgust when the name 'St John' on ambulance vehicles and buildings was covered over.

Country South Australia would not have an ambulance service if it were not for volunteers, because it cannot afford a full-time service operated by fully-paid staff. So, many people across country South Australia, including my electorate, are so grateful for past and present St John volunteers' efforts, which have been far beyond the call of duty. Volunteers have given of their time to train and to be on duty at sporting functions, country shows and many other events. We all know that St John is on call to attend at emergency situations at all hours of the day and night. This includes attendance at some very serious accidents, some of which, as I have seen, must certainly traumatise our volunteers.

Volunteers work for no remuneration, ferrying incapacitated patients to and from metropolitan and country hospitals. They even work to raise funds for their local St John brigade to keep the station well equipped, as well as paying for training aids, etc. I want to mention just a few people close to me who have served St John tirelessly for many years. Mrs Maxine Combe, a person who lives near my home, has served St John for many years in a fantastic way. Her efforts were recently recognised and she was named Citizen of the Year. Mrs Combe recently lost her husband, but her service to St John goes on irrespective of her recent bereavement, and

I pay tribute to her on behalf of the community.

I also mention the late Ned Richards, who gave half of his life to St John and was its strength in its early formative days. Even when our community did not have a unit, the late Ned Richards was paramount in getting the brigade under way, keeping it together and achieving its present professional standards. He was joined by another stalwart, Mrs Dawn Greig. I also mention Glen Laxton and Mr Angas Sargent, two very pivotal people within St John. When one visits the St John Centre at Crystal Brook one sees a stone near the front door that was laid by my father. The connection between St John and our family and our community goes back a long way, and we are eternally grateful for what St John has done for all of us.

The service has continued for decades and these people are still contributing. I wish them, St John and its volunteers all the best for the future. The service has not been given due recognition in the past but it is receiving it now. This Government certainly recognises St John's work, and I hope that the organisation will always be a presence in country South Australia. I am confident that the metropolitan area will be well served by the SA Ambulance Service, as the member for Bright mentioned, and I commend this Bill to the House.

Mr BECKER (Peake): I declare an interest in this matter as I am the President of the Adelaide Motorcycle Division of St John Ambulance Australia, South Australia Incorporated. I have held that position now for several years and have done so with pride, acknowledging that it serves the local community of South Australia. This legislation is required and has been sought by the two organisations mentioned (SA Ambulance Service and St John) in order to resolve the position in relation to the holding and vesting of various properties. The Adelaide Motorcycle Division occupies a property in Tynte Street, North Adelaide, which has a National Trust listing and which has recently been renovated and upgraded.

Most properties registered in the name of St John are there for specific reasons. In the country, of course, they are depots, but in the metropolitan area they are used for training purposes and meeting places for members. We now find that, as St John is no longer operating the ambulance service, the St John Operations Branch, which trains and administers a volunteer service to administer first-aid to the public of South Australia, is the main operating organisation. If it were not for the Adelaide Motorcycle Division and St John's branches in the metropolitan area providing a voluntary service to sporting functions and to all other public and community organisations we would be in quite a lot of bother.

Motor sport, and particularly motorcycling, would probably be non-existent, and similarly with horse racing and amateur athletics. If we had to pay for the services of the St John personnel attending those functions, it would be almost an impossible situation, possibly with admission fees so high that very few people would attend. We owe a tremendous debt to the volunteers of the St John Ambulance Service. Some members have transferred to the SA Ambulance Service. Even though those members are professionals, many were volunteers and we owe them a tremendous amount of gratitude.

St John is well known in South Australia. It has established its name well, and this legislation will assist in organising the distribution of property far more speedily than if the matter were to go through the courts. That would create problems, and so the best way to resolve the issue is by legislation. I understand that a select committee in another place looked at the legislation and the proposal in question. This is the outcome of the proposal which was put to that House by the Attorney-General and which has been vetted by the select committee.

I place on record my appreciation of the wonderful service to South Australia provided by St John Ambulance and also the SA Ambulance Service, as we now know it. I hope that the Government will assist both those organisations in carrying out their duties in the public's interests. St John, of course, may no longer be dependent on Government support, and that would be a pity. I believe it has a very strong role to play in training, and I believe it has a huge future in developing its other divisions. The Community Care Branch, which organises and administers local support groups to provide community services, has assisted in my area in providing support for persons who are housebound and giving a carer the opportunity to enjoy a little relief while someone else cares for the patient.

The Ophthalmic Hospital Branch supports the work of the Ophthalmic Hospital run by the Order in Jerusalem, which receives considerable support from South Australia and Australia and has a very high reputation world wide. I believe that St John can play a considerable role in the area of occupational health and safety in providing opportunities for certificate courses for those in the work place. As we know, in the past it was a prerequisite of the South Australian Railways (now Australian National) to have as many employees as possible undertake a St John course, and those people formed the volunteer core in many country areas and served the State extremely well. I will not delay the House any longer this afternoon, but I add my support for and appreciation to all involved.

Mr BASS (Florey): I wish to place on the record my appreciation to the St John volunteers. If it had not been for those volunteers in 1973, I would certainly not be here today. It was due only to the skill and immediate action of the volunteers of St John's Whyalla branch at the Whyalla speedway that my life was saved. I probably owe the St John volunteers a little bit more than most people. During my 10 years as a motorcycle racer I met a number of St John volunteers, especially in my solo days when I was called 'Autumn Leaves' because I was always falling. There were many times when the St John volunteers picked me up and bandaged my legs and arms. I put on the record the appreciation that not only I but all the motorcycle fraternity have for the St John volunteers. During the many years that I was involved as a competitor, administrator and official these people would turn up without fail on an unpaid basis and be there for the whole night. Irrespective of what happened they were always the first to an injured rider; they provided the best treatment that anyone could ever get. I put on record my appreciation to the volunteers, not only on my behalf but on behalf of the motorcycle fraternity in South Australia.

The Hon. S.J. BAKER (Treasurer): I thank all members for their contributions to the debate. When we wind out some of the old age relationships of ambulance services in the State by St John and the properties associated therewith it is appropriate that we recognise the history of St John in this State. A member of my family was heavily involved with St John and I have nothing but admiration for the work of St John. We can reflect with some sadness on the incidents that occurred during the 1980s when the union movement wanted to replace the volunteers with a fully paid work force.

I did not believe that that was of credit to the union movement at the time and I still do not believe that to be the case. The member for Bright more than adequately outlined the circumstances that prevailed at that time; yet the organisation itself, despite the sheer determination of the Government at the time to destroy it, has survived and still maintains a very strong and worthwhile service in the community. I hope that on reflection the Opposition will say, 'We got it wrong in the 1980s; we did do wrong by the St John Ambulance Service; we did do wrong by the hundreds of volunteers who at all hours of the day and night used to attend accidents to the benefit of the population.'

The Bill is about property. It is about breaking that relationship that has remained in place for decades. This Bill provides the capacity for St John to quit those properties. The important points that have been made by a number of members revolve around the outstanding service of St John volunteers who number in their thousands and who attend all sorts of meetings in heat, cold—

Mr Atkinson: Perhaps in mild weather.

The Hon. S.J. BAKER: And indeed in mild weather, at which time they probably enjoy the events that they are attending more than on some other occasions. St John is a very diligent and well-trained organisation. As the member for Florey so adequately described, they have saved lives on so many occasions that it would not be appropriate to try to count the extent to which they have helped injured people or saved the lives of those near death. It is appropriate for Parliament to record its thanks to the outstanding service of St John volunteers over decades in this State and to acknowledge the real worth of the volunteer movements in the various guises which have done the State proud.

I always reflect that a lot of rhetoric is used when people talk generally about the role of volunteers, but I believe that the population truly understands and appreciates the extent to which St John volunteers have provided an essential service to the community over the period in which they have served this State. Many members have been touched by St John volunteers in either life saving or injury saving circumstances. Of course, there are others who have been indirectly affected as a result of their good services. They are a wonderful organisation. I am delighted that despite the incidents of the 1980s the organisation still manages to provide that very essential service to the State of South Australia. So I do appreciate all the remarks made by members today. It is a true reflection of how the Parliament values the service of St John, and we can put aside some of the more difficult periods of St John during the 1980s and get on with the general support, or at least recognise the significance of St John, the part it plays, its importance to the State and the need for it to be supported by all persons in this Parliament, including the Opposition, for the wonderful work it does. I thank all members for their remarks.

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

ALICE SPRINGS TO DARWIN RAILWAY BILL

Returned from the Legislative Council without amendment.

RSL MEMORIAL HALL TRUST BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 1050.)

Mr ATKINSON (Spence): I am an associate member of the RSL. I declare my interest. The RSL wishes to sell its Memorial Hall in Angas Street, city, and to buy or lease premises that better suit its needs. The Memorial Hall was built with funds raised from the public. The arrangements for acquiring the land on which it was built and for the building were made by the Sailors and Soldiers Memorial Hall Act of 1939. The premises were to be available for the use of the league while it had at least 250 members—which I am pleased to say it still does. The idea was that the Memorial Hall would be the place where returned servicemen congregated on Anzac Day and Armistice Day to commemorate the fallen. As things have turned out, returned servicemen on Anzac Day go to reunions of their own battalions, regiments, and so on. I attended a 2/47th show underneath the grandstand at Memorial Drive a couple of years ago and the Free French show at the Ambassadors Hotel a few years before that. Each of the suburban clubs is packed during the afternoon. At West Croydon/Kilkenny we have a two-up game. So, Memorial Hall in Angas Street never became a gathering place on Anzac Day, especially because the returned men march away from it rather than towards it on the one day of the year.

The Bill repeals the Sailors and Soldiers Memorial Act 1939 and says that the RSL may hold the trust property on trust for the purpose of providing, maintaining and furnishing a hall in memory of those who have fallen while on active service in a war. If the RSL purchases a hall outside the city of Adelaide, the Attorney-General's permission must be obtained. The RSL may also apply trust property not immediately required for the purposes of the trust for any other purpose of the RSL, provided the Attorney's consent is obtained. The trust has been the subject of a select committee and no objection was raised. The Opposition supports the Bill.

Mr VENNING (Custance): I rise in support of the Bill. I, too, declare an interest as I am a member of the RSL. It is an essential piece of legislation, though in some ways regrettable, to enable the RSL to sell its Memorial Hall premises in Angas Street and use the proceeds of the sale to buy or lease premises more suitable for its present needs. As the Angas Street premises are too large to serve the RSL's requirements at present—and let us hope that it will never be the reverse—it is appropriate for the organisation to have the option of relocating, no doubt incurring fewer utility costs and general upkeep expenses as a result. Naturally, membership is falling as our old diggers go to meet their fallen comrades. I joined as a national serviceman, and as we now have a membership of people in their mid-forties to fifties we will have the RSL with us for many years to come. I hope that we do not have a rapid influx in the years ahead, because we are enjoying peace. I also welcome the member for Spence's revelation that he is an associate member (and a financial member, as I am), and I applaud him for that. The RSL is a fine organisation that deserves all the support it can get.

I note that the proceeds of sale of the memorial hall are to be held in trust by the league for the purpose of providing, maintaining and finishing a hall in memory of those who fell while on active service in war or similar hostility. In effect, the sale of the Angas Street Memorial Hall will not adversely affect the RSL, as the basic principles of the league will be retained wherever the premises are located, even though the building has great value to many people. Although the Angas

Street Memorial Hall was intended to be a focal point for the commemoration of those who died on active service and a place to which the public would have access for that purpose, and to view trophies and memorials relating to the Great War and other hostilities, this purpose has apparently not been fulfilled to a significant extent.

Mr Atkinson interjecting:

Mr VENNING: As the member for Spence said, they assemble there and usually march away from it on their parades. This is not to say that we do not commemorate those who died on active service; rather, other venues have become traditional venues for the observance of such occasions as Anzac Day and Remembrance Day. I would like to visit the hall one last time before its memory fades. So, I pay tribute to the RSL and to all those who served our country. Anzac Day is still Australia's proudest day and I, along with all Australians, will never forget. I commend the Bill to the House.

The Hon. S.J. BAKER (Treasurer): I thank both members for their support. As earlier explained, I was a national serviceman and am a member of the Colonel Light Gardens RSL branch, and proud to be so. The Bill provides greater flexibility for the RSL. It has new challenges on its plate, and that under-utilised building is not of benefit to the organisation if it does not have the opportunity either to modify it dramatically or, probably more appropriately, to sell it and use the money in more pressing areas. I am aware of some of those pressing areas because we have had contact with the RSL on a number of occasions relating to such things as hostel, retirement and nursing home accommodation.

There is a range of other areas in which the RSL has been very active for our very much ageing former armed forces. It is time for the RSL to have that flexibility. The processes have been duly followed. There has been a select committee on this matter, as required. That obviously approved of the change contained in this Bill, and I thank members for their support of the Bill.

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

LEGAL PRACTITIONERS (MEMBERSHIP OF BOARD AND TRIBUNAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1144.)

Mr ATKINSON (Spence): The Bill dispenses with the requirement that a member of the Legal Practitioners Conduct Board and the Legal Practitioners Disciplinary Tribunal hold a lawyers' practising certificate. They must, of course, have been admitted as a legal practitioner. Some retired legal practitioners would be happy to serve on the board and tribunal, and the Government would be happy to have the benefit of their experience. The Bill removes the current impediment of their not holding a practising certificate. The Bill disqualifies from membership of the board and tribunal lawyers who have been disciplined under the Act or an equivalent Act interstate. The Opposition's consultations have uncovered no reason why this should not be so.

Tribunal hearings can sometimes be long. The tribunal consists of three members. If one member dies or resigns during a case, the permission of the lawyer accused is necessary for the case to proceed. This results in cases being aborted. In the Government's opinion, this is an undesirable outcome, because the tribunal can hand down a majority decision, namely a two to one decision, if all three members are still on the tribunal. By clause 6 the Government's Bill proposes to amend section 80 of the Act to allow the tribunal to continue its proceedings if one member dies or resigns. Of course, the two remaining members would have to agree on the result. If they were divided, the proceedings would be frustrated. It seems to me that there is no reason why the proceedings of the tribunal where one of the three members dies or resigns should be handled differently from a court comprised of three judges. Lawyers facing disciplinary charges should not be treated differently from members of the public engaged in litigation before a three member court. The Opposition supports the Bill.

The Hon. S.J. BAKER (Treasurer): A very concise dissertation by the member for Spence. I am pleased that the Opposition supports the Bill.

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

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1091.)

Mr ATKINSON (Spence): If it is not broken, do not try to fix it. Conservatives around the world understand this, but not those leading the governing Party on criminal justice matters in South Australia. Our law of self-defence is expressed quite simply in section 15 of the Criminal Law Consolidation Act. Section 15(1)(a) provides:

> A person does not commit an offence by using force against another if that person genuinely believes that the force is necessary and reasonable
>
> (i) to defend himself, herself or another;

Section 15(2) goes on to deal with the use of excessive force in self-defence. If the accused's belief as to the nature and extent of the force is grossly unreasonable and it did not intend to cause death, murder is reduced to manslaughter. If the accused's belief as to the nature and extent of the force is grossly unreasonable and he did intend to cause death, he is guilty of murder as charged and so on with other assault charges.

To plead self-defence the accused must discharge an evidential burden of proof, that is, he must offer evidence that makes the plea believable. Once the accused discharges this evidential burden of proof, it is for the prosecution to prove beyond reasonable doubt that the accused did not act in self-defence. Under our law it is for the prosecution to make its case for guilt beyond reasonable doubt on every element necessary to conviction. The Attorney-General seems to think the counsel for the accused need offer no evidence of self-defence and then put the prosecution to proof beyond reasonable doubt that the case is not one of self-defence. This is not so. The accused bears an evidential burden.

Mr Brokenshire: The Attorney does not agree with you.

Mr ATKINSON: Here they are, the crowd with no interest in representing the values of the great majority of their constituents in this matter.

Members interjecting:

Mr ATKINSON: They interrupt me, Sir.

The SPEAKER: Order! The member for Playford and the member for Mawson are out of order.

Mr ATKINSON: This is the mob whose majority in Parliament is so huge that they are indifferent to the result at the next general election. We have those Liberal MPs who know they will lose their seats, such as the members for Lee and Mawson, and we can add retiring Liberal MPs such as the member for Peake to those who think they are safe, such as the members for MacKillop and Davenport. Those such as the members for Unley and Ridley who have never slurped at the trough of Cabinet office are poisonous. Those such as the Minister for Housing and Urban Development and the Minister for Industrial Affairs—

The SPEAKER: Order! I ask that the honourable member link up his remarks. There is nothing in this Bill which deals with the future electoral prospects of members. Therefore, I ask the honourable member to address himself to the matter before the Chair.

Mr ATKINSON: Sir, I was responding to an interjection and I was dealing with the way the people of South Australia feel about this Bill, but I will come back to that point on another occasion—and I am sure I will have another occasion, too, with interjections. The Government is asking the House to change section 15 so that, in addition to genuinely believing that the force he used was necessary, the person pleading self-defence must also establish that the force he used was 'reasonably proportionate to the threat'. That is not a rider that is in the law now, but it is a rider that the Government is seeking to add to the law of self-defence. That is the crux of this debate. The Attorney-General put it this way: the major substantive change from current law in section 15 is that for an acquittal the force used by the person in self-defence must be objectively reasonable. They are not my words, they are the words of the Attorney-General. That is what the honourable member is asking Liberal backbenchers to support.

I will give members of the House an example of how the law might be applied. Mrs Kowalski, of Drayton Street, Bowden, has been the victim of many break-ins. She is a widow living alone. One evening she is watching television in her front bedroom. Over the noise of the television, which she must have turned up because she is hard of hearing, she hears the side window of her cottage smash and the sound of an intruder knocking out the remaining pieces of glass before jumping into her lounge room. The lounge room is in darkness. Mrs Kowalski probably should retreat to a neighbour's home and call the police—that is what I would advise her to do—but she does not. She is fed up and she has a rush of blood to the head. She picks up the frying pan from which she was eating her sausages directly and goes off in the direction of the noise. She is frightened, but she is also angry. She confronts a burglar in a darkened room at the rear of her house. He carries on like a maniac, shouting and waving his arms about to try to get Mrs Kowalski to retreat, but Mrs Kowalski has her dander up and she manages to connect with the frying fan.

Mr Venning: Hooray!

Mr ATKINSON: The member for Custance says 'Hooray.' She hits him in the head and he falls to his knees. Mrs Kowalski is panic-stricken. The burglar is much younger and much bigger than she is. She asks herself what will happen if he gets to his feet. So, she keeps hitting him until the neighbours arrive to find out what all the commotion is about. The burglar suffers swelling of the brain and some days later he dies. The Director of Public Prosecution feels obliged to prosecute Mrs Kowalski for murder because under the Hon. Trevor Griffin's law we must test whether the quantum of force used by Mrs Kowalski was reasonably proportionate to the threat or, to put it another way, objectively reasonable.

Mr Wade interjecting:

Mr ATKINSON: No, the member for Elder is wrong. It is not what Mrs Kowalski believes, although that is a minimum requirement—she must also have acted in a way that is reasonably proportionate to the threat. That is an additional requirement that the Liberal Party is now adding to our self-defence law on top of the requirement of genuine belief.

[Sitting suspended from 6.1 to 7.30 p.m.]

Mr ATKINSON: One might think that no Director of Public Prosecutions sensitive to our society's values would prosecute Mrs Kowalski, let alone any sensible jury convict her, but Parliament had inserted this objective test in the self-defence law and our current Attorney-General not merely says that he refuses to discuss individual cases with the DPP but denies that authority exists under the DPP Act for him to direct the DPP on a particular case. The latter is not true but we have an Attorney who believes his own rhetoric and cannot admit that he is ever wrong.

So, in the example that I gave before the dinner adjournment, Mrs Kowalski is tried before Mr Justice Lander and pleads self-defence. The judge weighs carefully whether Mrs Kowalski is guilty of murder because she hit the burglar with a cast iron frying pan. The DPP points out that there is no evidence that Mrs Kowalski asked the burglar to leave. He argues that Mrs Kowalski had many lesser objects which could have immobilised the burglar but not killed him, such as a rolling pin or a copy of the *Sunday Mail* still in its plastic wrapper. The DPP says Mrs Kowalski did not need to go on hitting the burglar after he fell to his knees, and that is a point that the Hon. Angus Redford makes in real life, which just shows how distant members of the other place are from the values of ordinary people.

The burglar's accomplice gives evidence that he heard the deceased begging for Mrs Kowalski's mercy. The judge, who has the luxury of hindsight, tells the jury that it should consider whether Mrs Kowalski had acted as a reasonable man might have acted. Would a reasonable man have used the kind of force that Mrs Kowalski used and would he have employed it so persistently? And who is this reasonable man? Well, he certainly does not live in a Labor voting suburb, nor a suburb with high break-in rates, nor in a suburb where the best defence one has is a screen door. He certainly does not live in Bowden, Brompton or anywhere in the State District of Spence.

It is fortunate that some members of the jury are not reasonable men and Mrs Kowalski is acquitted, but Mrs Kowalski is put through this ordeal because of the Hon. Trevor Griffin's dusty legal rationalism and because no-one in the Liberal Party was willing to stand up to him or his accomplice on this Bill. Section 15 of the Criminal Law Consolidation Act is as simple as it can be. It is so simple that juries can readily apply it and reach a verdict that jurors want. That is why it is hated by the Supreme Court judges, the Bar Association, the Law Society and legal academics. They hate it because it removes the pall of mystery with which every profession likes to shroud its workings. These people did not want Mr Kingsley Foreman acquitted of murder so they are back to change the law, through the Hon. Trevor Griffin.

The Australian Democrats' legal affairs spokesman, Mrs Sandra Kanck, called for my constituent, 83-year-old Albert Geisler who got about on a walking frame, to be charged with murder after he shot and killed a burglar who had smashed his way into his home one evening. The Attorney-General and the Hon. Robert Lawson are horrified by the self-defence trial in which the judge had to resort to giving a jury a copy of section 15 and asking them to apply it to the facts of the case. I can understand just how annoyed judges are that they cannot apply a gloss to or dress up section 15. It must make them feel positively redundant to be dealing with a statute law that is so plain that they can do nought but give it to the jury for the jury to apply. May Parliament devise many more such sections in our criminal law.

As it happens, the Hon. Angus Redford takes a much more commonsense approach to self-defence than his two colleagues in another place. I had the pleasure of debating the Hon. Angus Redford about self-defence on Bob Francis's Nightline show on Radio 5AA a couple of weeks ago.

The Hon. S.J. Baker: Very edifying.

Mr ATKINSON: It was edifying and it is a pity the Treasurer does not listen. The Hon. Angus Redford mentioned a splendid interpretation of section 15 by Mr Justice Millhouse, when summing up in the recent Grosser case. In fact, the Hon. Angus Redford went on to say about that summing up on section 15:

> What is so hard or difficult about that? I suggest it is an appropriate and adequate direction and one that a jury can understand. That is in the context of the existing law.

That is the Hon. Angus Redford, not only a lawyer but a Liberal. So much for the argument of one Supreme Court judge and Mr Michael Abbott QC for the Bar Association and the Law Society that section 15 cannot be explained to a jury. None of these people has had the common decency to share their thoughts about section 15 with the Opposition. All their representations are 'Dear Trevor' letters.

Moreover in the Grosser case, the jury got the verdict right again, despite a spurious attempt by the defence to try to rely on section 15. The test of whether or not section 15 is a good law is the outcome, and juries keep getting it right, much to the annoyance of the Attorney-General and his coterie. Section 15 entered the statute book in 1991 after the report of the select committee of the House of Assembly on self-defence, whose members were Mr Terry Groom, the Hon. Roger Goldsworthy (Deputy Leader of the Opposition), Mr Martyn Evans, Mrs Colleen Hutchison and the present Minister for Employment, Training and Further Education. The committee was appointed after a petition of more than 40 000 signatures was received calling for the law on self-defence to be reviewed. The principle on which the committee proceeded was that stated in 1763 by William Pitt, Earl of Chatham, who said:

> The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail, its roof may shake, the wind may blow through it, the storm may enter, the rain may enter, but the King of England cannot enter!

An honourable member interjecting:

Mr ATKINSON: Much. My opposition to the Bill is that this is an attempt by the Attorney-General to poke his nose into our houses after a burglar has been assaulted by the householder to ensure that the burglar was not badly treated. Unlike a majority of the current members of the House, I was a member of this place when the committee was appointed, during its deliberations, during its report and during the debate on the committee Bill. I was a member of the conference of managers on the Bill.

In 1989, the current Attorney-General called for the law of self-defence to be reviewed to give householders a stronger legal position against burglars and other intruders. Indeed, the Attorney-General and his Party used the argument that Labor had skewed the law in favour of criminals and against honest citizens throughout the 1989 State election campaign and in the lead-up to that campaign. He did this even though he knew the relevant law was common law not law made by Labor's Attorney-General the Hon. Chris Sumner. The Hon. Trevor Griffin placed himself at the head of the petitioners calling for the self-defence law to be changed. All the reckless populism of which the Attorney accuses me on this matter could be seen in his own political conduct in 1989, except that it was magnified and gloriously effective. Immediately after the 1989 election, the Hon. Trevor Griffin brought in a private member's Bill on self-defence that looks much like the law as I would like it to be. Oh how common it is for poachers to become game keepers, and how they hate to be reminded that they once were!

After the 1989 general election was out of the way, the select committee had reported and the then Attorney-General (the Hon. Chris Sumner) had brought the Government's self-defence Bill to Parliament, the Hon. Trevor Griffin changed his mind and did all that he could to defeat the Bill. He was unsuccessful. The current Bill, the Bill before us, is his revenge. Until 1991, the law of self-defence was common law or judge made law. Howard's *Criminal Law* summarised self-defence as follows:

> There are wide powers of defence of person and property which correspond approximately to the common reactions of mankind. If the circumstances are such that the defendant used reasonable force, the conduct is justified and hence no assault. The defendant's conduct is also excusable if he believed on reasonable grounds that it was necessary to do what he did—

and I emphasise 'on reasonable grounds'—

> There is no requirement as a matter of law the defendant must retreat before using force; whether he should have retreated, assuming he did not, is a matter for the jury in assessing the reasonableness of the defendant's action or the reasonableness of the grounds for the belief with which he acted.

In its report, the committee stated:

> There are a number of persons in the community who believe that the law is harsher in its application to those who forcibly resist, for example, a burglary or attempted burglary, than on the burglar himself.

The committee held that it was unsatisfactory for the law of self-defence to be judge made, because that meant it was inaccessible for the public compared with the single section law it recommended. It concluded:

> A code goes a long way to making the criminal law accessible to citizens.

The committee noted that English law, the Victorian Law Reform Commission and the Commonwealth Review of Criminal Law took the view that the situation faced by the accused should be assessed on the facts as he actually believed them to be, not as the common law held—that the situation faced by the accused should be assessed on the facts as the accused reasonably believed them to be, that is, ignoring any unreasonable mistakes as to the situation. The committee said it was greatly impressed with the argument that, as a general principle in the criminal law, people are to be judged on the facts as they believe them to be. The committee continued:

The committee was convinced by these arguments and has resolved to recommend that the accused be judged on the basis of genuine belief as to the circumstances of the case, even if that belief was unreasonable.

The select committee recommended that there should be a defence of excessive self-defence in homicide cases only. It stated:

The effect of the defence would be to reduce what would otherwise be murder to manslaughter because the accused (the user of force) used more force than was reasonable in the circumstances, if, and only if, the accused genuinely believed that it was necessary to use that degree of force.

The two exceptions to this principle of genuine belief were, first, that grossly unreasonable belief was not a sufficient defence—that is, one could not machine gun the postie because one believed he was a hired killer—and, secondly, that drunken mistake could not be pleaded.

I have taken up the recommendation of the committee that self-induced intoxication not be an excuse for crime in my private member's Bill, entitled the Criminal Law Consolidation (Intoxication) Amendment Bill. The Government has fastidiously avoided a vote on that Bill, and the Attorney told the other place, in response to a smarmy Dorothy Dix question the week before last that, irrespective of the merits of the Bill, his Party had a record majority in Parliament and would be dealing with the matter at its own pace, namely, not at all. The Attorney then went on to say that he knew of no case in which intoxication had been pleaded as an excuse for crime, although, of course, no statistics are kept on such things. Backbench members of the Government in this House will do what the Hon. Trevor Griffin and his apprentice tell them on the Criminal Law Consolidation (Intoxication) Amendment Bill, as they do on other matters.

I hope that these House of Assembly backbenchers—these Government backbenchers—will not squeal like stuck pigs when other Labor candidates and I tell their constituents, by personally addressed mail, what they have been doing in Parliament on the principle of self-induced intoxication as an excuse for crime, and on the ability of householders to defend themselves and their property in their own homes.

An honourable member interjecting:

Mr ATKINSON: You should not squeal because we will be telling them. You have your chance now when you vote on this Bill. It is now or never, member for Elder. If you do the wrong thing, it will be exposed.

South Australia's changes to the self-defence law were reviewed by Mr Peter Gilles for two pages in the third edition of his textbook on criminal law. He made no criticism of it. Summarising the effect of the most recent High Court case on self-defence, namely *Zecevic v. DPP*, 1987, 162 Commonwealth Law Reports at page 645, Mr Gilles writes:

The general rule is that where a defendant as a result of an honest but unreasonable mistake does not form *means rea*, the defendant is not liable. If honest and unreasonable mistake can negative *means rea*, why not allow it to excuse the defendant from liability for an offence by resort to the doctrine of self-defence?

It seems to Mr Gilles unjustified for people such as our Attorney-General to be introducing civil law concepts such as negligence into the criminal law as he is here with respect to the quantum of force that may be used by a householder against a burglar. Mr Gilles writes, summarising the view of people such as our Attorney-General:

The accused's resort to force must be subjectively and objectively reasonable, that is, the defendant must believe that the resort to force is necessary and it must be necessary in fact, that is, according to the standards of the hypothetical reasonable person put in the defendant's place.

Mr Gilles continues:

The accused's use of force can be subdivided into two components: the decision to resort to force; that is, the evaluation of the situation as one demanding such a response; and the decision as to the quantum of force to be employed. In principle both of these must satisfy the subjective and objective tests.

That is what the Attorney-General is bringing back. Whether the Government's Bill before us today reintroduces an objective test on the decision to resort to force, there is no doubt it reintroduces such a test on the quantum of force used. Mr Gilles writes, at page 314 of his book, summarising the view of the school of thought to which our Attorney-General belongs:

It is not an excuse for the defendant to plead that the defendant mistakenly believed that the quantum force employed was reasonable, where, on an objective assessment, it was excessive. Honest mistake of fact has no role here.

Mr Gilles himself argues against this position. He writes:

If unreasonable mistake can force a person to resort to force, why can it not free her or him to apply an objectively unreasonable quantum of force?

That brings me back to Mrs Kowalski, my example, using what by the standards of the Attorney-General is an unreasonable quantum of force. I will quote Mr Gilles again, nice and slowly, for the members for Custance and Elder:

If unreasonable mistake can force a person to resort to force, why can it not free her or him to apply an objectively unreasonable quantum of force?

That is the nub of the debate. If you can grasp that, you have grasped the whole thing, and I think that, as intelligent laymen, the members for Custance and Elder can grasp that point. You do not need to be a lawyer to grasp it, as the Attorney-General insists.

For the past six months in public debate, the Hon. Trevor Griffin has used every insult possible to deflect my criticism of his Bill. The Attorney-General has taken to calling me a liar over the Bill, but here we have the author of a criminal law textbook making exactly the same criticism of the principle on which the Attorney has based his Bill as I have been making of the Bill for months. The Leader of the British Parliamentary Labour Party, Mr Tony Blair, dealt with the Trevor Griffins of this world when, speaking as Labour's shadow Home Secretary some years ago, he said:

It is a cliche, but true nonetheless, that it is people who live on inner-city estates or use public transport—many of them Labour voters—who suffer most. Many of these people feel disenfranchised after 14 years of Tory neglect of inner-city crime. It therefore intensely interests our core voters, who look to Labour to reflect their anxiety and anger, not to respond with patronising sympathy or indifference. The public—contrary to conventional wisdom—does not ignore the social context of crime. But, rightly, they will only listen to people who show an understanding of their plight as potential victims.

What a pleasure it is to quote the man who after 1 May will be the next Prime Minister of Great Britain. Politicians and former politicians from Marino, Mitcham and Norwood, please take note of Mr Blair's remarks. Those of us who presently serve Lower House electorates, who canvass from door to door, on railway platforms and at bus stops and supermarkets, who send out newsletters and direct mail and who—horror of horrors—listen to open line talk-back radio—along with 30 000 other South Australians—know that what Tony Blair says is true. We all know the left-liberal arguments; we have read the academic studies and we have our

law degrees, but sin is still with us and there is no present alternative to imprisoning a modest number of offenders—only 1 400 at this time—for the sole purpose of preventing their committing further crimes against us for a short period.

But I digress. Throughout this debate, the Attorney-General has relied on what he calls expert opinion. It is a case of 'round up the usual suspects'—the Supreme Court judges, the Director of Public Prosecutions, the Law Society, the Bar Association and legal academic Mr Leader-Elliott. When he was finally forced to debate this Bill in front of a large audience on Radio 5AA, the Attorney-General's attitude was that it was much too complicated for the ordinary listener, and the public should trust him and his experts. According to the Attorney-General, all the listeners needed to know was that the member for Spence was telling lies. This prevaricating wore thin after 65 minutes of radio debate. The reason that mankind formed the State and invented the rule of law in the first place was that it needed to be protected from violence, theft and private coercion. If the State cannot protect law-abiding citizens from private coercion, the law ought to give those citizens a right to defend themselves and their property.

My former law lecturer at the Australian National University, Mr Geoffrey Walker, put the argument for laymen's experience well in his book *The Rule of Law: the Foundation of Constitutional Democracy*, as follows:

> But matters that become legislative proposals do not normally involve evaluations of the extraordinary or the arcane. They deal with such things as health, education, the family, the tax burden or defence preparedness. These are matters of which great numbers of people have some knowledge or direct experience. It is a fallacy to assume, as so many elitists do, that all problems are complex. If they were, life could scarcely be lived. Further, most of the great issues that face society cannot be resolved by the kind of objective proof of which only a trained class of specialist could be the judge. Evidence can be proffered, but the superiority of one tax, or one defence arrangement, or one environmental policy over another cannot be demonstrated by an objective process so certain as to put an end to all debate.

The one thing that sticks out when one reads the remarks of the Hons Trevor Griffin and Robert Lawson in another place is their disdain for ordinary people and their incuriosity about how they live. They both reject lay experience as a qualification for having an opinion about criminal justice matters.

Labor changed the law in 1991 to a genuine belief test, so that victims of break-ins should not end up as the accused. The question that should now be put to the jury is: 'Did the householder, in the heat and desperation of the moment, genuinely believe that the force she used to repel a burglar was necessary?' That is the question that ought to be asked. As Justice Holmes told the United States Supreme Court in 1920, 'Detached reflection cannot be demanded in the presence of an uplifted knife.' The Parliamentary Labor Party believes that that is the question to ask. It is the 1991 change in the law that ensured that Bowden pensioner Mr Albert Geisler was not charged with murder in 1995. Albert was in his 80s and was deaf. I know, because I had called at his home as the local MP some years before the famous incident. Burglars had repeatedly broken into his home, taken his possessions and assaulted him until, one night in May 1995, yet another intruder broke through the glass in his side window. In the dark of his bedroom, unable to hear and expecting another belting from a young burglar, he picked up his rifle and shot at a figure in his home.

I have been told by police that the number of burglaries in Adelaide fell dramatically in the days after Albert killed the burglar. Perhaps this is why, when the Attorney-General asked the Office of Crime Statistics to compile a good news bulletin on crime statistics for 1995, burglaries were down. In my opinion, the 1991 law worked well, by ensuring that Albert was not charged, because he genuinely believed that what he did was necessary to defend himself. The Kingsley Foreman case, on the other hand, was right on the edge of the law. It was a hard case. Mr Foreman should not have been carrying a pistol in a service station and should not have had ammunition with him. It was not his home. Many people are uncomfortable about his being acquitted, and the left-liberal right-thinkers of Adelaide's legal establishment are still furious.

But the DPP should have known it was going to be an impossible task to convince a jury of ordinary men and women without left-liberal credentials to convict him of murder. A manslaughter charge, standing alone, may have succeeded. I foolishly said as much on Radio 5AA, the very day the charges were laid. Fortunately, I was not charged with contempt, probably because I was on the midnight to dawn program and Warburton Media Monitoring does not take a transcript.

This is what the Hon. Trevor Griffin said in 1991 when opposing the genuine belief test, and I would agree with most of it if I did not know where he was leading. The Hon. Trevor Griffin said:

> Self-defence cannot be used as a cover for aggression. . . There is a duty to retreat and avoid confrontation if that is reasonably possible. . . the response to the threat of, or the attack itself, ought to bear some relationship to the violence offered; that is, the defender must not overstep the mark.

That all sounds fine until you realise that the Hon. Trevor Griffin is leading up to a reasonable man test instead of a genuine belief test. In understanding this area of law you must understand that lawyers, legal academics and the authorities have a horror of householders solving their own problems with burglars and trespassers. These people believe that you ought always to retreat in the face of a burglar and telephone the police and, in general, I agree with that. Where I differ from the left-liberal lawyers, the academics and the Attorney-General is that, if push comes to shove and the householder does stick up for himself or herself against a criminal, the law should be on the householder's side to the extent that he or she should be judged on what force he or she genuinely believed necessary and not on some airy-fairy reasonable man test.

The sharpness of the debate between the Attorney-General and me has obscured the substantial measure of agreement between us on the question of self-defence. Indeed, the Hon. Angus Redford has not been as bilious on this issue as his Liberal colleagues in another place. He made the point that he and I were thinking along the same lines when he said:

> It is a difficult matter, not in the sense that there is a dispute on matters of principle but in the sense that it is difficult to put down the precise form of words that adequately reflect our common intention.

The Attorney argued in his second reading speech that violence between householders on the one side and burglars and home invaders on the other is comparatively rare. I should add that only two weekends ago in Gibson Street, Bowden, one block from Albert Geisler's home, a home invasion occurred, that is, a break-in when the burglars knew the occupants were at home and intended to confront them in the course of stealing their goods. The Attorney-General said that these confrontations were rare compared with violence on the streets between people who were intoxicated and

compared with domestic violence, and I think he is right on that. He argues that the genuine belief test in section 15 makes it most difficult for the prosecution to obtain a conviction in public brawl cases and domestic violence cases, and I am willing to accept that that is so.

Months ago I suggested to the Attorney that the Opposition would be willing to accept his amendment for street brawling, for domestic violence, and for any other situation where self-defence might be pleaded, with just one exception: the Labor Opposition wants to retain the current law for confrontations between trespassers, such as burglars and home invaders, and the lawful occupier. I will bet that the Hon. Trevor Griffin has not been telling the Liberal Party room the true position of the Labor Opposition on this Bill.

The Hon. Frank Blevins: Why didn't you write to them?

Mr ATKINSON: As a matter of fact, I wrote to every one of them, including the Speaker whose heart, I am sure, is in the right place on this matter.

An honourable member interjecting:

Mr ATKINSON: The member for Eyre. I am sure his heart is in the right place on this, because I am sure he does not support the Hon. Trevor Griffin leading the Liberal Party into a position where it is obviously soft on crime. The law as it stands has worked well in ensuring that Albert Geisler and Gawler pensioner—and I hope the member for Light is listening because this concerns one of his constituents—Mr Mick Mattye would not have been charged with assault under the current law. It worked well, as I say, in ensuring that Albert Geisler and Gawler pensioner Mick Mattye were not charged, despite the left-liberal rantings of the Hon. Sandra Kanck. The Attorney rejected the suggestion that we compromise on the Bill, and that is why we are having this debate.

The Attorney-General and the Hon. Robert Lawson have argued that it is impossible to distinguish the one situation from another and that 'trespasser' cannot be defined. I do not accept that criticism. The distinction is as plain as a pikestaff and requires only commonsense which, I will admit, is probably not the strong suit of those lawyers and judges who have made a living from Byzantine cunning and obfuscation. The Hon. Mr Elliott said about the current section 15:

> Courts always set out to frustrate things: Parliament tries to clarify the law, yet the courts set about proving that, in fact, it has not been clarified at all or that it requires a new clarification.

They are not my words: they are the words of the Hon. Mr Elliott. I shall be moving one important amendment to the Bill. The amendment I shall be moving is headed 'Exception'—

An honourable member interjecting:

Mr ATKINSON: And you be quiet just for a minute. The amendment provides:

> If the defendant was acting in response to the act of a trespasser on land of which the defendant was the occupier, the question whether the defendant's conduct was proportionate to the perceived threat is to be decided by reference to the defendant's state of mind so that if the defendant genuinely believed the conduct to be a reasonable response to the threat, the conduct is to be regarded as proportionate to the threat.

That is my amendment; that is what the argument is about. If members vote against that amendment in Committee they will be answerable to their electorate at the next State election, because we will make sure they are all answerable by direct mail into the home of every eligible voter in their electorate. The direct mail letters have already been drafted. There are two versions: the tough one and the soft one.

Mr Venning: Is this a threat?

Mr ATKINSON: Don't worry, Ivan, we probably will not be direct mailing in Custance.

An honourable member interjecting:

Mr ATKINSON: His seat is actually Waite. The former Deputy Premier has just forgotten that his seat is Waite, not Mitcham, but that might be a place where we do direct mail because the swing against the Minister will be much higher than the State average. During debate in another place the Attorney-General invited me to answer eight questions about the Bill and Labor's proposed amendment to it. With your indulgence, Sir, I hope I shall be able to answer each of the Attorney's eight questions. The Attorney asks: why are home invasions to have special rules and not, for example, lone females defending themselves against stranger rape, wives defending themselves against domestic violence, or police officers defending themselves against violent arrestees?

The answer is that it is a most difficult task to distinguish in this part of the Act between different types of assaults in public places and, as to domestic violence, between two lawful occupiers against each other on their own premises. By contrast, most of us believe that an Australian's home is his castle, and there is a qualitative difference between confronting a burglar in one's own home on the one side and having a fight with a person in a pub or a fight between spouses on another. The worst that can happen to lone females, wives and policemen is that their defensive actions can be judged according to the Attorney-General's formulation. What is wrong with that?

The Attorney asks: would Labor's exception apply to a police officer using force against a trespasser? The answer on the amendment as it is originally drafted is 'Yes', because he would be on the property with the implied or actual permission of the occupier and, if not, he would be judged according to the Attorney-General's formulation. The Attorney asks: what is meant by a trespasser? I can only assume that the Attorney-General is a bit thick, but I will help him here. He asks: does it mean a civil or criminal trespass, and why should it matter whether a person is an invitee, a licensee or a trespasser?

It is no wonder the public do not trust lawyers who reach the top of their profession. 'Trespasser' means someone who is in your house or your backyard without your permission—that is what it means. It also means someone who has come onto your property as an invitee—perhaps a charity collector or a door knocking politician—and you have asked them to leave but they refuse to do so after a reasonable request and a reasonable time. The trespass may be civil or criminal; the distinction does not matter. Use your commonsense. If the person is not a trespasser, the worst that can happen is that the question of self-defence falls to be determined under the Attorney's formulation.

Labor is trying to help householders defend their families and their property. The real question is: why is this Attorney-General and his staff so eager to frustrate us? What is the worst that can happen if the amendment is accepted? This answers the Hon. Michael Elliott's query about what would happen if his car broke down in the country, he walked on to a farm to get help and the farmer threatened to shoot him as a trespasser. Elliott the motorist would be an invitee on the farm until such time as he was asked to leave and given a reasonable opportunity to do so. The Attorney-General quite rightly told the Hon. Michael Elliott that his example was not helpful to the Government's case.

The Attorney asks: what would be the position if the accused thought the person was a trespasser and it turned out that the person was not a trespasser? The answer to that matter will be determined according to the Attorney-General's formulation. Invitees and others going about their lawful business have not been exposed to a higher risk of assault during the six years that the current section 15 has been on the statute book. Is the Attorney-General really claiming that? He seems to be obsessed with the fear of householders taking what he calls 'private vengeance or revenge' on burglars. How many householders know the identity of the person who is burgling their home?

Mr Venning: Most of them.

Mr ATKINSON: The member for Custance says that when your home is burgled you know the identity of the person who is stealing the goods. This is astonishing. I doubt whether anyone in Bowden, Brompton, Hindmarsh or Croydon knows the identity of the person who has stolen their goods until such time as a suspect is apprehended by the police. The Attorney asks: if the exception extends to repelling a trespasser, why does the exception not extend to those who are trying to prevent an attempted trespass? Answer: if the Government accepts the Opposition's amendment, we are happy to entertain a Government amendment to that effect.

Mr Venning interjecting:

Mr ATKINSON: The member for Custance is indicating that he had resolved to cross the floor and vote with the Opposition but now, because I hurt his feelings, he will not be doing so. The Attorney asks: would it not be simpler and yet achieve the same effect if the exception simply read: 'There is no requirement of proportionate response if the accused responds to the act of a trespasser'? Answer: if the Government cares to move that amendment, Labor is sufficiently open-minded to support it. The Attorney asks: does the defendant have to prove that he was the occupier of land or otherwise entitled to be there, or does the Crown have to disprove that beyond reasonable doubt? Answer: the former is correct. The defence bears an evidential burden of introducing the basic evidence required to raise self-defence as an issue. If the defence were pleading the householder exception, it would have to establish that the defendant was the householder. This is a point that the Attorney has misunderstood throughout the debate, possibly because it is more than 25 years since he studied the law of evidence.

The Attorney asks: would the householder be entitled to acquittal on the grounds of self-defence against a trespasser even though his reaction was unreasonable and he knew full well that it was unreasonable? Answer: no, the accused would not be entitled to an acquittal. He must genuinely believe that his defensive conduct was necessary and, if he knew it as unreasonable all along, he would not be entitled to the defence. So, there are the answers shortly stated to the eight questions. I am asking nothing more of members than that they vote to protect the right of householders to defend themselves, their families and their properties against burglars and home invaders. The amendment I will move is modest and reasonable. It has the unanimous support of those South Australians who have listened to the debate so far. Indeed, a majority of callers to radio programs about self-defence would go much further than I am. I challenge all Government members to stand before their constituents at the next general election and tell them why they voted down the right of householders to defend themselves against burglars in their own home.

Mr WADE (Elder): I am not a lawyer and I do not think like a lawyer. I have no experience before the bar, but neither has the member for Spence. The honourable member, by example, has given us a very interesting legal argument. I must admit that in listening to his argument I developed a good deal of sympathy for what he is saying. But, as I interpret what the Attorney-General is trying to achieve, I believe that the member for Spence missed the point. As a citizen I demand the right to defend myself and my loved ones against those who would do them harm. As a citizen I am also aware that one does not need a sledgehammer to crack a walnut. I believe that that is the dilemma facing our judges and juries under the current law. How does one define when a sledgehammer is necessary and how often it can be swung before self-defence becomes an offence? The common law of self-defence requires a person to use reasonable judgment and force in defending themselves against another.

To a layman, self-defence has two main parts. The first part concerns a situation a person finds themselves in, and the second part concerns the defensive action a person takes to neutralise that situation. This defensive action includes the magnitude, the extent or the proportionality of the defensive action. Common law applies the principle that if an accused person believed upon reasonable grounds that he or she had to take the action they took to defend themselves—and the jury accepted that—the person would be acquitted. The common law is uncodified law built up over many years of court judgments and opinions.

I am still a fraction uncertain as to why self-defence became an unworkable tenet under common law. It would seem that there were unsubstantiated fears of victims becoming the persecuted for taking reasonable steps to defend themselves. The parliamentary select committee set up in 1990 to investigate the matter recommended that the common law on self-defence be codified. It recommended that self-defence be justified on the basis of the facts as the person believed them to be, rather than as a reasonable person faced with such a threat would react. So, this requirement was enacted in 1991. Everything seemed to work until the Gillman case of 1994 when the Court of Criminal Appeal stated that the codified law was too complicated to explain to juries, particularly in respect of the level of force that a person may use.

This is where a layman tends to get lost. This is where I tend to get lost and have to look much deeper, seek advice and think it through and, I hope, make some intelligent interpretation of what the legal eagles are trying to tell us. Under the present law a jury is asked to decide two matters. First, the jury must decide whether the situation of self-defence was such that a person genuinely believed that he needed to defend himself. The jury is not required to assess the overall situation but has only to decide whether the person genuinely believed that he was in danger of harm. It matters not if the jury felt that there was no real danger; it does matter that the person genuinely believed that he was in danger. Therefore, the jury is being asked to decide the genuineness of a person's feelings about a situation and not the situation itself.

So far, so good. The second part of the self-defence dilemma is the crucial part. Under the current law the jury is not asked to assess the reasonableness of the force used in the defensive action. If the jury believes that the person genuinely believed the force he used was reasonable, an acquittal is appropriate. To me this is the troublesome bit. As an example, I cite the person who has been raised to believe that

the only way to counteract someone's acting in an angry or aggressive manner towards him is to strike him with a heavy blunt object until the aggressor is unconscious—then to hit him twice more just to be sure. That is his belief system; that is what he grew up with; and that is what he genuinely believes within himself. The jury, on the evidence presented, is persuaded that this is the genuine belief of that person and is left with no option but to acquit that person. This is regardless of whether the jurors felt that the force used was definitely over the top.

Mr Atkinson interjecting:

Mr WADE: The member for Spence should listen to this bit. It does not matter what the jury thinks; it only matters that the jury accepts that the person genuinely had that belief. That is the present law. The jury is not being asked: 'What would you do if you were faced with that situation?' It is irrelevant to the law as it now stands. A jury can be seen as the collective morality of society, encapsulated in the 12 persons who, in a trial situation, represent our society and its values. Under the current law a jury is not asked to apply society's values to a person's behaviour but only to decide the genuineness of a person's individual belief—no matter how repugnant that personal, individual belief system may be to the jury or to our society at large.

And there is the rub. It is totally subjective, based on the individual. That has placed the courts in an untenable situation. The most vicious and brutal self-defensive action must be condoned by society if a jury accepts that the person genuinely believed that the force was necessary and reasonable, and genuinely believed that it was not over the top. That is the current law, in my eyes.

Mr Atkinson interjecting:

Mr WADE: The Attorney-General wishes to bring back to the courtroom a sense of society's values towards the magnitude of apportionality of defensive force used. The member for Spence interjected and said that there is a further part in there that says something can be over the top. The reality is that the jury is looking at the genuineness of a person's reactions and whether that person felt it was over the top or not; not what the jury felt, but what that person felt. If the jury believes that the person believed that he was not over the top when he used a battering ram, then that person is heading for acquittal under the current law, no matter how repugnant that reaction is to society; no matter how revolting and violent that self-defensive action is to society.

Mr Atkinson interjecting:

Mr WADE: The member for Spence thinks that I have not read the current law. I assure him that I have, but I am not looking at this as a lawyer. Like the member for Spence, I am looking at this as someone who has not appeared before the bar. Under the Attorney's amendment, a jury must still decide whether the person genuinely believed that he was in a threatening situation. That is a subjective matter revolving around what the person perceived rather than what may be the real situation. The jury, under the Attorney's amendment, must then consider whether the actions taken by the person were reasonably proportionate to the threat that the person genuinely believed existed. This decision involves the application of society's values to the person's reactions, where the jurors can place themselves in a person's emotional shoes and ask themselves: 'Would I have done the same thing if I genuinely believed such a threat existed?'

In such circumstances I would think that the jury would give a great deal of latitude to a person defending his loved ones from an intruder in their home. It is what we would do in similar circumstances if we believed that such a threat existed. And that is the important part. I can appreciate, as a side line, that the member for Spence has a concern about the trigger role played by alcohol and drugs in situations of street brawling and violence in both offensive and defensive conduct. The honourable member's approach to resolve the alcohol and drug ingredient of this violence is fundamentally flawed. I believe that a more appropriate approach would be to apply the concept of criminal negligence to an offence involving alcohol or drugs, as in the case of murder, and a murder charge being reduced to manslaughter. That is an aside to let the member for Spence know that we do consider what he says in other debates.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: The member for Spence is portraying himself as far from the reasonable man at the moment.

Mr WADE: That debate on the role played by alcohol and drugs is for another time. I thought that I would flag it now and let the member for Spence know that, even though his ideas are there, they are fundamentally flawed. Society cannot play second fiddle to an individual's belief system, a belief system that may be repugnant to the vast majority of society's members but is still genuine to the one individual. And there is the problem with the current law. As long as it is genuine for that individual, he can do what he wants in self-defence.

What further use would we have for a society that could not imprint its commonality of values on its individual members? My first inclination is for us to return to a common law approach. The concerns expressed in 1989 were seen to have been unfounded. The only thing I could find about the common law approach that would negate our return to it was not so much the fact that it was unworkable but that it was impractical. It ignored the fact that people react differently under threat in similar situations. The test was objective and not subjective.

On that basis, the common law approach is out, if we wish to maintain some kind of subjectivity in self-defence. As common law is not the option at this time, anyway, we reject it. We are in a situation where we must allow our jurors to consider their verdict as representatives of our society and its values and not have our jurors purely reflecting the values genuinely believed by an individual in society. The Attorney-General's legislation is the best we are able to achieve until we can remove from our courts system (not lawyers) this one weak link—the human foibles and human fallibilities. Until we do that, I support the amending Bill.

Mr CLARKE (Deputy Leader of the Opposition): I support the propositions put by our shadow Attorney-General, the member for Spence, with respect to this legislation before us. In particular, I turn my attention briefly to the hypocrisy of many Government members and in particular I refer to the member for Eyre. Last week we had the member for Eyre swaggering around on radio and television, and a front page article appeared in the Adelaide *Advertiser* with respect to what he perceived as a solution to the crime problem, as he saw it, in Port Augusta, which was to give officers of the Police Department the authority to go out and cuff a few youths around the ears to solve their problem. Here we have the member for Eyre swaggering around his constituency and in the media, for all intents and purposes, pretending that he is acting as Vlad the Impaler with respect to law and order issues.

The constituents of the District of Stuart (which the member for Eyre will be contesting at the next State election)

and I will be very interested to see how he votes on this issue. I do not believe that the member for Eyre can simply say that, because he also occupies the position of Speaker of the House, he does not have a say in debate on a piece of legislation such as this and be able to exercise his right as the member for Eyre sitting in this Parliament voting on the amendments with respect to this matter in Committee, and indeed exercising his right as the member for Eyre in speaking in the second reading debate. It is all very well for the member for Eyre to appear in the media pretending that the Liberal Government is tough on crime and wants to give police officers the right to cuff a few youngsters around the ears to solve what they perceive as a crime problem in Port Augusta, but it is another matter to vote for the Attorney-General's proposition, which would be to overturn the 1991 law with respect to the rights of householders to use force in the genuine belief that they or their loved ones are at risk.

If the member for Eyre is dinkum about his commitment to law and order, he will vote with the Opposition in respect of this matter and, indeed, if a division is called, he will cross the floor and vote with us. Otherwise, all the words and all the rhetoric the member for Eyre has used with respect to being tough on law and order is just hot air and he exposes himself to the very genuine charge of absolute hypocrisy.

With respect to the contribution by the member for Elder, as the member for Spence pointed out by way of interjection, under the existing legislation a person cannot rely on a grossly unreasonable belief to protect themselves by using unreasonable force in circumstances where, for example, they machine gun the local postman because somehow or other they believe that the postman might be in the process of committing a burglary on their home simply because the postman is passing by that householder's house.

The fact is that this is a crucial issue. The Liberal Party cannot stand the Labor Party raising this issue of law and order. For so long members of the Liberal Party have appropriated to themselves this so-called aura of being tough on law and order, that these are the issues on which they are elected and that the Labor Party is soft on crime. They have tried to perpetuate this myth, and they have done so, I might say, with some success over the years. Here is the moment of truth for members of the Liberal Party in this House because, if they are so strong on law and order, they will support the Labor Opposition on this legislation. They will support the select committee's report of 1991 which led to the current legislation being enforced at that time rather than overturning it. This is their chance.

Here is a Liberal Government which is so-called tough on law and order and which goes about its business by reducing the number of sworn police officers in this State by in excess of 250. Here is the Liberal Party in Government that will not even replace the natural attrition rate of the Police Force in this State, which currently runs at about 115 per annum. A mere 15 or 25 police cadets are in training right at this moment. There has been a net reduction in the Police Force of approximately 250 sworn officers in the past three years and, on the present trends, it is ever decreasing.

It is an absolute travesty and that is why members of the Liberal Party in this House, in particular members in marginal seats, cannot stand the Labor Party taking a strong stand with respect to law and order, because for so long they have mouthed the clichés. They have done as the member for Eyre has done, that is, put out a few press releases saying, 'Give them a cuff around the ear or a boot up the backside' and taken all the applause. But when the hard issue comes before this Parliament, that is, casting a vote not on rhetoric but on real laws that make a real difference to people, members of the Liberal Party go to water. Members of the Liberal Party in this House, particularly Government members in marginal seats, ought to rebel comprehensively against their Attorney-General on this matter, as it will be not the Attorney-General who loses his livelihood because he wants to push these types of laws down the throats of members of this Parliament but those Liberal members of Parliament in marginal seats: they will have to answer their constituents regarding why they have gone soft on these matters and why they have overturned the law that was set in 1991 on the recommendation of a select committee that inquired into the issue. Why does the Attorney-General want to do it? It is because he holds a certain set of beliefs. He is entitled to those beliefs, but it will not be at his cost with respect to this law, if it is passed as the Attorney wants: it will be at the cost of every Liberal member in marginal seats because, as the member for Spence rightly points out, the direct mail letters have already been drafted. They are already in process by our Labor candidates and ready to go out into the marginal seats, because we will not let Liberal members get away with it.

For so long we have had it rammed down our throats by members of the Liberal Party that the Labor Party was supposedly soft on law and order. We have learnt a thing or two from the Liberal Party on that, and we will not let ourselves be caught in that bind, because we have never been soft on law and order. It is the Liberal Party that has been soft on law and order over the years. We are not going to cop being painted that way any more, and we are going to make sure that electors in marginal seats know precisely which members of this House reversed the law of 1991. You will all be held accountable for it.

The member for Spence is very eloquent in his defence of the 1991 position, and we in the Labor Party are united behind it, and I suspect that a large number of Liberal Party backbenchers are, as well. But they have been led by the nose by the Attorney-General in another place, who has never had to deal with a constituent and has probably never seen one in the 20-odd years that he has been in this place. He is not alone in that, because members of the Upper House do not need to know people outside their own preselection panel and their own Party forum. They are the only constituents they need to know.

However, the ordinary members in this House—the backbenchers—every Friday in a sitting week have to front up and talk to their constituents. It must be particularly difficult for marginal Liberal members who hold seats which by rights ought to be Labor-held seats. Ordinary individuals come along and explain the difficulties they have with home invasions, with the perception that they, the victims, are the persecuted ones, not the offender.

We in the Labor Party are tired of Liberal members cloaking themselves as the defenders of law and order and as being tough on crime. We are putting you to the test. If members opposite in marginal seats want to fall for the three-card trick from the Attorney-General, who never has to campaign strongly in a marginal seat and who has a particular view of the world, more fool them. We will exploit it politically, and unashamedly so, but we will also defend a very strong principle, which we believe is inherent in the propositions put forward by the member for Spence.

In conclusion, I particularly invite the member for Eyre to participate in this debate tonight, either in the second

reading stage or in Committee, and to put his vote where his mouth is. When he spoke on the issues of law and order only a week ago, he got a great deal of free publicity through the various press media. Let us see the colour of his money on something concrete. I want to see and hear the member for Eyre stand up and defend the Attorney-General in attacking the rights of citizens with respect to this matter or, alternatively, support the member for Spence with respect to retaining the present position. That is what I want to hear, not mealy-mouthed words. I want to see action from the member for Eyre and other members opposite.

The SPEAKER: Order! The Deputy Leader should concentrate his remarks on the Bill or the member for Eyre, as Speaker, will deal with him in any manner he sees fit. Please continue with your speech.

Mr CLARKE: Thank you, Sir. I was about to conclude before you entered the Chamber.

The SPEAKER: That is even better.

Mr CLARKE: I wanted to make sure that you heard me, Sir, because I have a particular interest in wanting to know your position, as the member for Eyre, on this very important issue. Last week the member for Eyre said that we should give the police power to cuff youngsters around the ears, to solve a crime problem that is perceived in the city of Port Augusta. Here is a real, live issue: here is something that the member for Eyre can put his hand up for one way or another. This is the acid test: is he Vlad the Impaler—an imposter—or is he really dinkum on this matter?

The Hon. S.J. Baker interjecting:

The Hon. M.D. RANN (Leader of the Opposition): I think that I have made my position clear on this for some time. In Government, when I was a member of the Government's task force on crime, a proposition was put to Parliament after due consideration in terms of giving people the right to defend themselves in their own home. At that stage, we were told that the Liberal Party was right behind the move. It did not take long for the Attorney-General, Trevor Griffin, to become a hostage of the lawyers and others in his department and begin to say that the law was not good enough.

Quite frankly, under the test that we put into Parliament, which became the law of this land, I do not believe that there is any problem in terms of a sensible administration of this law. There is no problem before the courts and, in terms of the area in which we support the right of self-defence in a person's own home, Labor is absolutely united in opposing this move. This is being done at the behest of local lawyers who have screamed loudly in the newspapers. It is not what we are picking up from the electorate.

In a series of meetings in the community, this issue has come up time and time again. It is time for the Government to listen to the people of this State. The people want the right to be able to defend themselves. The argument put up by the lawyers, as it deals with a person's right to defend themselves in their own home, is totally unsaleable and wrong. Let us stick with the existing law about the defence of the home. The Opposition is pleased to support the position that we adopted in Government. We do not want to be flip-flopped around by a bunch of lawyers who work in the Crown Law department.

The Hon. S.J. BAKER (Treasurer): Sir—

Members interjecting:

The SPEAKER: Order! The Treasurer has the call.

The Hon. S.J. BAKER: In 1991 the Labor Party was on its knees. The State Bank was falling down around its ears, the whole community hated it, no-one had one good word to say about it and it was getting worse, but what happened? The issue of self-defence, which had been pushed long and hard by the Liberal Party before the 1989 election, as members are well aware—

Mr Atkinson: I spoke about it at length.

The Hon. S.J. BAKER: The member for Spence has had his say. I am not judging the member for Spence because he has produced consistency of argument. I am saying that the change in 1991 was borne out of paranoia, not out of justice, but the member for Spence has been very consistent. In saying that, I point out that the then Labor Government changed the law in 1991, and people can go back to the record to look at the problems that were being faced by the Labor Government at that time. It was right out of the water on just about every issue and then it suddenly said, 'It is about time we did something about what the people are saying. They want to be able to protect their homes.'

Mr Atkinson: And what the Liberal Opposition was saying.

The Hon. S.J. BAKER: That is exactly right. The law was changed in 1991 because we had the Labor Government—

Mr Clarke interjecting:

The Hon. S.J. BAKER: Oh, shut up!

The SPEAKER: Order!

The Hon. S.J. BAKER: In 1991 we had a paranoid Labor Government and an Opposition pushing it and it decided to do something about self-defence, and we all agreed.

Mr Atkinson: No, Griffin didn't.

The Hon. S.J. BAKER: Actually, the Attorney-General agreed. Let us not rewrite history.

Members interjecting:

The Hon. S.J. BAKER: Just hold on a second. The member for Spence is suggesting that, if some 5ft weakling walks onto a property and is confronted by some 6ft 6in giant, the giant can say, 'I am scared. I have to belt this guy to death.' That is what he is saying, and that is exactly what he wants put in. He suggested that the only test should be that of genuine belief. When the legal profession deals with genuine belief, there is no such thing as genuine belief. The member for Spence well knows that the only person who can ever understand what happened at the time was the person or the two people involved.

The lawyers will present their argument, giving the background of some poor unfortunate who has been maltreated as a child and who has had everything go wrong, and the bleeding heart syndrome will be spread across the court to such an extent that the defendant could commit murder and almost get away with it. That is the sort of thing the former Government defended, and it is the sort of rubbish we see presented as evidence in the courts day after day. We have put more people in gaol as a result of our truth in sentencing legislation than the former Government ever did. Do not let members opposite talk about our being soft on crime.

Members interjecting:

The SPEAKER: Order! The Treasurer has the call.

The Hon. S.J. BAKER: Whenever you try to codify the common law, more often than not you finish up with bad law. The common law served well, and we can see why 'self-defence' as it is codified in the law had to be changed—because nobody is satisfied with it. Each time individual circumstances arise, there is an interpretation by the judge or

jury which is inconsistent with what people would wish. That is a fact of life. When we get down to what is genuine belief, which is the keystone of this whole argument, we know that by the time someone gets into court what is actually genuine belief is open to debate, because the person who has committed the alleged offence or who has assaulted a person—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Never! By the time the court has corrupted the argument on genuine belief, we then get down to the circumstances that prevailed at the time. That is why this will change, and I imagine it will continue to change. This will not be set in concrete, because some judge will interpret the law and—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: In 20 years: I will not go through all the arguments for the member for Spence. He has had a passion about this issue, and I share some of his frustration.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The member for Spence is talking from the wrong orifice.

The SPEAKER: Order! The Chair has heard enough.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Perhaps the member for Spence can see the headlines. I can visualise them now, and they will say we have decreased crime, our gaols are full and we are getting over the problems of the 1980s, including the State Bank. However, I will now deal with the responses to the questions asked by the Attorney. The member for Spence must have had marbles in his brain, because I was not quite sure—

The SPEAKER: Order! I do not think the Treasurer needs to go that far.

The Hon. S.J. BAKER: The member for Spence made some astonishing remarks when he said that he had some answers to the questions that the Attorney asked of him. In terms of differentiation, he says, 'The trespass is easy.' I will refer to the differences he lists between the civil and the criminal trespasser. He says, 'The trespass is easy', so those people should have some special right above everybody else. That is what he said. So, people can be killed, but the people who kill with special rights have a special exemption. That is what the member for Spence said. He said that all these other situations do not really count but that a householder should have every right to use a knife, gun, whip, baseball bat or whatever can be brought to hand, and if some 5ft innocent person has wandered onto the property you can do as much harm as possible. That is what the member for Spence said. If that is law and order, someone is trying to rewrite the statute books. In terms of who is a trespasser he said that that was too hard; they're all the same; maybe the reasonable test can sort that out. That was the argument put by the member for Spence.

Mr Atkinson: I didn't say that at all.

The Hon. S.J. BAKER: You did say that. You said that there was a difference between a criminal and a civil trespass. You did admit there was a difference: I am pleased about that, and the first one who walks onto a property without permission is, under the law, trespassing.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, if a car is broken down and you wander onto a property, there is no invitation on that property.

Mr Atkinson: No, I didn't say that.

The Hon. S.J. BAKER: That is what you said. You wanted to say that the person whose car had broken down and wandered onto the property to get some water could be bashed with a baseball bat. You said that that was all right, but it would be up to the other test, as long as the person concerned had a genuine belief. I am pointing out some of the fallacies of the argument. There was one other matter that tickled my fancy regarding the identity of the trespasser. It has nothing to do with knowing the identity of the possible trespasser. I could not understand what the member for Spence was going on about.

Mr Atkinson: The Attorney is talking about personal vengeance by householders as if the householder knows the person who is to burgle them.

The Hon. S.J. BAKER: I see. The member for Spence can respond to me during Committee, as I know he will. But I am fascinated with his argument. Is he saying that, because a person suspects that someone will come onto his or her property as may have happened previously for unlawful purposes—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: On occasions they do—not on most but on a very few occasions they do. There have been occasions when people have been—and the law has never caught up with them—invited onto the property and then been bashed to death, mostly in American circumstances.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Yes, but if the person is suspected of being there for purposes for which they should not be, there is obviously some identification. It does not mean that he or she has to be known personally. There is a difference between those who walk onto a property not knowing that they will be there and the others where someone says, 'I think someone's going to do me a mischief, so I'll prepare for that mischief', because they may have been threatened. They may have had a similar instance, or it may have happened in their own street, so some preparation is involved.

In terms of the burden of proof, we talked about how the person concerned was to prove that he or she was the householder. I hope the genuine belief issue is clearly understood. The only person who really knows what he or she was attempting when confronted with a dangerous situation is the person who takes that action. Such action may lead the person concerned into the court but, as I said, that person may then be defended on any reasonable excuse and, whether the person is guilty or innocent, the legal system will ensure maximum capacity for the lawyer in question to defend that person. A number of other matters were raised by the member for Spence, but I do not think that anybody here believes that someone has the right to seriously injure, maliciously wound or kill someone under some of the circumstances that could arise if we adopted the member for Spence's stance on this.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is the member for Spence's interpretation, obviously. The member for Spence is suggesting that, no matter how bad the injuries, no matter how bad the circumstances, a person can defend their property to the point of serious injury, murder and mayhem. We are suggesting that people shall have a right to defend their home and their property. We have said that time and again, and the amendments provided in this Bill allow for that to happen, but they do not allow for the excesses that do occur. Mr Geisler would not be prosecuted under this Bill.

Mr Atkinson interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: All I am saying is that the advice provided to me is that Mr Geisler would not be facing the

courts, because it would be referred to the DPP, as are all such cases, and the DPP would say that on the law of probability this person was obviously fearful for his life; he felt he had to defend his life and property and under the circumstances it was bad luck for the person who entered his house. It is quite clear to me that Mr Geisler would be protected under this legislation.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Of course it was reasonably proportionate to the fear. I do not think the member for Spence understands. It could be clearly established that this person lived in fear; everybody knew that, and knew of the problems he had faced.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is what I am saying. Clearly, it could be established that Mr Geisler had been put through some very traumatic experiences. He had a gun handy so that he need not face another traumatic experience, and he reacted accordingly. I believe that justice prevailed.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, I would not. The same circumstance would mean that Mr Geisler would not face the courts.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No; the member for Spence is gilding the lily again. I would also mention the police officer who was involved in the assault in Hindley Street, where he—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I understand that they do not like the amendment at all. I hope the member for Spence clearly understands that he would make the legislation so wishy-washy that no law would prevail in this situation.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No; but the member for Spence is saying that, if someone who had a genuine belief regarding a person who walked onto the property took action, that is tolerable. The member for Spence is saying that if a police officer walks onto the property and the occupier says, 'I believe that person is a trespasser—'

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Oh, I see: so a plain-clothes policeman walking onto a property is special. It means that you must identify people and, when they walk onto the property, ask them 'Are you a policeman?' In the middle of the night with all the lights off, you ask, 'Are you a policeman?' Is that the differentiation? You would be laughed out of court. What do you think this is? You are saying that a policeman is different. I want our police protected, but you provide no protection. The courts would have you for breakfast in five seconds, under your proposals. You provide no protection for the police or for genuine people. Your test is only a reasonable belief that that person was under extreme stress, and you know that.

It is about time the member for Spence went back to the law books and understood a little about what is going on out there, instead of saying that, whatever happens, if your lawyer says you had a genuine belief, you can do whatever you like. That is what the honourable member wants, but it is not tolerable. The Government is amending the law to make it more workable than it is today. I think of that police officer in Hindley Street who tried to restrain somebody who was misbehaving very badly. His mate came up behind the policeman and whacked the policeman in the eye.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Just hold on a second.

The SPEAKER: Order!

The Hon. S.J. BAKER: The question was whether he had a genuine belief that his mate was being assaulted. The answer was that he had a genuine belief that there was a struggle. The judge should then have determined whether what happened was fair and reasonable under the circumstances. If you had watched the videos you would have seen that the police officer was not striking that person but was trying to restrain him. So, I believe that the judge erred in his judgment, and that is half the problem with the legal system today. I think we can look at some of the interpretations of the laws as we set them down in legislation and ask whether we need to change the law to make clearer to people how they can make judgments on this matter. I reject the member for Spence's arguments. He wants a free-for-all; he does not want to provide any protection for innocent people but simply says—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No; never. The member for Spence can see quite clearly that the Attorney's amendments address the issue and provide that, first, there has to be a genuine belief and then the circumstances are taken into account. He did not want any reasonable test. So, if a 6ft 6in. 200 pound hunk of a householder sees a 5ft midget entering the property, he can say, 'Gee; I could be scared of that guy: I'll get him with a baseball bat.'

Mr Atkinson interjecting:

The Hon. S.J. BAKER: If he has an AK-47, the man who is 6ft 6in. tall can actually do the job.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: He should have, too. In expressing his strong belief in this area, the member for Spence has been very consistent in his arguments. I can understand that point of view.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I acknowledge that the member for Spence has been consistent. As with cricket umpiring, we like people to be consistent, even if they are consistently wrong.

The House divided on the second reading:

AYES (26)

Allison, H.	Andrew, K. A.
Baker, S. J. (teller)	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Wade, D. E.	Wotton, D. C.

NOES (10)

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

Majority of 16 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Self defence.'

Mr ATKINSON: I move:

Page 2, after line 12—Insert subsection as follows:

(4A) If the defendant genuinely believed a threat to exist, the question whether the defendant's conduct was proportionate to the perceived threat is to be decided by reference to objective standards of reasonableness.

Exception—

If the defendant was acting in response to the act of a trespasser on land of which the defendant was the occupier, or a person lawfully on the land by permission of the occupier, the question whether the defendant's conduct was proportionate to the perceived threat is to be decided by reference to the defendant's state of mind so that if the defendant genuinely believed the conduct to be reasonable response to the threat, the conduct is to be regarded as proportionate to the threat.

There is more agreement between the Attorney-General and me on this matter than the Treasurer would allow in the debate, and it has been part of the Treasurer's job to obscure from the House what measure of agreement there is. I agree that the genuine belief test, which the Treasurer just gave a hiding in his second reading summing up, is a problem in so far as street brawls and domestic violence cases are concerned. I think that if a group of men spill out of a pub and start punching one another, and then one is arrested and charged and he says, 'I genuinely believed it was necessary to biff him', it can be difficult for the prosecution to make the charge stick.

So when the Government comes to the Opposition and says, 'This is a difficulty; we would like to fine tune the law so that there is a requirement of reasonable proportionality in the defendant's conduct', the Opposition is prepared to give the Government a hearing. Not only have I carefully read everything the Attorney has given me on this matter but I have agreed with him. I have agreed with him in every instance except one, and that is in respect of 'in your own home'. During the second reading debate I went through the case of Mrs Kowalski. It is a hypothetical case, but it has similarities to both the Geisler and Mattye cases.

If someone, after dark, breaks into your home by smashing a window, the Treasurer is saying that, if push comes to shove and you attempt to defend yourself against that person, not only must you genuinely believe that the force you use against that burglar or home invader is necessary but that what you do to that burglar or home invader must be strictly reasonably proportionate, and you must put up with being charged, you must put up with going to court and you must put up with standing before a judge and justifying in very great detail everything you did in your home from the time that the burglar broke in. That is what the Treasurer is asking you to do.

I do not believe it is reasonable to expect that of any householder in this State because, when one's home is broken into, one is naturally in a panic—in something of a fog. One behaves instinctively, and there is no point trying to break down the householder's response into little bits: the householder did this, that and then did this, justifying every component of the householder's response to the burglar. That is putting the householder on trial. This Government does not handle burglary as a crime particularly well. It is quite common, under this Government, for burglars to receive a suspended sentence on the third consecutive burglary. So, if a burglar breaks into your home, the chances are that he or she will receive only a suspended sentence. But the Government is proposing that, where a householder defends himself or herself against a burglar, the matter should be tried. Members should not let the Treasurer deceive them about this.

If this amendment is introduced for householders it will then be necessary for householders to stand trial, because how else would you test the question of reasonable proportionality? How else other than by a trial? The Director of Public Prosecutions, who is a substantially independent officer, would be compelled by this law to put those householders on trial. Albert Geisler would have stood trial, and Mick Mattye would have stood trial. They would have stood trial because the DPP could rely only on the law as Parliament passed it. It is not for the DPP to be sensitive to the political realities of the day. It is not for the DPP to say that charging this person would be politically unpopular or that charging this person would embarrass the Attorney-General. That is not the question the DPP has to ask him himself.

The Hon. R.G. Kerin: But he will.

Mr ATKINSON: I do not think the DPP will put aside his legal duty and do what the member for Frome would like him to do. The DPP has only two things to take into account in making a decision: first, what are the facts of the case as ascertained by the police? Secondly, what is the law of the State? They are the two things the DPP has to take into account. If the facts are that a householder has killed or has injured a burglar and Parliament has passed a law that requires reasonable proportionality—and that is what you are all doing tonight; you just voted for that—then he has to charge the householder; he has to test it. He cannot say, 'This might embarrass some Liberal members in marginal seats; it might embarrass the member for Eyre because it could be unpopular in Port Augusta.' The DPP cannot address those questions to himself; he has to lay the charge. It is the Government backbenchers who will wear the anger. The voters do not say to themselves, 'The DPP is an independent officer, an officer appointed independently of the elected Government.' That is not what Government members say to themselves, and that is not what the voters say to themselves. The voters say, 'The Government is charging Albert.'

That is why Chris Sumner put a provision in the DPP Act (section 9) which allows the Attorney-General to instruct the DPP on the carriage of individual cases. But guess what Trevor Griffin has done? He told the other place in answer to a question that he will never use that power. As far as he is concerned it does not exist. So when members have a householder in their electorate being charged with assaulting or killing a burglar on his or her premises, the Attorney-General will not be able to help you because he said he will not. I am proposing a very minor exception in terms of the total number of cases that come up under this law. The Attorney-General can have his test for street brawlers, domestic violence, brawls at the football and for police officers assaulted in the street. That is fine; let the Attorney have what he wants. I ask of this Committee only one thing: quarantine householders from this change.

The Hon. S.J. BAKER: The issue goes back to the questions that were asked of the member for Spence. First, what places those people in a special situation from the other rapes, murders, etc. which are committed? The issue is: was it a genuine belief that it was a self-defence issue? The second issue, which the honourable member did not answer, is: what is the difference between a civil and a criminal trespass and how does that affect the law? With respect to the third issue, the honourable member has received the universal acclaim of the Law Society, the Bar Association and a

number of other notables which say that the thing does not make sense. Perhaps such notable people are not consistent with what the member for Spence is trying to achieve. The member for Spence has put forward a cobbled-together suggestion. I want all members to listen to the member for Spence's exception in this amendment, because it provides:

> If the defendant was acting in response to the act of a trespasser on land of which the defendant was the occupier, or a person lawfully on the land by permission of the occupier [that means anyone who walks on the property and who has been invited can take the same action, irrespective of whether they are defending their own property or not], the question whether the defendants's conduct was proportionate to the perceived threat is to be decided by reference to the defendant's state of mind so that if the defendant genuinely believed the conduct to be reasonable response to the threat, the conduct is to be regarded as proportionate to the threat.

The Law Society and the Bar Association have some problems with this, but in a nutshell it says that you dismiss anything about the issue of whether the response was related to the threat.

Mr Clarke: Was reasonable.

The Hon. S.J. BAKER: What was reasonable under the circumstances—very good. The member for Spence knows that when someone says 'I am being burgled for the fourth time' it is different from 'I am being burgled and my life is being threatened'; and it is different again from, 'I am being burgled and I want to get the so and so.' All those responses are different. Then we have to go back to the circumstances of the case which are catered for in the Attorney's amendments. The member for Spence makes an exception between the person who walks onto a property uninvited because their car has broken down and the person wants to make a telephone call, and has actually extended it—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, this is what it says. The honourable member has extended the exception to say that, if your mate is on the property, he can do the same thing as well. That is what the honourable member said, and that is what his amendment says. The amendment is a farce. The member for Spence should go back to drafting.

The Hon. G.M. GUNN: In recent times a number of my constituents have been the unfortunate victims of thugs in public places. As my constituents have left football clubs or the Apex Fair they have been viciously attacked by large numbers of hooligans. These victims have suffered broken arms, broken noses, black eyes and other serious injuries. What will happen to my constituents who take reasonable steps to defend themselves when going down the street? We have gangs of thugs who have no regard for other people's privacy, property or person. The community has had enough of them. To put it mildly, the community has had a thorough gutful of them. I advocated some effective methods of dealing with them, and I make no apology for that. I believe that they deserve a bit of their own medicine.

My first question to the Minister is: when those people who are now very concerned about their welfare take steps to protect themselves against likely attack when they are leaving a football club, will they be committing an offence? There are many people up there who believe that they should carry baseball bats to defend themselves.

The Hon. S.J. BAKER: The answer is quite clearly that those people are protected under this law. It is a genuine belief.

The Hon. G.M. GUNN: I am very pleased with that answer, but I have one or two other matters to raise in relation to this. There are people who are living in fear in their homes. I cite the example of a constituent of mine who went to the back door when a person knocked on it to get her attention, while another villain smashed in the front door. When she heard the noise and went in, she was belted on the head. She was a person in the nursing profession, giving great service to the community. She is now going to leave and have nothing more to do with that part of South Australia, because obviously those people do not appreciate that sort of valuable service. The rest of my constituents—who are now very nervous and jumpy—as well as having shutters, screens and alarms (and still the scoundrels are smashing motor cars, climbing on the roofs of the garages), are now getting blue heeler dogs. And I can recommend them: they are good friends.

I say that the police should take the Dog Squad up and, when these scoundrels race off down the path, should let them go and catch them, because they have no regard for other people's rights, their property or their motor car. But people then take other methods to defend themselves in the home, such as using spray retardants, a single barrelled shotgun or the blue heeler dog, which may grab and maul one of them. On many occasions there is more than one person involved, and when the offenders are cornered by the police they then get the eight or nine-year-old to own up and say 'I did it', in the belief that nothing will happen to them. These people have more tricks than a monkey has fleas.

So, if people take precautions to protect themselves and prepare for this eventuality, is that regarded as premeditated? Many people are frightened to let their children go down the street. I want to know whether, if they take precautionary action to protect themselves, their loved ones and their property, that is considered to be premeditated.

The Hon. S.J. BAKER: The answers under this set of amendments are quite clear. The first question is: do they have a genuine fear? Obviously, the answer is 'Yes', and if the response is proportionate to the genuine fear—if you are in fear for your life or it is a life-threatening situation—you can do all in your power to prevent that situation arising. It is quite clear.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is right. The first point is that it should be in reasonable proportion to the genuine fear held. If you say, 'I think someone is breaking into my property and I am going to kill them', that is revenge. There is a difference in the response under those two circumstances. But it is quite clear in the law as laid down here: if you have a genuine belief that your life is at risk, you have every right to protect yourself to the extent necessary. But if you believe—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, it is. The member for Spence will have his turn. If someone says, 'I am sick of people breaking into my property; I am going to get the next one and I am genuinely going to cause that person damage', that is where the problems arise.

Mr ROSSI: I have heard this debate during the day; we are talking about various issues and never come to the point. We have been talking about threats to a person's life, usually during the night when you cannot see your offender or attacker, yet in the Bill there is no mention of taking care of that section or defence. With the indulgence of the Committee, I would like to raise an amendment to section 15A, after paragraph (c), to add words.

The CHAIRMAN: The honourable member cannot move another amendment at this stage, for two reasons. We have an amendment moved by the member for Spence.

Mr Atkinson interjecting:

The CHAIRMAN: We will have to take additional measures in Committee. Normally, amendments are moved in strict sequence in relationship to the lines of a Bill. In this case, the member for Spence has moved an amendment after line 12. The amendment that the honourable member is foreshadowing is actually on page 1 after line 21 or 22, and therefore it should have preceded the member for Spence's amendment. I propose that we deal with the member for Spence's amendment, unless the member for Spence wishes to withdraw his amendment *pro tem* and allow the member for Lee to proceed. Another alternative would be for the member for Lee to be allowed to move his amendment subsequent upon the passage or failure of the member for Spence's amendment.

Mr Atkinson: After. He can move his amendment after.

The CHAIRMAN: That will need the concurrence of the Committee. So, we will deal with the member for Spence's amendment and then, if the Committee concurs, we will resume consideration of the member for Lee's amendment.

Mr WADE: On the member for Spence's poorly constructed amendment—

Mr Atkinson: Wade QC!

Mr WADE: I have said before that I am only a layman in this situation. As a layman—but an English graduate—I had a query regarding the use of the word 'trespasser'. I noted that throughout the member for Spence's contribution he used the words 'burgle' and 'burglar', which I assume is something that someone is convicted for. Will the Minister explain how we define what a trespasser is? If someone enters someone's property, are they automatically trespassing or must some action take place for that person to be regarded as a trespasser? It seems to me a bit confusing, because the member for Spence is talking about someone trespassing on the land but does not seem to indicate how that person is recognised as being a trespasser.

The Hon. S.J. BAKER: That actually brings up a very valid point. I know that the member for Spence does some doorknocking, and he tells everyone on radio how much doorknocking he has done.

Mr Atkinson: I am an invitee.

The Hon. S.J. BAKER: I do not know that anyone actually invites the honourable member onto their property. I know that some people do not like his coming onto their property and say that he is a trespasser. Under the member for Spence's—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, there are actually people who genuinely and reasonably do not like you. It is an excellent point, because the member for Spence is a trespasser. He has not been invited and there are people—

Members interjecting:

The Hon. S.J. BAKER: Let me finish the argument. This is the problem with the issue of trespass.

An honourable member interjecting:

The Hon. S.J. BAKER: It is trespassing.

Members interjecting:

The Hon. S.J. BAKER: Just hold on a second. If someone says, 'Mr Atkinson, I do not want to see you on my property,' the honourable member is trespassing. I make the point that anyone—

Mr Clarke interjecting:

The Hon. S.J. BAKER: This is one of the difficulties with civil and criminal trespass. Criminal trespass is simple to define—someone who is on your property to do some damage or something of ill-will. A number of other areas are not covered by criminal trespass but belong in the civil trespass area. I give the example of the member for Eyre walking onto a property where he knows he is not wanted but he thinks he might be able to convince the person that he is a genuine MP. Under the proposed amendment, if it is a bit late at night and the lights are not on and if the householder believes that this person is an intruder, they can do whatever they like if they believe that their life is threatened.

Mr Atkinson: Get some advice.

The Hon. S.J. BAKER: That is the difficulty.

The Hon. G.M. GUNN: This is the last comment I make on this clause. As this is self-defence and we have been discussing the rights of the person who is defending themselves, what consideration is given to the attitude or the demeanour or the weapons which an intruder is carrying because, if someone enters your property or approaches you and if they have a knife, you are entitled to take whatever action you can muster to defend yourself. The difficulty we are having is that many of these villains are carrying knives and, when they are confronted by the police and they are asked, 'Why have you got that?' they say 'It is for self-defence.' It is an offensive weapon. But they have got a bit smarter: they say, 'I am going to use it to peel my apple or to fix up my bike.' When these matters are being assessed, surely the demeanour, the way these villains approach the householder, and whether they are armed with an iron bar, a knife or some other offensive weapon, must be taken into account when a person is attempting to justify their action.

The Hon. S.J. BAKER: In fact, they do not have to possess those things but a person can believe they possess those things. Obviously, the level of fear is increased if someone is carrying a weapon and a person genuinely believes that that weapon is for use on them. Therefore, they have every right to defend themselves. That is what the law says. Because of that genuine belief, the fear of your life, your response to save your life can be very strong and it can lead to the demise of the other person permanently. Obviously, the case is strengthened, but it does not need to be as strong as that: if they believe that a person is carrying a weapon to threaten their life, obviously they can take that action in their own belief.

Mr WADE: Following on from my question on trespass, I cite the following example: the member for Spence was going on his normal doorknocking routine and went onto someone's premises. He knocked on the front door and the person occupying the premises was in a state of mind perhaps due to consumption of yippee juice or something else and, instead of seeing the member for Spence at the door, that person in their mind perceived a most grotesque and dangerous creature. They demanded that this grotesque and dangerous creature leave the premises, ergo trespasser, and immediately tried to defend their life. From the wording of this amendment, we have to refer only to the person's state of mind and, if a defendant genuinely believed in that state of mind that their conduct was reasonable, they would get away with it. It seems to me that that is how this amendment has been worded, because we are referring only to a person's state of mind, their own perceptions and how they perceive a situation—for example, how they perceive the member for Spence knocking at the door, regardless of the state of mind they may be in. Will the Minister explain that? To me, it

opens the door to a most worrying situation for the member for Spence.

The Hon. S.J. BAKER: I understand the argument. I assure the honourable member that it is a case that would definitely go to court. I do not know how a jury or a judge would deal with a situation where someone had either a mental or an alcohol problem and had done damage to the member for Spence. Some people might suggest it was justified, but I would not; or they might say it was reasonable, but I would not say that. In terms of what the charge or the response would be, I imagine an assault charge would be laid and the matter would have to go through the courts processes to see whether there were any mitigating circumstances. That would be my understanding.

Mr LEWIS: So far as I am concerned, the attempts that have been made in recent times to codify the law in a way which gives explicit voice to cover every possible conceivable instance have become a farce. So far as I am concerned, let me say that I believe this all began over a decade ago and it has been tragic in its consequence. It has cost the community a great deal of money. It has addressed more particularly the rights of wrongdoers than the safety of the honest law-abiding citizen. So far as I am concerned, there is very little difference between someone owning a very territorially inclined staghound or blue heeler and someone having a loaded single barrel shotgun under their bed if that person is in some measure physically disabled and living alone. For an intruder into that person's dwelling, albeit day or night, without being invited for any purpose whatsoever where the occupier, the homemaker, living there suddenly finds themselves confronted, shoots the person with the shotgun or without any prompting whatsoever has the dog attack the invading person, it is the same consequence and, as far as I am concerned, too, it is legitimate.

I have had a gutful of looking after the interests and attempting to second guess the possible intentions of people who are intent on mischief of one kind or another. It has meant that as honest, law-abiding citizens, those of us who wish to make contact with our neighbours the way the law is written are now fearful that those neighbours will believe us to be intruders. We have looked after too many miscreants, too many people who say they have problems to justify their bad behaviour, their desire to steal, most of which arises out of their stupidity and greed and unwillingness to manage their personal affairs properly and much of which arises out of their addiction to drugs about which we say, 'It is okay. Be careful. Do it safely. Go get yourself a party pack down the local hospital and shoot up heroin and smoke pot and drink alcohol and, when you are off your brain, then the law will protect you if you go on some crime spree.'

A person who becomes addicted and wants more money than it is possible to obtain by lawful means to feed that addiction will steal from someone to the point at which they will assault that person if he or she resists such action. How the devil do the majority of us in the community deal with the rising level of that kind of irresponsible behaviour—that kind of unethical, immoral attitude? Therefore, it is my belief that most of this law has attempted to codify the issue for judges who are incompetent to make accurate assessments and for juries that are misled by blatherskites, the defendants' advocates, who are the lawyers, themselves not much better than the 'krookaburras' that crow around. I am distressed by all of it and so are the majority of the people I represent. They say that enough is enough.

I do not understand the tenor of the proposal put by the member for Spence and I am not convinced by what the Treasurer is saying in response. All I know is that the bloody law is too convoluted and complex for the citizen to understand and it has got to the stage where it is stupid. It is about time we made it simpler and returned it to the common law that used to apply.

The Hon. S.J. BAKER: That is why we are debating these issues. The member for Ridley reflects a great deal of frustration with the law as it stands, because we see genuine people disadvantaged and then we see people in less genuine circumstances get off under the law. I am not talking about that situation in these circumstances. I am simply saying that the conflicts in the law in its broader sense are a considerable frustration to the people at large. I am simply reflecting on the issues of the law.

Mr ATKINSON: The member for Ridley's concerns are addressed by the amendment before the Committee. Indeed, in my quite lengthy second reading contribution, I canvassed in great detail just the frustrations that the member for Ridley and people like him, of whom there are many in the community, are having, and my whole approach to this Bill and to each of its clauses has been to reflect that concern. In fact, I have been taking calls on radio from dozens of people who have the same concerns as the member for Ridley has. They are saying that in the modern era the State appears to have given up on defending—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: Mr Chairman, will I be able to continue on this point if I give way to the Treasurer in seeking to sit beyond 10 p.m.?

The CHAIRMAN: The honourable member is not restricted to the usual three points because he is speaking to his own amendment. He is in charge of that amendment.

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

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

Motion carried.

Mr ATKINSON: The member for Ridley's concern and the concern of the public is that burglary has become a crime that is so common—

Mr Lewis: Because it is easy to get away with.

Mr ATKINSON: That is right: because it is easy to get away with, but also because under this Government, if a person is convicted of a second or third consecutive burglary offence, chances are that person will be released on a suspended sentence. We have an Attorney who basically approves of that because he vigorously resists any proposal for minimum sentencing for burglars. In fact, our Attorney does not care how many offences a particular burglar has committed. He is quite happy for the judiciary to continue to keep those people out of prison, to release them on suspended sentence, and that is something that the Opposition will be looking at very carefully.

In those circumstances, is it any wonder that burglary is such a common crime? The member for Ridley knows that burglary is a very common crime. There are two ways of trying to crack down on burglary. One is for the State to come down so hard on burglars, either through police enforcement or through tough sentencing, that burglars decide it is no longer the game to be in and there is some diminution in the burglary rates. The second approach is for citizens to conclude that the State is no longer in any position to protect

them from burglars and to take matters into their own hands to this extent: that, if a burglar enters their property and proceeds to commit a burglary, the householder may use such force as he or she genuinely believes is necessary to terminate the burglary. It is a shame that it has come to that but it has, and I have to say that, although I believe the householder ought to retreat in the face of a burglar, that a householder ought to telephone the police and seek assistance—

Mr Lewis interjecting:

Mr ATKINSON:—when a burglar is on his or her property, my amendment proposes—and the member for Ridley laughed at that proposition but it is the proposition that the Government, not just I, would put to him—

Mr Lewis: That doesn't make it any more meritorious.

Mr ATKINSON: No, it does not make it any more meritorious: the member for Ridley is right. However, if push comes to shove, the view that the Parliamentary Labor Party is putting to this Committee is that the householder should be able to use such force as she or he genuinely believes is necessary to bring the burglary to an end. If members vote against our amendment, that is what they are voting against. We are quite prepared to concede to the Government on the question of self-defence in pub brawls, in footy brawls, in domestic violence—in everything else. We will put our hands up and say, 'Trevor Griffin can have his way.'

However, on the question of a burglar or a home invader going into a property, we say the homeowner, if he or she is there, should be able to use such force as he or she genuinely believes is necessary in the circumstances. The Treasurer does not believe that. He believes that not only should there be a genuine belief test but there should be charges brought against the householder and that, in the course of trying that householder—not trying the burglar but the householder—there should be the additional objective test that the householder used force against the burglar that was reasonable and reasonably proportionate. That is a very difficult test to fulfil.

Mr Lewis: Do you interview the burglar?

Mr ATKINSON: Presumably, the burglar will be called as a Crown witness.

Mr Lewis: What about when you confront him?

Mr ATKINSON: In testing whether a householder's response to a burglar is reasonable or reasonably proportionate, one of the things the court may well ask is, 'Did the householder ask the burglar to leave the premises?' That is one of the questions that might well be asked, under the test as the Government is proposing it. 'Did the holder retreat in the face of the burglar?' might be one of the questions asked. It is the Government that is reintroducing an objective test. Once you reintroduce an objective test on the householder who is resisting a burglar or home invader, then all these questions may be asked. It is the householder who is on trial.

Make no mistake about the Government's Bill: the reason why it is resisting my amendment is that it contemplates that at some time in the near future it will be the Director of Public Prosecution's duty to charge a householder with assaulting a burglar, otherwise it would let this amendment go through. What a melancholy prospect—to face that in the course of an election or, heaven help us, if the householder was your constituent. The select committee, which I remind members only six years ago reported on this very point, stated:

> There are a number of persons in the community who believe that the law is harsher in its application to those who forcibly resist—for example, a burglary or attempted burglary—than on the burglar himself.

That is what the committee said, and it changed the law. The Government says that the law does not work very well for street brawls, domestic violence, and any number of other situations. Fine! The Government can have its changes; it can have them everywhere except in your home. I must repeat this: most South Australians believe that their home is their castle. I would hope that the Englishman opposite—the Essex man, the member for Elder—believes that: an Englishman's home is his castle. I believe that it is the same for South Australians. There is a qualitative difference between confronting a burglar in one's own home on the one side and having a fight with a mate or a stranger in a pub, or a fight between spouses in the privacy of their own home. They are two different things. The Treasurer says that he cannot understand the distinction that my amendment is making between how one treats a trespasser in one's own home and other situations. However, 98 per cent of the people in members' electorates understand the distinction I am making and do not let smart lawyers try to fudge the distinction, because there is a very clear distinction.

The Treasurer rounded up all the usual suspects to say how bad my amendment was. There was the Law Society, the Supreme Court judges—including Mr Justice Lander, late of Baker McEwin—and the Bar Association. The Bar Association, headed by Michael Abbott, QC, of Barnard Street, North Adelaide! I suggest that members go to the corner of Barnard and Hill Streets, North Adelaide, and look at some of the security precautions that Michael Abbott has taken for his own mansion. The Treasurer or the member for Elder might like to try to vault over his fence. I wish them luck, because they will need a pretty big pole to get over. Michael Abbott does not like looking out on the rest of us, and he does not like the rest of us looking in on him. Michael Abbott has one of the most sophisticated alarm systems you could ever imagine—a very expensive alarm system that I doubt anyone in this Committee could afford.

Michael Abbott suited himself about defending his home, making it into a fortress. However, if you go down Hill Street and then down Barton Road to Hawker Street, Bowden, Brompton and Ovingham, you see that the defence of homes looks different there. Some people have security doors; others have screen doors; others just have a simple door. They do not have Michael Abbott's kinds of security precautions. Michael Abbott will not ever confront a burglar in his lounge room, back room or even in his backyard. It will never happen to him. Sure, he can support the Government's changes. Of course he can; he is rich enough to be able to afford to do so. However, for the people who live in your electorate and my electorate, the only thing between them and a burglar is a screen door—if that.

They will not look so kindly on the changes the Government is moving, and in particular on this Government's resistance to the quite reasonable and balanced amendment before the Committee. I do not want to hear any more about the Bar Association or the Law Society; they can afford to take the airy-fairy, head in the clouds view. It is all right for them. I will say this again: the Law Society, the Bar Association and the Supreme Court judges did not have the common courtesy to share their view with the Opposition. As I said, it was all 'Dear Trevor' letters. We have long memories about those kinds of people.

Mr Lewis: You will have to.

Mr ATKINSON: Yes, I will have to have a Trent memory training course to deal with them. I do not want to hear any more about the Law Society and the Bar Associa-

tion. I want a law that my constituents can understand, and one that is on their side. The Treasurer went on to say that if I went door knocking in Croydon Park, opened the gate, walked inside, went down the path and I knocked on the door—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: He is changing his mind now—I would be a trespasser. I trespass every weekend, at least 70 times on that definition. As I said to the Treasurer when he made this absurd claim that I would be a trespasser and that anyone who went onto someone's property, walked down the front path and knocked on the door was a trespasser, he was wrong. He got up and answered the member for Elder before he had consulted his expert. After he had consulted his expert, he found out that what he had just told the Committee was balderdash. If he were a good Minister, he would now get up and tell the Committee that he misled it, because he did on that point—he plainly misled it. However, he wants to apologise *sotto voce*. We know that you misled the Committee and you know that you did; you ought to say that.

The idea that, if you walk from the footpath to a stranger's front door and knock on the door, you are a trespasser and you are liable to be blown away under my amendment is nonsense. That is because, from the time you go in the front gate to the time you knock on the door, you are what is called an 'invitee'; you are not a trespasser. As an invitee, you have certain rights, one of which is not to be assaulted. If the householder says to you, 'Get off my property', you then have a reasonable time within which to leave the property, and it is only some time later that you become a trespasser, if you refuse to leave. So, the example that the member for Elder and the Treasurer were trying to use is not right. The amendment I propose works, and works well.

As far as the genuine belief test is concerned, I am not proposing an unqualified genuine belief test. Under the current law (and I suggest that the Treasurer look at section 15A), members will find that a householder or anyone else who pleads self-defence but who has done so on the basis of a grossly unreasonable belief cannot take advantage of the defence. The select committee on self-defence, which included the member for Newland and the then Deputy Leader of the Opposition, the Hon. Roger Goldsworthy, was well aware that we could not have an unqualified genuine belief test for self-defence, because it would be exploited by people who are nuts: people like Mr Grosser, for instance, or people who are drunk, high on drugs or mentally ill. So, it introduced into the law two exceptions to the genuine belief test. The first was that a grossly unreasonable belief was not a sufficient defence. You cannot go into your driveway with a firearm and shoot the postie dead because you think he is a hired assassin. You just cannot do that under the existing law. That is the kind of silly example—

Mr Cummins interjecting:

Mr ATKINSON: I will come to you in a minute. The second exception was the proposal to change the law so that self-induced intoxication with drink or drugs would not be a defence to criminal action. I currently have that matter before the House in another Bill to be debated in private members' time. In conclusion, as Justice Holmes told the United States Supreme Court, the kind of detached reflection, which the Treasurer demands, cannot be demanded in the presence of an uplifted knife.

The Hon. S.J. BAKER: I will take up this issue. The honourable member is quite right when he says that, if he goes through the gate and knocks on the front door and says, 'I am the member for Spence', of course he is not trespassing: as the member for Spence he is an invitee. However, if the member for Spence says, 'I wonder whether anybody is home; I will wander around the back', it is then another question. If you do anything other than take a straight line trip to the door you are at risk of being regarded as a trespasser. Similarly, where a sign on a gate indicates that they do not want hawkers, canvassers or politicians and we go through the gate (and I have done it myself), we are trespassing. I have been warned that they do not want me, but I have gone through the gate, so I am a trespasser. When I see a 'Beware of the dog' sign on the gate I whistle, and if it does not—

Mr Atkinson: You've never gone doorknocking in your life.

The Hon. S.J. BAKER: Don't bet on it. I won't have to worry about your area, anyway. Over the years I have regarded the signs as instructional, but as the local member I have wanted to talk to that person, so I have acted as a trespasser, and I am sure the member for Spence has, too. So, we could all be considered as trespassers. Indeed, if it is late at night or under unusual circumstances and a person has a genuine belief that they are under threat, obviously we are at risk; it is the same situation. I think the member for Spence can at least understand that.

In his second reading contribution the member for Spence kept saying that the legislation used to provide a defence only on the basis of belief, whereas now it has to be modified on the basis of whether the actions were reasonable. I responded to that by saying that the honourable member's argument in the second reading debate (and he can go back over the evidence in *Hansard*) was that previously you could do whatever you liked, but now you cannot. I ask the member for Spence to reflect upon that. It was not modified in any way; he can read his statements, where he clearly stated that a householder can do anything to protect their property, irrespective of the circumstances. We all agreed that the lawyers ensure that anybody can use a defence of genuine belief, even if they really did not have one. It is a bit like having had a broken childhood where your parents assaulted you every day of the week. The issue of genuine belief is one of those very difficult matters. I also make the point that the amendment would place the status of the person who is the invitee in the same category—

Mr ATKINSON: I rise on a point of order, Mr Chairman. I understand that it is appropriate to have advisers in the Chamber to advise the Minister. Is it appropriate that they advise individual members?

The CHAIRMAN: No, it is not, really. The member for Lee is really consulting the Minister's personal adviser. The member for Spence has drawn attention to the fact that the adviser is there for the Minister's benefit, rather than that of individual members. If the adviser were in the area set aside for ministerial advisers, it would be in order for consultation to take place. Thank you, the member for Spence: the point is taken.

The Hon. S.J. BAKER: I am saying that trespass is not a straightforward issue, and that is one of the problems with the amendment. The second problem is that either you are a trespasser or an occupier of the property. I ask the member for Spence to read his amendment.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No; you become the occupier of the property. I am simply saying—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No; the amendment provides two categories—the trespasser and the occupier of the property.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is right. That then clearly provides for the situation where a person is trespassing on the property but had previously been on that property by invitation. How would the member for Spence regard a person who came onto the property with either good or bad will, who had been there before and who was regarded as a friend of the family? That occurs quite often. Is that person an invitee, an occupier of the property or a trespasser? There are numerous examples.

Under these amendments, people who are members of the extended family, friends or relatives and who walk onto a property are regarded as having the same status as the occupier of that property, and therefore they can do as the property owner would do. They are not regarded as a trespasser, but they could be there to commit an offence. We know that some of the worst assaults happen within one's family and extended family and people who are known to each other. In terms of self-defence, I think the legal minds have said to the member for Spence, 'It does not actually work.'

Mr LEWIS: I might have felt inclined to be more supportive and sympathetic to the amendment moved by the member for Spence if it had specified, in some form or other, that the person was regarded as being *persona non-grata* on premises if they were inside the dwelling and not merely on the premises. There is a difference. Most of us in South Australia, though in fewer numbers these days than previously, occupy premises that are separate or semi-detached dwellings, such that there is a good deal of space around the dwelling in the messuage, that is, the front yard, the side pathway, the driveway to a garage, and the backyard, where, to my mind, the law as written and the Bill as it proposes to amend it are appropriate.

If the circumstances to which the member for Spence wishes to address our attention and in which I am inclined to support him were to explicitly state that it was within the dwelling, I would have no hesitation in supporting him. It is possible, as you know, Mr Chairman, for someone on your block but not in your house, whilst there unlawfully, to be there perhaps without malice aforethought. It is once they get inside your shed or home, without your permission, that they are likely to be there for nefarious purposes. That is my worry. I also underline the circumstances to which I refer by making the point, for the benefit of the member for Spence, that there are circumstances in which a paranoid householder with violent intention could deliberately set a trap for some foolish miscreant to come on to premises and then to chase them around to the side of the house, away from the main pathway they would use as an invitee to either the front or back doors and there seriously injure or murder them and claim that it was an act of self-defence; that they believed the person in that location was there for reasons of burglary and that the threat that their presence in that location posed was sufficient to warrant the use of force sufficient to seriously injure and/or murder the alleged burglar. I do not want that to be the case.

I just wish we had left the law simple enough to leave it to the courts to decide what they believed was the case, rather than try to codify it in this convoluted fashion. But the member for Spence has moved an amendment, and to be able to give it serious consideration I need to know from him why he did not specify that the person had not just come on to the land around the house or the shed, and why he did not specify that it applied only once they got inside, because outside it is unlikely they would do much damage or steal much. Inside—

Mr Atkinson: What about farm machinery, such as tractors?

Mr LEWIS: That is blatant. If they are stealing farm machinery and tools they have some distance to go and you would see them do it. You can see them from a safe distance and simply run them off the road to get your goods back. I have no difficulty with that being the case, because it would be reasonable to do so. In a household situation that is not the case. The other reason why I believe it ought to be inside the premises occupied by the lawful occupier is that these days more of us are living in apartment houses and, if it is in the common corridor, the argument put by the member for Spence applies to both that common corridor as well as the balcony and the dwelling space of the individual who has separate rights to that living space, wherein it is not legitimate to respond out in the common corridor, but it is legitimate to respond once they are off the common corridor and inside your dwelling or on your balcony for whatever reason.

I would be more inclined to support the honourable member's proposition if that were clear to me. If he can convince me that I am mistaken in some way, I will be happy to reconsider my view of his amendment to that which I have just expressed. I have one other thing to say about all of this, and I refer back to what I said at the outset of my remarks: I am annoyed—indeed, very angry— at the way in which the current law has gone mad. I read in the newspaper in the past day or so that people who set out to steal marijuana plants (admittedly grown against the law) were assaulted; indeed, one person was murdered by the man who owned the marijuana plants.

Now those people who were committing a criminal act of theft can appeal under the existing law for criminal compensation and get it, and it is outrageous. That judge needs a brain transplant, he really does. He is off the planet. The kind of message which that sort of award for damages sends out is madness. The kind of message it sends to the community is that it is okay to commit a crime and, if someone is seen committing a crime that causes you anxiety and distress in the process of your committing the crime, you will be rewarded; we will feel sorry for you, and we will give you some compensation for criminal damage.

That is the kind of dilemma and problem to which I drew attention at the time I first made my remarks. That newspaper article has caused more than 10 people to ring my Murray Bridge office today to express anger at what is happening. They say, 'As a member of Parliament you have got it wrong, the Government has got it wrong, and the previous Government got it wrong. You people are taking your salary under false pretences if you allow such laws to be passed as make it possible for such stupidity to be perpetrated in the name of justice.' And they swear at my electorate assistant and, if they can talk to me, they swear at me, too. That is how strongly they feel about it.

They have had enough and they want the law to provide them with the kind of enjoyment they had in the community as they recall 15 or 20 years ago, before we started to preoccupy ourselves with the rights of wrongdoers. Most people in Murray Bridge felt quite safe, living their lives without having to lock their back door, and often never having to lock their front door.

Mr Atkinson interjecting:

Mr LEWIS: Whatever it is, there has been plenty of it before it. It all started with that dope who wore pink shorts in here, the twenty-fifth anniversary of which is in November this year—Dunstan I think his name was. If ever there was a halfwit to come into this place who took this community in the wrong direction and who is now lauded for having been compassionate and a reformer, it was that man. He might have been well-intentioned but he was certainly misguided. The consequences are far reaching and we still feel them. He is the sort of fellow who said that drug addicts have a right to be lawfully regarded as not in possession of their senses and acting in ways for which they can not be held responsible if they are under the influence of that drug.

Mr Atkinson: That is what the Attorney-General says.

Mr LEWIS: No, that is what Dunstan said; I heard him at a public rally. He said that the law should take it into consideration if people are not in control of their senses because they are under the influence of a drug. As far as I am concerned, the sooner those people's lives are ended, the less the misery will be for them and the less the misery for the rest of us whom they perpetrate. It is a pity that we have bothered to concern ourselves with such self-indulgent idiots.

Mr ATKINSON: The member for Ridley asked why I talked in my amendment of a trespasser on land of which the defendant was the occupier. The honourable member would like me to phrase it 'a trespasser in a dwelling of which the defendant was the occupier'. I see the member for Ridley's point in that it is a more serious situation for the householder if the burglar or home invader is inside his or her home than on his or her land. There is some force in that point, but it is just a question of where one draws the boundary. I have drawn the boundary at the gate. If the member for Ridley wishes to draw the boundary through the windows and the doors, I am happy to accept his amendment.

The Committee divided on the amendment:

AYES (11)

Atkinson, M. J. (teller)	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.
Geraghty, R. K.	Hurley, A. K.
Lewis, I.P.	Rann, M. D.
Rossi, J.P.	Stevens, L.
White, P. L.	

NOES (24)

Andrew, K. A.	Baker, S. J.(teller)
Bass, R. P.	Becker, H.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Leggett, S. R.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

Majority of 13 for the Noes.

Amendment thus negatived.

Mr ATKINSON: I move:

Page 3, after line 13—Insert subsection as follows:

(3A) If the defendant genuinely believed a threat to exist, the question whether the defendant's conduct was proportionate to the perceived threat is to be decided by reference to objective standards of reasonableness.

Exception—

If the defendant was acting in response to the act of a trespasser on land of which the defendant was the occupier, or a person lawfully on the land by permission of the occupier, the question whether the defendant's conduct was proportionate to the perceived threat is to be decided by reference to the defendant's state of mind so that if the defendant genuinely believed the conduct to be reasonable response to the threat, the conduct is to be regarded as proportionate to the threat.

Recently, I raised the question of what would happen if a householder were charged with injuring a trespasser being a burglar or home invader if he or she confronted the burglar or home invader in the course of the crimes being committed. The assumption underlying that question was that the householder had acted in defence of his or her person or in defence of another.

This amendment concerns defending one's property. It may be a mirror image of the previous amendment, but in my view the same considerations apply. I believe that a person's home is special. It is different from the situation on the street; it is different from an assault between a husband and wife or *de facto* partners. The home is special and ought to be treated differently under the law. The member for Norwood, who has just voted in order to magnify the rights of home invaders and burglars, is chortling up the back.

Mr Cummins: Every man's home is his castle. You must be an Englishman at heart.

Mr ATKINSON: I am trying to frame the law on the basis that a South Australian's home is his castle. The member for Norwood can vote against that if he wants to.

Members interjecting:

Mr ATKINSON: The Treasurer says that I want to murder people. Is it appropriate that one member of the House ought to be accusing another of wanting to murder people? Is it really appropriate? Is that parliamentary, I ask you, Sir? I do not know why I should be accused by the Treasurer of wanting to murder people.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: I know exactly what I am doing, because I have been studying this damned self-defence law since 1978, when Doc Connor was my criminal law and procedure lecturer. I have been thinking about it for a very long time—and members can tell that, can they not? The member for Norwood can lampoon the Opposition on the basis that we believe that a South Australian's home is his castle, but we do, and we are acting on that basis. And we will proudly tell electors in the State District of Norwood or in any other State district we have a hope of winning that we do believe that a South Australian's home is his castle.

Members interjecting:

Mr ATKINSON: The member for Norwood says that the Labor Party is in the sewer, trying to get votes by defending the values and opinions of more than 95 per cent of the electorate, so what he is really saying is that all those people—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: So, all those South Australians who believe that their home is their castle and that the law ought to protect them are sewage as far as the member for Norwood is concerned. The Labor Opposition is representing the views of more than 95 per cent of South Australians, and the Treasurer shouts out, 'You're wrong.' I am sorry: 95 per cent of South Australians cannot be wrong. We have heard a lot about the former member for Norwood tonight; we have heard a lot about Don Dunstan. We have heard from the member for Ridley that everything went wrong from the time

Don Dunstan became a Minister in this State, is that not right?

Mr Lewis: Yes.

Mr ATKINSON: Everything went wrong when 'Mr Pink Shorts' became the Premier. And now we have heard from the member for Norwood that 'Mr Pink Shorts' would be ashamed of what the Labor Opposition is doing. Which is it? Come on: what is the Government's view on this? I am sure that the Hon. Donald Allan Dunstan has enough faith in the Labor Party and the parliamentary Labor Party to abide by our policy.

Mr Evans: Read the *Adelaide Review*.

Mr ATKINSON: I have read the *Adelaide Review*, and there is a reference to it in my second reading contribution. And he does back Griffin on crime generally, but not necessarily on this. This has been the policy of the Labor Party since 1990. As the Treasurer says, we have been consistent all along. Members opposite should just wait until we start to circulate that division list. Let them wait until we start to tell the constituents in House of Assembly districts who voted which way, and then the squealing will start. It will make Doctor Bernice Pfitzner seem balanced and reasonable. You lot will start squealing, 'No, you can't publish that; you can't send that letter out. You can't talk about self-defence to the great unwashed masses who don't know what they are talking about', because we will get out those direct mail letters. We will summarise tonight's debate and we will tell the people of South Australia who stood where on the right to defend your person or property. That is what we will do.

The member for Ridley and the member for Lee did the right thing: they voted in accordance with their undertakings to the electorate. Many members of this House on the Government benches beat the law and order drum before the last election. They were all in favour of tough measures against burglars; they were all in favour of minimum sentencing; and they were all in favour of the householder's right to defend himself or herself against criminals. They were all in favour of it before the last State election but now they have voted against it. And they are down on the record. They are impaled on the division list. The member for Davenport can afford to be flippant about this, because his chief opposition will come not from the Labor Party but from a group whose position is even gentler towards criminals than that of our Attorney-General. He will be the lesser of the evils between the two main candidates in Davenport.

Mr Evans: Are you saying the Democrats are soft on law and order?

Mr ATKINSON: I am saying that the Democrats are as soft on law and order as you can possibly get. So, the member for Davenport does not have anything to worry about. But the member for Norwood, the candidate for Peake and the member for Elder—that is a different question. They have made their decision tonight. I defy them to go to their constituency and say, 'We know that 95 per cent of you support the right of householders to self-defence, but you're wrong.' I challenge the member for Norwood to reproduce the remarks of the Treasurer here tonight that 95 per cent of South Australians are wrong and ignorant. I challenge the member for Norwood to reproduce those remarks in his newsletter. He might be a great civil libertarian when he is hiding behind the column over there and twitching, looking for an opportunity for his interjections, but he will not be much of a civil libertarian on his campaign.

Members interjecting:

The CHAIRMAN: The honourable member is straying from the subject of his amendment and well into a second reading contribution.

Mr ATKINSON: I am being pulled hither and thither and I cannot resist it, Sir. Trying to get back on track, the same arguments that I applied regarding safety of the person I am now putting to you for safety of property: vote against it if you will.

The Hon. S.J. BAKER: Somehow the member for Spence seems to have this godlike impression that what he actually puts up makes sense, therefore 95 per cent of the people are behind him. I can assure the member for Spence that it does not make sense. He has zero per cent of the people behind him.

For the same reasons we said the former amendment did not work—and I suggest that the honourable member look at the former amendment—this amendment does not work, either, and if it had some genuine capacity it would have been considered. So, we are not saying that the member for Spence is totally wrong: it is just that the amendment is wrong. Further, if the honourable member reflects on his amendment and where he has positioned it, I do not know that it makes much sense, either. According to the legal advice that we have had, the amendment is wrong. I am not saying it is incompetent; it is wrong because it places people in the same category, whether the occupier or the person who visits becomes the occupier under this provision. Further, will the honourable member reflect on where he is putting the amendment in the Bill? It does not look right to me.

The Committee divided on the amendment:

AYES (10)

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

NOES (25)

Andrew, K. A.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Leggett, S. R.	Lewis, I. P.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

Majority of 15 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

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

That this Bill be now read a third time.

I would merely like to say at this stage that I am sure we will have another second reading explanation from the member for Spence.

Mr ATKINSON (Spence): The Bill is principally a question of values. It is a question of on whose side are members of the Government. Are they on the side of householders or are they on the side of the people who break into their homes? That is fundamentally what this is about.

Soon enough the question will be tested by a prosecution, and when the question is tested by a prosecution I hope to be around in politics to tell the media at that time just who it was who framed the law in such a way that a householder would be prosecuted for assault on a burglar, home invader or other trespasser, and I hope that this prosecution will arise from a home in a Liberal-held constituency because I will be able to point local people to just who the culprit is.

It is a question of values, and the Attorney-General has shown that he only has to be in a portfolio for a couple of years before he goes completely native. This Attorney-General has been captured entirely by the bureaucrats who surround him, and now members of the Government are being trooped through divisions—one division, two divisions and one more to go—not because they believe in what they are voting for, because most of them do not really understand.

Government members are doing this because a few bureaucrats in the Attorney-General's Department decided that this perfectly logical law had to change. They are also doing it because Mr Justice Lander, a former colleague of the Attorney-General at his law firm, whom he appointed to the Supreme Court and who has no particular expertise in criminal law, made an aside during argument in the Foreman case. During the Foreman case, during argument over a particularly knotty point, Mr Justice Lander exclaimed, 'Oh, this is a shocking section,' referring to section 15 of the Criminal Law Consolidation Act. He could not understand it, but the jury could. Because he made that aside, because it was read by some bureaucrats in the Attorney-General's Department, and because the Law Society and the Bar Association agreed, Liberal members of Parliament, who are supposed to stand for a firm criminal justice system—

Mr Evans: Unlike the Democrats.

Mr ATKINSON: Unlike the Democrats, as the member for Davenport says. Liberal members are going through the division galleries, supporting a Bill that is directly contradictory to their values and to the undertakings they made to their constituents. It is quite a spectacle. Who would have thought that it would be the Parliamentary Labor Party that was trying to hold a firm law and order policy on the question of burglary? Who would have thought that, say, 10 years ago? But here we are, with the roles and expectations reversed. I am happy to be where I am. I hope that you will be happy to be where you are.

Let the member for Eyre go back to Port Augusta and let the member for Florey go back to Modbury and tell their constituents the way they voted. I hope that they are proud, because their constituents are entitled to know. We have done nothing more tonight as a Parliamentary Labor Party than defend the existing law. In a sense we are the conservatives in this debate. We are defending the law as it was recommended unanimously by a select committee in 1991. This law was accepted by both Houses of Parliament, it has been in operation for six years and it has worked particularly well. The electorate is comfortable with this law. It works for them. It is on their side.

As a result of this law, Albert Geisler was not charged. As a result of this law, Mick Mattye was not charged. Tonight we have been done over. We accept our defeat. The Government has a record majority. It has 36 out of 47, and it has used that majority tonight to repeal a good and useful law, a law that works. I just hope that the conscience is clear of all those who have voted to repeal this good law, which is in accordance with the values of the public and which the public can imagine and understand (because it is their law), so that you can go back to your electorates—and you Sir, can go back to Port Augusta—and tell your constituents what you have done, because they deserve to know. Do not raise your finger, Sir, because they deserve to know.

The House divided on the third reading:

AYES (26)

Allison, H.	Andrew, K. A.
Baker, S. J. (teller)	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (9)

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

Majority of 17 for the Ayes.

Third reading thus carried.

GOODS SECURITIES (MOTOR VEHICLES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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.

The purpose of this Bill is to extend the services provided by the Vehicles Securities Register through participation in a national security interests checking system.

It is intended that South Australia will enter into a service and compensation agreements with Vehicles Securities Registers in other States and Territories that have corresponding laws. This will provide South Australia with access to security interests recorded in Victoria, New South Wales, Queensland, the Northern Territory and the Australian Capital Territory. Participation by Western Australia and Tasmania, in the future, will require those States to adopt corresponding laws.

This arrangement will effectively enable South Australia to participate in a national security interests checking system.

The Bill proposes amendments to the *Goods Securities Act 1986* to enable information on security interests on vehicles to be recorded on the Vehicles Securities Register, whether the information originates in South Australia or in those other jurisdictions with corresponding laws.

This will enable the public to determine if a vehicle is subject to a security interest in any one of the participating jurisdictions. It will benefit the general public by offering further protection against any loss due to a previous owner's undischarged security interests and subsequent repossession by finance companies. It will also further protect the interests of financiers when vehicles in which they have a financial interest are offered for sale interstate.

The Bill proposes an amendment to enable the Registrar to enter into agreements with interstate jurisdictions for the transmission of information and funding arrangements for compensation payments.

The Bill will also formally allow the Registrar of Security Interests to record stolen vehicle data supplied by the Commissioner of Police on the register as a further service to clients. This inform-

ation is recorded at present, but is not specifically provided for by the existing legislation.

Compensation agreements with participating jurisdictions are necessary to avoid applicants becoming involved in difficult across jurisdictional claims for compensation. These agreements will require South Australia to accept initial responsibility for any claim for compensation arising from any erroneous encumbrance certificate issued by South Australia, even though the interest may have been registered elsewhere. However, the agreements will allow South Australia to recover the compensation from the jurisdiction where the error in registering the security interest occurred.

Stolen vehicle information will not be subject to protection or compensation, and will be provided as an advisory service to ensure that the client is aware that a vehicle may still be subject to police investigation.

The Bill proposes that the Registrar of Security Interests be provided with the power to authorise persons to conduct Vehicles Securities Register business and that the Registrar, persons engaged in the administration of the Act and authorised persons (including authorised persons from the private sector) be protected from liability for acts or omissions in the exercise or performance, or purported exercise or performance, of powers, functions or duties under the Act.

However only acts and omissions in good faith will be protected and any right to compensation under Part 4 for loss or damage suffered as a consequence of negligent acts or omissions will not excluded, except that authorised persons will not have a right to compensation for loss or damage they suffer in consequence of their own acts or omissions or those of their employees or agents.

It is also intended to adopt a schedule of fees in the regulations under the Goods Securities Act that are consistent with the fees in other participating jurisdictions. This will allow financiers to register their interest in all participating jurisdictions for a single fee, rather than paying a separate fee to each jurisdiction.

I commend the Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation. Under the *Acts Interpretation Act 1915*, different provisions may be brought to operation on different days.

Clause 3: Amendment of s. 3—Interpretation

This clause inserts additional definitions into the principal Act.

"authorised person" is defined to mean a person who holds an authorisation under section 10A.

"corresponding authority" is defined to mean a person declared by proclamation to be a corresponding authority under a corresponding law.

"motor vehicle" is defined to mean a motor vehicle as defined in the *Motor Vehicles Act 1959* or a motor vehicle or trailer as defined in the Commonwealth *Interstate Road Transport Act 1985*. (The definition of motor vehicle in the Motor Vehicles Act includes trailers.)

The clause also amends existing definitions in the Act.

At present "prescribed goods" means—

- a motor vehicle registered under the *Motor Vehicles Act 1959* or that has been registered under that Act but is not currently registered in any State or Territory; and
- goods of a class prescribed by regulation,

but does not include goods of a class excluded by regulation.

The clause amends the definition so that—

- it covers any motor vehicle whether or not it has ever been registered in any State or Territory; and
- it applies to goods whether situated in South Australia or in another State or a Territory.

The definition of "registered security interest" is amended to remove the reference to security interests registered under corresponding laws because such interests will also be registered in South Australia.

The definition of "security interest" is amended so that it applies to security interests whether or not arising under the law of South Australia.

The clause also inserts a provision that will empower the Governor to declare a person to be a corresponding authority under a corresponding law.

Clause 4: Amendment of s. 4—The register

This clause inserts a provision to allow the following information to be included in the register:

- information about prescribed goods that have been reported as being stolen or otherwise unlawfully obtained; and
- such other information about prescribed goods as the Registrar determines may be included in the register.

Clause 5: Amendment of s. 5—Application for registration

This clause amends the provision requiring security interests to be registered in the order in which applications are lodged with the Registrar to make it clear that it applies only to security interests that are the subject of applications under section 5, not to those security interests that will be registered under section 8A because they have been registered under a corresponding law.

Clause 6: Insertion of s. 8A

8A. Interstate arrangements and registration of security interests registered under corresponding law

This section will empower the Registrar to enter into arrangements with a corresponding authority with respect to specified matters relating to the operation of the Goods Securities Act or a corresponding law. It will require the Registrar to enter in the register particulars of security interests in goods registered under a corresponding law and the making of such an entry will constitute registration under the Goods Securities Act. The Registrar will also be required to vary the register so as to reflect cancellations, or variations of particulars, of security interests under corresponding laws.

8B. Time within which Registrar must register security interests

This section provides that the Act is to be taken to require the Registrar to register security interests as soon as practicable after—

- the receipt of a due application for registration; or
- the registration of the security interest under a corresponding law.

However, no right will arise to compensation or damages under the Act or at law unless the security interest remains unregistered beyond the end of the day next following the receipt of the application or the registration of the security interest under the corresponding law.

Clause 7: Amendment of s. 9—Certificate of registered security interests

This clause removes the evidentiary provision (see the proposed section 10C).

Clause 8: Insertion of ss. 10A, 10B and 10C

10A. Registration and production of certificates by authorised persons

This section will enable the Registrar to authorise a person to do one or more of the following by electronic means:

- to register, or cancel, or vary particulars of the registration of, security interests;
- to produce certificates of registered security interests.

An authorisation will be by instrument in writing, may be subject to conditions and may be varied or revoked by the Registrar at any time by notice in writing.

The section provides that if, within 14 days after the discharge of a registered security interest held by an authorised person, the authorised person cancels the registration of the security interest pursuant to the person's authorisation under this section, the person is not required to make application to the Registrar for cancellation of the registration of the security interest.

The section will require a certificate produced by an authorised person to be in the same form and contain the same information as it would if it were issued by the Registrar on application under the Act.

An authorised person will not have a right to compensation under Part 4 of the Act for loss or damage suffered in consequence of an act or omission of the person or an employee or agent of the person.

10B. Inclusion of further information in certificates

This section will permit the following additional information may be included in a certificate issued by the Registrar or produced by an authorised person under this Act in respect of prescribed goods:

- any information in the register indicating that the goods have been reported as being stolen or otherwise unlawfully obtained;
- any other information included in the register in relation to the goods.

However, the section provides that neither the inclusion of additional information in, nor its absence from, a certificate issued by the Registrar or produced by an authorised person

under the Act will give rise to any right to compensation or damages under this Act or at law.

10C. Evidentiary provision

This section provides that in legal proceedings an apparently genuine document purporting to be a certificate issued by the Registrar, or produced by an authorised person under the Act, will be admissible as evidence of the matters specified in the certificate other than matters as to which information the Act does not require to be included in the certificate.

Clause 9: Insertion of s. 10D

10D. Application of Part

This section provides that Part III of the Act relating to discharge and priority of security interests will—

- apply only to prescribed goods that are for the time being situated in the State; and
- extend in its application to security interests in motor vehicles that were not prescribed goods within the meaning of this Act when the security interests were created as if the meaning of "prescribed goods" had when this Act was enacted included any motor vehicles.

Clause 10: Amendment of s. 14—Compensation

This clause makes an amendment that is consequential on the provisions about authorised persons.

Clause 11: Amendment of s. 15—Payment of money into and out of Highways Fund

This clause provides for payments received under interstate arrangements to be paid into the Highways Fund and for payments required to be made under such arrangements to be paid out of the Fund and to require the Commissioner of Highways annual report to the Minister to include statements about such payments.

Clause 12: Insertion of ss. 16, 17 and 17A

16. Protection from personal liability

This section provides that no liability is incurred for an act or omission by the Registrar, authorised persons and persons engaged in the administration of the Act in good faith in the exercise or performance, or purported exercise or performance, of a power, function or duty under the Act. However this section does not exclude any right to compensation under Part 4.

17. Unauthorised access to or interference with Register

This section will make it an offence for a person to do the following without the authority of the Registrar or other lawful authority:

- obtain access to the register or information in the register; or
- make, alter or delete an entry in the register; or
- interfere with the register in any other way.

The proposed maximum penalty is a $5 000 fine or imprisonment for 12 months.

17A. Falsification of certificate, etc.

This section makes it an offence for a person to forge or falsify a certificate or other document under the Act. The proposed maximum penalty is a $5 000 fine or imprisonment for 12 months.

Clause 13: Insertion of s. 21A

21A. Account customers

This section will enable the Registrar to authorise a person to be an account customer for the purposes of the Act and make arrangements for the person to pay, on a monthly or other basis, any fees payable by the person under the Act.

An authorisation will be by instrument in writing, may be subject to conditions and may be varied or revoked by the Registrar at any time by notice in writing.

The section also contains a provision to enable the recovery of fees payable by account customers by the Registrar as a debt by action in a court of competent jurisdiction.

Mr CLARKE secured the adjournment of the debate.

SUBORDINATE LEGISLATION (COMMENCEMENT OF REGULATIONS) AMENDMENT BILL

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

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 1224.)

Mr ATKINSON (Spence): The Opposition supports most of the Bill in the form in which it arrives from another place. The Bill makes about a dozen significant changes to the Act. It is my experience that all members of Parliament are equally interested in the Electoral Act, so I expect contributions from many members. The first change is that the salary of the Electoral Commissioner and his Deputy will again be determined by the Remuneration Tribunal and not by Executive Council. The Attorney says that this is to enhance the independence of those officers from the Executive Government. We have no difficulty with this.

The second change involves those people who enrol to vote and write on the enrolment form their sex, date of birth and country of birth. This information is called non-public information, because it does not appear on the published electoral rolls. We are not entitled to have access to this information, and it does not appear on Feedback or in ElecTrac. The Electoral Department provides this information to the police, to the Sheriff's Office and the Health Commission, among others. This disclosure must be authorised by Cabinet's privacy committee. The Government wants to formalise this by amending the Act to authorise disclosure to authorities prescribed by regulation. The Attorney says that, when enrolment forms are next printed, all the authorities that are entitled to have this information will be mentioned on the form. As a member of another place, the Attorney may not have had occasion to handle an enrolment form for the past 20 years, but if he remembers their size and looks at the list of authorities in appendix 12 in the report of the Electoral Commissioner, Parliamentary Elections, 11 December 1993, he might wonder how they will all fit on the form. Members may recall the controversy about the Northern Territory Chief Minister's Department supplying non-public information to the Queensland direct mail firm employed by the Country Liberal Party's candidate for the Federal division of the Northern Territory, Mr Nick Dondas.

Thirdly, under this Bill, a registered officer of a Party may nominate, on the same nomination form, all the candidates for his or her party for the Legislative Council and the House of Assembly. This would dispense with the Assembly requirement of nomination to the local returning officer by two electors in the State district for which one is nominating. Under this Bill it is up to the registered officer to apply for the printing of the Party name on the ballot-paper and to lodge voting tickets. Members should know that, where a voter either ticks the box next to the member's name or just places an 'X' or a '1' and does not fill in the other boxes, that vote is informal, unless the candidate has lodged a registered voting ticket, in which case that informal vote can be rendered formal by reference to the registered ticket.

Under the Bill, bulk nominations need to be in 48 hours before ordinary nominations close. That seems to me a reasonable requirement. Party endorsed candidates can still arrange their own nomination independently of the Party nomination if they so wish. A fourth aspect of the Bill is that, when the Party supplies the Electoral Office with its how to vote cards for the Legislative Council and all the Assembly districts it is contesting, the office shall, instead of sending bundles of how to vote cards to returning officers for them

to pin up in the booths, print a colour poster containing all the registered cards. The cards on the poster may be reproduced in smaller size, owing to the need for the poster to fit in the booths. I presume the more candidates in an election the smaller each how to vote card will have to be to fit on the poster.

It was the experience at the last election for the Legislative Council that there were so many candidates that the voting tickets were on a sheet so large that it could not fit in the booth. As you came into the booth and you looked up from where you write, the poster could not fit in that area. In fact, it had to be pinned so that some of it extended above the level of the booth, and some of it had to be wrapped around the side of the booth. If you were a candidate in a position on the ballot-paper where your part of the poster was bent around to the left or right of the polling booth, you were not in such a good position. The Electoral Commissioner proposes to reduce the poster in that example to a size that fits neatly within the booth.

The fifth aspect of the Bill is that, if an elector has his or her address suppressed from publication on the electoral roll, his or her name may now be added to the list of automatic postal declaration voters to obviate the need to report to a polling booth and recite name and address to one of the booth officers in front of other people. The Electoral Commissioner writes in his report:

> Feedback from State returning officers indicates that there is a reluctance on the part of some silent electors to provide their address to polling officials when completing the declaration vote certificates. This leads to rejection of the certificate at the preliminary scrutiny.

What happens is that the silent elector will not recite his or her address to the polling official for fear that someone hostile to the silent elector will overhear the elector reciting his or her address and will recognise that person. Therefore, because the silent elector will not recite his or her address, the vote is invalid. This amendment tries to address that. Of course, the silent elector does not have to take a postal vote. If he or she wishes, they can still turn up at the booth and cast their vote in the ordinary way. However, if the silent elector wants to have an automatic postal vote, he or she can now command that under this Bill. Previously, a silent elector would not have been able to have a postal vote unless he or she could establish a right to one under the existing grounds.

The sixth change would be of interest to you, Mr Speaker, as the member for Eyre. I am reluctant to make any commentary on your role as the member for Eyre for fear that I will be pulled up or forced to apologise, as I was during the last sitting week for making some remarks on comments you had made publicly as the member for Eyre. Of course, on that occasion, I willingly apologised. In any event, this will be of interest to you, Mr Speaker. Mobile polling booths may now take votes up to 12 days before polling day. The reason for the amendment is that, as you would well know, Sir, it will allow mobile polling in Stuart and Giles to be done by motor vehicle rather than aircraft. That aircraft was needed on one of the runs when votes could be taken only in the four days before polling day. Because the Electoral Office will now have more time to do mobile polling, Sir, your constituents will be able to vote earlier—

Mr Clarke: More often?

Mr ATKINSON: Not more often, but earlier—and the Electoral Office will be able to get those mobile booths out by vehicle and accommodate your constituents, Sir. We can call this the 'member for Eyre amendment' and are happy to support it.

The seventh change is that an invalid elector may vote from a vehicle in which he or she has travelled to the polling booth or in some other location close to the booth. Those members who hand out how-to-vote cards will have seen very elderly and frail people come to the polling booth in a car. They are not in a fit state to go further into the polling booth, so the returning officer does the sensible thing and brings out their ballot papers to them. Normally, the polling official will do that in the presence of Party scrutineers. It is not actually allowed under the Act, but now we are amending the Act to authorise that very sensible conduct, and I support that.

The eighth change is rather difficult to follow, but I will explain it as simply as I can. It covers the situation where an elector moves from his or her home to another address in the same State district. Let us say someone lives in Port Augusta and moves to Leigh Creek or Hawker and they ask for a vote on the basis of their Leigh Creek address. The voter is given a declaration vote, their ballot papers are placed inside a brown envelope and their Hawker address is written with their name on the outside of the envelope. At the scrutiny, when the address on the declaration vote envelope does not match the electoral roll, their vote is lost; it is not counted, because it does not match—or correspond, in the lingo—with the enrolment address. The same thing happens in other electorates. For example, one of my constituents moves from Beverley to Kilkenny, does not change his or her enrolment before the election, goes along to vote at the Kilkenny booth and gives the Kilkenny address, having forgotten that they are enrolled at the Beverley address. If their Kilkenny address appears on the outside of the declaration envelope, their vote is lost. Of course, if they remember what address is on the electoral roll and give that address, they are fine.

This Bill changes that to allow a declaration envelope address which is still in the same State district, so the vote is preserved, is validly cast and is counted. That brings the State Act into line with the Commonwealth Act because, for a long time, if you made that move from Port Augusta to, say, Port Lincoln in the Federal division of Grey, voted there with the Port Lincoln address and that is the one that ended up on the outside of the declaration vote envelope, when you were not found on the roll, your vote would be valid under Commonwealth law because of your Port Augusta enrolment. That has been the case for a long time, so the vote will be accepted, provided the address on the declaration vote envelope is in the same State district as the enrolment address.

These informal votes have been a problem for a long time. Up to 15.5 per cent of declaration votes are rejected as informal, and a substantial proportion of those are rejected because of non-correspondence in the address. The problem is far more frequent in the country than it is in the city. This change was supported by the Electoral Commissioner, who commented on it at some length in his report, but he actually went a little further. He stated:

> Unlike the State Act, the Commonwealth Electoral Act does not impose such a stringent test of acceptance upon 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, then the House of Representatives and Senate ballot paper may be accepted to further scrutiny. Furthermore, in the event that the elector is found to be enrolled in another electoral division in the same State, then the Senate ballot paper may be subjected to further scrutiny.

This is a very important point, because many people who cast a declaration vote for their current address and who are not on the electoral roll are enrolled in another State District or Federal Division and, even under this amendment, their

House of Assembly vote will not count. Under the practice of the Electoral Office now, their Upper House vote is lost, too, merely because they were not enrolled for the correct House of Assembly District. In the Senate it is different: their vote is preserved for the Senate under the Federal rules, but under the State rules their Legislative Council vote is lost. That seems unfortunate to me. It seems to me that, if you happen to be living in Port Augusta but are enrolled in Port Lincoln so you lose your State District vote, that is fair enough, but why should you lose your Legislative Council vote? I am pleased to say that in another place the parliamentary Labor Party picked up the Electoral Commissioner's recommendation on this and amended the Bill, so now it is in a form where the Upper House vote is saved, and that is a very good thing.

The ninth feature of the Bill is rather more controversial. The current Electoral Act provides for fines if a court decides that an electoral advertisement is inaccurate or misleading to a material extent. It is the practice of the Electoral Commissioner to tell a candidate or registered Party officer that he thinks an advertisement offends against the Act and to give him or her a chance to withdraw that advertisement. The Bill puts that in legislative form but in addition gives the Electoral Commissioner authority to request the publication of a retraction in specified terms, manner and forms. Before that request can be enforced, the Supreme Court must hear the matter and be satisfied beyond reasonable doubt that the advertisement is inaccurate and misleading to a material extent. This is the burden of proof required of the prosecution in criminal trials.

It is an onerous requirement on the Electoral Commissioner, but under the current legislation the Electoral Commissioner can punish a candidate or Party merely by telling the media his opinion. Now, he can approach the court to seek a retraction. The mere fact that the Electoral Commissioner thought the advertisement was misleading and was approaching the court would be very damaging to the person who was the defendant in such a case. It gives the Electoral Commissioner a lot of power. I hope he would not use it on you, Sir, as far as your promises on law and order are concerned. I would not want you to face the court during an election period.

The SPEAKER: I would not want the honourable member to reflect on the Chair, either; the consequences for him would be quite horrendous.

Mr ATKINSON: As the member for Eyre, Sir. Of course, as Speaker you would never mislead anyone.

The SPEAKER: I am pleased that the honourable member understands the Standing Orders.

Mr ATKINSON: Mind you, if the Electoral Commissioner failed to discharge the burden of proof before the Supreme Court, it might be deuce: Electoral Commissioner, 40; candidate, 40. The Electoral Commissioner certainly did not recommend this amendment. In his report, the Electoral Commissioner said:

> Dealing with complaints is extremely time consuming and one can only hope that briefing sessions with candidates and parties at which they are told what is acceptable and what is not will reduce the number. Publicly investigating complaints during the election period can of itself affect the outcome of an election. However, those being challenged must be given the opportunity to correct the matter.

He further states:

> Consequently I see no need to review the approach outlined in Parliament by the former Attorney-General [the Hon. Chris Sumner].

The Government does not have the support of the Electoral Commissioner on this one. The Government is giving the Electoral Commissioner authority that he does not want. He does not want to be involved in squabbles between politicians at election time. It is the last thing he wants to be involved in, but now the Government is pitching him into that against his consent. It is all very interesting, because these kinds of changes have a habit of boomeranging on the people who move them. It might just be that the Government thinks it is terribly smart by introducing this into the Electoral Act, but it might find itself, when it runs the mother of scare campaigns against the Labor Opposition at the next State election, called upon in the Supreme Court to justify its electoral claims.

Some of us can remember the campaign run by the Fraser Liberal Government against Bill Hayden's Labor Opposition on capital gains tax in 1980. It was a pretty effective smear campaign and it turned things around for the Fraser Government in the last few days of the campaign. I would not want to have been the person who designed those advertisements if this had been the law in 1980 because they would have been called upon to justify their claims. If the State Government, the Liberal Party, is aiming to run the mother of smear campaigns against the Labor Opposition at the next State election, it is really cramping its style with this one. I would not be doing it if I were the Liberal Party.

I cannot let the opportunity pass without making a few remarks about the Hon. Dr Bernice Pfitzner and this particular section of the Act. On the Social Development Committee of this Parliament, the Hon. Dr Bernice Pfitzner took a position on legalised prostitution and brothels in industrial and commercial areas. That committee's report has been tabled in the House and noted. The Hon. Dr Bernice Pfitzner—

Members interjecting:

Mr ATKINSON: I stand corrected by the members for Unley and Davenport, partners in crime. The report has not been noted but it is in the process of being noted. We have been debating that in private members' time. The Hon. Dr Bernice Pfitzner is on the record as supporting the concentration of brothels in industrial and commercial areas of Adelaide. That is what her report is all about.

An honourable member interjecting:

Mr ATKINSON: I was on the committee for two years; I know a bit about it. When the Labor candidate for Peake took the Hon. Bernice Pfitzner's recommendations on prostitution—

Mr Lewis interjecting:

Mr ATKINSON: I think it is. The member for Peake took the Hon. Dr Pfitzner's recommendations and told the people of the industrial and commercial suburbs of Mile End, Thebarton, Torrensville, Hindmarsh and West Hindmarsh just what she was recommending, and you would not have believed the uproar from the honourable doctor. The Hon. Dr Pfitzner said, 'Don't go and tell my constituents what I am doing in Parliament. You have no right to do that.'

Mr Lewis: We could put them in licensed premises and give a whole new meaning to the word 'pokies'.

Mr ATKINSON: I thank the member for Ridley for that interjection. I would like it on the record. I will take that one, thanks.

Mr Lewis: You wouldn't know whether you were coming or going.

Mr ATKINSON: I do not want to respond to that. I have nothing to say, but—

The SPEAKER: Order! The member is highly disorderly.

Mr ATKINSON: —for posterity it ought to be on the record. When the Labor candidate for Peake told the people of the electorate he was contesting what the Hon. Dr Bernice Pfitzner was doing in Parliament and on a parliamentary committee, she was horrified. At first she thought a candidate had no right to tell people what a member of Parliament was doing. She claimed it was a breach of parliamentary privilege. Can you believe it? Then she said it was defamatory, and then she said it must be contrary to the Electoral Act, whereupon the Attorney-General had to tell her that, of course, the Electoral Act does not apply to materials issued before the issuing of the writs. The Hon. Dr Bernice Pfitzner is now proposing that this Bill be amended so that we have Singapore-style electoral campaigning, whereby you cannot criticise sitting members of Parliament.

Mr Lewis: That is a fine city.

Mr ATKINSON: Yes, it is a fine city. It works pretty well, but I do not like its electoral law much, and I do not propose to support it here. It is good that the Liberal Party has not agreed to any of the Hon. Dr Bernice Pfitzner's proposals, and I congratulate the Liberal Party on that. Good on you; you have done the right thing; you have told her where to go.

Mr Evans interjecting:

Mr ATKINSON: You are right. I believe in freedom of political speech; and I do not believe that the clause about which I am talking seriously infringes it. I am not in favour of the clause myself, but I really think it is a good thing that we can freely debate political issues, such as prostitution and the law of self-defence, and that we can send letters to our constituents informing them where certain people stand on these issues. That is good.

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley is right. It is the Hon. Dr Bernice Pfitzner who stands for concentrating brothels in the electorate of Peake: it is not the Liberal Party generally. But if the Hon. Dr Bernice Pfitzner had had her way, it would have been a criminal offence even to place letters into the electorate of Peake informing constituents about what she had done in Parliament. I am glad the member for Unley accepts the distinction I am making. Thank you. I am glad he is on my side against the Hon. Dr Bernice Pfitzner.

Mr Brindal interjecting:

Mr ATKINSON: The honourable member has had a bad night.

Mr Brindal interjecting:

Mr ATKINSON: That is not what I heard. I would love to see an action replay of that meeting.

The tenth change to the Act was a proposal from the Government that it no longer be an offence for a person to advocate publicly abstention from voting, marking a ballot paper informally or refraining from marking a ballot paper. Since the last is not and never has been an offence, the Attorney is proposing to drop as an offence to advocate publicly not marking one's ballot paper having, of course, fulfilled the requirements of the Act by attending the booth, being crossed off and accepting the ballot paper.

I do not really have an argument with that, but I do have an argument with its no longer being an offence to advocate abstention from voting. I quibble with that, because the law of this State is that it is compulsory to attend a polling booth.

Mr Evans: Not to vote.

Mr ATKINSON: Not to vote, but to attend a polling booth, have your name crossed off and accept the ballot paper. Once this clause goes through, if it goes through in its current form, the Liberal Party will run abstention campaigns in many places in the State.

Mr Brindal: Why?

Mr ATKINSON: Because there are many places in the State where it is to the advantage of the honourable member's Party that the turnout be considerably lowered.

Mr Brindal: Where?

Mr ATKINSON: Unley for one, and just about every marginal electorate.

Mr Evans: Why?

Mr ATKINSON: The member for Davenport interjects 'Why?' The likelihood is that, although the Liberal Party in this State advocates voluntary voting, it is not going to get its way because the Parliament as a whole is not willing to abolish compulsory voting. In those circumstances, the Liberal Government is trying to undermine the requirement of compulsory voting, and one of the myriad of ways in which it is trying to do that is by repealing the offence of advocating abstention from voting, or making that offence so trivial—an expiable offence—that Mr Pigott, Liberal Party State Director, on Greenhill Road, can run an abstention campaign over vast areas of the State and then pay a $10 expiation notice for his trouble. While compulsory voting remains the law of this State, I believe it ought to be an offence to run an abstention campaign. So, the parliamentary Labor Party does not support this change.

That deals with those changes that have been made by the Bill. Of course, later on we will have a debate in Committee when the Treasurer tries to insert voluntary voting yet again. There are a number of other recommendations in the Electoral Commissioner's report that I want to deal with, because some were not taken up by the Government and I think that some should have been. Some of them are not the sorts of things that need to be included in legislation. I shall deal with some of those sundry points.

First, the Electoral Commissioner points out that, for the first time, in the December 1993 general election, joint polling booths were introduced. What is a joint polling booth? It is a polling booth at which electors from two different State districts can vote.

Mr Evans: Two or more.

Mr ATKINSON: That is getting a bit unwieldy. But where a polling booth is on a boundary between two State districts, it seems to me a quite sensible provision that people from a neighbourhood who have habitually voted at that booth will continue to vote at that booth irrespective of the State district in which they now fall. It is a very sensible provision. We have two of those joint polling booths in Spence. One is at the Woodville Primary School, where one can vote for Lee or Spence, and one is at the Croydon Park TAFE College in Goodall Venue, Croydon Park, where one can vote for Price or Spence. People come in from the area surrounding the booth and they are directed by a polling official, depending on where they live, to the Price table or to the Spence table. So those people, irrespective of the traumatic changes in electoral districts which were effected as a result of the 1991 referendum, can vote at a booth with which they are familiar. It is a sensible provision, and I congratulate the Electoral Commissioner on doing it.

Of course, this can go too far. I heard the possibility that there would be eight or nine joint polling booths in the State District of Wright. Clearly, that would be ridiculous. Given that electoral boundaries will now change every four years, it seems to me sensible to at least keep the polling booths in

the one place. Electoral boundaries may come and go but the booths stay in the one place, and that is what people want. People are inconvenienced by having booths shifted. Voters hate booths being shifted. So let us try to keep them in the one place. It is a good initiative, and I congratulate Mr Becker. I also congratulate him on his appointment of multilingual polling booth staff. I know that he made a special effort in the electorates of Price and Spence to provide Vietnamese speaking people on the polling tables, and that is a good thing.

The Electoral Commissioner canvassed the idea of increasing the number of nominators required for a person to be nominated for a State district. I do not know what my colleagues on either side think, but I think it is a good idea. At the moment, all you need is two nominators from a State district. My view is that that ought to be larger. What about a dozen? What about 25? If you are to stand for an electoral district with 22 000 voters—and probably a population closer to 28 000 or 30 000—why should you not get a few more people nominating you? It seems to me that there are a lot of frivolous candidates around, especially Australian Democrats, who do not have any real support in the electorates they are contesting—

Mr Lewis: Do you think they do it for fun?

Mr ATKINSON: Yes. They get a couple of people to nominate them—perhaps a family member or a distant relative—and they are on the ballot paper. My view is that, if you are to put yourself up for election in a district with 22 000 voters, you ought to get at least a dozen people signing your nomination form. When I ran for Spence at the last general election, I was nominated by 17 people—one from every suburb in my State district. I attached some extra paper to my nomination to fit them all in. It seems to me that two nominations is a small number required to contest a State district. Why do we not increase the number required to nominate people for the Legislative Council? After all, there are about 1 million voters. Surely candidates for the Legislative Council could find more than two people to nominate them.

Mr Clarke: Would legislative councillors know more than two ordinary citizens?

Mr ATKINSON: It might get them off their backsides and out there meeting a few people. We should put the requirement for Legislative Councillors up to 100 or 200 people and get them moving. The Electoral Commissioner says that to every booth he sends out 10 ballot papers for the other 46 State districts in the State, and he sends out in that package 10 blank ballot papers. If the ballot papers for any particular district run out, the polling officer can fill in manually the names of the candidates for that district and people can vote on that ballot paper.

It seems to me that that will not always work. Sometimes, a polling booth in a State district will be very close to the border with another State district. Unless that polling booth is a joint booth, many people from the adjacent district will cross the border and vote absentee in the nearest polling booth, which may be in another State district. Therefore, if the Electoral Commissioner checks, he will find many booths in the State where polling officials will run out of ballot papers for the immediately adjacent State district, because there are so many declaration voters from that State district. I put to him that it may be wise to send out more than 10 ballot papers in the case of an immediately adjacent State district.

Another innovation that the Electoral Commissioner proposes for the next State election is the faxing of results from the returning officer to the tally room. That seems a quite sensible idea, rather than giving them over the phone. Faxes are a safer means of transmission, and this method does not risk misunderstanding. The current practice is that, before a returning officer contacts the tally room on election night, he or she has to have three booth results. The Electoral Commissioner is saying that as far as he is concerned he would like them to contact the tally room as soon as they get even one result. I am sure all members are so eager to get the result that that is what we would much prefer, and that seems a sensible suggestion. In his report, the Electoral Commissioner goes on to say:

> In order to provide an early assessment of the likely result of an election, the Australian Electoral Commissioner has developed computer software which compares a particular candidate or political Party's results for the same polling booth at the current and immediate past election. It is understood that this method of matching polling booths produces a stabilised swing trend after about 15 per cent of the total ordinary votes are counted.

It seems to me that, if the returning officer for the State District of Ross Smith was minded to convey to the tally room results for places such as Enfield South and Prospect, where the current member for Ross Smith received a caning at the last State election, and wished—

Mr Clarke interjecting:

Mr ATKINSON: The current member for Ross Smith lost those polling booths spectacularly to the Liberal Party at the last election. If the returning officer were to convey the results at this year's State election for those booths to the tally-room early on, it would become clear that, because the member for Ross Smith (the sitting member) was winning those booths, he was well on the way to victory in the whole electorate.

Ms Hurley interjecting:

Mr ATKINSON: As the member for Napier says, win them he will.

Mr Evans interjecting:

Mr ATKINSON: The member for Davenport interjects 'software error', but I am sure that the member for Ross Smith this time around will win all his polling booths, after being the first Labor member for Ross Smith to lose a booth in the history of the seat!

Members interjecting:

Mr Clarke: Mind you, you'll probably slip in your booths.

Mr ATKINSON: I have to say that I did not lose any polling booths—not one. The member for Price unfortunately did lose a polling booth, Woodville Road. That was very unfortunate.

Members interjecting:

Mr ATKINSON: Some of us had a clean sheet. I should add that the member for Price got a much better overall result than I did.

Members interjecting:

Mr ATKINSON: The point is that I do not have the Woodville Road booth now. At page 51 of his report the Electoral Commissioner says:

> Before a declaration vote can be admitted to scrutiny, a returning officer must be satisfied that the person casting the vote did not also vote as an ordinary voter.

This is a very important practice, and callers to talkback radio often say, 'I went to vote at 8 a.m. In the last general election the polling official asked me had I previously voted in the

election. How could I have previously voted in the election when I voted at 8 o'clock on the knocker?' The polling official's question is quite reasonable: the person could have cast a postal vote. That is the reason why it is essential for that question to be asked.

The Hon. S.J. BAKER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

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

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

Motion carried.

Mr ATKINSON: The Electoral Commissioner in his report (which I urge all members to read because it contains some fascinating detail) notes that three of the results in State districts were declared in sitting members' electorate offices. Quite rightly, the Electoral Commissioner frowns on this practice because, as he says, it would be most intimidating for losing candidates to have to attend the electorate office of winning members in order to go through the declaration of the poll ceremony. I agree with that and hope that that practice is not continued by any returning officer.

At pages 57 and 58 of his report he notes an anomaly in the counting of votes for the Unley State district and says:

During the deliberations of the Electoral Districts Boundaries Commission, which is required by the Constitution Act to commence redistribution proceedings within three months after a general election polling day, an error was discovered in the district of Unley result. In analysing the results provided by the Electoral Office the Boundaries Commission observed a wide variation between the two-Party preferred ordinary and declaration vote results. These results showed that on a two-Party preferred basis the ALP candidate received 38.16 per cent of ordinary votes and only 17.46 per cent of declaration votes. Conversely, the Liberal candidate received 61.84 per cent of ordinary votes and 82.54 per cent of declaration votes. The returning officer subsequently reviewed his election return and discovered that a transposition error had occurred in the tabulation of results of the last excluded candidate. After correcting the transposition the ALP and Liberal candidates received 40.16 per cent and 59.84 per cent of the total declaration votes respectively.

The difficulty with that kind of error is that, by the time the error came to light, I think that the preselection transactions for those seats may already have been completed, so in the Labor Party we assumed that the State district of Unley was a district that required an 11 per cent swing for Labor to win. In fact, when you changed the results it was only a 9 per cent swing required to win, so that really affected the way the Labor Party viewed the State district of Unley as an electoral prospect and may have influenced the preselection for that seat. It was a very unfortunate mistake and I hope that such a mistake does not occur again.

Among politicians there is often a fear of what is called multiple voting and cemetery voting: first, that someone associated with one of the candidates is voting at two or more of the polling booths for that candidate; and, secondly, the idea that some candidates may keep a record of the people who have died in their constituency but who have not had their name removed from the electoral roll. I must confess that I keep a record of that. I read the death notices and funeral notices every morning, and when I go to my electorate office I mark off the people who have died—for the very legitimate purpose that I do not want to send those people mail and cause distress to their relatives.

[Midnight]

Mr Evans: How do you know the addresses?

Mr ATKINSON: Unlike the honourable member, I doorknock my electorate so thoroughly and I know so many people—and I live in my electorate—that when I am reading the death notices I recognise the person's name and, if they are a friend of mine or known well to me, I attend the funeral and I mark their name off the electronic roll because I do not want to be sending those people electoral material and causing distress to their relatives. There are probably more than 100 people in my constituency who have died but who remain on the electoral roll. If I were a wicked person, I could arrange for people to vote on their behalf at the election, but clearly that would be an improper thing to do and I do not believe that any member of Parliament or any candidate goes to the extent of arranging that kind of electoral fraud.

The idea of cemetery voting is a furphy. I do not think it happens. I am pleased to say that, after I had thought about this, I read the Electoral Commissioner's report and I notice that he does what I do. His staff survey the death notices from the time the election is called, they make a list of people who have died since the election was called and they check to see whether someone has voted in their name. Indeed, the Electoral Commissioner found no evidence of cemetery voting. The case of multiple voting is a little different. The Commissioner states:

However, in the case of one elector, who was recorded as having received ordinary ballot papers at five polling booths in the district of Bright, the Crown Solicitor was requested to inquire into the matter. That investigation involved interviewing the elector but the evidence obtained was insufficient to sustain a case for breach of section 124.

Members might ask, after votes have been cast in five different polling booths for the one name, how was it impossible to go on with the inquiries. The Crown Solicitor gives the answer as follows:

The only real evidence we have are the marked copies of the certified list of electors from the various booths. Unless you are able to identify each of the persons marking (the elector's) name off each of those lists and unless (the elector) is known to each of those persons, there is no way of establishing beyond reasonable doubt the identity of the person or persons involved in this occurrence.

It seems to me that the Electoral Commissioner is saying that there is no safeguard in our Electoral Act against multiple voting. I would certainly hope that multiple voting does not become a common practice.

The Electoral Commissioner talks about informal voting and he mentions that the informal vote was lowest in the State districts of Heysen and MacKillop and highest in the State district of Hartley. It appears that the informal vote is 50 per cent blank ballot papers or ballot papers with a line through them. The rest of the informal voters are trying to vote after their own fashion but they fail to succeed. When people—

Mr Evans interjecting:

Mr ATKINSON: The member for Davenport interjects again, but there are only two types of informal voting. There is the informal vote where an elector has tried to vote by placing numbers or marks in the boxes and has failed to cast an effective vote. The second type of informal voting is where the elector did not want to vote at all, did not want to be there, was not interested and did not attempt to cast a formal vote. If the member for Davenport had done any scrutineering in his political career—if he had done the hands-on jobs, the tough jobs— he would know that there are only two types of informal vote.

Mr Evans: There is the deliberately informal vote.

Mr ATKINSON: Yes, of course, there is the deliberately informal vote.

Mr Evans: That's the third type.

Mr ATKINSON: No, I have already covered that type of vote. They are the ones with blank ballot papers, a slash through the ballot paper or dirty remarks on the ballot paper.

The Hon. H. Allison interjecting:

Mr ATKINSON: For the information of the member for Gordon, the member for Davenport is listening intently and interjecting throughout, and I would hope that the honourable member is listening, too. The Electoral Commissioner also undertook a study in cooperation with the Parliamentary Library on the donkey vote and found that the donkey vote (that is, voting straight down the ballot paper) varied between 0.6 per cent and 1.3 per cent. I note at this stage that it is a tragedy that the practice of placing the names on the ballot paper in alphabetical order has been discontinued in favour of drawing by lot.

I mention two more matters. First, the Government takes the view that street order electoral rolls should not be available to people other than politicians. That seems a fair enough restriction because they might be misused for commercial purposes, but it seems to me from the way in which the Government has drafted this Bill that it makes electoral rolls generally an exempt document under the Freedom of Information Act and I do not see any reason why a member of the public should be denied under that Act an alphabetical electoral roll. I do not see the point of that. I would have thought the vice with which we are trying to deal is commercial organisations trying to get hold of a street order electoral roll or the electoral roll on disk in street order. As the Electoral Commissioner points out, though, if a person wants to change an alphabetical roll on disk into a street order roll, all he or she need do is reformat that, which is a fairly simple thing to do these days.

Last but not least, it is common for candidates in the hothouse atmosphere of an election period to complain about direct mail issued by a rival candidate where that direct mail does not contain the words 'authorised and printed. . . '—by Joe Bloggs of such and such an address. That is a frivolous complaint. It seems to me that with direct mail one would have the name, address and the signature of the person who is issuing the direct mail and, in those circumstances, there is no difficulty, as such a letter does not need to be authorised, because one knows who the person issuing the letter is. The Labor candidate for Peake, Tom Koutsantonis, is issuing a direct mail letter this week to people all across the Peake electorate on a particular issue, and it would be entirely superfluous for Mr Koutsantonis to have at the bottom of that letter 'Authorised by Tom Koutsantonis, 20 Harris Street, Netley'. There would be no point in that because the letter is signed by him and it is over his name—

Mr Becker interjecting:

Mr ATKINSON: Personally signed, as all my letters are, I can tell the member for Peake.

Mr Becker interjecting:

Mr ATKINSON: No, signed by me. In conclusion, the Opposition supports the Government's Bill by and large. We doubt that the provision on the Electoral Commissioner's applying to the Supreme Court on false or misleading advertising is a good idea. We do not particularly like the idea of the Liberal Party being able scot-free to advocate that people abstain from voting at the next State election. We are not particularly pleased with that amendment and, of course, we will resist all the amendments to be moved by the Treasurer in Committee trying to reinsert provisions to bring about voluntary voting. With those exceptions, the Opposition supports the Bill.

The Hon. S.J. BAKER (Treasurer): I will simply make two remarks: first, I note the comments of the member for Spence, who takes a long time to explain himself; and, secondly, I was fascinated with his analogy about electoral advertising and the extent to which the Bill might slow down the misrepresentation that normally dominates ALP advertising. I found it interesting that he resents the fact that the Government wants to see a little more honesty injected into ALP advertising, although I can understand that he would not necessarily be a strong supporter of it. I reflect on some of the statements made about brothels because, if there had been an election campaign, that area might have been suspect, as the member for Spence would well recognise.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I believe that would be subject to some tests of honesty in advertising.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That has nothing to do with it, as the member for Spence well knows. I have noted the second reading debate of the member for Spence and I suggest that we deal with these matters in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Provision of information to prescribed authorities.'

Mr LEWIS: This clause provides that the Commissioner may on application by a prescribed authority—and, as I understand it, that means by regulation—provide that authority with information about the gender, the age and the place of birth of an elector. The second part provides that the Electoral Commissioner may charge a fee to be determined by the Electoral Commissioner for the provision of information under this section. A few years ago the electoral roll was prepared in a form that enabled us to determine the gender of a person, and moreover the information about age, that is, date of birth, and place of birth, could be obtained. Now that is not possible. I am fed up with these precious dopes or whatever else they want to call themselves who believe that should be private information. If we are citizens, that basic information about ourselves is surely something that any curious member of the general public for any reason whatsoever is entitled to know.

I took umbrage at the decision of the Electoral Commission to simply not provide that information. I thought it was very unfortunate, and there are a couple of reasons for my view. One is that it would enable a more accurate identification of the individual in the polling booth. I say that because these days there is an increasing incidence of people voting in someone else's name. If we knew the age of the person, the poll clerk would have a much easier job determining that they are whom they claimed to be. So much for my point about age. My second point concerns gender. At present, it is not possible to determine whether the Terrys, the Kerrys, the Kyms, the Peters and so on of this world—

Mr Evans interjecting:

Mr LEWIS: The member for Davenport makes a contribution also of a gender neutral name: Robin. We do not know whether they are male or female, and it is offensive to write to somebody without addressing them appropriately. I also believe that would assist the poll clerk in knowing

whether the person standing before them was the person whom they claimed to be. If you are an 80-year-old female by the name of Kym or Robyn, somebody who is a 35-year-old male cannot claim to be you.

More particularly, in my opinion the place of birth helps identify a person to a poll clerk in that if somebody who was born, say, in Korea whose name was Kerry married an Anglo-Saxon and took that Anglo-Saxon's name, as my wife has, it would not be possible to identify the fact that she was born in Korea and migrated to Australia by choice. I do not see any reason at all why anyone needs to feel ashamed or precious about any of that information, and I think it is quite wrong for the Electoral Commissioner simply to prevent the information from being made available to those who seek it.

In my opinion it does not represent an invasion of privacy. You are who you claim to be and you came into this world without asking. Indeed, your parents, whether known or unknown to you, decided that deliberately or coincidentally. The fact is that you are here, as we all are, and in my judgment it is desirable for as much information as possible, to help identify an elector, should be placed on the electoral roll.

I make my point also because I believe it would help people such as politicians and other public servants, even commercial interests, to identify those folk in the community to whom they can offer a service and identify them more accurately. It would mean that we would be able to send any message we chose through the mail to such people without wasting so many trees in terms of the tonnes of paper that we would otherwise use doing it.

I do not mind the second part of clause 27A wherein the Electoral Commissioner may charge a fee, determined by the Electoral Commissioner, for the provision of the information under this section, so long as the Electoral Commissioner is required to justify that fee rather than subjectively determine it. As it stands, the fee is determined on the subjective opinion of the Electoral Commissioner. Frankly, I do not believe that that is appropriate in this day and age. Any fee that has to be paid ought to be properly accounted for and properly justified.

As I understand it, this clause is simply put there for the convenience of some organs of the Public Service, be it the Health Commission and/or the Police Department and/or the Department of Correctional Services. In my judgment, they have no greater right to that information than anybody else. By fancying that we should prescribe them and them alone, we put in place the temptation for members of the staff of such authorities to sell that information commercially. It would be worth a heap of money to a marketing organisation to get that information, through one or other of the Government agencies, by tempting a staff member in that agency with a bribe.

It has been said before that every person has their price. I think the original saying was, 'Every man's got their price,' but that had to be changed not because of the feminists but because it was realised that prostitution was all part of the game, and it was the member for Spence who brought that into the debate. Such information, being made available on a restricted basis, simply produces the circumstance in which corporate interests will be tempted to seek it by offering to pay for it. They will not call it a bribe; they will find some other euphemistic way of describing it, and it will not necessarily be in straight cash. I am sure that they would offer other inducements that would make the life of the officer who fell to the temptation more comfortable in the process by perhaps paying off their mortgage or some such thing not so easily traced. Altogether then, my concern about this clause is that members of Parliament and anyone else, including the poll clerks at present, do not have access to information regarding gender, age and place of birth and we should have; indeed, it ought to be available on the public record. It is not, in any sense, offensive.

Mr EVANS: Under clause 27A, if the Electoral Commissioner supplies the prescribed authority with the information, what is to prevent the prescribed authority on selling it for commercial gain?

The Hon. S.J. BAKER: The information is provided for that purpose and that purpose only. There are a number of provisions in the various parts of the organs of the Public Service where they have limited distribution and the information is not available to anyone else. The only major controversy I can remember within the public sector was when SGIC was providing a listing of clients and on selling that. That is the only time I can remember when such a list that was confidential to one organisation was on sold. The member for Ridley was quite correct in the sorts of agencies that required that information. However, they are not allowed to, and they would be prosecuted if they on sold it. So there are restrictions.

Mr EVANS: On the basis that there are restrictions in place to prevent on selling, I would like to place on the record my support for the principles outlined by the member for Ridley. I see absolutely no reason why members of Parliament should not have access to this information. I cannot see why we should not be able to communicate with members of our electorate by means of gender or age—place of birth is a little irrelevant. Gender and age are important to the local member of Parliament to enable us to communicate properly. I see no reason why the Department of Defence should be able to write to a member of my electorate on the basis of gender or age but I, as the elected representative, cannot even write on the letter whether they are a 'Mr', 'Ms' or 'Mrs' because I simply do not know. It makes the local MP look as though he or she is out of touch and places them in an unfair position when communicating with their electorate.

Given that restrictions are in place, I see no reason why the Electoral Commissioner, on application, should not be able to provide the same information to the local MP as will be provided to the various prescribed authorities listed in the back of the report to which the member for Spence has referred, which is the report of the Electoral Commissioner, Parliamentary Elections, December 1993. I support the member for Ridley. Modern politics is about communication. Most members of the electorate would expect the local MP to at least be able to address a letter correctly as to whether they are a 'Mr' or a 'Ms' and be able to write to a particular age grouping. For instance, to write to someone who is 80 years old telling them how the South Australian Government helped support the Jimmy Barnes concert is probably a little irrelevant and would make the local MP look a fool. However, to write to someone who is 18 or 20 on that issue would obviously have a different result.

Given that safety provisions are in place, I see it as a logical electoral tool that would be accepted by the community as part of the proper tools available to any MP doing their job. The member for Ridley is absolutely right, and I see no reason why the Electoral Commissioner should not be able to provide to members of Parliament the information that will be provided under this Bill to the prescribed authorities.

Mr ATKINSON: I would like to foreshadow an amendment to this clause, so that it would read:

The Electoral Commissioner may, on application by a prescribed authority or a member of the State Parliament, provide the authority or member with information about the gender, age and place of birth of an elector.

The Hon. S.J. BAKER: My understanding is that some years ago the Federal Privacy Commissioner made some observations about what material should be available to various people. It was the determination by the Electoral Commissioner—both federally and State—that the roll information (and that is the roll available for public distribution; my last roll is in grey form) should contain only that material that should be generally available to the public. For obvious reasons, the issue of sex and age on those rolls, which are the public rolls, was not deemed to be essential or appropriate. There are probably one or two reasons behind that, one of them being that it gives people an opportunity to run down the list and determine where older people are living, and it is quite easy to find where someone is living alone. Therefore, people could be targeted for various purposes, including advertising and perhaps some contact with those people. I do not know whether age has ever been on the roll for public distribution. I know gender was, but I am not sure that age was.

An honourable member: Yes, absolutely.

The Hon. S.J. BAKER: But, in terms of the public roll, how long ago would that have been?

Mr Atkinson: My ElecTrac, which is the equivalent of the Liberal Party's Feedback, has year of birth in many cases.

The Hon. S.J. BAKER: Yes, but I am talking about the public roll. MPs had available to them information about sex and date of birth on the formatted tape, and there has been a run-off of the formatted tape to provide that information in the past. I do not believe that age has been shown on any public rolls. So, when I joined the Parliament in 1982, we had for our own information details of sex and age and I think occupation too, but it was the occupation held when that person was actually enrolled. The Electoral Commissioner made a determination, and I am not sure whether the Electoral Commissioner was excited by the fact that he or she would have to do less work or the accuracy of the information, but I know that, in conjunction with the Government of the day, the Electoral Commissioner of the day determined that that information should no longer be available to MPs. Whether some legal difficulties or wider issues were associated with it, I am not aware of why that was the case.

Mr Lewis: It was bureaucratic paranoid drivel.

The Hon. S.J. BAKER: Right. At this stage, I have no instructions on that issue, but obviously members have a great deal of interest in it.

Mr Clarke interjecting:

The Hon. S.J. BAKER: I am not sure that it will happen that quickly. I think the tapes they hold onto are different. It may well be that the fully formatted tapes are not available to anyone. Information is sought off them, but I do not know that all those rolls are made available to the organisations; I will have to check that out. That may also have some impact on the proposed amendment.

Mr ATKINSON: I move:

Page 2, lines 24 and 25—After the word 'authority', twice occurring, insert the words 'or member of State Parliament'.

The reason I move this amendment is that in most electorates I would say up to 2 per cent of the names on the electoral roll do not have an obvious gender; you cannot tell the sex from the name. So, in my electorate we have Anglo names which can be either male or female, such as 'Lee Jesse Irvine' and foreign names, some that I can recall off the top of my head being Sambath-Sam, Yov Lay, The Tung Ngo and Elpis Katsambouris. Why should members of Parliament not be informed about the gender of those people? Why should we have to guess? I draw up a letter especially for those people. I go out and doorknock them, ask whether they are home and, when they come to the door, the problem is solved—most of the time—and I go back and enter the information accordingly on the electoral roll, because I do not want to send out letters saying 'Dear M/s' or 'Dear Sir or Madam'. I want to address people in the way they would want to be addressed, and I do not think anyone who thinks about this for any length of time would deny to members of Parliament that knowledge.

We used to get that knowledge but we do not get it now, not because of some Federal legislative requirement, as the Treasurer tried vainly to argue, as he did not have anything else to go on: we do not get it because the subcommittee of Cabinet set up the information privacy principles on the advice of certain public servants, and in the secrecy of Cabinet proceedings it decided to deny the information to other members of Parliament. So, the Parliament was never asked to consider this. I say, let us consider it now; let us have a vote on it and see where members stand.

Ms Hurley: They get it in Queensland.

Mr ATKINSON: The member for Napier, who was a computer expert, interjects that politicians get this information in Queensland. So, I do not see any objection in principle to again making available this information which was once made available to members of Parliament. I was on the privacy select committee of the Parliament—as you were, Sir—and I am sure that people would not see this as a substantial and unreasonable intrusion into their privacy. We must remember that the previous Labor Government put up a Bill to protect people's privacy, and who rejected it? It was the present Government. I do not see how a Government that rejected a privacy Bill can legitimately come into the House trying to deny members of Parliament access to information on the age and sex of their own constituents.

The Hon. S.J. BAKER: I am aware of this issue, and I felt that I was less efficient as an MP because I did not have that information. So, from a personal point of view I hear what other members are saying. Given that there are some controversial elements of this Bill and that obviously it will be returned to the other place, advice as to whether there are any real impediments to the provision of that information can be provided in the process. I am willing to allow—

Mr Clarke interjecting:

The Hon. S.J. BAKER: That is what I am suggesting. Let us allow the amendment without prejudice, because I may be right out of court in allowing it, but it must be tested. If all members are happy, perhaps the honourable member could formally move his amendment and we will get on with the job.

Mr ATKINSON: I think I have made a case for gender information to be provided to members of Parliament. I do not see any particular objection to age information being provided to members of Parliament. It may well be that members of Parliament want to contact their constituents on the basis of certain age group interests, and I do not see any particular objection to that. It may be that there is some objection to members of Parliament being provided with the occupation of their constituents, but it seems to me that

occupation is no longer required to be provided on the form, and moreover, in a case where occupation is noted, it relates to an occupation the constituent had many years previously when he or she turned 21 and came onto the electoral roll.

I can recall doorknocking for the Adelaide by-election in 1988 and the list indicated to me that I was about to speak with a munitions worker, and that that would inevitably be a woman in her late 60s or 70s. The occupation provision is probably not particularly useful. I do not think that, on the privacy side, occupation is much of a worry because it is no longer required to be on the roll, but we will take it if it exists.

Mr EVANS: I support the amendment and suggest to the mover that he look further at also amending new section 27A(2) so that no fee is applicable to members of Parliament. As we all know, while prescribed authorities have huge budgets to obtain such information, members of Parliament are very restricted in the allowances given to them to perform their duties. Some would argue they are inadequate allowances but I will not address that argument tonight. It seems that, as there is some support for the logical argument and amendment moved by the member for Spence, and originally put forward by the member for Ridley, we should cover the fact that the Electoral Commissioner may charge a fee to those prescribed authorities, with their enormous budgets, but certainly a fee should not be charged to members of Parliament. I suggest a further amendment.

Mr Atkinson interjecting:

Mr EVANS: Mr Chairman, I seek clarification. Must we deal with this amendment before I have an opportunity to move an amendment to new section 27A(2)?

The CHAIRMAN: The amendment is to clause 6. What is your foreshadowed amendment?

Mr EVANS: I foreshadow an amendment to new section 27A(2), which provides:

The Electoral Commissioner may charge a fee, to be determined by the Electoral Commissioner, for the provision of information under this section [to prescribed authorities].

In other words, a fee may be charged only to prescribed authorities and not to members of Parliament.

The CHAIRMAN: We are having some problems with the wording. The Treasurer is considering the amendment.

Mr ATKINSON: Following consultation with the Treasurer, I seek leave to amend my amendment as follows:

After the word 'authority', twice occurring, insert the words 'person or class of persons'.

Leave granted; amendment amended.

Amendment as amended carried.

Mr EVANS: Given the change to the amendment moved by the member for Spence, I will have to seek clarification on my amendment, so I will let it lapse and take it up with the Minister.

Clause as amended passed.

Clauses 7 to 9 passed.

Clause 10—'Substitution of section 53.'

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

Page 3, line 26—Leave out '24' and insert '48'.

This amendment deals with the 24 hours, now suggested to be 48 hours, before the hour of nomination. The Electoral Commissioner believes that he needs this extra time available to him.

Amendment carried; clause as amended passed.

Clauses 11 to 15 passed.

New clause 15A—'Compulsory voting.'

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

Page 7, after line 27—Insert—

Amendment of section 85—Compulsory voting

15A. Section 85 of the principal Act is amended by inserting after subsection (9) the following subsection:

(9a) The Electoral Commissioner may, if of the opinion that it would not serve the public interest to prosecute an elector for an offence against this section, decline to so prosecute.

Mr ATKINSON: This is the Government amendment to try to allow the Electoral Commissioner an absolute discretion not to prosecute people who violate the law by failing to present themselves at a polling booth and who fail to have their names crossed off the electoral roll and receive a ballot paper. The purpose of this amendment is so that the Government could then persuade the Electoral Commissioner or appoint an Electoral Commissioner who is of the view that it was not in the interests of the State to prosecute anyone who failed to vote. The Parliamentary Labor Party sees this as an attempt to undermine our longstanding tradition of compulsory voting in South Australia and, accordingly, we oppose it.

New clause inserted.

Clause 16—'Preliminary scrutiny.'

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

Page 7, lines 30 to 34, page 8, lines 1 to 16—Leave out paragraphs (a) and (b) and insert—

(a) by striking out subparagraph (ia) of subsection (1)(a);

(b) by striking out from subsection (1)(b) 'locked' and substituting 'securely closed';

(c) by inserting after subsection (1) the following subsections:

(1a) However, if a ballot paper for a House of Assembly election and a ballot paper for a Legislative Council election are contained in the same envelope, and the ballot paper for the Legislative Council election is to be accepted for further scrutiny but not the ballot paper for the House of Assembly election, the returning officer must—

(a) withdraw the ballot paper for the Legislative Council election and place it in the securely closed and sealed ballot box reserved for declaration ballot papers accepted for further scrutiny; and

(b) seal up the envelope with the disallowed ballot paper for the House of Assembly election; and

(c) place the envelope with the other envelopes containing disallowed declaration ballot papers.

(1b) The returning officer, when acting under subsection (1a), must comply with the following provisions:

(a) the returning officer must, if practicable, avoid removing the disallowed House of Assembly ballot paper from the envelope but, if not, both ballot papers may be removed from the envelope but the disallowed ballot paper for the House of Assembly must be returned to the envelope; and

(b) the returning officer must, if practicable, avoid unfolding the ballot papers before dealing with them as required by this section but, if not, the returning officer may unfold them to the extent necessary to separate them; and

(c) the returning officer must, as far as practicable, avoid looking at votes recorded on the ballot papers and must not allow anyone else to do so before dealing with them as required by this section.

Mr ATKINSON: This relates to some extended remarks I made in my second reading contribution. The amendment ensures that, where a declaration vote fails because the elector has moved from one State district to another and is claiming to vote in respect of his new address when, in fact, he is enrolled for a former address, although the House of Assembly vote will fail, the Legislative Council vote nevertheless remains valid and is counted. This provision prescribes a process by which the Legislative Council vote of that elector can be salvaged. This was an Opposition

proposal. I am glad the Government has picked it up and fleshed out the clause to bring in a process. The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 17 to 21 passed.

Clause 22—'Prohibition of advocacy of forms of voting inconsistent with Act.'

Mr ATKINSON: This clause is about prohibiting the advocacy of forms of voting inconsistent with the Act. The Parliamentary Labor Party has great difficulty with the Government's proposal that it should be lawful, or an offence punishable only by expiation notice, to advocate abstention from voting. The Government may not like the fact that we still have compulsory voting in South Australia, but it is quite improper for the Government to be creating a legal loophole whereby the Liberal Party organisation can launch quite massive abstention campaigns.

So, I would like the Treasurer to justify why abstention from voting, which was previously unlawful, will now either be lawful or punishable only by an expiation notice of $10, and I would like him to go on and explain what other forms of voting inconsistent with the Act the Government now proposes to allow the advocacy of. In particular, is the Government now saying that it is all right to advocate informal voting, such as placing a cross or a tick in a square and no other indication, or perhaps voting '1' for a particular candidate and then placing the number 2 in the box alongside all the other candidates, the so-called Albert Langer option?

The Hon. S.J. BAKER: The member for Spence raises a couple of issues. Two paragraphs in section 126(1) are repealed. First, 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 someone to commit an offence is an offence under section 267 of the Criminal Law Consolidation Act; 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, so it is covered under another Act.

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. We have seen various messages scrawled across ballot papers, some of which are humorous, others of less artistic value. Section 85(2) provides that an elector who leaves a ballot paper unmarked but who otherwise observes the formalities of voting is not in breach of his or her 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.

Clause passed.

Remaining clauses (23 to 27) and schedule 1 passed.

Schedule 2—'Further amendments of principal Act.'

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

Page 29—At the end of the table, insert—
Section 139(2)(a)
Strike out 'shall' and substitute 'will'.

Mr ATKINSON: Some years ago when my Party was in government this idea of striking 'shall' out of every Act and replacing it by 'will' came before the parliamentary Labor Party. I opposed it at that time and continue to oppose it. People from the south of England are very familiar with the distinction between 'shall' and 'will'; there is a different shade of meaning to the two. I am not sure whether, being from Sheffield, you would be aware of it, Sir. Perhaps you are, having been a school teacher before coming into Parliament. I think it is a vulgarisation to remove 'shall' from all Acts and to replace it by 'will'. It creates confusion, and nowhere more so than in the Wills Act. I oppose the amendment.

Amendment carried; schedule as amended passed.

Schedule 3—'Consequential amendments.'

Mr ATKINSON: Under the title 'Electoral rolls' this schedule provides that a document is an exempt document if it is an electoral roll. I do not quite follow what the Government is doing. Earlier I discussed the reasons why the Government would not want commercial interests or any member of the public to have access to a street order electoral roll. The reason for that is that that roll might be misused for commercial purposes and we could be exposing electors to an unreasonable invasion of their privacy by allowing commercial organisations to have the names and addresses of electors in street order. I accept that argument. It appears that in schedule 3 the Government is saying that an electoral roll is an exempt document under the freedom of Information Act, namely, that a commercial organisation or an individual could not obtain an electoral roll by applying for it under freedom of information.

That seems a bit rough to me. I can see the reason why a street order electoral roll would be denied by the amendment proposed, but I do not see why an alphabetical order electoral roll should be denied under freedom of information. If someone who lives in my constituency and is interested in running for office wants to get a copy of the electoral roll for the State district of Spence and have a good look at it to see how many people they know and how much support they could get if they ran for the seat, why should they not have an alphabetical electoral roll to check out who those 22 000 constituents in the area are? Will the Treasurer assure me that this provision is not denying the access of citizens to alphabetical electoral rolls but only denying them access to street order electoral rolls?

The Hon. S.J. BAKER: Yes. Section 26 of the Act talks about what is available for public scrutiny. We are only talking about the exemption from freedom of information, which means that people just cannot get hold of it by some natural course. It relates to street order rolls and probably some of the information.

Mr ATKINSON: If it is only banning access to street order electoral rolls, why does it not say that? Section 26 of the Act provides:

> Copies of the latest prints of the rolls shall be available for inspection without fee at the Office of the Electoral Commissioner, at the offices of the electoral registrars, at the offices of the returning officers and at such other places as the Electoral Commissioner determines. The Electoral Commissioner shall make copies of the latest prints of the rolls available for purchase at prices determined by him.

If the Electoral Commissioner had street order rolls published—and he does publish them because they are received by—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: He must because I receive a street order roll before the election and the Leaders of the two Parties in the Upper House receive copies of the street order roll. Clearly they are published. Relying on section 26 of the Act, why cannot someone go into the Electoral Office and ask to buy a copy of the street order roll? It seems that it is an imperfect legislative solution to provide in schedule 3 that a document is an exempt document under freedom of information if it is an electoral roll. Why cannot someone relying on section 26 of the Act come in off the street and buy a street

order electoral roll? It seems that section 26 of the Act is saying that you can buy an alphabetical order electoral roll if you come in off the street, or you can photocopy it or inspect it, but schedule 3 says that you cannot get it under freedom of information, which I would have thought was inconsistent.

The Hon. S.J. BAKER: My advice is that it works and that the street order electoral rolls are only available on a very limited distribution. We provide them on the basis that we keep them to ourselves and do not make them available to other people. They are very restricted and anyone who wants to walk in and say that they want a copy of the electoral roll in street order cannot get it if they want to use them for commercial or other purposes. For completeness, I will get someone to look at the issues the honourable member has raised and at whether the exemption described under schedule 3 should exclude the normal alphabetical roll.

Schedule passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 1.10 a.m. the House adjourned until Wednesday 19 March at 2 p.m.