HOUSE OF ASSEMBLY

Thursday 26 February 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

EDUCATION POLICY

Ms WHITE (Taylor): I move:

That a select committee be established to consider and report on the following matters of importance to primary and secondary education in South Australia:

(a) the financial and operational impacts on school and learning of the introduction of information technology to South Australian Government schools including the EDSAS and DECS*tech* 2001 technology programs;
(b) issues relating to the provision of education to country students and the disadvantages they face;
(c) the effects of school closures on the provision to school communities;
(d) the fall in retention rates to Year 12 and the related issues of the recognition of vocational education within the South Australian Certificate of Education and the transition of students from school to employment; and
(e) any other related matters; and

that the minutes of proceedings and evidence to the 1996 Legislative Council Select Committee on Pre-school, Primary and Secondary Education in South Australia be requested for referral to the committee.

This motion identifies four critical issues concerning the effectiveness of our public education system in delivering adequate services to South Australian public schools. Successful passage of the motion will pave the way for a full and timely investigation into, first, the impact of the way in which information technology is being introduced in public schools, and already there are schools lagging far behind in their capacity to accommodate information technology requirements of a modern learning environment.

Secondly, it will be an investigation into the difficulties faced by country and remote students and their school communities, and their attempts to provide adequate standards of education. It does seem that the burden of decisions made in Adelaide by city-based bureaucrats is often not recognised for the impact that those decisions have on non-metropolitan communities. A simple change in a school bus route, for example, can mean greatly extended travelling times for students who, unlike their big city cousins, do not have the alternatives available that tend to minimise the adverse impact of those decisions. As my colleague, the member for Giles can attest, a changed bus route in the city might mean a student has to walk only an extra block to catch a different bus. It is a much different story in country regions.

Thirdly, this select committee would instigate an investigation into the effect of school closures on educational outcomes for those affected communities. Increasingly, it does seem that decisions about the viability of small schools are being made with more of an eye on real estate values than educational outcomes for those students.

An honourable member: Hear, hear!

Ms WHITE: Thank you. Fourthly, the final part to this investigation will be to investigate also what should be done to arrest the very high drop-out rate of young people from our high schools. Our young people in this State are dropping out of South Australian public schools: one-third are failing to complete year 12. Many of these same school leavers, of course with our high youth unemployment rate in South Australia, are finding themselves adding to the dole queue. Clearly, these are issues and inadequacies in our ability to help young people with their transition from school into training or employment. Many issues in education are worthy of close scrutiny by this Parliament. The issues listed here are those that I believe to be important at this time in our State's history. We have all heard and read about the information technology revolution that is occurring now and the potential for the rich versus poor divide which it is creating to dictate the economic future for our lives. Theoretically, this communication revolution should bring easier access for country schools to the quality of resources available to their city cousins.

However, to achieve that we need to appreciate fully the extent of disadvantage with which non metropolitan schools have to contend. There are many advantages to be gained in taking your education from a country school, as I am sure many members in the House can attest, but it is undoubted that there are many additional challenges facing those country schools which are often not taken into account adequately when decisions are made in the city about public education generally. Over the past four years of the previous Parliament we have seen tens of millions of dollars ripped out of our State school system. The number of teachers and support staff have been slashed. Class sizes in both primary and secondary schools have been increased and the impact that the increase in school fees is having on many families is becoming quite marked in South Australia.

South Australia was once able to boast that it was the national leader in the development of curriculum and the delivery of education. That is no longer the case and our commitment to excellence has been replaced in South Australia by a seeming acceptance of what is just average. Time and again the Education Minister and the former Education Minister speak in terms of reaching national averages. No longer does it seem that we aspire to be the best. However, this lowering of educational standards has serious consequences for the State's future prosperity and the community will not embrace it. The result of the October State election attests to that. The Opposition believes that certain developments and Government decisions have such serious consequences of public schooling in South Australia that they warrant examination by a select committee of this House. I will address briefly each of those important matters in turn.

It is clear that there is a fair gap in the rate of information technology integration into classrooms between the private and public school sectors. If we are to maintain a strong public schooling system, then we need to pay close attention to that gap.

It is also obvious, at least to members of this Chamber who spend time in their local schools, that the installation of this technology is not being adequately matched by teacher training. Most teachers in schools will tell you that professional development models for achieving consistent high standards of computer skills amongst teachers simply do not exist within the Education Department in South Australia. Often teachers are left to find their own way: little guidance is available from the department and, in many cases, it is the students not the teachers who are driving the implementation of technology in schools. Clearly this needs to be urgently addressed—and it is not just me as a member of the Opposition asking for this problem to be addressed.

Apart from the overwhelming call by schools and school communities for this pressing issue to be addressed, the

Auditor-General had much to say in his recent report tabled in December about the way in which technology is being implemented in schools. In particular, he referred to the EDSAS and DECS*tech* 2001 strategies and the recurrent problems, huge problems, in implementation that have eventuated because of the way in which the Education Department has gone about implementing technology in schools. There is obvious concern on that front.

There have been long-running problems associated with the Government's implementation of information technology in schools and, given that this is a fundamental education delivery mechanism which is also a significant capital investment in our schools, we do need to address this problem as a matter of priority. EDS took over the information technology infrastructure in schools, including the EDSAS systems, in April 1996. The DECS*tech* 2001 strategy of putting computers into schools began last year. To say that the Government's implementation of this strategy has not been smooth is an understatement. The attention and the special comment made by the Auditor-General in his report tabled last year is indeed a warning signal to us that we need to investigate that issue further.

I referred earlier to the difficulties country schools have in a range of matters in delivering quality educational standards to their students. Apart from the challenges faced in implementing information technology in those schools, attracting quality teachers of various and appropriate qualifications to country regions is one of the most problematic issues facing non-metropolitan schools. Much more has to be done to fully appreciate and fix the problems facing country schools if we are to provide all South Australians with equity of access to high quality education. I believe that one of the very unfortunate things happening in South Australia at the moment in education is the fall in retention rates in our high schools. The number of young people dropping out of high school before finishing year 12 is spiralling.

Today, one-third of our high school students do not complete year 12. Currently in our high schools we have a 66.9 per cent retention rate. This is well below the national average. Try as the Government might to explain away these figures by referring to part-time students and the rest of it, there is no denying the fact that this massive proportion of young people who are dropping out of our school system is significant and, further, that the large majority of these young people are going straight onto the unemployment queue. Obviously, there are deficiencies in our school curricula, in terms of the integration of vocational education and training into our schools. The total approach that we take in preparing those young people for the transition to life after school needs to be looked at very seriously and as a matter of urgency at this time.

That is the last of the matters that I put forward for consideration and investigation by a select committee of this House. It is anticipated that the Minister for Education will chair such a committee and that members of the Government, Opposition, Independent and minority Parties of this House will be represented on this very important committee. I could continue for some time on some of these issues, as they are of obvious importance, and I intend to raise many more of these issues in grievance and other debates in Parliament in the future.

The final issue relates to the impact that falling retention rates—that is, the high drop-out rate from our high schools—is having in South Australia. The other aspect of this proposed investigation is to look at the South Australian Certificate of Education and to decide whether it is appropriate in this day and age. SSABSA (the Senior Secondary Assessment Board of South Australia) has conducted a review of this matter for a number of years, and nothing has really come out of that. It is time that we got off our butt and really did something about the SACE certificate. There are many issues with regard to whether it is appropriate in this day and age, for example, that intellectually disabled students are part of the SACE system of testing and certification. I do not believe that it really is, but I leave these matters for the consideration of the House.

Mr MEIER secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ARTIFICIAL REEFS

Mr VENNING (Schubert): I move:

That the twenty-sixth report of the Environment, Resources and Development Committee on the establishment of artificial reefs be noted.

I am pleased to table the report of the Environment, Resources and Development Committee. The committee received this reference from this House through the member for Hammond (Mr Peter Lewis). This was a short inquiry, with five submissions, and four witnesses appearing before the committee. The committee investigated whether it would be economically beneficial for South Australia to use artificial reefs to enhance the fish populations in South Australian waters. The inquiry has revealed that there is no clear evidence that artificial reefs increase fish populations. It is more likely that they only aggregate fish, therefore making it easier for fishermen to fish them out—in other words, to catch them.

The benefits of artificial reefs appear to lie in their ability to attract diver tourism to a particular area and as a consequence relieve pressure on fragile natural reefs. The committee did not address fishing on existing reefs, to which the media alluded yesterday: it was more concerned with the creation of additional reefs, both legal and illegal. The committee believes that the creation of any additional artificial reefs will result in further depletion of the State's fish stocks, and we all know that that is of great concern. The committee found no compelling evidence supporting the creation of artificial reefs in South Australia. This inquiry had links with the current inquiry into aquaculture before the committee, and there is a suggestion that the use of artificial reefs may increase the habitat for the nurture of juvenile rock lobsters. Artificial reefs may enhance this fledgling industry, and the committee has recommended the investigation of this idea.

I thank all those who contributed to this inquiry, including those who made submissions, the witnesses and the members and staff of the committee.

Mr LEWIS (Hammond): As when formerly the member for Ridley I proposed this measure, which was put through the House four years ago, given that there were only five submissions, it astonishes me that it took the committee so long to examine the matter. It further surprises me that the committee can come to that conclusion. When I think about the composition of the committee, however, I am not amazed, but I think it is entertaining, to say the least, to contemplate

how the numbers would have stacked up when a decision was made about the attitude that would be adopted and probably also in the people who would be called to give evidence to the committee.

Let me go to the nub of the proposition that the committee puts before us now, namely, that the creation of artificial reefs will not enhance the numbers of crustaceans or pelagic fish but will provide the circumstances—the environment, the surroundings or the home—in which those fish can live.

What the committee failed to do in receiving that evidence—and I do not want to be too critical of it; possibly an oversight—was to consider what would have happened had there been no reefs—not even real reefs—for the fish. None of those fish would have survived. So, if the committee had bothered to take evidence from marine biologists, members would have realised that the numbers of (to use simple terms) eggs which hatch to provide fry or fingerlings in the wild are millions of times greater than the numbers that survive to maturity to the point where they can reproduce. The only reason why more of them do not survive is that there is not sufficient territory for them in which to survive. An extension of that territory would enhance the numbers that can survive and provide, therefore, a much greater stock from which recreational fishers could obtain them—if we had the wit to regulate who could take the fish from those reefs.

More particularly, it would also provide an extension of the array, the range, the number of situations into which scuba divers could dive to examine the fish to see how they live and to learn about the way they relate to each other, and to enjoy the experience of doing so. At present, in good weather on some reefs there are a damned sight more scuba divers trying to look at the fish than there are fish, so you are really diving under water to look at divers. I know I am getting a bit long in the tooth to be terribly active as a scuba diver, and most of my electorate work takes from me that opportunity. As a long time scuba diver, having learned to do so back in 1960s before regulators were invented, I could go diving with my partner and never see anyone else at all for several occasions. However, if you go to any site of interest anywhere in waters within two or three hours from Adelaide, you will find other divers present.

Let us leave aside the interests of recreational scuba divers, the interests of professional fishers who may exploit the fish stocks and even the desire of so many of us instinctively to pursue the recreational activity of catching the fish; for example, hookers who go out with a line and bait on a hook, entice the fish to take the bait and then catch them. The number of opportunities we have to do that is restricted even though greater numbers of us have sufficient prosperity to buy the equipment. They are restricted because, having purchased the equipment—the boat, the line and so on—in this more prosperous society we have created over the past 50 years, we do not have the time to go fishing and enjoy fishing in the marine environment and the benefits that brings.

There is an old statement that every hour you spend fishing is an hour that will not be counted against you by the good Lord in determining how long you will be on this planet. It is incredibly relaxing and good for your health; there is no question about that. It reduces the level of stress completely; that is my experience and that of thousands of people to whom I have spoken. We all know, from the literature—and the committee had this at its disposal—about the importance of recreational fishing in the tourist dollar. If you are an amateur angler, it will cost you about $200 a kilo to catch the fish, when you add up all the costs you incur in the process. It is an outlay that is made willingly by all of us who engage in it, for the benefits we derive from it.

For members of the committee, given some of their bigoted ideological backgrounds, to say that it is detrimental in consequence to create artificial reefs, and the reasons given in support of that argument, is daffy in the extreme. It is like saying that we should not have national parks set aside, because they do not increase the number of native animals living there: it simply spreads them more thinly amongst the hectares available for them to occupy. That has to be absolute nonsense—and that is the acceptable word in this Chamber, although I can think of other terms in the vernacular which more accurately describe my strength of feeling about that kind of argument. The population of animals in any ecosystem is proportional to the available ecosystem to support them. Any other proposition is scientific piffle and the kind of argument that is advanced by idealogues and ignoramuses. It does not do us any service whatsoever to rely upon such arguments. It brings us into contempt and distain in the wider community, because it is so blatantly obvious that the argument is wrong.

As to the argument that it is a pollutant, that, too is nonsense—and again I use the acceptable word. I will not refer to it as being that which comes from the back end of a masculine bovine beast, although I am sure that a good many Australians would. The amount of zinc in the sea water adjacent to artificial reefs created by tyres is no greater than the amount of zinc to be found in the sea water 10 kilometres away from where any such reef is to be found. Indeed, where the did zinc come from in the first place if it was not from the earth's crust and, ultimately, from the water on it? It is of no consequence as a pollutant.

In consequence of the way in which the committee has reported, I find myself distressed that it was unable to go about its work in a scientifically valid way and bring to this House a proposition which is sustainable even in year 7 science terms. It disappoints me and makes me wonder why we spend so much money on it, if that is the level of inquiry it takes on other matters of consequence which are referred to it.

Members of that committee who supported the proposition that has been reported to us here—and the Presiding Member in his remarks did not say there was a minority report, so I can only assume all members are happy with it—have something to answer for as they bring this place into disdain publicly by making such remarks. I think the House understands, then, why I am not at all happy with the report. It could have been so much more beneficial to us had we simply realised that we need to extend the range of habitat, and there is no better way to do it is than to create artificial reefs to augment the existing natural reefs. That would have enhanced the number of fish that survive and reduced the pressure in percentage terms which current and future amateur and professional angling effort would have made on those fish stocks. Everybody, including the fish and me, would have been happier.

Ms HURLEY (Deputy Leader of the Opposition): As a member of the committee which produced this report, I simply support the Presiding Member in his remarks. Indeed, it was not a minority report but involved the unanimous agreement of every member of the committee. It was based on a collection of evidence from various members of the scientific community, all of whom supported the view that

having artificial reefs does not increase habitat for fish. One of the main reasons for that, it struck me, is that in South Australia in particular the native fish do not normally have reefs from which to breed. They tend to breed in seagrass and flat environments, so the introduction of artificial reefs does not suit the breeding patterns of the fish and does not increase the breeding of the fish.

Mr Lewis: It enhances survival.

Ms HURLEY: It may indeed enhance survival as they have a place to hide, but these are adult fish and we were told that artificial reefs attract fishermen who come along and catch these adult fish which are trying to hide, and it does not therefore lead to a net increase of population. I was very convinced by that scientific evidence, and we had a series of such evidence from various groups. Much as we would all like to have seen a mechanism by which fish breeding and fish numbers could be enhanced, we came to the reluctant conclusion that artificial reefs were not the way to do it.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

Mr VENNING (Schubert): I move:

That the twenty-seventh report of the committee, being the Annual Report, 1996-97, be noted.

I am pleased to table the twenty-seventh report of the Environment, Resources and Development Committee. It is the annual report for 1996-97. This period covers a time of significant change for the committee, both in membership and staff. The former Presiding Member of the committee, the Hon. Dorothy Kotz, MP, was appointed a Minister and I became the Presiding Member in February 1997. I congratulate the member on her elevation and on the job she is doing. I am sure the experience she gained on the committee is now of great value to her in her ministry.

Three reports were tabled during the 1996-97 financial year: a review of the vegetation clearance regulations; a report of the MFP Development Corporation; and, the annual report. The committee's review of the vegetation clearance regulations resulted in 15 recommendations, many of which were subsequently adopted.

A major inquiry into waste management practices in South Australia was completed during the 1996-97 financial year. This inquiry occurred over a number of months and involved six site visits, 45 submissions, 39 witnesses and a waste management conference in Brisbane.

The Brisbane conference enabled committee members to see the latest developments in waste management technology. Our inquiry has raised quite a bit of interest interstate because we have sent copies of the report all over Australia and, in many ways, it is leading technology, and South Australia has much to offer the other States.

Another smaller inquiry was commenced towards the end of the financial year. It involved an investigation into the aromatic compounds in petrol and their possible harmful effects. A visit to the oil refinery enabled a better understanding of the refinery process and the components of petrol, particularly the part played by benzene. Another aspect of the committee's work was the final perusal of amendments to the Development Plan, and 15 amendments were considered and passed.

As a result of the election in October, the membership of the committee has again changed. I wish to thank the former members of the committee for their work on the committee: the former member for Chaffey, Mr Kent Andrew; the member for Napier, now Deputy Leader of the Opposition; and the Hon. Caroline Schaefer, MLC. I congratulate the member for Napier on her elevation, and I am sure that she will benefit from her experience on the committee. The Hon. Caroline Schaefer has been elevated to the position of Presiding Member of the Social Development Committee, and I congratulate her on that appointment. I am sure that her work on the committee will stand her in good stead.

I look forward to working with the new members of the committee: the new member for Chaffey and Leader of the National Party, Mrs Karlene Maywald, MP; the member for Hanson, Ms Stephanie Key, MP; and the Hon. John Dawkins, MLC. I am very pleased with the make-up of the committee, and we have got down to some very good work already.

All four political Parties are represented on this six-member committee, which is unique, and it makes the chairing of it that much more of a challenge, so it is an interesting time. Of those members, two are Party leaders, so we have a heavyweight committee in more ways than one.

As this committee takes up the challenge of completing the inquiry into aquaculture, as we are now doing, I hope it continues to work in a spirit of cooperation. I also thank and congratulate the officers of the committee, our Secretary, Mr Bill Sotiropoulos, and our new research officer, Ms Heather Hill. They are a good combination and they are very valuable assets to the committee.

I enjoy chairing the committee and it is a challenging job. It is the Parliament at work, and it is the sort of thing that members of Parliament are not aware of until they get here. However, once we get to work on committees, it becomes our way of assisting the Parliament to look at issues with which it would not normally deal or investigate in the way we do. I have much pleasure in presenting the report.

Motion carried.

FREEDOM OF INFORMATION (PUBLIC OPINION POLLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 December. Page 253.)

Mr McEWEN (Gordon): I support the intent of the Bill introduced by the member for Spence. I am somewhat wary about speaking today after I read that he is considered to be the professor of English in this Chamber. I will therefore choose my words carefully. In saying that I am somewhat sympathetic to this measure, I am not even sure that that is correct.

Mr Atkinson: The tee-shirt is not correct: it is an irony.

Mr McEWEN: So is the member for Spence! Notwithstanding that, I am somewhat sympathetic to the intent of this measure because I believe that information that is gathered with public dollars ought to be available to the public. The information ought to be generic. If someone chooses to use taxpayers' money to gather information, particularly of a statistical nature, that information ought to be available to the community at large at the appropriate time.

I would, though, acknowledge that I am not totally in support of the amendment as proposed, in that I believe some protections ought to be in place. There are times when you may wish to gather data as part of what might be considered to be commercial incompetence. You could be in a process, albeit not too many more times based on the number of things we have already sold, where you are intending to privatise a

public asset and, in so doing, you may wish to collect some information and use public dollars to that end.

In that situation I would be prepared to support an amendment along the lines that that information remain confidential until such time as the commercial transaction is concluded but, at that time, I believe, that information should also be made public. I am wary, though, that this not be used as a means to open access in any way to confidential Cabinet documents. We must find some way to protect Cabinet confidentiality so that when we wish to move to have access to this material, as an addendum to what might be a Cabinet document, we clearly separate in advance the fact that it is the information to which we are seeking access and not the way it was used, or other information that might have been part of the Cabinet deliberation.

I will need to seek some legal advice in terms of further amending the amendment foreshadowed by the member for Spence. I indicate that I am generally in sympathy with the overall proposition and believe that there is merit in arguing that what is funded publicly ought to be, at the appropriate time, publicly available.

The SPEAKER: The member for Spence has the call. If the honourable member speaks, he closes the debate.

Mr ATKINSON: Thank you, Sir.

THE SPEAKER: We have a situation where another member will lose his right to speak. I know that I announced that if the honourable member speaks he closes the debate. The tradition of the House is that we give the member for Goyder the call. The member for Goyder.

Mr MEIER: I move:

That the debate be adjourned.

The House divided on the motion:

AYES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wotton, D. C.

NOES (23)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Koutsantonis, T.	Maywald, K. A.
McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Williams, M. R.
Wright, M. J.	

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. W.A. MATTHEW (Minister for Administrative Services): The Government had intended to defer what I have to say until another day, but it respects the wishes of the House on this occasion to continue with the debate. The Government opposes this Bill just as it opposed almost exactly the same Bill on a previous occasion. We all know that this Bill is nothing more than the usual mischief-making and time-wasting in which the member for Spence so often involves himself in this Parliament. The member for Spence has been down this path and introduced this Bill before, not for any moral or righteous reason but simply to indulge in cheap politicking.

That is what he is doing through this Bill: it is yet another example of an attempt by the member for Spence at cheap politicking. Let us look at exactly what it is the honourable member wants from this Bill. To do so, let us refer not to the clauses of the Bill but to his second reading contribution. The member for Spence does not want a long-term change that will benefit the law: he wants access to the opinion polls conducted by Kortlang prior to the contracting out of the water resources of this State; that is what he is after.

Mr Foley: We already have them.

The Hon. W.A. MATTHEW: The member for hart claims he already has them.

Members interjecting:

The SPEAKER: Order! The Minister has the call.

Mr SCALZI: I rise on a point order, Mr Speaker. I believe that the member for Hart used an unparliamentary word towards you.

Mr Foley: What was it?

Mr SCALZI: You called him an 'idiot'.

The SPEAKER: Order! The honourable member will resume his seat. The Chair did not hear that remark. If the remark was made, it would be an inappropriate one to make.

Members interjecting:

The SPEAKER: Order! The House will come to order.

The Hon. W.A. MATTHEW: If the member for Hart claims that the Labor Party has those polls already, perhaps he ought to show them to the member for Spence. Perhaps the member for Hart should read the member for Spence's second reading contribution. The member for Spence has indicated that that is what this Bill is about—he wants to obtain that opinion polling.

Mr Foley interjecting:

The Hon. W.A. MATTHEW: Is the member for Hart now saying that he does not have all of them?

Mr Foley interjecting:

The Hon. W.A. MATTHEW: Do you have some of the polling?

Mr Foley: We have stacks of them.

The Hon. W.A. MATTHEW: Well, the member for Hart either has the polls they are looking for or he does not. If the member for Hart does have the polls, perhaps he ought to show them to the member for Spence. Does the member for Spence know that the member for Hart has the polls? This is all about cheap politicking, but there is also a more important principle at stake, namely, access to Cabinet documents. That is what this more important principle is about. The member for Spence is well aware that the documents to which he seeks access have been the property of Cabinet. They are Cabinet documents, which have been presented to the Cabinet. The member for Spence wants access to those documents. That sets a fairly interesting precedent.

How would the member for Spence propose that in the time of a Labor Government such access be organised through a Labor Cabinet? Is the member for Spence suggesting that there ought to be someone who goes through all Cabinet documents to decide what access an Opposition and

other Parties should have? Is that what the honourable member is suggesting? If the honourable member looked at his Bill he would see that it is short on detail in terms of the definition of 'opinion poll'.

Mr Atkinson: It's in the schedule.

The Hon. W.A. MATTHEW: I have read the schedule; it is still very short on detail. As the member for Spence is well aware, the definition of 'opinion poll' can be a varied one. I am sure that the member for Spence would want the broadest possible definition to apply. The Government's concern relates simply to a longstanding principle adhered to in the Westminster system of Government, that is, Cabinet confidentiality and the importance of Cabinet documents not becoming part of the public domain. That is the only principle at stake here, but the member for Spence seeks to attack it. It surprises me that, of all people, the member for Spence would be the one who would seek to attack that principle when he claims to be an upholder of that principle.

Let us refer to the core of the issue: the member for Spence wants the opinion polls conducted by Kortlang. The member for Hart indicated that it is not about that—he wants opinion polls that might be conducted in the future with respect to ETSA outsourcing or anything else. Perhaps the two of them should caucus together and decide what this Bill is about. The Government is quite happy for this Bill to reach the Committee stage. We are quite happy for the Bill to be debated clause by clause. We are well aware that there are colleagues in this Chamber who wish to amend this Bill substantially, and I look forward to the debate on each clause.

I ask the member for Spence to be honest and open with this Parliament as to what his full intent is with this Bill and why it is that he is putting it forward. I invite the member for Spence to tell this Chamber upon which principles he has this Bill drafted—upon which sound principles of Government, current and future, he puts this Bill forward—and to indicate to the House how he sees this Bill working when it is necessary for deliberation to occur as to whether or not a component of a Cabinet document ought to be released publicly; and, administratively, whom he sees making those decisions. Further, I invite the honourable member to advise the Chamber of his definition of 'opinion poll'.

Mr ATKINSON (Spence): When we are dealing with abstract political principles, we ought sometimes to apply those principles to our enemies where they give our enemies an advantage to see whether we still agree with the principle, and that is what the Minister is failing to do: he is failing to consider where the principle he is defending of allowing Government-funded opinion polls to be treated as secret advantages the Labor Party.

If the Minister looked back to the Bannon Government and considered some of the abuses of process committed by the Bannon Government, he would readily see that my Bill is right on principle. I will give an example. When John Cornwall was Minister of Health in a South Australian Government he had some opinion polling done on health issues, but he added to that polling a question of his approval or disapproval as Minister of Health—and the Minister recalls the incident.

If we apply the Minister's reasoning to that, John Cornwall would have merely presented that opinion poll to Cabinet and it would have been an exempt document under the Freedom of Information Act. Did the Minister really want to achieve that result? Surely, he can see the absurdity of his argument when he applies it to the John Cornwall case, because John Cornwall, quite improperly, used public money to test his popularity among the electorate—and I would imagine that the results would not have pleased him at all. But the Minister says, 'Present the opinion polling in a Cabinet document and it will be exempt; it will be secret.' Sorry, I do not agree with the Minister. My Bill is quite clear. Currently, schedule 1 to the Freedom of Information Act provides:

> (2) A document is not an exempt document by virtue of this clause—
>
> (a) if it merely consists of factual or statistical material that does not disclose information concerning any deliberation or decision of Cabinet.

I would have thought that opinion polling commissioned by Government would already fit under that definition, and the District Court may well so have ruled had the Opposition persisted in its challenge to that court over the Government's refusal to release the Kortlang opinion polling on the water contract. As it is, we received that opinion polling by way of a leak from a great and prominent South Australian who is a member of the opposite side. So, the matter was not tested. To put the matter beyond doubt, I have moved an amendment to the Freedom of Information Act so that that same paragraph in the schedule would provide:

> (2) A document is not an exempt document by virtue of this clause—
>
> (a) if it merely consists of factual or statistical material, including the results of public opinion polling, that does not disclose information concerning any deliberation or decision of Cabinet.

That explicates the clause, it makes it clearer and it deserves the support of the House. I take on board what the member for Gordon has said about the need to protect matters commercial in confidence and I indicate that, when this clause is considered in Committee in a few weeks time, the Labor Party is disposed to accept the member for Gordon's amendment because it seems to me to be perfectly sensible. I do not know upon what principle the Government can legitimately resist either the Bill or the amendment to it. It is plain commonsense and it will be supported by 99 per cent of the population. If the Minister wants to test it, let us go on radio 5AA and debate it.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CRIMINAL LAW (SENTENCING) (VICTIM IMPACT STATEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 December. Page 259.)

Mr BROKENSHIRE (Mawson): In my precis of the Bill I would like to say that, in common with all members in the Parliament, I am interested in looking after victims of crime but, in doing so, one has to look at the whole context of the proposal that the member for Spence is putting forward. I will do that in the next 15 minutes. The private member's Bill introduced by the shadow spokesperson, the member for Spence, seeks to amend the Criminal Law (Sentencing) Act. The explanation to the Bill states that the victim would have:

> the ability to make an oral statement to the court of the effect of the crime on him or her after conviction of the accused but before sentencing.

The member for Spence says that the purpose of the Bill is not to allow the victim to make a submission about the sentence. Clearly, he has not read his own Bill, because the Bill states:

> . . . for the purpose of determining sentence for an offence.

The legal status of the victim impact statement was introduced by the then Labor Attorney-General (Hon. C.J. Sumner). It is to be found in section 7 of the Criminal Law (Sentencing) Act. A brief history of the issue is as follows.

In 1981 the South Australian Report of the Committee of Inquiry on Victims of Crime recommended amongst other things that, prior to sentence, the court should be advised, as a matter of routine, of the effects of the crime upon the victim. It considered that the consequences of a crime were relevant when a court was determining sentence. Under the law then prevailing, there was a particular problem in that, if an accused pleaded guilty, the sentencing court would not ordinarily receive information regarding the victim's 'physical, economic or mental wellbeing', yet these were and should be relevant factors to sentence on a guilty plea.

In October 1985 the South Australian Government adopted the committee's recommendation and followed the draft United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, by promulgating the Declaration of Rights for Victims of Crime, consisting of 17 principles designed to 'alleviate the trauma suffered by victims' and to govern the conduct of those who have contact with victims.

The Hon. C.J. Sumner introduced the declaration with the requirement that Government departments were to ensure their policies and procedures conformed with the principles. The principles were not meant to be pious platitudes or optional extras to be applied at the discretion of officers of the justice system. They were, in other words, mandatory Government guidelines for action.

It should also be noted that the Hon. Mr Sumner was always of the opinion that the victim impact statement should be conveyed to the court by the Crown on behalf of the victim and not by the victim. The principles empowering victims articulated by the Hon. Sumner provide:

> (14) be entitled to have the full effects of the crime upon him/her known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report;. . . Any other information that may aid the court in sentencing. . . should also be put before the court by the prosecutor.

There was considerable debate over who would be responsible for collecting information on the impact or effect of a crime on a victim. Ultimately, it was determined that it was philosophically inappropriate and also not economically viable for social workers employed by the Department of Correctional Services to interview victims and subsequently prepare a victim impact statement. For a number of years police collected information about the effect of crime on a victim but that was on an *ad hoc* basis and it seemed logical at the time to formalise this procedure.

However, after a while it proved that the procedures put in place obviously required too much by way of police resources. About a year after implementation, the Commissioner of Police appointed a team to examine the procedures, having particular regard to resource implications. Among other things, the project team reported that police would need an additional 100 staff if the procedures were to be maintained and an appropriate level of service extended to victims, prosecutors and courts.

After a great deal of debate and review, a model based on a 'victim-prepared questionnaire' was developed. A number of happenings facilitated and strengthened this model, including comments by Justice Olsson favouring a victim impact statement in the victim's own words, expressed in a Full Court case; supportive comments by visiting Professor Edna Erez, a proponent of victim impact statements; and sentencing remarks in a most serious murder case in which the victim's parents wrote their own victim impact statements.

In summary, the current process is that a victim impact statement is prepared by the victim filling out a questionnaire provided by police or writing one themselves. A pamphlet is available on preparing a victim impact statement and it is given to victims by police.

Mr Atkinson interjecting:

Mr BROKENSHIRE: That pamphlet addresses the law pertaining to a victim impact statement. The member for Spence can get one from my office if he wants one.

Mr Atkinson: I am not a victim.

Mr BROKENSHIRE: Well, you may be one day by your own Party, indeed. As I said, a pamphlet on preparing a victim impact statement is given to victims by police. That pamphlet addresses the law pertaining to a victim impact statement and contains a guide for victims who wish to write their own statement. The pamphlet stipulates that a victim must not simply restate the evidence before the court, write long descriptions of the crime, write abusive or offensive comments, nor tell the judge or magistrate what the penalty should be. On listening to his comments and seeing some of his Bills, many would think that they would leave that up to the member for Spence, who seems to be above the magistrates in this State.

Although the victim has the primary responsibility to complete a victim impact statement (no matter what the form), it is the police, the DPP Witness Assistance Officer, the Victim Support Service, Homicide Victims Support Group, Rape and Sexual Services (Yarrow Place) and Child Protection Services that have agreed to assist victims satisfy their right to make a statement.

In essence, nothing has changed in terms of the nature or type of information that can be furnished by a prosecutor to a sentencing court. Furthermore, the practice of appending, where appropriate, medical reports, quotes for damage and so on to the victim impact statement continues. But what has not changed is the content and application of principle 14. which I have already highlighted to my colleagues. I repeat that the principle and the Hon. C.J. Sumner always have insisted—and the member for Spence might be interested in listening to this because he espouses the virtues of the previous Attorney-General and sees him as some sort of a guru, quite frankly, and looks up to him as the shadow spokesperson—that the victim impact statement should be conveyed to the court by the Crown on behalf of the victim and not by the victim himself or herself.

There are good reasons for this principle. The most fundamental is that, in a solemn hearing about sentence, there are rules of law about what the court is and is not entitled to take into consideration. It is not likely that the victim will know these rules, and so may well be faced with either his or her statement being ignored or being told that it is not permissible to say that, and I would not think that that is fair to the victim.

I note that new section 7A(1) does not add anything to the current situation. Currently, section 7 of the Criminal Law (Sentencing) Act authorises a prosecutor to furnish particulars

to a sentencing court that are reasonably ascertainable and not already before the court in relation to any injury, loss or damage suffered as a result of an offence, any offence taken into consideration, or any series of acts of which the offence forms part. Section 10 stipulates that a court, in determining sentence for an offence, should, if relevant, have regard to the circumstances of the offence and the personal circumstances of any victim of the offence and any injury, loss or damage resulting from the offence.

New section 7A(2) is, of course, a key provision, because it authorises the victim to make a statement orally to the court. I have already noted that there are good reasons why that is not currently done, and it was not supported by the previous Labor Attorney-General.

New section 7A(3) appears to represent a confusion—but that would not be unusual. It seems to have been borrowed from what is currently section 8 of the Act, which deals with a case in which the court receives pre-sentence reports and makes a copy of those reports available to both the prosecution and the defence. This is required in the statute because often it is the court, and not either party, which orders the pre-sentence report; therefore, neither party may have it. However, where there is a written victim impact statement, the prosecution is obliged to furnish the court with a copy, because it is clear that the victim impact statement is tendered to the court through the prosecutor.

When parties tender documents to the court, they always provide a copy to the other side as a matter of course. That is why there is no statutory provision which says so—there is obviously no need for it. This subsection confuses the two kinds of documents. Of course, a copy of any proposed oral victim impact statement cannot be given to anyone because it is not written and there is, therefore, no copy to be provided. The admission of an oral statement gives rise to the problem that it cannot be provided to the defendant or his or her counsel in advance of the hearing so that there is fair warning of the argument faced by the defendant. This is another inherent flaw in the member for Spence's proposal.

New section 7A(4) is very contentious, to say the least, in that the defendant will not be able to dispute the contents of any victim impact statement by examining or cross-examining the maker of the statement. This appears to be contrary to principles of natural justice and is unfair and unreasonable. In practice, at the moment it is unusual for a victim to be cross-examined on a statement. That is because the process is carefully managed in the way in which I have outlined to the Parliament today. It is the victim's own statement, but care is taken not to expose the victim to court pressures, something I would not like to see any one of my constituent victims exposed to—nor would I like to see an offender exposed to unfairness.

That is not to say that cross-examination is never the right course to follow. The victim may make factually incorrect statements which exaggerate, which disclose matters which are true but which are made for the first time, or which go beyond the verdict of the jury or the basis of the plea. The consequence of this subsection would be that such statements are untested and will therefore be worth no weight in court. Prosecutors may be placed in an invidious ethical position where there is some evidence which cannot be believed because it cannot be challenged.

These considerations were recently made clear by the Court of Criminal Appeal in *R v Byrnes and Hopwood* (1996) 189 LSJS 190. I am grateful to the Law Society for drawing this case to my attention. In this case, the court made it absolutely clear that there is a duty on the prosecutor to act reasonably and responsibly in obtaining and presenting a victim impact statement and, if there is any reason for doubting its accuracy, to refrain from submitting it to the court, or doing so with some appropriate reservation. The court also made it clear that if the contents of a VIS, or statement in it, is challenged the VIS, or that part of it, must either be proven to the correct standard of proof (which is beyond reasonable doubt) or simply must be ignored.

This Bill ignores both of these important principles of law and the reasons why they have been brought into existence. These principles were applied by the District Court in *R v Rudling* (1997) 193 LSJS 93, when a victim impact statement alleged, without any supporting evidence, that the offender knew at the time he committed an offence of gross indecency on the victim that a sister of the victim had been murdered after a sexual assault.

This statement, unsupported by any other evidence, could not be acted upon and was not acted upon. This is not just a South Australian position: it occurred in the Full Court of the Federal Court as well. In *R v. R.B.* (1996) 133 FLR 335 (for the benefit of the member for Spence, so he can look it up), Higgins J of the ACT Supreme Court remarked:

> It is the duty of the court also to ensure that the victim impact statements, or analogous material, represent the truth. That may involve, in some cases, cross-examination by defence counsel of some victims or the tender of evidence which is inconsistent with their statements.

Of course, in the case of the proposed oral victim impact statement there can be no notice of the contents and so, even if the offender does not want to cross-examine the victim on the statement—

The DEPUTY SPEAKER: Order! I would ask the person in the gallery not to use a camera.

Mr BROKENSHIRE: —there may be—

An honourable member interjecting:

Mr BROKENSHIRE: I know you would like to hear it again, but we have to deal with other matters. There may have to be a lengthy adjournment so that new facts can be investigated and, if necessary, new evidence presented. This is contrary to the due and timely administration of justice. In short, this Bill is confused, unfair in its intended operation and not thought through. Both the Chief Justice and the Law Society have identified a number of problems with the Bill, largely reflected in what I have said. I conclude with two remarks. The first is that the shadow spokesperson has made much of the rumour that prisoners at Yatala have been gloating about the effect of their crimes on the victim and have pasted copies of victim impact statements on the walls of their cells. I need say little about how I feel about this behaviour if the rumour is true. It is repellent, but I can only point out that this Bill will not do anything to stop it. The oral VIS will be transcribed as part of the court proceedings. It can also be reported in the press.

My second remark is that the Attorney-General has already announced that he intends an imminent and comprehensive review of the operation and effectiveness of victim impact statements. There may be other options in this area for giving victims a greater voice. This issue should not be hived off from a general and comprehensive review—

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

Mrs MAYWALD (Chaffey): I support the Bill, and I ask the member for Mawson: to whom is the Bill unfair? The

majority of victims have no choice in becoming a victim. By the acts committed against them they are left with feelings of disempowerment, lowered self-esteem, loneliness, anger, frustration and many more besides any physical injury. It is extremely difficult to rebuild a life so affected. I support the option of an oral victim impact statement, because many people have difficulty expressing themselves on paper—indeed, some cannot even write. I know that services are available to people to assist them in writing their victim impact statement, but a lot of people also find it very difficult to put their feelings into words on paper. Each individual has their own way of expressing themselves, as is evident in this House. Sometimes it is not what you say but how you say it that matters. I believe that a victim should have the opportunity to orally give a statement if they wish.

A constituent of mine represents the Homicide Victim Support Group and is herself a victim, losing an 18 year old daughter to a horrendous crime. She believes that, even though it would not be an easy thing to do, it would go quite a long way toward making victims feel that they are again in control and that they can go on with life, having had the chance to have their day in court and have their feelings heard. I believe that victims need to be given recognition as sensible, responsible people, not over-emotional idiots. I believe that we need to help them in the recovery process. Our legal system places much emphasis on the rights of the offender and very little support is shown for the victim.

In relation to the victim not having any knowledge of the law in relation to permissible evidence, I believe that the purpose of the victim impact statement is to give the victim the opportunity to have their feelings heard by the offender, whether or not their evidence is permissible. Cross-examination of an oral statement would be extremely unfair to the victim. The victim is not on trial. I believe that the offender has already been convicted at this stage, and the victim should have the opportunity to have their day in court.

Mr HANNA (Mitchell): I take this opportunity to endorse what the member for Chaffey has said.

Debate adjourned.

UNFAIR DISMISSAL

Adjourned debate on the motion of Ms Key:

That the regulations under the Industrial and Employee Relations Act 1994 relating to unfair dismissal, made on 4 September 1997 and laid on the table of this House on 2 December 1997, be disallowed.

(Continued from 4 December. Page 73.)

The DEPUTY SPEAKER: I report to the House that this matter was disallowed in the Legislative Council; therefore, I direct that it be removed from the Notice Paper.

CRIMINAL LAW CONSOLIDATION (INTOXICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 406.)

Mr WILLIAMS (MacKillop): I support the intentions of the member for Spence, although I have some doubts about his Bill. Like many other South Australians, I am aware of this deficiency in our law through the ACT case known as the Nadruku case and the press coverage it received in October last year. I have, in fact, collected press clippings from around the nation and encountered some very interesting facts, viewpoints and notions. I first raised this matter in the House in my maiden speech on 3 December. At that time I stated that the case using what was labelled the 'drunk's defence' has rightly caused public condemnation, and I expressed my desire to see the availability of this defence removed in South Australia. Having had no legal training myself but noting the divergence of opinion as expressed in the press, I have taken it upon myself to do a considerable amount of research into this issue.

First, I would like to spend a few minutes going into the history of the development of that part of the criminal law that we are now debating. It appears that prior to the eighteenth century the law was interested only in actions and, in fact, meted out punishment for an act alone. During the eighteenth century, the common law began to recognise that a crime contained two elements—an act and an intention. It recognised the difference between a conscious act and an accident. Thus, to be guilty of a crime, it became necessary for the prosecution to prove beyond reasonable doubt that the perpetrator committed both the act of the crime and, in addition, the mental element of the crime, referred to as the intent, thus differentiating between an accident and a crime.

With regard to drunkenness, until early in the nineteenth century voluntary drunkenness was never an excuse for misconduct. It appears that throughout the nineteenth century the common law began to change until it reached a point in 1887 in *Crown v. Doughety* when Justice Stephen said:

> Although you cannot take drunkenness as an excuse for crime, yet when the crime is such that the intention of the party committing it is one of its constituent elements, you may look at the fact that a man was in drink in considering whether he considered the intention necessary to constitute the crime.

Thus, the common law position had become that, if drunkenness prevented a person from forming an intention to kill, they would then be guilty of manslaughter rather than murder. Later, in 1920, another murder case, *Crown v. Beard*, Lord Birkenhead, LC, said:

> Where a specific intent is an essential element of the offence, evidence of a state of drunkenness rendering the accused of forming such an intent should be taken into consideration in order to determine whether he had in fact formed the intent necessary to constitute the particular crime. If he was so drunk that he was incapable of forming the intent required, he could not be convicted of a crime which was committed only if intent proved.

It appears that subsequent jurors picked up the phrase 'specific intent', and consequently offences were treated differently depending on the necessity to prove a specific intent or a basic intent—specific intent being where the act was committed to obtain a specific result, as in causing grievous bodily harm or murder, whereas basic intent being in the case of common assault, where the intention was simply to commit the act.

The common law has evolved over the past couple of hundred years from the point where punishment was meted out merely for causing an act to the situation where the mental element of the act has become a requirement, and now to the point where that mental element, known as the intent, is divided into two types of intent. First, there is basic intent, where it is merely a requirement for the intention or awareness in respect of only the physical act required for the events and, secondly, there is specific intent, where the mental element includes the intention to cause, or awareness of a risk of, the specific consequences of the act. My research suggests that even jurists have considerable trouble with these concepts. This has led to the differing of opinions with regard

to the common law between the English and Australian jurisdictions.

First, in the English jurisdiction, the House of Lords asked the question whether a defendant can properly be convicted of assault, notwithstanding that by reason of his self-induced intoxication he did not intend to do the act alleged to constitute the assault. This question arose from an appeal in *Majewski v The Department of Public Prosecutions* and, as a consequence of that question, the House of Lords laid down what has become known as the Majewski principle stating that 'in offences of basic intent, as distinct from those of specific intent, voluntary intoxication by alcohol or another drug cannot found a defence that the defendant did not form a mental element of the offence, even if the intoxication produced a state of automatism'. In other words, in such a case the voluntarily intoxicated defendant can be convicted even though the prosecution has not proved any intention or awareness of the voluntary act. In enunciating the policy considerations which underlie that decision, Lord Simon of Glaisdale said:

> One of the prime purposes of the criminal law with its penal sanctions is the protection from certain prescribed conduct of persons who are pursuing their lawful lives. Unprovoked violence has, from time immemorial, been a significant part of such prescribed conduct; to accede to the argument on behalf of the appellant would leave the citizen legally unprotected from unprovoked violence, where such violence was the consequence of drink or drugs having obliterated the capacity of the perpetrator to know what he was doing or what were its consequences.

On the other hand, the common law principle in Australia is taken from *R v O'Connor* in the High Court decision of 1979, where the High Court did not accept the Majewski principle and, in fact, in a 4-3 majority said there should be no difference between someone taking drugs or alcohol voluntarily or somebody taking them involuntarily through spiked drinks or whatever. The law should punish the state of mind, they said. However, it comes about, thus the ultimate burden of proving beyond reasonable doubt that the accused's acts were voluntary and that the accused possessed the intent required to constitute the crime charged will rest with the prosecution.

Within Australia, South Australia, Victoria and the ACT are common law jurisdictions. They are thus subject to this interpretation. In New South Wales, another common law jurisdiction, legislation was enacted in 1996 to remove this form of defence from cases involving basic intent. The other Australian jurisdictions, namely, Queensland, the Northern Territory, Western Australia and Tasmania, have a criminal code and this defence may be used only in the cases in which specific intent is integral to the crime. The evidence to me suggests that this is an area of the law which will be difficult to change so as to satisfy the expectations of the public whilst maintaining the logic of the law.

It appears that over the years many suggestions have been made, including the 1975 report of the Butler Committee in England, which suggested the creation of a new offence of culpable intoxication. It also seems that this suggestion has been ruled out by most, if not all, jurisdictions. It is worth noting that in 1994 the Attorneys-General of Australia, whilst considering the final draft of a chapter of the model criminal code being prepared for the Standing Committee of Attorneys-General, rejected the inclusion of the O'Connor or drunk's defence in that code and, in fact, included a codified version of the Majewski principle.

I said at the outset that I will support in principle what the member for Spence is trying to do with his Bill. However, I have some concern about the Bill itself,concerns which I believe the honourable member expressed himself when he said that he is not wedded to this method of abolishing the drunk's defence and invited amendments in Committee. My concerns are similar to his whereby I believe that this defence should be abolished only in respect of crimes of general intent or basic intent, such as under the New South Wales Act and the model criminal code prepared by the Standing Committee of Attorneys-General.

I was heartened to learn of the ministerial statement made by the Attorney-General of South Australia on Wednesday last in another place concerning this matter, particularly the statement that the Government has decided to circulate a draft Bill, seeking community consultation prior to its introduction, hopefully in the budget session of this Parliament.

In the meantime it is my intention to bring to the notice of the Attorney-General and the shadow Attorney-General the report of the British Law Commission (No. 229) regarding legislating in the Criminal Code intoxication and criminal liability. I believe this to be the most comprehensive document available on the subject at this time. With respect to the Bill before the House, I suggest that we make haste slowly and await the outcome of the Attorney-General's deliberations.

Mr MEIER secured the adjournment of the debate.

EUROPEAN WASPS

The Hon. D.C. WOTTON (Heysen): I move:

> That this House commends the Government on its decision to maintain funding to assist in the control of European wasps and also its commitment to further research issues relating to their eradication and urges the Government not to support the imposition on property owners of a removal fee for wasp nests as this could discourage people from reporting the presence of wasps and would therefore be to the detriment of the program.

I liken the matter of European wasps to the situation that developed not very long ago in regard to millipedes. I remember standing up in this place some time ago, saying that I doubted that any action would be taken by anybody until millipedes started falling off the ceiling of the bedrooms of Ministers in marginal seats. I think that was pretty accurate because I remember going to the then Minister for Local Government (Mr Mayes) and getting absolutely no result from that deputation. Then suddenly he changed his mind, because the millipedes moved into Unley and he became very concerned.

Mr Clarke: You brought them down there.

The Hon. D.C. WOTTON: I might have brought them down. I cannot remember that I did, but it proved successful because only then did the Minister decide that he had better do something about it. The same thing could be said for the situation in which we find ourselves at present. While I am pleased that the Minister has made an announcement, to which I will refer a little later, a lot more can be done about this issue, because it is a significant one.

I have noted that the wasps are moving into a number of areas in the metropolitan area and they have been a problem in the Hills for some time. It has almost reached the stage where the days of the good old barbie and the picnic outside in the Hills have gone. It is a serious situation. Wasps are attracted to food and drinks and they are causing a lot of concern.

It was on that basis that I supported a call to the Minister by the Adelaide Hills Council, which expressed its concern

that at that stage no budget allocation existed for the European wasp program for this financial year. The council went on to say:

> The former Wasp Equalisation Fund, where member councils put in 15¢ per rateable property and the State Government matched the council input, has proved a very successful way of controlling wasp outbreaks. The lack of State Government funding will have serious implications for the wasp problem as we are heavily reliant on people reporting the presence of nests. Residents will be much less likely to report nests if this results in a cost to them. This cost can be substantial. . .

The letter went on to point out that one school property in the council's area had 13 nests removed in one year. The council's letter further states:

> Nests are hard to find in remote locations and it is therefore important to encourage, not discourage, resident participation. Last year in the Stirling district alone, more than 460 nests were removed and reduced vigilance could result in greatly increased health hazards, particularly for. . .

and the letter lists three areas, including tourists, in relation to whom it states:

> Wasps forage in rubbish bins and tourist attractions such as the Hills Affare have had a lot of problems with wasps in the past.

I remind members that, while it is not the Hills Affare, the Hills Harvest Festival is on this weekend and all members would be welcome to participate and see first-hand the problem we are experiencing with wasps but, more importantly, to have a great time in the Hills sampling the excellent foods and wines that are now being produced in the Adelaide Hills region. The letter highlights that European wasps are also a particular problem with grape pickers and states:

> . . . the increased number of vines in the area is attractive to wasps and grape pickers would be particularly at risk.

Of course, that problem can also be broadened to other fruits. I know that those in the apple and pear industry have also made representations to the Minister. The letter's third point relates to older residents and states:

> Limited budgets in this age group could make it difficult for people to pay for nest removal.

I also support that proposition. The letter concludes:

> For these reasons it is important that the State Government continue the funding commitment in this area.

I was particularly pleased when, a couple of weeks ago, the Minister for Local Government—

The Hon. R.B. Such interjecting:

The Hon. D.C. WOTTON: —otherwise known as the Minister for Wasps—announced that the Government would maintain—

Members interjecting:

The ACTING SPEAKER (Mr Lewis): Order!

The Hon. D.C. WOTTON: —its funding this financial year to control European wasps, continuing its three-year joint State and local government program. Mr Brindal's media release states:

> . . . the Government has committed funding to councils for the 1997-98 financial year of up to $70 000—conditional on matching funds from councils and a commitment to further research on whether the burden of European wasp nest destruction is occurring.

Mr Brindal further states:

> This background research is essential in order to determine an equitable funding arrangement for the future.

As I say, I am particularly pleased that the Minister has agreed to continue the funding for this year. I assure the Minister that I will continue to put pressure on the Government to ensure that the funding does not end at the end of this financial year. It is essential that funding for this program continue and that more research is carried out, and I will do everything I can to ensure that that is the case. The Minister's media release further states:

> There is a question as to whether the general public who are not harbouring the European wasp should be subsidising nest destruction through rates and taxes if it is known that nests are predominantly found on properties owned by specific groups of organisations or individuals.

I am not sure what the Minister is saying when he says that it is known 'that nests are predominantly found on properties owned by specific groups of organisations or individuals', because, as far as I am concerned, these wasps are likely to be anywhere. They are not particular whether they are in a catholic school or a protestant school, or whether they are down the road or up the road. It is vitally important that those funds are continued, and it is just as important, if not more important, that we ensure that the Government does not support the imposition on property owners of a removal fee for wasp nests. Already councils tell me that they are experiencing difficulty in encouraging ratepayers to make the council aware of nests and, in some cases, allowing the council onto their properties.

I cannot understand that, but I understand that some ratepayers are refusing, or have in the past refused, council permission to come onto their properties to remove nests, and I think that is pretty poor. The whole point is that we need to be doing everything we possibly can to encourage people to come forward and say to the council, 'Look, we have wasp nests on our property; can you do something about it?' I was pleased to see a release that has just been put out by the City of Onkaparinga. It states:

> Residents urged to join fight against European wasp. The City of Onkaparinga has urged southern residents to phone in with information about European wasp locations to help it fight the region's worst infestation ever. . . We urge the public to contact the council whenever they see European wasps and if possible identify the location of the nest. . . The City of Onkaparinga will send out a representative to destroy the nest or will subsidise the removal of nests by contractors on behalf of households.

I think that is what it is all about. We should be doing everything we can to encourage people to come forward if they believe they have a wasp nest on their property and call on the council to assist them with its removal.

In conclusion, I believe this is a very serious issue. As most of us know, a European wasp is different from a bee or other wasps in that the same wasp can continue to sting. I have been made aware of people in the Hills—and I presume this is the case in other areas—that have been seriously affected by European wasp stings. Of course, we have been told that a wasp sting to the throat could be fatal.

It is important that this matter be dealt with seriously by the Government. Again, I commend the Minister for ensuring that funding is available for the rest of this financial year. I urge the Minister—and I make it clear that I will do everything that I can—to ensure that funding continues so that the programs for research can be continued and also to ensure that the removal cost is not placed on ratepayers, because I think that would be the wrong way to go and it would create a disadvantage for people when, as I mentioned earlier, we should be doing everything to encourage them. I urge members of the House to support this motion.

Ms STEVENS (Elizabeth): I support this motion. I am pleased that the junior Minister for Local Government has reversed his initial decision and changed his mind in relation

to this funding. I was contacted, first, by the Tea Tree Gully Council, which outlined the issue in relation to this funding. When the matter was raised in a wider forum, the Minister was reported in the local Messenger press, as follows:

> Local Government Minister, Mark Brindal, indicated there was little chance of the State funding being restored, at least in the near future. Mr Brindal said the funding had been part of a pilot program set up three years ago when wasp numbers started to rise.

People were very concerned when they saw that initial response, and I am pleased that the Minister has now seen fit to reverse that decision. Even though this program has been going for three years, wasp numbers have continued to rise. When I contacted councils in the northern areas I was informed that the occurrence of European wasps had increased markedly last year.

I would like to put on the record some figures for members to consider. I am sure that this level of activity exists not only in the northern suburbs but also in other areas. In the past six months, more than 1 000 wasp nests have been destroyed by Greater Northern Councils alone since the funding was pulled. In the seven months to the end of January, Tea Tree Gully council destroyed 360 nests and Playford council dealt with about 500 nests. In the six months to the end of December, Port Adelaide Enfield council destroyed 120 nests and Salisbury council destroyed 80 nests. So, it is a significant problem. The significance and danger of these wasps was brought home to us all when we saw the press reports in the last week or so of the young lad in the southern suburbs who was stung so badly.

When I was gathering information with respect to this issue, the Tea Tree Gully council sent me the recommendations that the European Wasp Liaison Committee had presented to the Minister. I shall put these recommendations on the record:

> The committee recommends that:
> 1. a coordinated program of European wasp control by local government, involving nest destruction, appropriate research and community education and awareness, should continue which builds upon and models the past program;
> 2. registration of the recommended chemical for baiting be pursued so that baiting can be included in any European wasp control program;
> 3. such a program should be overseen by a committee established by local government with representation, as appropriate, from relevant State agencies, research authorities and the private sector;
> 4. the program be a voluntary one in terms of council involvement and that it be open to all councils in South Australia;
> 5. joint State/local government funding be continued and the two sectors enter into negotiations on this issue.

It is very important that these matters be addressed in partnership, and it was very important that the Government reinstated this amount of money. Privately, the Minister told me that, if we are finally to get on top of this problem, there need to be greater measures than this. I agree. I believe that that is probably true and that at the moment all we have is a stop-gap measure. We need to do research and put more thought into how we can address this problem. That will be a priority. I would be very interested to hear the Minister's comments in this House in terms of how he sees that happening. However, in the meantime, it is very important for the Minister to show good faith—and he has—by agreeing at least to continue the $70 000 funding. In the big scheme of things, $70 000 a year is not much money in terms of the State's contribution to a joint project with local government.

Finally, I turn to that aspect of the motion which refers to not imposing a penalty on home owners in relation to the removal of wasp nests. I agree completely with the mover of the motion, the member for Heysen, that doing this is simply a disincentive to people in terms of cooperating with the initiative. The Messenger article to which I referred earlier also stated:

> But, ultimately, householders would have to pay for wasp eradication themselves. 'Nobody pays for you to get rid of bees, nobody pays for you to get rid of snakes,' Mr Brindal said. 'The removal of pests is a problem generally considered a householder responsibility.'

No-one in this House could possibly think that European wasps should be considered in the same category as bees and snakes; we are dealing with a special case. I will be very interested to hear the Minister's comments, because I do not believe the Minister has made any statement of which I am aware in relation to householders paying for eradication programs. I would be very interested to hear his comments, but certainly, European wasps cannot be put in the same category as snakes and bees. I support the motion and I look forward to hearing the comments of the junior Minister. Further, I look forward to watching progress and will certainly take an interest in future actions involving this serious problem.

Mr SCALZI (Hartley): I will not speak at length in this debate, because the member for Heysen has clearly outlined the need for this motion and his support for it, as has the member for Elizabeth. I believe that European wasps are not limited to the Hills and northern area. It is a State responsibility. I do not believe that European wasps are concerned with boundaries, nor do they have a particular political preference. It is a State problem and we must deal with it.

I have been made aware of the problem in the Campbelltown area, and for this reason I support the motion. I commend the Government for its continuing support for the eradication of European wasps. The member for Heysen outlined the seriousness of this problem. We have many parks in South Australia and unless action is taken in this regard we are putting families and others at risk when they engage in leisure activities in those parks. We all know too well what would happen if a European wasp got inside a can of soft drink and a child was to drink from it, not knowing the wasp was in the can. It could be fatal. We should not wait for a fatality to occur. We should do everything possible to control, if not eventually eradicate, these wasps.

It is not the responsibility of particular households or areas because, as I have said, wasps do not have territorial boundaries. I am very much aware of the numbers in the Tea Tree Gully and northern area, and also in the Hills. I know the numbers are not as great in my area at present, but electors have expressed concerns and said, 'Let's do something about it before it becomes too widespread.'

I commend the Minister for the continuation of funding and the Government for continuing the programs. I, like the member for Heysen, will do my utmost to support those programs in terms of securing the necessary funding in order to ensure safety for families and children engaging in recreational activities which we all enjoy.

Mr HANNA (Mitchell): I support the motion. For the benefit of the Parliament, I will relate a story I was told yesterday by a constituent, who came to the electoral office and told me about the wasps that have been flying around his property. He has a fish pond and he believed that the wasps might have been attracted to the water. Concerned that his

three-year-old granddaughter who comes to play at his property might become a victim of a wasp bite, he contacted Marion council, which has a service whereby, if a nest is identified, council inspectors will come to remove the nest. However, my constituent was told that he had to trap the wasps and report where the nest was. That presented my constituent with a problem, because he was sure that there was not a nest in his backyard, while his neighbours, who are elderly and frail, are not in a position to search their sheds and eaves, around the sides of their house, and so on.

So, although my constituent asked around a few different neighbours, it was not practical or feasible for the residents to locate where these wasps had come from. Apparently they have a radius of quite a few blocks of houses and so it was impossible to pinpoint their source. That briefly is the story and I highlight a couple of aspects of it. First, Marion council, as with many councils—and the member for Elizabeth has alluded to a couple of them—has been doing good work in eradicating wasps in a piecemeal fashion. However, it does come down to resources, and my story highlights that. It is not just a matter of council inspectors coming around to take away or destroy a nest if it is located: there need to be more resources so that wasps can be tracked down and nests located and destroyed. This means that more resources need to go towards the eradication of the problem, and I support completely what previous speakers have said on this matter.

This is a State problem and Marion council, like many other councils, has suffered financially to the tune of a couple of million dollars a year in terms of costs for services which have been transferred from the State Government to local government level since the Liberal Government came to power in 1993. With resources so tight at the local government level there is a clear need for the State Government not just to maintain whatever funding there is for this problem but for that funding to be increased, indeed, as the member for Heysen and the member for Elizabeth indicated. I am glad to see that there is bipartisan support on this matter because it truly is a statewide problem that should be addressed beyond the mere local government level.

The Hon. R.B. SUCH (Fisher): I support the motion. As we have heard, European wasps are a problem in many areas. That is certainly the case in my electorate and in areas such as the Sturt Gorge, because they can easily breed there. The ultimate solution is genetic engineering and biological control, and it would be a good investment for the State Government to support research into biological control. This issue highlights the fact that there are still people in our community who try to thwart our quarantine regulations and those people, in my view, often get off too lightly. We see not only the consequences of the European wasp and the millipede but I am told that shortly we will see the bumble bee which, unlike the European wasp, has quite a bit of use. It is in Tasmania and seems to have better work habits than the ordinary bee. It is more imaginative and works longer hours. Nevertheless, we still have people in this country bringing in unwanted pests. The cane toad has caused enormous damage. The European wasp, as we have heard, has the potential to kill people. The cane toad came from South America and is the cause of enormous cost to industry in Queensland.

I strongly support the measure. I believe that householders should not be penalised for reporting the presence of a nest. That would act as a disincentive and would tend to undermine the program. My local council—the City of Onkaparinga—is very innovative. Technology is being developed whereby wasps take back to the nest some 'nasty' which hopefully will destroy the nest, but my latest information is that the technology still needs to be refined. The ultimate technology is biological control and genetic engineering. Therefore, I urge the Minister and the Government to fund the eradication of European wasps. I commend those councils which are supportive and I trust that we can bring this imported menace under control.

Mrs GERAGHTY secured the adjournment of the debate.

WATERFRONT REFORM

Mr CLARKE (Ross Smith): I move:

That this House condemns the Federal Liberal Government and the National Farmers Federation for their provocative approach to waterfront reforms in Australia, and in particular:

(a) their support for current and past serving members of the Australian Defence Forces to participate in an ill-fated overseas strike breaking training exercise;

(b) their support for the conspiracy entered into between Patrick Stevedores and the National Farmers Federation front company to establish a union busting stevedoring company at Webb Dock, Victoria;

and calls on the Federal Government and the National Farmers Federation to recognise that just and fairly negotiated settlements between management, unions and the workers involved can achieve more in terms of productivity and improved labour relations.

This motion seeks to expose the desperate and despicable actions of the Howard Liberal Government and certain sections of the National Farmers Federation to crush the Australian trade union movement by, first, crushing the Maritime Union of Australia, which for so long has been at the forefront of protecting the rights and working conditions of Australian workers in general. We know of the abortive actions of the National Farmers Federation—covertly supported by the Howard Liberal Government and by Patrick Stevedores—to use past and present members of the Australian Defence Forces to form a strike breaking work force in Dubai. Only the actions of international solidarity of transport unions saw that threat come to nought.

The Government of Dubai is very practical and when it realised that it was going to isolate itself from trade throughout the world because of the actions of international trade unions it quickly put paid to the strike breaking exercise which was covertly entered into by the National Farmers Federation and Patrick Stevedores and which had the active support of the Howard Government. How else would serving members of the Australian Defence Forces get permission to go to Dubai to participate in such a strike breaking exercise? We now have Webb Dock where the head of the National Farmers Federation and a few of his cohorts have set up a National Farmers Federation front company to operate a non-union stevedoring port at Webb Dock.

A number of reasons are given for it and I will deal with those shortly. Without a doubt the actions of the NFF at Webb Dock (supported by the Howard Government) is a direct challenge to the Maritime Union of Australia and to the Australian Council of Trade Unions. It is not about an employer being confronted with an intractable and obdurate trade union refusing to adapt and accept up-to-date modern work practices. It is about a small group of ideological zealots—and let us look at them: the millionaire head of the National Farmers Federation; their industrial guru, Paul Xavier Francis Houlihan, a former industrial advocate for the National Farmers Federation and, I might say, a former

branch secretary of the Tasmanian branch of the Federated Clerks Union of Australia.

I knew Mr Houlihan when he was secretary of the Tasmanian branch. I remember him well coming into our office in Regent Street, Adelaide, around 1976 smoking a very long, obnoxious cigar. I also remember that he is the same union official who got into trouble with the then section 45d of the Trade Practices Act when he sought to cut off the supply of ink to the *Mercury* newspaper when he was trying to get a closed shop for the Clerks Union and for the clerks working for the *Mercury* newspaper. He found himself and the union in very hot water, and cost the union thousands of dollars in damages as a result of his actions as the then branch secretary of the Clerks Union. He then went on and changed sides—although, from my point of view, I do not think he ever really changed sides: his heart was always with the boss; he was not much good as a union secretary—and joined the National Farmers Federation and helped to engineer a number of the industrial disputes that took place during the 1980s.

We also have Chris Corrigan, the head of Patrick Stevedores, who is a self-confessed liar to his own work force about that company's operations in Dubai. He is a self-confessed liar—which makes him eligible for appointment to this Government in South Australia. He is a prime candidate to lead this Government in South Australia. How could any—

The Hon. I.F. EVANS: I rise on a point of order. The member for Ross Smith is suggesting improper motive, calling the Government and the Leader of the Government liars. I ask him to withdraw.

The ACTING SPEAKER (Mr Lewis): The words 'lie' and 'liar' are unparliamentary, and I therefore call on the member for Ross Smith to withdraw.

Mr CLARKE: I withdraw any connotation with respect to the Premier being a liar in this House. I was referring to Chris Corrigan, the head of Patrick Stevedores, who has admitted in public that he is a liar; that he lied to his work force. He is an unmitigated liar, he has totally disgraced his position and he cannot criticise the Maritime Union of Australia or its members from ever again accepting his word on anything.

We also have the actions of Peter Reith, the Minister for Industrial Relations, who is also involved actively in this exercise of trying to break the Maritime Union of Australia. Mr Reith and this renegade group of the National Farmers Federation want to destroy the Maritime Union of Australia. They want to emulate Maggie Thatcher and her emasculation of the Miners Union in the early 1980s, which de-fanged or disempowered the British trade union movement so the employers in that country could run riot over the wages and working conditions of British workers. That is what happened in the UK and that is exactly what the Howard Government wants to happen here. Mr Reith, Mr Houlihan and the NFF want not only to use the Workplace Relations Act and the penal powers that apply there but also to apply the common law actions that apply in this country which make virtually any strike action illegal except in certain protected cases, to break the MUA and, more importantly, to financially break its members.

We have all seen what has happened in the United Kingdom with respect to the division that has been wrought in industrial relations during the years of the Thatcher and Major Governments—the divide between north and south; the haves and the have-nots—the beggars in the streets of London and elsewhere in the UK. The ideological zealots in Canberra look towards what their compatriots in the UK did when they were in Government and at what happened to the work force there.

There are a number of myths surrounding wharfies. There is a claim that they earn $80 000 a year for no work. The fact is that they earn $30 000 a year for a 35-hour week—$17 an hour. The reason why they earn more money is that their bosses refuse to hire more employees, so they have to work overtime, double and triple shifts. That is how they earn the money. The member for Waite laughs. Let us just look at the legal profession. I refer to a speech made by the Hon. Ron Roberts last night. He referred to a schedule of fees from the Supreme Court for lawyers—and this is just their award rate, not what they actually charge, in many respects. Just to go down to listen to the judge hand down a judgment, junior counsel receive between $130 and $190. A QC—such as the Hon. Mr Lawson—picks up $190 to $250 an hour just to go down to the Supreme Court and sit and get a judgment.

A senior counsel gets $2 500 a day, and a junior counsel can charge anywhere between $650 and $1 350 a day. That is where the rapacity is in our society. None amongst the silks and lawyers in this State or even the Attorney-General recognises that the protection of the law is beyond the reach of ordinary citizens because of the cost of legal counsel. In the medical profession, that great trade union, the Australian Medical Association, has done marvels for its specialists in ripping off Medicare and the medical consumers of this country.

We are also told that productivity on the wharves is below international standards. Let us just look at our own Port of Adelaide—and that is where we should concentrate our attention. On page 24 of its January-February newsletter of this year, here is what the Employers Federation had to say:

> Ports Corp Meeting the Challenge
>
> So successful has Ports Corp been in its mission to revitalise Port Adelaide that it has even been able to make substantial reductions in port shipping charges. Between 1990-91, only 42 000 containers moved across the modern container terminal. However, in 1996-97 this had more than doubled as exporters and importers took advantage of the lower charges and unprecedented expansion in the shipping services.

The article goes on to state:

> The Marketing Manager. . . Mr Wayne Parham, says that the performance of the container terminal at Port Adelaide is critical to the total performance of Ports Corp and is the continued focus of intense marketing and development activity to ensure the maximum potential of the facility is realised.

He is quoted as saying:

> The establishment of a port services working party, chaired by Ports Corp, allows all the port service providers, including the Maritime Union, to regularly come together to address issues that can make the port work better. . .

I emphasise his next quote:

> Our success is above all a team effort.

Further in the article he goes on to state:

> We are getting plenty of runs on the scoreboard, and aided by strong support from our clients, Ports Corp is meeting the challenge of making its ports the most competitive ports in the nation.

The fact is that that is where the employer, Sea-Land at the Port, together with the Maritime Union, have got together and got their enterprise bargaining together and worked cooperatively rather than being fed this ideological claptrap by a self-confessed liar in the form of Mr Chris Corrigan of Patrick Stevedores and a person of dubious parentage in the sense of

the Minister for Workplace Relations, Mr Reith, who would not know the truth if it hit him in the face.

Another myth is that Webb Dock is being established to service the farming community. It has never serviced the farming community and the farming community has been exempt from industrial action by the MUA for the past 10 years. No farm produce has been held up in any port in Australia for the past 10 years because of that exemption—and this is how the National Farmers Federation repays them. Yet, these great agrarian socialists want us to vote for the extension of the life of the Barley Board. Fortunately, not every farmer happens to believe the millionaires who head the National Farmers Federation, and a number of them have come out publicly and condemned the action of this front company and the actions of Mr Reith.

An honourable member: Who?

Mr CLARKE: The Grains Council of New South Wales and also in Queensland, because they recognise that they achieved hard-won gains in productivity. Ten years have passed without any of their produce being held up at the wharves through industrial action, and all that is being put at risk by this bunch of ideological zealots. The fact is that the Howard Government is so desperate for re-election that it wants to divide this nation. It wants to use the Wik legislation to pit white Australian against black Australian. It sees that as a winner, and that is what it is prepared to do. In respect of industrial relations there is nothing like beating the trade union can to try to divide Australian worker from Australian worker. That is what this Liberal Party is all about: dividing Australian against Australian. You did it during the Vietnam war and the Constitutional crisis of 1975; you want to pit Australian against Australian. That is the only way you believe you will achieve success at the polls. But, unfortunately for the Liberal Party, the fact is that the Australian public can see through that.

The maritime union will not fall for the three card trick. It will be able to work its way through this, and it will achieve the support of the Australian population, because it is not about their being greedy. You do not find this Liberal Government going out and getting the tax cheats, making sure the Murdochs of this world pay their fair share of taxes instead of the tax minimisation—

Members interjecting:

Mr CLARKE: Yes, Rupert Murdoch and News Corp are a bunch of tax cheats. They do not pay their fair share. However, they want to get stuck into the wharfies, who pay their fair share of tax. They are pay-as-you-earn workers, and they pay their tax. They do not have family trusts or tax minimisation schemes. They pay taxes on what they earn. They are Australian workers who spend their money in Australia for the benefit of Australians. I urge the House to support the motion, because it states the truth.

Mr BROKENSHIRE (Mawson): I would have expected someone from the Opposition to move this motion, and the one I would have definitely expected to do so would be the member for Ross Smith. He did a gallant job in the Chamber of trying to project an air of seriousness and support for the wharfies, but we know there was no substance to his argument. We also know that the member for Ross Smith gets a lot of money through the union movement. I admire the guy for looking after his mates and getting up in this House and debating as he did. However, I do not admire the fact that he has missed the point.

I have nothing against unions. The union that looks after the wharfies has done a good job for all the workers. I have a mate whose father is now retired from the Port Adelaide docks. I would be very pleased to pay for membership to any association that looked after me, as a farmer, like the union representing the wharfies has looked after them over the past 30 or 40 years. Whilst the member for Ross Smith said that the base salary of a wharfie might be $35 000 the take-home pay for wharfies, on average, is far more like $70 000 to $90 000 a year. It was only—

Mr Clarke interjecting:

Mr BROKENSHIRE: The member for Ross Smith talks about overtime and all the rest of it. We saw the facts on television the other night. Interestingly enough, on their base rate they were loading seven vehicles per person per hour onto a ship to export Australian made cars overseas. However, when they went to double time and a half, what happened? They were able to load 18 vehicles every hour. What was happening on the base rate, when they could drive only seven vehicles an hour onto this ship? And I could also tell a few other stories.

I commend the workers and the Ports Corporation for the job they have done. I also commend the member for Price for his good work. In the previous Labor Government, the honourable member helped to provide better export opportunities in South Australia through the efficiencies at Port Adelaide, and I clearly acknowledge that. No doubt the Ports Corporation and the workers at Port Adelaide have done a better job compared with other parts of Australia. The Labor Party did start that restructuring and innovative work practice methodology which has improved things. We have carried on from there. We now have the rail line coming in alongside the ships at Port Adelaide so that we can load the containers straight on, and we are beating the pants off the other States, per hour, when it comes to loading containers, and so on.

Working cooperatively together is fine, but that is just one argument. My friend, whose dad was a wharfie, at footy practice told me how he could not believe the latest agreement that had just been reached. He often used to come along with many brand new work boots, gloves, and so on. I would ask him, 'What's going on, mate?' He would say, 'If they are loading frozen beef, after so many hours you get a new pair of boots and gloves. It doesn't matter whether you've actually worn out the old ones, you get a new pair, anyway.'
If that is helping efficiencies, cost reductions and job generation for this State, I will go 'he'.

The thing that really put the icing on the cake was when he said, 'Guess what, there has been a new agreement. Dad does not have to go down to the wharves any more.' I said, 'What do you mean?' He said, 'What happens now is that Dad rings up and, if there is a ship coming in, he goes to work but, if there's nothing happening, he just stays home, but he still gets full pay.' I am not sure that that is really all that productive either. Again, I give credit to the union for getting a very good deal for their workers. But I want to talk about democracy, and that is what this debate should be focused on. I am not having a crack at the wharfies—well done to them for the very good conditions they have. However, I want to debate democracy. I declare an interest, because I am a farmer and do earn some money, albeit that it is difficult to break even at the moment, through the export market.

Mr Clarke interjecting:

Mr BROKENSHIRE: The dairy industry is not protected at all, unfortunately. Given that 40 per cent of what we export

goes to Asia, we are far from being protected. I am quite worried, but that is another debate. If the National Farmers Federation believes it can bring in Patrick Stevedore Company to be more efficient and more cost effective and allow us to get a better return on the products we work hard to ensure are of great quality, are clean and green and are saleable, a process that will give us a better return to allow us to create more jobs for the young people in this State and country, what is wrong with that? That is democracy. Therefore, the argument should simply be: should the Farmers Federation be able to facilitate a new stevedoring company that will allow more cost efficiencies, more jobs, more economic wealth and more opportunities for Australians? The answer is simply 'Yes.' There is no debate as far as I am concerned—let us get on with other issues. Please do not knock opportunities for restructuring, particularly the most fundamental restructuring that has been called upon for years.

If you want to talk about blue-collar workers—I have plenty of them in my district and I love representing them and appreciate the effort they put into our State—come to one of the soccer clubs one night and have a beer with a few of them. They will tell you how frustrated they and their unions are with the continuing inefficiencies on the wharves, which are affecting their jobs also. If we can save something like $1 500 or $2 000 per car by being more efficient in getting those cars off the docks and to the markets overseas, guess what that means to the blue-collar workers in my electorate? It means they will be able to give a better opportunity to their kids, they will be able to buy goods and services that they desire for their families, and they will be able to have a better lifestyle. So, everyone is a winner. It does not mean that people will not have jobs on the wharves at all.

If people want to work for Patrick Stevedore and not be a member of the union, that should be their choice. If other people want to work and be members of the union, that also should be their choice. We all have a choice as to whether we are Liberal or Labor, and that is fine and democratic. So, what is the difference on the wharves? The answer is that there is no difference. Again, you do not have an argument, so please do not waste the time of members, when we have only 2½ hours of precious private members' time, with this sort of ridiculous motion in this Parliament just so that you can get another big heap of dough in your district for the next election.

The member for Waite knows far more about this issue than I ever will because he is a highly trained SAS Lieutenant Colonel. I know that those people have a lot of skill. The motion moved by the member for Ross Smith states:

> That this House condemns the Federal Liberal Government and the National Farmers Federation for their provocative approach to waterfront reforms in Australia, and in particular:
>
> (a) their support for current and past serving members of the Australian Defence Forces to participate in an ill-fated overseas strike-breaking training exercise.

I did not know that John Howard and the Liberal Government had been provocative at all: they did not start this. The Farmers Federation put this idea forward.

Mr Clarke: They sent the troops in.

Mr BROKENSHIRE: No, they did not send the troops anywhere.

Mr Hamilton-Smith: Prove it.

Mr BROKENSHIRE: As the member for Waite says, 'Prove it.' That is simply innuendo. How do you know it was ill-fated and how do you know that the Liberal Government had anything to do with it? The honourable member has no evidence whatsoever to put before the House.

In summary, if ever there has been an opportunity to bring real reform on the waterfront, it is now. For the 40 years that I have been alive, people have been calling for reform on the waterfront. For four decades they have been calling for reform. However, the Labor Party and some unions—but not all unions, because some realise there needs to be more efficiency on the waterfront—do not want to come into the modern-day world: they want to stay in a time warp, because it puts their members in a comfort zone. Although such an attitude wraps one small group of people in cotton wool, it does not help the 10 per cent of people in this State who are unemployed. It does not help all the young people who desire the same future that all of us in this Chamber have.

I believe that the absolute majority of people, including the very hardworking blue collar workers, will agree with me when I say to the National Farmers Federation, 'Get on with the job of allowing this democracy to occur and do not back off.' The Prime Minister of Great Britain, Tony Blair, who will be in office for a while, although I doubt that he will remain for 17 years as the Tories did, has had the greatest foundation set for him of any Prime Minister that I can recall in taking on a new Government. Part of that is a result of what Margaret Thatcher did when she stood strong on the coal issue in England.

I say to the people of Australia and to the National Farmers Federation, 'Stand strong this time because, if you crumble, Australia crumbles.' This is the greatest chance that we have had. Agriculture, mining and exports are the three growth opportunities in Australia, so let us support the National Farmers Federation. I commend it and I condemn the member for Ross Smith for bringing such a ridiculous motion before the House.

Mr De LAINE (Price): I am pleased to follow the member for Mawson. If we were debating a farming issue, I would bow to his greater expertise but, because we are talking about waterside workers, unions and industrial relations, I am afraid that he knows nothing about it. I strongly the support the motion moved by the member for Ross Smith. The Federal Liberal Government and the National Farmers Federation stand condemned for their campaign of union busting on the waterfront at Webb Dock in Melbourne.

The Howard Government has brought its version of industrial relations to Webb Dock, and we all know what the Liberals' version of industrial relations is. Looking back over the years, we find that, when the Liberals are in Government in Australia or in the States, there is always an awful amount of industrial disputation. However, when we have Labor Governments, to a very large extent there is industrial peace.

At stake in this dispute is the basic right of workers to organise themselves into trade unions and to bargain collectively. The Australian community has a great debt to pay to the trade union movement, particularly the Waterside Workers Union or, as it is now, the Maritime Union of Australia. Over the last century, those workers have been at the forefront of winning award conditions and other improvements which have flowed onto other unions and then, in time, to the community at large. We owe our standard of living today to the efforts of trade unions over the years; otherwise we would be back in the dark ages and virtual slave labour.

Unions have won award conditions and other improvements in the standard of living of all Australians, and at the

forefront of those struggles have been the waterside workers. Traditionally, the waterfront has been most dangerous and exploitative workplace in Australia and those workers have endured some horrific conditions. I remember my early days in Port Adelaide when waterside workers were on standby 24 hours a day, as were doctors, except that doctors were remunerated very handsomely.

My father-in-law and his father were waterside workers, and they could not make arrangements to go anywhere because they were on call seven days a week—even Sunday night—to work on the wharf. When a ship was in dock, they would work down in the hold in atrocious, unsafe conditions. They were not even allowed out of the hold to have anything to eat or drink. My mother-in-law would lower food and drink down to them on ropes because they had to eat their meals between decks. Their working conditions were appalling. The bosses on the wharf would make them load up the slings to well past the safety limits, and many waterside workers were killed on the wharf, many more were badly injured and some were maimed for life.

Debate adjourned.

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

QUESTIONS

The SPEAKER: I direct that the written answers to questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 17, 27, 29, 30 and 31.

PAPERS TABLED

The following papers were laid on the table.

By the Minister for Multicultural and Ethnic Affairs (Hon. J.W. Olsen)—

Multicultural and International Affairs, Office of—Report, 1996-97

By the Deputy Premier (Hon. G.A. Ingerson)—

City of Unley—By-Laws—
No 1—Renumbering of By-Laws
No 3—Bees
No 4—Garbage Bins
No 5—Inflammable Undergrowth
No 6—Streets and Footways
No 7—Recreation Areas
No 8—Dogs
No 9—Poultry
No 10—Caravans
No 11—Removal of Garbage
No 12—Street Trade's Licence
No 13—Lodging Houses

By the Minister for Human Services (Hon. Dean Brown)—

Controlled Substances Advisory Council—Report, 1996-97

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Industrial Affairs, Department for—Report, 1996-97

By the Minister for Education, Children's Services and Training (Hon. M.R. Buckby)—

Employment, Training and Further Education, Department for—Construction Industry Training Fund Act, Review of—November 1997

By the Minister for Primary Industries, Natural Resources and Regional Development (Hon. R.G. Kerin)—

SABOR Ltd—Chairman's Report, 1996-97.

GOVERNANCE REVIEW ADVISORY GROUP

The Hon. M.K. BRINDAL (Minister for Local Government): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.K. BRINDAL: I table the report of the Governance Review Advisory Group. This body was charged to report to the Minister for Local Government on issues concerning the governance of the City of Adelaide, including its powers, functions and responsibilities, the size and composition of the council, and electoral arrangements. In addressing this task the advisory group examined a range of options for future governance which would ensure the proper management of the city for its electors and enable the council to provide leadership as a capital city council of South Australia.

For the information of members, I intend to outline the general thrust of the report and advise the House of the process the Government now intends to put in place to examine and respond to its recommendations. Before doing so, however, I want to thank the members of the Governance Review Advisory Group, Neill Wallman, Annette Eiffe and Malcolm Germein, for their work over the past nine months. The governance review was established with the support of all political Parties and the Adelaide City Council.

The Government has been at pains to ensure the independence of the operation of the review. The review's establishment was the direct result of the Adelaide 21 Project and its 'City Centre Strategy for the New Era'. This highlighted the priority of addressing governance arrangements for the city. The review group undertook consultations with key stakeholders, including electors of the City of Adelaide, representatives of business and the broader community. It has been able to work cooperatively with the City Council and the Local Government Association. I thank the many individuals and groups who have contributed to this process.

In establishing this review the Government recognised the need for change and took an important step towards regeneration of the capital city. In identifying capital city regeneration as a major issue, the review group has pointed to the need for Government, business and the community to work together and to establish collaborative and respectful relationships. Indeed, visionary planning and collaborative partnerships are highlighted as characteristics of successful cities around the world.

The review group has also emphasised the importance of maintaining democratic processes, striking a balance between municipal and capital city roles. It proposes a plan of action which would include the development by the Government of a capital city policy and the collaborative preparation of a city centre strategy by the Government and the City Council. It proposes the establishment of a capital city commission, an initiative jointly funded and composed of senior representatives of the Government and the council to drive these initiatives.

A number of proposals for change to the composition of the council and the electoral arrangements are also put forward. The review group believes these changes, if instituted, will provide a basis for effective governance into the future. They include a smaller elected council of 10 members including the Lord Mayor, clarification of the powers and function of council members, removal of the entitlement for individuals to vote in more than one capacity

in council elections, automatic enrolment of nominee groups and corporations, compulsory voting, the exclusive use of postal votes and the abolition of ward boundaries. Consequently, all members would be elected by city-wide franchise. It contains recommendations that the external boundaries of the city remain unchanged and that the position of alderman should be abolished.

Not all these recommendations are supported by the Government. For instance, as a matter of principle, the Government is unlikely to accept compulsory voting. The establishment of a commission and the basis for payments and benefits for the Lord Mayor are other facets which will require close examination. The Government intends to consider fully the recommendations of the Governance Review Advisory Group and to enter into direct discussions with the Adelaide City Council about an agreed framework for future governance and betterment of the city. The need for new or amended legislation will be considered, and discussions will be held with the opposition Parties so that any new arrangements can be put in place as expeditiously as possible.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: The Government is committed to ensuring that electors of the City of Adelaide and other key stakeholders have the opportunity to comment on the package of measures proposed by the report to improve representation and other electoral arrangements within the city. To this end, comments on the recommendations will be received over the next four to six weeks so that any feedback will inform the discussions between the Government and the council. With the cooperation of all parties, we look forward to any new provisions for the city being debated in this Parliament as expeditiously as possible.

This Government is determined to take the steps necessary to ensure that the City of Adelaide fulfils its rightful role in contributing to the economic prosperity and development of the State. In doing so, we intend to create constructive and clearly defined relationships with the Adelaide City Council. We are committed cooperatively to ensuring that South Australia enters the new millennium with a vibrant, economically dynamic Adelaide—a city of creativity—whose citizens can enjoy a lifestyle and quality of life which is the envy of every other State.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Was it the present Premier or the former Premier who told South Australians the correct information in respect of when the Government first considered privatising ETSA? On 17 February the present Premier told the House that Cabinet first considered privatising ETSA and Optima on 22 December 1997. On 18 February, the Premier told Parliament that prior to the last election 'the Government did not consider the sale of ETSA or any part of it'.

Yesterday, the former Premier said there were Cabinet discussions about certain asset sales and that 'in 1996 Cabinet had specifically discussed a range of assets for sale, including the sale of ETSA and decided not to sell ETSA'. In addition, the former Premier said, 'We rejected the proposal to sell ETSA'. Who is telling the truth, John or Dean?

The SPEAKER: Order! The last part of the question is comment.

The Hon. J.W. OLSEN: I invite the Leader of the Opposition to obtain the transcript of the press conference I did with the Treasurer (Hon. Robert Lucas) and the Minister for Government Business Enterprises last Wednesday. If he compares it with the transcript of the Minister for Human Services yesterday, he will see that the transcript and the replies are exactly the same.

Mr HAMILTON-SMITH (Waite): Has the Premier assessed yesterday's response by the Leader of the Opposition to the sale of ETSA and Optima?

The Hon. J.W. OLSEN: The reform of ownership and management of our power assets is important not only for the reasons identified by the Auditor-General in his report but also for the rebuilding of the South Australian economy. Reports which are starting to emerge show that the policy direction of this Government over the course of the past four years is starting to bear fruit. I refer the House to a report released yesterday by the Victorian Employers' Chamber of Commerce and Industry assessing all States in Australia. I refer to one paragraph of that report which says:

> Both Victoria and South Australia have improved their position relative to other States by 35 and 20 percentage points respectively. South Australia's improved position can largely be attributed to the improvement in the State's relative economic position raising its index score from 30 per cent in May 1993—

when the last Labor Government was in power—

> to 60 per cent in February 1998. This improvement is due largely to the State's low inflation and insolvency rate fuelling a higher level of business investment during 1996-97.

To create the opportunities for jobs we have to have investment; we have to market and reposition the State; and we need to reduce the cost of operating a business in this State. To attract companies such as Western Mining (with its $1.5 billion worth of investment) and General Motors (with its $1.475 billion worth of investment), we have to ensure that the cost of operating a business in South Australia is internationally competitive, and becoming internationally competitive is important. Industry groups in South Australia have constantly put to the Government that the thrust and the direction to suppress and reduce costs are key components, as was the tariff debate, for example, in getting and securing investment in this State that will lead to jobs.

The announcement of an investment in jobs in one year leads to the creation of jobs subsequent to that, and some lead time is involved. If we go into a reform vacuum and if we do not come to grips with changing circumstances and put in place new policies, the opportunity will pass us by. That is the warning that has been given by people such as Graham Richardson, Bob Hogg, Premier Carr and Treasurer Egan in looking at making changes. What we have on the Opposition benches are policy wimps. They are not prepared to bite the bullet on major policy initiatives that are the basis for securing investment in this State in the future. I note that the Leader, in his remarks to the House yesterday, said that the Opposition would keep the ownership of the assets, guarantee security and continuity of electricity supplies and provide a financial return—

Mr ATKINSON: Mr Speaker, I rise on a point of order, which is twofold. First, is the Premier responsible to the House for the position of the Opposition on any matter, let alone the ETSA sale; and, secondly, is the Premier not debating the question in violation of Standing Order 98?

The SPEAKER: It has been a practice of this House now for years that the lead question to the Premier is one in which the Premier is given the opportunity to develop a reply. I believe that that practice has been established by both sides for many years, and I intend to uphold it as the current practice of the House. I do not uphold the other part of the point of order.

The Hon. J.W. OLSEN: This issue is important. As I have indicated to the House over the past two weeks, this policy decision is one of the most important that we will debate in this Parliament for some time, and it is the core to investment and jobs and rebuilding the economy of South Australia; nothing short of that. No longer does ETSA and Optima have monopoly control over the market and, if you do not have that, clearly, other competitors will be allowed into the market. Therefore, market share is at risk. And if market share is at risk, revenue is at risk: if revenue is at risk, dividends are at risk. Therefore, no-one can guarantee—not even the Leader of the Opposition suggesting he could and would—that there will be continuing dividends from ETSA and Optima in the future. That is where the risk factor is. And, not only that, those organisations have indicated that they require $300 million plus in investment to participate in the market. Do we want to spend $300 million on electricity generating units, or do we want the private sector to supply it so that those funds can be invested in community social infrastructure, which is crying out for that investment?

The point that I want to make clearly is that the Leader says there is no need for change, that there is no risk factor, and that he can guarantee the results in the future by 'good management'. The Auditor-General, in his evidence last Monday, stated:

> A fair conclusion is that, when you are in a commercial market, you could lose your position in that market, and that would mean that you could lose your income or your revenue. If you lost your income or revenue, that would lead to. . .

a reduced capital value of that asset. In other words, there would be the requirement for $300 million worth of investment and, at the same time, no dividend flow. That is a lose, lose position for South Australia, and no-one in their right mind would accept that.

The Leader also went on to criticise the management of ETSA and Optima. He said that the problem was with management and that he would get rid of the management and change it. He has wanted to change the head of the Department of the Premier and Cabinet and the Under Treasurer—

An honourable member interjecting:

The Hon. J.W. OLSEN: Mr Longbottom has gone. Now he wants to change the management of ETSA and Optima. Over the next couple of years there will not be any public servants with any job guarantee left, the way the Leader of the Opposition is going. But the important point—

An honourable member interjecting:

The Hon. J.W. OLSEN: We will talk about management. Members might recall that it was the Leader of the Opposition who got up in this House and said that Tim Marcus Clark was a coup for South Australia. That was after the Leader of the Opposition, sitting around the Cabinet table, knew the State Bank was in trouble. And yet the Leader of the Opposition, as Minister, came into this House and said what a great coup Tim Marcus Clark was. If the Leader of the Opposition wants to get rid of the management of those instrumentalities and bring back the likes of Tim Marcus Clark, he can make that decision. I can assure him that members on this side of the House will not be making decisions like that.

This is about the management of a set of circumstances that has evolved, clearly bringing about substantial risk—not only in one area but in a number of areas, as identified by the Auditor-General. It belies belief that the Leader of the Opposition could stand in this House yesterday and say that they will continue with the *status quo* and that nothing will change because he can hold back the tide. The reality is that we are not an economic island; we have commitments in the national market. We have responsibilities to the investment of companies in this State that are employing South Australians. To shirk that responsibility is to sell out South Australians.

Members interjecting:

The SPEAKER: Order on my right!

Members interjecting:

The SPEAKER: Order on my left, too!

Mr Foley interjecting:

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

The Hon. M.D. RANN (Leader of the Opposition): Did the Premier change the instruction given to the Auditor-General by the former Premier that he was to be told personally of any problems facing the State and, if so, can the Premier explain why he did not want to know? Yesterday, the Minister for Human Services and former Premier told the media that he had ordered the Auditor-General to tell him personally of any financial problems facing the State during his premiership. The former Premier said, and I will quote this exactly:

> It's up to the Premier of the day, and that's the role of the Premier.

Why did you change this proactive role for the Auditor-General?

The Hon. J.W. OLSEN: I would like to thank the Leader of the Opposition for his Dorothy Dix question. If he had been in the House and was listening yesterday, and if he had read the transcript of the evidence by the Auditor-General on Monday of this week, he would know that, after the Auditor-General sent this report to Mr Kowalick, the Under Treasurer and Mr Longbottom, I had a meeting with the Auditor-General. As is always the case when I have a discussion with the Auditor-General, I asked, 'Is there any other matter you would like to raise with me?' The Auditor-General said 'No.' The Leader of the Opposition is way out of court. He is desperate to steer away from the policy option. He cannot debate the policy option. The simple fact is that the Auditor-General can ring me at any time; I will see him any time he wishes. In relation to this subject—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I caution the Leader of the Opposition.

The Hon. J.W. OLSEN: —after the Auditor-General—and let me repeat it, because it is obviously taking some time to sink in—had prepared this report and distributed it confidentially, he had a meeting with me on another matter. At the end of the meeting—and the Auditor-General has confirmed this with me—

An honourable member interjecting:

The Hon. J.W. OLSEN: He did on the record, too. He had a discussion with me and I asked him—as I do whenever I have a discussion with the Auditor-General—'Are there any other matters you wish to raise with me?' His answer was that

he did not. The Leader of the Opposition is desperate. In two weeks, we have not had a question on prices, jobs, reliability of supply, capital investment or the structure of the asset to go to sale. There have been no questions about that. There have been no questions about, if we are into a forced sale position, what will that do to the price. If these assets are not sold in a timely way and on our terms and conditions, it will substantially discount the price. That is what the Leader of the Opposition wants. He wants to derail and devalue this process. He does not want this to be a successful outcome for South Australians, for base political purposes.

Members interjecting:

The Hon. J.W. OLSEN: The member for Hart has played exactly the same game with the Leader of the Opposition. They are not interested in an outcome for South Australians because, if they were, every day this House has been sitting in the past two weeks, there would have been questions and debates about the issues and how we maximise the return for South Australians. There has not been one question on that. They were all totally irrelevant. They repeated questions and information that is already on the parliamentary record. The ALP has been caught out and seen for what it is—an absolute policy wimp that has no idea, no policy, no direction, no guidance and no real debate for South Australians.

Members interjecting:

The SPEAKER: Order! I caution the Leader of the Opposition for the second time.

Members interjecting:

The SPEAKER: I caution the member for Ross Smith for the second time. I remind members that, if an honourable member is warned and named, not only will the member lose his or her opportunity to be present but also it will hold up Question Time for a considerable time.

Mr VENNING (Schubert): Will the Premier explain to the House whether the Government's preference is for a trade sale or a long-term lease of ETSA and Optima?

The Hon. J.W. OLSEN: I was interested in a report in today's paper which quoted Mr John Fleetwood. If that report is accurate, he suggested on behalf of his employees and his union that they would far sooner a trade sale wherein certain conditions for employees can be locked into the contractual agreements, rather than a lease deal. That is interesting. The Leader of the Opposition is not prepared to take the quantum step to look at the future, and possible terms, conditions and outcomes. He is in a time warp; he is hanging back 20 years, and is not prepared to move forward.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader of the Opposition.

The Hon. J.W. OLSEN: It is interesting that the unions are putting forward points of view as to what ought to occur, and that is constructive and responsible. While we might not agree with some of their suggestions, at least some sections of the union movement are prepared to start planning for the future, which is more than the Leader of the Opposition is prepared to do.

As I indicated to the House last week, I had discussions with all representative unions on the day of the announcement, including the Public Service Association, and they sought some commitments. The Minister for Government Enterprises has written to every employee of ETSA and Optima in relation to the no-forced redundancies policy that will be maintained throughout this process. Therein lies the response to the questions and concerns about job security and certainty for the future. One would have thought that the Opposition might be interested in, and have asked about, the job security and certainty of those employees.

The union movement has been constructive, and we will continue to work with the unions, look at the suggestions that they put forward, and accept those that we think can be accepted without compromising the sale process. It will be a collaborative, cooperative relationship with the union movement. The Leader of the Opposition has said on a number of occasions, 'Just pick up the phone'—I think that is the expression—'I want to work in a bipartisan way for South Australia.' Here is your chance and you have failed yet again.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Deputy Premier. Given the statement by the Under Treasurer that the Deputy Premier in his former role as Minister for Infrastructure received briefings from Treasury on ETSA and Optima board meetings for over a year, can the Deputy Premier tell the House when he first learned of advice that ETSA would lose $40 million a year as a result of joining the national electricity market, and did the Deputy Premier inform the Premier of this loss? A media report today states that the Deputy Premier yesterday acknowledged that he had received briefings on this issue.

The Hon. G.A. INGERSON: As Minister for Infrastructure I received briefings from the Treasury adviser who was at those meetings. Those briefings concerned trade issues, how the corporation was trading and all the issues relating to that trading matter, as would be expected, for anyone who is interested in the operations of a company. The issues relating to the long-term national market had nothing to do with those briefings as far as the person from Treasury was concerned. They were all about trading matters. That is the issue that I was involved in and that has been reported before to this Parliament.

As I also said the other day—and I understand it has now been corrected with the Opposition that part of the journalist's report today was incorrect, and he has advised the Opposition accordingly today—

Members interjecting:

The Hon. G.A. INGERSON: I made the comment to the House that I received the information relating to the $96 million when I received the annual general report from ETSA, and that was during the election period.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! The Deputy Premier and the Leader of the Opposition will come to order. The member for Hartley has the call.

Mr SCALZI (Hartley): Is the Minister for Government Enterprises aware of the further details of risks the Government faces with the introduction of the national electricity market in addition to those outlined in the Auditor-General's Report?

The Hon. M.H. ARMITAGE: I thank the member for Hartley for his question, which really goes to the nub of the policy decision announced by the Government.

Mr Conlon interjecting:

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

The Hon. M.H. ARMITAGE: Entering the national electricity market will see both Optima and ETSA exposed to the financial vagaries of a fluctuating pool price. Where South Australia currently can rely on a fairly reliable price for electricity, participation in the national market may see the pool price jump as high as $5 000 for a megawatt hour in periods of very high demand or where generating plant fails. If no hedging had been done this translates to a worst case retail risk exposure of nearly $10 million for a single hour of high demand. Even if only 10 per cent of the electricity for that hour is unhedged, exposure could still be of the order of $1 million for an hour of high demand.

Some industry bodies are, in fact, discussing the possibility of lifting the price cap from $5 000 to as high as $30 000. Obviously the market risks begin to multiply quite alarmingly. Under even less extreme circumstances, the electricity organisations of the future obviously will need to adopt a stock exchange type of function to monitor and manage the day-to-day fluctuations of electricity price. Electricity traders will be engaged in many of the activities more normally associated with financial markets, such as selling and buying hedges, swaps, options, futures, and so on. It can be likened to the movie *Trading Places*, which I am sure many members have seen.

Mr Koutsantonis interjecting:

The Hon. M.H. ARMITAGE: The honourable member opposite laughs. Factually, the traders in electricity were performing the same functions as the characters that Eddie Murphy and Dan Aykroyd played in the movie *Trading Places*. I am quite sure that no-one in South Australia would want the Government to expose the taxpayers to the potential risks and the disasters that befell the people in that movie who did not predict the move in orange juice futures. It is exactly the same.

Mr Koutsantonis interjecting:

The SPEAKER: The member for Peake will come to order.

The Hon. M.H. ARMITAGE: All the activities, the trading of hedges, swaps, futures and options, carry with them risks, but one expects those risks in volatile financial markets with the success of the electricity organisations in the future being dependent upon the trader's ability to predict the market future. Where those future predictions may be wrong there is then a serious danger of being exposed to absolutely major financial loss. Hedging contracts, which is the basic tool for controlling the risk of price volatility, is akin to the use of fixed interest rate loans in the financial market.

In that market one gambles either that the variable rate will go up, in which case a lower fixed rate is attractive, or that it will go down, in which case receiving the variable rate is obviously preferable. A similar situation will exist in the future in the electricity market where people will try to guess the price direction and then adopt risk positions accordingly. That is something to which the taxpayers of South Australia ought not be exposed. Frankly, South Australian taxpayers' fingers have been burnt once by people not heeding warnings. They were burnt to the tune where we are now paying $2 million a day for the Labor Party's failure to heed the warnings.

But what is particularly galling in this exercise is that the Labor Party appears not to have learnt the lesson. In the 1980s it gambled on property values in Melbourne, London and New Zealand and, in the 1990s, the only corollary of its statement that it does not want to go ahead with the sale of the electricity assets is that it wants South Australians to gamble on pool prices, hedges, swaps, options and futures in electricity. That is simply a risk that is inappropriate for the taxpayer. The South Australian Government will not expose the taxpayer to that ridiculous risk.

Mr FOLEY (Hart): Why has the Deputy Premier now just told the House that the first time he learnt of a $96 million write-down by ETSA was when he was given a copy of the annual report during the State election campaign in September, when he told the House only last week that the first time he heard of that $96 million write-down was when he tabled the report in December?

The Hon. G.A. INGERSON: Let me read to the House what I actually said, which is pretty important:

> Members opposite do not have to 'ooh' or 'aah'. When the annual report of ETSA was tabled in this House is when I became aware of it, as did the Premier and everyone else in this House.

Members interjecting:

The SPEAKER: The Deputy Leader will come to order.

The Hon. G.A. INGERSON: Do not get excited about it all. I would have thought that every member of this place, particularly those who have been in Government, and particularly the Leader of the Opposition, would be aware of the standard procedure during an election campaign. During the election campaign, any business of Government is handled by the bureaucracy. When the elected Government takes over it begins using that time. What I said was that the report was delivered into my office during the election campaign.

Mr Foley interjecting:

The Hon. G.A. INGERSON: I did not say that at all.

Members interjecting:

The Hon. G.A. INGERSON: I did not say that at all.

Members interjecting:

The Hon. G.A. INGERSON: I did not. I said here that I read it when it was tabled in the House. That is when I read the report. It is standard convention that, during that period, all Government business ceases and everyone knows that. Every member of Cabinet was warned that during the period of the election campaign no Government business was to be handled. I was advised that the report came into my office during that period, and I have said to this House that I read it afterwards, and that is straightforward. That is exactly what I did, and that is exactly as I have reported it to this House.

HARVEST OVERLOAD ALLOWANCE

Mrs MAYWALD (Chaffey): My question is directed to the Minister for Human Services representing the Minister for Transport in another place. Will the Minister tell the farming community of South Australia when the review now being undertaken of the proposal that South Australian farmers be permitted to utilise harvest tolerance overload on the same strictly regulated basis that applies in some other States will be completed, and when a decision in respect of this important issue can be expected to be announced by the Minister?

On behalf of the farming communities in South Australia, the South Australian Farmers Federation wrote last year to the Minister requesting a review of the harvest overload tolerance scheme to pave the way for the reintroduction of a fairer, more cost-effective harvest overload allowance to operate on a similar basis to the arrangements now operating in Victoria and Queensland. The Minister advised that a

decision on this matter would be made and announced in late January or February this year. I am advised that the Minister's delay in making the decision has already cost the grain industry dearly as harvest is now complete, and that further delay by the Minister will mean that the potential benefits to the South Australian grape-growing industry will also be lost as harvest in this sector has already begun.

The SPEAKER: The honourable member is now commenting.

The Hon. DEAN BROWN: Clearly, the Minister for Transport has set out the conditions that will apply to this grape harvest, that is, the system which went back and which was agreed to by all the parties as of 1991. In 1991 there were two exemption provisions. First, there was a general exemption provision which was to be phased out and which was phased out eventually by the end of June 1997. Secondly, there was a special permit system that allowed overloading to the extent of 40 per cent provided that three conditions were met.

The first condition was that the vehicle had to be registered prior to the end of June 1991. The second condition was that the present owner of that vehicle had to have been the owner at the period of registration or as at the end of June 1991. The third condition was that the vehicle had passed a vehicle inspection and would meet a further vehicle inspection every three years. The Minister has made it clear that they are the conditions which will apply for this year's grape harvest. I acknowledge that the honourable member represents one of the significant grape-growing areas of the State, and growers would be concerned to make sure that, particularly as far as their—

Mr Venning interjecting:

The Hon. DEAN BROWN: Well, only one; we have many.

The SPEAKER: The Minister will direct his reply through the Chair.

The Hon. DEAN BROWN: The size of production does not necessarily reflect the quality of production.

Members interjecting:

The Hon. DEAN BROWN: Well, I do represent a grape-growing area myself. People who still own vehicles registered prior to the end of June 1991 and who have that permit to carry up to 40 per cent over the gross vehicle weight are, in fact, allowed to continue to do so for this grape season.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): Given the Deputy Premier's statement to the House that no Government officer from either Treasury or ETSA briefed him on the $96 million write-down, what action will he and the Government now take against those officers responsible for briefing him and the Government on the regular board meetings of ETSA and Optima?

The Hon. G.A. INGERSON: First, let me explore what obviously seems to be a major issue of concern in relation to this whole report and the $96 million. Let me explain the procedure. The report arrived in my office. The election was on, so there was no Government business.

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: After the election, the portfolio was transferred to a new Minister. The new Minister put that report into the Parliament and that is when I read it. Let us get that issue absolutely clear.

Mr Foley interjecting:

The Hon. G.A. INGERSON: As I said to this House before, that did not occur and I was not aware of that issue until this particular time. The most important issue in this respect is that instead of getting off on a side track in terms of when I read this report and what I have said in this place, why do not we—

Members interjecting:

The Hon. G.A. INGERSON: Why do not we get down to what is the real issue? This State is in an absolute mess because of the Labor Party.

Mr Foley interjecting:

The SPEAKER: I warn the member for Hart.

The Hon. G.A. INGERSON: I have had nothing to do with the $7.4 billion debt; the Labor Party got us into that mess. I have had nothing to do with the $2 million a day interest that we are still paying. I have been part of the Cabinet and the Government which has reduced that debt from an unbelievable level to where we are today. This is about giving the member for Hart's children and my children a future in this State. All I can see is the member for Hart and his colleagues opposite—purely and simply for ideological reasons because they are too stubborn to understand that the issue is one involving more than politics—playing bland and straight-out politics.

As I have said to the member for Hart before, it is easy to be two-faced and to look at this issue in different directions. It is very easy to do that when you can go out and say one thing to consumers but say other things in this place. At the end of the day this is all about the member for Hart's children and my children's future in this State. I am not prepared to stand here any longer and let their future be put at risk in terms of the sale of ETSA, which will give them and the member for Hart's children an opportunity to have a future in this State. That is what I am concerned about.

URANIUM POLICY

The Hon. G.M. GUNN (Stuart): Will the Premier advise the House whether the $50 million investment and the 400 new jobs at the Beverley and Honeymoon uranium mines are affected by the Australian Labor Party's new uranium policy?

The Hon. J.W. OLSEN: Following the ALP national conference in Hobart I was interested to read that the ALP had adopted a new policy, that is, the ALP had abandoned its three mines policy and replaced it with a no new mines policy. I understood that the Leader of the Opposition suggested that the mining industry in South Australia would be pleased with this policy outcome. Once again, he is dead wrong on that. The Chamber of Mines is quite clear about what would happen if that policy were implemented. Simply, it would prohibit Beverley, Honeymoon and projects such as that from going ahead in South Australia.

Let us look at the worth of these projects. As the member for Stuart indicated, these projects are worth $50 million in investment and will create 400 South Australian jobs. The Beverley project involves a capital investment of $25 million. It will export 900 tonnes of uranium oxide, worth $40 million, per year for up to 20 years. It will also provide 50 full-time jobs on site, with crews flying into and out of the site from Adelaide, and generate about 150 jobs indirectly.

The Honeymoon project is not dissimilar to Beverley in size and scale. It is anticipated that there will be $25 million of investment, 50 on-site employees, 150 off-site jobs and an export outcome of 1 000 tonnes a year worth about $45

million, which is slightly greater than the Beverley project. That is a total of 400 South Australian jobs, $50 million worth of investment in the State and $85 million worth of South Australian exports every year. It is that type of policy that is important to underpin the economic rebuilding of South Australia. The member for Stuart, in whose electorate these mines are located, well understands the importance of job-generating capacity in the region. These policies, which have worked well for South Australia and which will continue to do so, will receive every support from this Government.

KORTLANG PTY LTD

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Has the public relations firm Kortlang Pty Ltd been engaged as a consultant to the sale of ETSA and Optima? Were tenders called for this contract? Will Kortlang conduct surveys on community attitudes towards selling electricity assets? How much will Kortlang be paid? In 1996 Kortlang told a parliamentary select committee that he was being paid $350 000 for his work on the water deal, but two months later it was revealed that Kortlang was paid $760 000 by the Government for publicity and secret polling on community attitudes towards selling our water management to French and British interests. The principal director, Mr Ian Kortlang, is a former chief of staff to the former Liberal Premier of New South Wales, Nick Greiner.

The SPEAKER: Order! The honourable member is now commenting. Before the Premier commences his reply, I indicate to those who draft questions that it is not wise to put four, five or six questions into a question and expect a Minister to reply to it in brief. Members can use questions on notice to do that.

The Hon. J.W. OLSEN: I am pleased to be asked the question because it has a very simple answer: no, Kortlang has not been employed. If the Deputy Leader of the Opposition at least read the papers she would see that advertisements have been called for communications.

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order! The member for Stuart.

OLYMPIC DAM

Mrs PENFOLD (Flinders): Will the Premier advise the House what progress is being made on the Olympic Dam expansion and the economic impact that this will have on South Australia?

The Hon. J.W. OLSEN: I am pleased to respond to this question because it follows the same theme as the question asked by the member for Stuart; that is, developing the northern part of South Australia with major new capital investment which underpins exports out of South Australia and which generates revenue for South Australians. That major new development is about 50 per cent complete, and it is approximately three months ahead of schedule. The latest expansion is part of the massive $1.5 billion expansion development at Western Mining. That brings the total investment on site to $2.5 billion. It is worth noting at this point that the Leader of the Opposition was head of the guard trying to stop the development of Western Mining and Roxby Downs. It is the same sort of policy—

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes, the knock, knock policy. It is the same sort of no policy, work against it, oppose it or block it that the Leader of the Opposition is applying in relation to the power assets. Some 70 per cent of the expansion budget is expected to be spent in South Australia, and there are already significant employment and economic benefits. More than 1 300 construction workers are already on site and some 70 per cent have been recruited from within South Australia. That is 1 300 jobs in the northern part of South Australia in that one investment. A further 190 workers from the electorate of the member for Stuart in the city of Port Augusta are employed in the preassembly yard, giving a substantial boost to the regional economy as more than 80 per cent of these workers employed at Port Augusta have been recruited locally from the city of Port Augusta and surrounds.

It is particularly pleasing that contractors in the preassembly yard have demonstrated a commitment to providing training for workers which will greatly enhance job prospects for those employees when the term of their contract expires. This construction activity also generates indirectly many further temporary jobs; estimated by the Centre for Economic Studies at about 4 200. When the expansion at Roxby is complete, the mine's annual production of copper and its associated products will rise from 85 000 tonnes to 200 000 tonnes on an annual basis. Uranium production will increase from 1 500 tonnes to 4 600 tonnes per annum. That means that each year South Australia will earn more than $600 million from exports.

This is the project that the Leader of the Opposition fought tooth and nail to stop occurring in South Australia. I am pleased that, on that occasion, he was unsuccessful, as he will be in terms of repositioning South Australia with its power assets for the future. It is developments such as this that are absolutely crucial to the rebuilding of the economy of South Australia.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): Given the Premier's reply to the previous question about Port Augusta and his promise to the people of Port Augusta regarding the sell off of ETSA and Optima, when will the Premier visit Port Augusta and explain to power industry workers his actions, and does he agree with the member for Stuart that the ETSA operations are far too valuable to consider selling off? In late June last year the Premier in addressing a news conference in Port Augusta and ETSA workers in Port Augusta made a series of cast iron assurances to power workers about their employment future under public ownership. In the final week of the election campaign in October the member for Stuart, campaigning on behalf of his Premier, told Port Augusta through the *Transcontinental* newspaper that the only people talking about the privatisation of ETSA and Optima Energy were members of the Labor Party. The member for Stuart went on to say:

> This Government has no plans to privatise the operations of ETSA. The operations are far too valuable to consider selling off. . .

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: All I can say to the Leader of the Opposition is: he ought to get some new researchers, too, because not only are they doing a lousy job for the Deputy Leader but also they are not doing a very good job for him. It is clear that the ALP is in a time warp. Even when there are

new circumstances or changed circumstances, members opposite say, 'Do not change the policy'. That is what they did with the State Bank, and they fell over the line. They are cave dwellers who do not want to recognise new circumstances.

In relation to Port Augusta, I noticed when the announcement was made on Tuesday of last week that the Mayor of Port Augusta was opposed to the policy. However, I also note, having now been able to look at the circumstances and why the policy decision was changed, a great advocate of our new policy is no less than Joy Baluch, the Mayor of Port Augusta. She is someone who, initially, was opposed to the policy, but she looked at the facts, did an assessment, made a judgment and said, 'This is the right way to go for Port Augusta.' Therefore, I suggest to the Leader of the Opposition that he get out of his time warp, get out of the cave, get into the new circumstances and understand that circumstances have changed.

It would be totally irresponsible and unconscionable for any elected Government to ignore the warnings. In the past we have seen what happens—and it is worth repeating in the absence of any policy alternative from the Opposition—when a Government, a Labor Government, had warnings and ignored them: State Bank Mark I. We have had warnings as of December last year from the Auditor-General. Those warnings have been heeded. We will not expose this State to risk in the future. We are acting responsibly, whereas in the past the Labor Party ignored responsibility.

Members interjecting:

The SPEAKER: Order!

EDUCATION, COMPUTER PLUS PROGRAM

The Hon. R.B. SUCH (Fisher): My question is directed to the Minister for Education. When will South Australian school children receive the benefits of the South Australian Government's $10 million computer plus scheme?

The Hon. M.R. BUCKBY: This week I announced $5 million in cash grants for schools to purchase desk top computers, notebook computers, printers, modems and software. The computer plus program is in addition to the Government's $75 million DECS*tech* 2001 initiative. The cash grants for schools are for amounts up to almost $31 000. The average grant per school is approximately $7 700. I believe that the cash grants to schools to purchase computers and additional computer support hardware and software is further evidence that the Government is focused upon creating an IT smart State and an IT smart future work force through education.

The $5 million to schools is being announced with no strings attached, except for the appropriate public funding accountability. It can be used flexibly. The funding will be sent to schools within the next two to three weeks. It is important for members to know the basis of how grants to schools have been calculated. This is particularly the case for members opposite who are often quick to criticise the Government for not caring about those on low incomes, those in isolated areas of the State and those with large families.

The Government's commitment to an $85.6 million computer strategy for schools stands in stark contrast to the $360 000 Labor spent during its last days in office—$360 000 versus $85.6 million. The computers plus program grants to schools have been made on the following basis: a $2 200 fixed allocation per site, plus $15 per full-time equivalent enrolment, plus an allocation of over $13 per school card holder. The allocation formula therefore ensures that all sites receive at least $2 200, and those students requiring additional assistance receive the most funding.

In addition to allocating $5 million in cash grants, I will later announce an additional $5.6 million. This funding will enable a progressive upgrade of administration facilities in all schools to be carried out, with smaller non-network schools receiving one additional computer, monitor and keyboard for administration purposes. It will improve access to the Internet and provide money for specialist furniture for use with computers.

In summary, the measures put in place today will further our objective of this State being an IT smart State. The Government is taking very seriously its commitment to ensure that our young people are extremely well prepared for the twenty-first century.

MATTER OF PRIVILEGE

The Hon. M.D. RANN (Leader of the Opposition): Mr Speaker, I rise on a matter of privilege. I have listened carefully to statements made in this House by the Deputy Premier last Thursday and again this afternoon in relation to when he became aware of certain aspects of ETSA's financial situation. As a result, I now believe that the Deputy Premier may have misled the House. Last week, in answer to a question from the Deputy Leader of the Opposition regarding when the Deputy Premier was first advised that ETSA would not need to make allowance for a $96 million future loss, the Deputy Premier said:

> When the annual report of ETSA was tabled in this House is when I became aware of it, as did the Premier and everyone else in this House.

That report was tabled on 2 December. This afternoon, however, the Deputy Premier has given a different story and said that he received advice in relation to the $96 million when he 'received the annual general report from ETSA, and that was during the election period.'

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The election was in September and October, not in December, and today he has completely undermined his and the Premier's position—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —in relation to when they knew—

Members interjecting:

The SPEAKER: Order! This is an extremely serious matter to come before the Chamber, and I ask members on both sides to hear the Leader in silence.

The Hon. M.D. RANN: As I have said in this House on previous occasions, not to mislead the House is a fundamental tenet of the Westminster system, and I have quoted Erskine May to support that fact. I therefore ask you, Sir, to rule prima facie that a case for misleading the House has been made, and I ask you to give precedence to a motion to establish a privileges committee to establish whether the Minister misled this House on 19 February 1998. The Premier thinks the honesty of this Government is a joke.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Other people think his credibility—

The SPEAKER: Order! The Leader is commenting.

The Hon. M.D. RANN: —and that of his Deputy is now at stake.

The SPEAKER: Order! I will have silence on my right as well as on my left. The Chair will examine the proposition put forward by the Leader. Clearly, the Chair will have to go back over the public record and establish the sequence of events, and the Chair will report back to the House at the earliest opportunity.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Was the Premier's former adviser and speech writer, Ms Alex Kennedy, briefed on the privatisation of ETSA and Optima before members of the parliamentary Liberal Party learnt of the sell-off? The Premier announced the sell-off of ETSA and Optima on 17 February. Media reports state that Liberal backbenchers were not informed of the sell-off until 30 minutes before the announcement was made in Parliament.

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Speaker.

Mr Koutsantonis: Sit down wasp boy!

The Hon. M.K. BRINDAL: First, I object to that remark, Sir, and I would ask for it to be withdrawn.

Mr KOUTSANTONIS: I withdraw the remark 'wasp boy'.

The SPEAKER: Does the Minister have a point of order?

The Hon. M.K. BRINDAL: Sir, I ask you to rule whether the Premier is responsible to this House for his remarks to either his backbenchers or to any member of his staff.

Members interjecting:

The SPEAKER: Order! The Premier has a responsibility in a general sort of way. I imagine that he will respond as he sees fit.

Ms HURLEY: Last week's *Business Review Weekly* carries a four page feature supporting the sell-off, co-authored by the Premier's confidant, Alex Kennedy. This issue of the magazine was on the streets the day after the Premier's announcement. The Opposition has been advised that, given the deadline, Ms Kennedy would have had to write the article prior to the Premier's announcement.

The Hon. J.W. OLSEN: I am sure that the article was not written prior to the announcement. Ms Kennedy was a member of my staff, as the record shows, through to 14 January and would have been involved in a range of discussions, I would suggest.

Members interjecting:

The SPEAKER: Order!

DAIRY INDUSTRY

Mr BROKENSHIRE (Mawson): Will the Minister for Industry and Trade advise the House of the latest developments to position our State at the forefront of dairy processing in Australia? During the recent ABARE conference in Canberra, the ABARE forecast for Australia showed the wine and dairy industries as being the two leading trend indicator sectors of the agricultural industry for Australia. South Australian dairy farmers, who are the most efficient and progressive, are asking me on a regular basis whether we will see some capitalisation of this opportunity in the South Australian dairy industry.

The Hon. G.A. INGERSON: Today I was privileged to announce, with National Dairies, a $42 million expansion in the district of Salisbury on a 12 hectare open site alongside Bridgestone. The company has decided that South Australia needs a major new processing and distribution facility, and it is good to see that it is happening to the north of Adelaide. Clearly, it demonstrates the confidence that national companies have in our State, and the $42 million investment in the District Council of Salisbury this morning was welcome.

One of the fantastic things about this development is that it is a world first in processing and distribution. It is a very significant state-of-the-art processing and packaging technological improvement. It is expected that there will be an increase of 250 million litres of milk a year, with 24 million litres a year for the current processing levels. It is a very extensive expansion in the northern suburbs. In the construction stage, jobs for 150 people are expected with the expansion of National Dairies over the next five to 10 years. This is on top of the $70 million expansion of Inghams, also in the Salisbury North area, with an increase in the work force of 100; Sheridans at Woodville, $5.3 million with a work force increase of 70; Big W at Monarto, a $42 million expansion with a work force increase of 155; the Teletech call centre, a $19 million expansion with a work force increase of 50; and Fauldings, a $7 million expansion with a work force increase of 50. Members will notice that many of these industries are in the northern suburbs, the Labor electorates of Elizabeth and Salisbury, and very important developments in that area.

Finally, there was the most important development announcement the other day of the $1.4 billion expansion of GMH at Elizabeth, which will provide 700 new jobs. It is fascinating that the honourable member opposite waves me down when I am talking about job increases in Labor electorates. I point out that there were job increases in his own electorate, and he is even knocking that down. It is quite incredible. What is important in the past two to three months in what some of us would call the under developed parts of the State is that we have seen some significant developments in job creation and opportunity, particularly in the north of our State.

The other day, I was at DSTO and British Aerospace. British Aerospace pointed out a significant youth program it has developed under which 25 young people who were not employed have been taken in and trained: 18 of the 25 now have permanent jobs. It is an excellent development in terms of workplace improvement and job improvement in the northern part of our State, and we are proud to be part of that improvement in the Salisbury-Elizabeth district.

GRIEVANCE DEBATE

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

Mr SNELLING (Playford): I rise to speak on the sad occasion of the death of Mr Bartholomew Augustine Santamaria. I was fortunate enough to meet Bob Santamaria in 1990 and again in 1991. I was amazed by his energy and charm. He was also a very learned man, and I benefited from his wisdom. I heard him speak on two occasions. He was in every sense an orator, crafting his speeches, which often went for an hour, and committing them to memory. Young people sat enthralled, hanging on his every word. By this time, of

course, the communist threat was over, and Mr Santamaria turned his activities to a new threat that he perceived as perhaps even greater than that of totalitarian communism. He said:

> Today's challenge is different in appearance, more complex and therefore more difficult to understand, coming from different men with different arguments but in substance, it is essentially the same. It is also about ultimate political authority. Who, in the last analysis, is to run the country?

The threat to our national sovereignty of which Mr Santamaria warned was the international financial markets. Mr Santamaria now found himself fighting not the left but the right. He himself remarked on the irony that a Federal Labor Government should be committed to the privatisation of public utilities, whilst a so-called enemy of Labor should emerge as flatly opposed to the program of disposing of public utilities such as power and water. Indeed, it had come to the point where Bernie Taft, former National Secretary of the Australian Communist Party, should commend Santamaria's economic policy to former Communist Party members as the policy to follow.

Mr Santamaria was foremost a Catholic. In his later years, he fought hard against the view that, if the Catholic Church was to thrive, it must water down its doctrines. While Santamaria thought that there was room to update the church to meet modern realities, he fought to preserve the core of the faith. Ironically, some of his greatest opponents in this battle came from the Catholic hierarchy. One must wonder whether the opposition stemmed from a latent clericalism that was distrustful of lay leadership in the church. The appointment of Dr George Pell as Archbishop of Melbourne must have brought Santamaria great joy. Archbishop Pell is an admirer of Mr Santamaria, and they share similar views on what must happen if the church is to thrive.

Archbishop Pell visited Santamaria daily during his illness right up until yesterday morning, barely six hours before he died. Of yesterday's visit, Archbishop Pell said:

> During his last days he was paralysed on his left side, unable to speak and only able to move his right arm. But when I blessed him, he struggled successfully to make the sign of the cross. This gesture was not a poignant return home after a lifetime of wandering, it was a determined reaffirmation of the faith that inspired him through so many vicissitudes, that sustained him in defeats and victories and brought him to the God he served so well.

Bob Santamaria will be greatly missed by those across the Australian political spectrum but mostly by those who had come to admire him. I would like to quote from St Paul's letter to the Corinthians, an excerpt that Mr Santamaria used in his memoirs published last year in tribute to those who worked with him over the years. I believe it is just as applicable to B.A. Santamaria:

> In all things we suffer tribulation but are not distressed.
> We are straitened, but are not destitute.
> We suffer persecution, but are not forsaken.
> We are cast down, but we do not perish.

Mr VENNING (Schubert): As a response to today's headline in the *Advertiser*, I refer to the horrific number of road fatalities that have occurred this year. I am not discounting those tragedies that have happened in previous years. Anyone who has been directly or indirectly associated with a road fatality knows of the absolute despair, grief and devastation it brings on a family and the loved ones. Not only this, it is an absolute needless waste of a precious human life and, of course, a waste of resources. Over recent weeks, the so-called statistical trend has deteriorated to such a point where I need to speak about it and, given today's paper, the reaction to it. I know that people say that the statistics are an aberration. However, it does not get away from the fact that these deaths could have been avoided if circumstances had been different.

Driving in the city and suburbs is a lot different from driving on the open country highway. Many accidents occur in the country when cars get out of control and they veer across the road in front of oncoming traffic. One such example was the double fatality tragedy at Lochiel, and I did stop at that accident scene and observe the road situation. People should be educated on how to handle their car it if runs off the road onto the gravel shoulder. We could have a television awareness campaign, as has been the case in the past. For example, we could show how to go about overtaking trucks and the like on country roads, illustrating the length of the trucks and the time it takes to go past them. There should be a simulation on television to illustrate what to do in these circumstances. If the car runs off the road, the driver should stay off the road for a few moments until they assess the situation, gather their senses and not panic, then enter the road when it is clear and safe.

People panic when they get their car goes off the road. The loud noise of the gravel hitting the mudguards can really disconcert a driver—including me, and I would class myself as an experienced driver. The tendency is to overreact when they hear the noise. They get frightened, they yank the wheel too hard and the car then veers onto the other side of the road into oncoming traffic. Television simulation should show how to handle the situation properly; for example, it is should provide the advice, 'Don't panic; don't brake. It is quite safe to stay on the gravel as long as you have two wheels on the bitumen road because it will keep you straight—as long as you do not run into a tree or a white post. Just ease the car gently back onto the road, without any real jerking motions, when it is safe to do so.' I am sure that it would solve the problem. Even if it saved one life, I think we would all agree that it would be worth it.

Among controversial and emotional measures that could be introduced are regular checks on the capabilities of our elderly drivers—dare I bring up this subject. I have been told of elderly people, into their nineties, who need a great deal of assistance to walk but who hold a current driver's licence. One would think that their reaction time could not be sufficient to handle a situation where a split second response is needed to avoid an accident. My comments are not meant to be a put down for the elderly by any stretch of the imagination: I am trying only to highlight the issues that face our drivers. We are all mere mortals and we are all getting older. Some 70 year olds are better drivers than some 30 year olds. However, generally we all grow old and our coordination and so on deteriorates.

Another idea that could be considered is to categorise drivers' licences to the driver's capacity, particularly to handling different road conditions, for example, driving on country roads, driving at night or driving on the highway at increased speeds, activities at which the majority are not skilled. Should we formally and technically assess people to see whether they are capable of driving safely at 110 km/h? At this point I would like to say that I am definitely opposed to a reduction of the speed limit, because then fatigue would be more of a concern, if one was to drive at 100 km/h on country roads. In fact, I would support the speed limit being raid to 120 km/h on the Port Wakefield-Cavan dual carriage-

way. I do not agree that average speeds should be 100 km/h, but certainly in some conditions that should be the case.

In many parts of the State, our roads still need attention, particularly those with narrow carriageways. One that comes to mind goes from Gulnare to Tarlee, and I am amazed that there are not more accidents on that road. These roads are narrow and that is why people move off the road if a big truck like a B-double comes down the road. My coordination is still pretty good, being a farmer and doing a lot of driving, but I can imagine what happens when older drivers see a B-double coming towards them. They veer off the road and the scenario that I have just described occurs. When the car veers back onto the road either the B-double hits it or it ploughs into the front of the car travelling behind.

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

Mr ATKINSON (Spence): I rise to mourn the passing of Bob Santamaria. Mr Santamaria died in a Melbourne hospice yesterday at the age of 82 after almost 60 years as a magnificent polemicist against totalitarianism, and communism in particular, and for the social teaching of the Catholic Church.

Bartholomew Augustine Michael Santamaria was born in 1915, one year after the world had been altered for the worse by the outbreak of the Great War and two years after the arrival in Australia from Ireland of Archbishop Daniel Mannix to become Archbishop of Melbourne. Mr Santamaria's parents were born in the Aeolian Islands north of Sicily but they migrated to Australia and established a greengrocer's in Sydney Road, Brunswick.

Bob was educated at St Ambrose's Primary School and then St Kevin's College before attending Melbourne University's Law School. Living in Brunswick, Bob became, alas, a Carlton supporter rather than a Fitzroy supporter. He once said, 'During the week I went to St Ambrose's Primary School, on Sunday I went to mass and on Saturday I went to watch Carlton.'

Mr Clarke interjecting:

Mr ATKINSON: I remind the member for Ross Smith that the late Bob Santamaria never voted Liberal—not once in his life. At the same time that Bob was studying law at university, millions of people were being murdered by the Communist Party of the Soviet Union's great purge. This was the greatest massacre in history. It involved, amongst other things, the imprisonment and murder of priests, nuns and Christian lay people, and the closure or demolition of churches. Australian leftists pretended that the great purge was not occurring, or that it was not occurring on the scale alleged, or that the purge's victims deserved their fate.

Partly in response to this, young Catholics formed the Campion Society to learn the skills needed to engage the Left in debate at university and in intellectual life generally. Bob Santamaria was always opposed to the Left's belief in the perfectibility of man by political methods. In 1936 he helped establish a monthly journal with a circulation of 60 000, the *Catholic Worker*. The purpose of the *Catholic Worker* was to offer workers and their families an alternative to the totalitarian Marxist theories of the economy and the place of workers in it. The alternatives had been formulated in the papal encyclicals *Rerum Novarum* in 1891 and *Quadragesimo Anno* in 1931.

In the final year of his articled clerkship, Bob was asked by Archbishop Mannix to join the national secretariat of Catholic Action. The aim of Catholic Action was to extend the work of the Campion Society beyond the university. Sixty years later, Bob died at the helm doing much the same work that he had been employed to do in 1938.

As early as 1933, it was apparent that Communist Party members were winning the confidence of active trade union members and, through trade union affiliation, the Australian Labor Party. By 1940, senior members of the Labor Party, including the Deputy Leader of the Victorian Labor Party, Cremean, Pat Kennelly and J.V. Stout at the Melbourne Trades Hall Council, realised that something had to be done in the trade unions. Cremean asked that Bob approach Archbishop Mannix about the problem. From this meeting the Catholic Social Studies Movement was born.

It is important to understand that the Movement and, in 1945, the ALP Industrial Groups were established at the request of and with the consent of the most senior members of the Australian Labor Party. Bob Santamaria knew that communist gains in the unions had come about partly because of the apathy of most union members. By organising Catholic unionists, the communists could be rolled back, and one of those unions in which they were rolled back was the Shop Distributive and Allied Employees Association, of which I am proud to be a member. In fact, such was the influence of the Movement in the 1950s that Bob Santamaria was consulted by the then Federal Labor Leader, Dr Bert Evatt, about the policy speech for the 1954 Federal election.

I will not go into the events of the ALP split—they are well known—but much of the opposition to Bob Santamaria was a racist objection to the first Australian of a non-English speaking background to be prominent in Australian politics.

Bob Santamaria spent his later years looking at problems with matters of faith in the Catholic Church, but his integrity is shown by the admiration openly offered by many of his old enemies. Foremost was a former member for Hindmarsh, Clyde Cameron, and former Communist Party activist, Bernie Taft, who said of Bob:

> I was impressed by his sincerity, his friendliness, the sharpness of his mind and the frank expression of his views about some of the events of the past. He was even self-critical.

Bartholomew Augustine Michael Santamaria is survived by his second wife and his eight children, to whom I offer my deepest sympathy. May his soul and the souls of all the faithful departed rest in peace.

The Hon. R.B. SUCH (Fisher): I should like to touch briefly on a couple of issues. First, there has been a lot of celebration recently in regard to the increase in the value of Telstra shares and I say 'good luck' to the people who have shares in Telstra, but it is a two-edged sword, because Telstra still operates in a semi-monopolistic environment and consumers pay artificially high prices for telephone calls, whether they be local, STD or overseas calls.

On the one hand, the 8 per cent of Australians who have Telstra shares get a benefit as do the employees of Telstra who have taken up their option, but on the other hand it is at the expense of the rest of the consumers who have to endure a virtually non-competitive telecommunications industry. At this stage we do not have portability of telephone numbers and there has been little movement, if any, in terms of price reduction. So, while those who have shares are celebrating, spare a thought for the rest of the community who are paying excessively for the use of a telephone. That applies particularly to the mobile phone network which, in lay terms, is simply a rip-off with respect to its charges. As soon as the industry and the regulating bodies address telecommunications and make the industry competitive, the better off we will all be.

I return now to an issue that I have raised before, and that is the concept of a voluntary cadet scheme at secondary school. I am not talking principally of military cadets, although I do not rule that out as a possibility. The schemes that operate in Western Australia and Victoria encompass the Country Fire Service, St John's, scouts, guides and so on, and I believe it is a worthwhile program to be considered here. Last year I wrote to the then Minister for Education and I have since had responses from the present Minister.

The issue comes back to finances and, sadly, it is one of the consequences of a Government not having enough money to do some worthwhile things. But I do not want to see the issue fade away. As long as it is voluntary, well focused and develops amongst young people a sense of community service, it is something that is well worth pursuing. Whilst I do not rule out military cadet activity, as long as that does not promote excessive militarism but focuses on bush craft, first aid and so on, that would be worthy of support at the secondary school level.

Another issue that has had considerable coverage in Victoria and New South Wales, but only minor coverage here, is that of milk for schoolchildren. Many of us who are getting on a bit and who have long since lost our milk teeth can remember the warm, fuzzy, free milk that we had to endure at school. In recent weeks, the milk industry interstate has decided to provide milk at cost price to schools that want to take part in the scheme, and it has provided free refrigeration so that children who want to buy good quality, wholesome food, which milk is—I am sure the member for Mawson would support that—can drink milk as an important food source during their developing years.

It raises a wider issue, which I do not suggest this scheme would address, about children who go to school without having had breakfast. Anecdotal evidence suggests that quite a few children do not have breakfast because they choose not to or because it is not available to them. We should make sure that our schoolchildren have an adequate start to the day with proper nutrition and proper food and, where that is lacking in the home, action should be taken to ensure that, through the school environment, children get adequate nutrition.

I refer to an activity that has disappeared from our school system, and I know that it is not practical in many arrangements now, but, as a primary school student, I had to help produce vegetables at the school, mainly for the benefit of the Principal. At least I knew what a radish and a pumpkin were. Surveys I have seen in recent times have indicated—

Mr Clarke interjecting:

The Hon. R.B. SUCH: I can see in the dark, too.

Mr Clarke: But did you see the knife coming?

Mr Lewis: He was looking for a knife but it was a chopper.

The Hon. R.B. SUCH: One issue that has come to my attention is that recent surveys show that many young children, even those of year 7 primary school age, cannot identify commonly known vegetables. One survey I saw indicated that many children thought that a pumpkin was a dessert. I am sure that it can be made into pumpkin pie, and so on, but I suspect that only a small number of children eat spinach and other healthy vegetables. In terms of the children's nutrition, I believe that we ought to encourage in schools the growing of vegetables, where that is appropriate, and implement other healthy measures.

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

Ms HURLEY (Deputy Leader of the Opposition): I take this opportunity to comment on some remarks made by the Hon. Sandra Kanck on 24 February. The honourable member was speaking about the results of the State election and expressing her regret that two members were not re-elected, that is, the Hon. Bernice Pfitzner from the Liberal Party and the Hon. Paolo Nocella from the Labor Party. The honourable member said:

> It is a sad reflection on both the Liberal and Labor Parties that they gave preference to other people above Bernice and Paolo in their respective Parties.

She further states:

> Bernice took a strong position on many issues of concern to women. I think Parliament is poorer for her no longer being here. I hope that we will find that the two members who replaced these people in the Liberal and Labor Parties will be able to measure up to them.

I acknowledge that we will be poorer for losing the talent of Paolo Nocella in the Legislative Council. I am very sorry that he was not re-elected, but I think there is a little misrepresentation with respect to the Labor Party aspect in the honourable member's statements. Paolo Nocella and the Hon. Carmel Zollo were, in fact, preselected at the same time within the Labor Party, that is, in August 1995. Paolo Nocella was preselected in a position below the Hon. Carmel Zollo but he was still in a winnable position. In fact, a vacancy arose in the Legislative Council and, at the time, the Hon. Carmel Zollo allowed Paolo Nocella to take a seat in the Legislative Council ahead of her.

Part of the reason for that, I believe, was that Paolo Nocella would be able to raise his profile as a Legislative Councillor and therefore increase his chances of being re-elected at the general election. The Hon. Sandra Kanck wonders whether the Hon. Carmel Zollo will measure up to the standards set by Paolo Nocella and Bernice Pfitzner. I reject the dismissive way in which she made that remark. I would expect a woman in the Hon. Sandra Kanck's position to be a little more welcoming of another woman in the Legislative Council.

The Hon. Carmel Zollo represents many women within this State and not just women of Italian birth. She struggled hard for her education. The Hon. Carmel Zollo has three children. Along with her husband, she has worked hard during her life to support her family and has provided a very good education for them. She has been a wonderful mother. She has worked very hard within the Labor Party also, and both Carmel and her husband have given many hours of their time, voluntarily, not only to the Labor Party but also to the Italian community, the schools to which her children attended and many other community groups. This is the sort of person whom I believe we need in Parliament. She represents ordinary women who work hard with very little profile in the community but who really understand the needs of families and the way that this Parliament should work in assisting those families.

I believe that the Hon. Sandra Kanck should appreciate those qualities a little more. The honourable member rejoices in the fact that the Democrats received an increased vote in the last State election, but in lamenting the demise of two other members she should perhaps consider that the reason why at least one of those members is not still there is that the Hon. Ian Gilfillan from the Democrats is now in the Legislative Council. If it is a matter of such great regret to the Democrats that Bernice Pfitzner and Paolo Nocella are lost, perhaps they should next time consider running only two

candidates to allow one of two people from the Labor or Liberal Parties to re-enter the Parliament.

Mr LEWIS (Hammond): I, too, regret the passing of Mr Santamaria. I will not go into the kinds of details that have been mentioned by other speakers on the matter, but I met and spoke with him many times over the 30 years or so that I knew him—from 1965 to the present. I, too, have a profound respect for the man's intellect and for many of the arguments he has advanced throughout his lifetime on causes that I came to appreciate more clearly in consequence of his attention to them.

I want to take a look, in a snapshot, at what is happening in my electorate, in particular the community on either side of the Murray River at Swan Reach. Members of this House know that there is a water filtration plant at Swan Reach. It is the largest filtration plant to be constructed to service consumers of SA Water outside the metropolitan area. The town gives its name to that filtration plant but, sadly, all local residents are extremely angry that their township will not be receiving filtered water. It has been said by people giving advice to the Minister that that would cost more than $1 million. I have laid a few hundred miles of pipe in my time, and I can tell members that I would like to put the change in my pocket from the $1 million to put in a sedimentation and flocculation plant or, more particularly, a pressurised water main from the filtration plant downstream across river into the township of Swan Reach.

I cannot believe that it would cost $1 million, and Swan Reach people are of the ilk that, if we gave them the pipe, they would lay it themselves. In addition to that difficulty, they have now lost funding under the country areas program (CAP) because we have changed the formula to make it possible for a greater number of schools to participate in that by increasing the size of the population centre from 10 000 to 20 000 in determining eligibility. We did not provide any extra money, so Swan Reach becomes one of several schools in my electorate that are genuinely isolated; where children from ordinary families who do not by any means have as much money as some of us have will never get the chance, for instance, to see the city were it not for the assistance that is provided through the CAP.

The program has been heavily cut—in fact, it has been cut to 40 per cent—and the Minister's response to my inquiries in that respect is that it has been a Commonwealth-funded program. After the sale of ETSA and Optima Energy I hope that very high on the priorities of this Government will be a proposal to restore funding to those programs for kids from isolated areas. I know what it is like to have to go out of your own valley and face the world outside; it is quite daunting.

I also draw attention to the fact that, on some pettyfogging charge that he had registered his motor bikes prior to the change in the Road Traffic Act regulations concerning what one can and cannot register, the local policeman registered his bikes again and apparently is being dinged for that. I will not go into the detail of that because I suspect that the matter is *sub judice*, but let me tell members that the local residents are furious about the treatment of this policeman, whom they respect, whether he is pinching them or patting them on the back, whether they are men or women, young or old. Across the board, without exception, ministers of religion and community leaders who are respected throughout South Australia, such as Warren Starick from the South Australian Farmers Federation, Fleur Marks or Perc George, say, 'Give us back our policeman.'

They say, 'He's done nothing wrong; he works beyond the call of duty; he has cleaned up this area; he has got rid of the criminal elements and the people who will not comply. You've pitched him out of his role, and it's crook. If you don't do something about it, don't expect us to be very supportive of you at the next election. Please, give a man who has done a great deal for a community a fair go.'

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

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

A quorum having been formed:

NATIONAL WINE CENTRE (LAND OF CENTRE) AMENDMENT BILL

The Hon. G.A. INGERSON (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the National Wine Centre Act. 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.

Leave granted.

This Bill provides for amendment of the *National Wine Centre Act, 1997*, to reflect the change of site for the National Wine Centre, the administration of the Botanic Garden, the State Herbarium and the location of the new Adelaide International Rose Garden.

On the 21 August 1997, the *National Wine Centre Act, 1997* was proclaimed, designating the site commonly known as the Old Hackney Bus Depot as the location for the National Wine Centre development.

Following discussion with the wine industry and a number of local community and special interest groups, the Government now believes that an even better proposal has been identified.

This revised and expanded proposal offers scope for a project of even greater national significance than first envisaged, incorporating the creation of the National Wine Centre, the Adelaide International Rose Garden and Rose Trial Garden whilst providing a seamless transition to and from the adjacent historic Botanic Garden.

This integrated development will reinforce Australia's growing reputation as a world-class wine producer, provide a national focus for Australia as a rose growing destination and enhance existing adjacent attractions.

The location of these new rose features in close proximity to the National Wine Centre mirrors the historical and practical links that exist between the production of wine and the propagation of roses.

Co-location will also increase the financial viability of all operations within the precinct, through the attraction of additional visitors and the efficient sharing of resources and common facilities.

The Government believes the total development of the site will attract more people to the heart of the city and assist in the vitalisation of Adelaide's East End food and wine precinct.

The location of the rose gardens, immediately adjacent to the Bicentennial Conservatory, will provide a significantly enhanced setting for this internationally renowned building and at the same time provides the opportunity to restore a significant section of Adelaide City green space.

The national wine industry, the Botanic Garden Board and the National Rose Society of Australia have given their support to the amended proposal, as has the Adelaide City Council.

As part of the revised proposal, the National Wine Centre would be re-positioned to the site currently occupied by the Botanic Garden administration and service area and State Herbarium with these functions to be relocated to the retained Goodman Building and Tram Barn A.

In order to facilitate this new expanded proposal it will be necessary to redefine the areas under the care, control and management of the Botanic Garden and the National Wine Centre authorities.

It is proposed for the transfer of the land between the two statutory authorities to take place on a date to be fixed by proclamation to coincide with the practical completion of the new facilities of the Botanic Garden administration and the State Herbarium and prior to commencing construction of the National Wine Centre.

I commend this Bill to the House

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the measure on a day to be fixed by proclamation.

Clause 3: Amendment of s. 5—Land dedicated and placed under care, control and management of Centre

This clause is a minor drafting amendment clarifying the reference to the relevant area of land depicted on the plan in the schedule of the principal Act.

Clause 4: Substitution of schedule

This clause repeals the existing schedule of the principal Act and substitutes a new schedule. Under section 5 of the principal Act the schedule specifies the land that is to be taken (under the *Crown Lands Act 1929*) to be dedicated for the purposes of the National Wine Centre and declared to be under the care, control and management of the Centre. The new schedule specifies a different area of land for that purpose.

Clause 5: Transitional provision

This clause deals with a transitional matter. It is designed to make it clear that the land previously put aside for the National Wine Centre that is no longer to be put aside for the Centre is to be treated as land dedicated for the purposes of the Botanic Gardens and State Herbarium.

Mr CLARKE secured the adjournment of the debate.

CRIMINAL LAW (FORENSIC PROCEDURES) BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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.

Introduction

Sherlock Holmes may have been the most famous early fictional character to popularise and advocate scientific approaches to the detection and solution of crime. There have been many since, up to and including Patricia Cornwall's fictional forensic pathologist and the very non-fictional techniques of psychological profiling pioneered by Mr J. Douglas of the United States Federal Bureau of Investigation. One of these more modern developments has been the use of DNA profiling as a technique for incriminating—and exculpating—those suspected of criminal offences.

The development of a truly scientific approach to criminal investigation must be accompanied by a recognition of the need to apply novel scientific techniques in a fair and responsible manner. The lessons of the past include the Chamberlain and Splatt cases, which revealed very clearly the limitations and controversy that can surround the collection and use of scientific evidence. In addition, of course, the law must keep up with defensible scientific and legal progress in the detection of crime or be left floundering in its wake.

Social attitudes to the scientific investigation of crime have followed social attitudes to applied science generally and so have waxed and waned from the enthusiastic to the doubtful. Scientific evidence in criminal trials has always been controversial. Two main areas are involved. The first is the scientific validity of the evidence itself—that is, its probative force or value. The second is the ever difficult balance between the rights and liberties of the individual and the coercive powers of the state in the obtaining of scientific samples for the purposes of analysis. This Bill is concerned with that second area of law. With one exception, related to the enforcement of the rules of investigation that it lays down, it leaves the admissibility and probative value of the evidence to the general rules of evidence as currently applied by the courts.

In the case of DNA evidence, the courts have developed rules and standards of admissibility and appropriate ways of dealing with the evidence in criminal trials in specific decisions such as *Tran* (1990) 50 A Crim R 233; *Gordon* (1995) 1 Cr App R 290; *Baptiste* (1994) 88 CCC (3d) 212 and *Pantoja* (1996) 88 A Crim R 554 and have begun to formulate the appropriate general principles of law in such cases as *Jarrett* (1994) 73 A Crim R 160; *Doheney and Adams* [1997] 1 Cr App R 369 and *Milat* (1996) 87 ACR 446

"Forensic procedures" is a convenient short hand reference to the power of police to require a person suspected of committing a criminal offence to provide bodily samples or information which can be used for scientific identification purposes. For example, fingerprints, footprints and palm prints have been used by police investigators for many years, and, more recently, blood type matching has been used. More recently still, there has been a deal of investigative enthusiasm for the modern technology of DNA matching. Initial enthusiasm for DNA results has, however, been tempered recently by those who are sceptical of the more extravagant claims of DNA matching infallibility.

South Australian Law

At common law, there was no power to take bodily samples, such as fingerprints, for example. Between 1901 and 1928 every Australian State except Victoria passed legislation concerning the medical examination of persons in custody. The South Australian provisions date from 1928. The current powers of South Australian police are contained in the *Summary Offences Act*. Section 81 deals generally with powers to search, examine, and take particulars of persons in lawful custody. Section 81(2)says that, where a person is in lawful custody, and there are reasonable grounds for believing that an examination of his or her person will afford evidence as to the commission of the offence, a legally qualified medical practitioner may make "an examination of the person". The section allows the person in custody to nominate the doctor. Sub-section (4) permits the taking of photographs, prints of hands, fingers, feet and toes, dental impressions, voice recording and handwriting samples.

The powers granted by sub-section (4) do not apply to compel a person unless either (a) that person is in custody and has been charged with an offence or (b) an authorisation has been obtained from a magistrate for the purpose. There is no requirement for magisterial authorisation for the medical "examination" under sub-section (2), which simply requires the person to be in custody and to have been charged. Succeeding sub-sections of section 81 contain the procedure for getting a magisterial authorisation, the destruction of records and an offence of failing to comply with the magistrate's order. These provisions apply to the procedure under sub-section (4) but not sub-section (2).

The power of police to take a blood sample either for blood type matching or DNA analysis rests solely on judicial interpretation of the power to make what to 81(2) calls "an examination of the person". In *Franklin* (1979) 22 SASR 101, the South Australian Court of Criminal Appeal decided that "an examination of the person" could be external—taking a hair sample, for example—or internal—taking a blood sample. Blood samples have been taken on that basis ever since. In *Fernando v Commissioner of Police* (1995) 78 A Crim R 64, the New South Wales Court of Criminal Appeal decided that *Franklin* was wrongly decided and refused to follow it. But in *Dyson* (1997) 68 SASR 156 a specially constituted Full Court of five judges of the South Australian Supreme Court decided, in effect, to follow *Franklin* in preference to *Fernando*. The High Court has yet to rule on this apparent conflict of judicial views.

Events Elsewhere in Australia

There has been a deal of consideration of, and reports on, the use of forensic sampling as a tool of criminal investigation in Australia over the years since the original legislation in the early part of this century. In 1975 the Australian Law Reform Commission commented on the likely value of the then emerging DNA technology and noted that there was a need for enforceable safeguards to be built into the law. Perhaps the most influential report on the subject was delivered in 1989 by the Victorian Consultative Committee on Police Powers of Investigation (known as the Coldrey Committee) in a report entitled "Body Samples and Examinations". In 1991, the matter was again considered and made the subject of recommendations in the Fifth Interim Report of the Review of the Commonwealth Criminal Law. All of these reports recommended more detailed legislative provision for a balancing of the rights of suspects and investigators in the obtaining of forensic samples.

In 1992, the Standing Committee of Attorneys-General referred the matter to the Model Criminal Code Officers' Committee. The Model Code Committee is made up of the nominees of Attorneys-General from each Australian jurisdiction. In 1993, the Australian Police Ministers' Council considered a report by the National

Institute of Forensic Science into the use of DNA technology (The Esteal Report) and resolved to set up a committee, chaired by the Chief Justice of Victoria, to make recommendations to APMC. The reference included the adequacy of existing legislation. The Model Code Committee and the Esteal Committee worked together on the common issues. Both Committees concluded that new legislation was required and that it should be consistent across Australia.

The Model Code Committee prepared a set of Model Provisions in the form of a Bill. Two drafts were successively produced and circulated for comment to about 600 groups and individuals across Australia. In each case over 60 submissions were received, analysed by the Committee, and the result incorporated into the Bill where that was appropriate. The Model Provisions have thus been subjected to very considerable consultation. The Model Provisions were submitted to the Standing Committee of Attorneys-General, which approved them in principle. They were introduced into Parliament by the previous Commonwealth Government as the *Crimes Amendment (Forensic Procedures) Bill*, 1995. That Bill lapsed with the 1996 election. The new Commonwealth Government reintroduced the Bill, with minor changes, and it has now reached the Senate, having passed the House of Representatives. Very recently, the Victorian Government has introduced its *Crimes (Amendment) Bill*, 1997 which, among other things, amends the Victorian provisions enacted after the Coldrey Report to conform more closely to the Model Provisions approved by the Standing Committee.

General principles

The essence of the law in this area is to set a balance between a number of civil rights and liberties inhering to the individual citizen—in this case, notably the interests of privacy, the privilege against self-incrimination, and bodily integrity—against the rights of the general community in the effective and efficient investigation of crime and bringing the perpetrator to justice. The debate is not new, neither in criminal investigation generally nor in this part of it. In Parliamentary Debates on the original South Australian legislation in 1928, views were expressed ranging from the necessity of medical examinations to provide corroborative evidence in sexual crimes to concern over the possible abuse of police power and the danger that such evidence might give credibility to an otherwise false accusation of sexual criminality.

This balance changes in time as society and its needs and aspirations change. In *Dyson*, upholding the power of the South Australian police to take blood samples for DNA match purposes via the statute of 1928, the Chief Justice said:

> "These aspects of contemporary legislation illustrate the undoubted desirability of a more discriminating and carefully thought out approach. I accept that s 81 should, having regard to contemporary standards, be reviewed by Parliament. One cannot imagine that such a provision would be enacted in these terms today.".

This balance is notoriously difficult to achieve and it is not possible to reach a balance which satisfies everyone. The extremes of this argument will be illustrated when discussing consultation. In general, however, the Model Provisions and the Bill permit the compelled provision of forensic samples, their storage, use and destruction, subject to safeguards such as judicial scrutiny, informed consent, and the protection of those who can be regarded as the more vulnerable groups in the community.

The provisions in South Australia require replacement for a number of reasons.

- The current provisions are not very satisfactory, as the Chief Justice has pointed out. The law has lagged behind advances in science and technology as well as modern legislative principles and techniques. For example, it is not clear why detailed protections apply to the taking of fingerprints and footprints but not the "medical examination".
- The current police power to take some forensic samples is based on a disputed interpretation of an old legislative provision which was not designed for the purpose. The High Court has yet to rule on what appears to be conflicting authority. Absent a legislative base, it is possible that the High Court will hold that SA police have no power to take blood samples, and a prosecution may be lost;
- The current provisions are insufficiently comprehensive in relation to the powers of investigating police and the rights of persons suspected of committing crimes;
- There must be legislative provision for the employment of DNA technology in criminal investigation;
- The validity of results obtained by DNA technology requires the creation of a large data base, which means, in Australia, that the data base must be national, as it is in England and the United States. Therefore, nationally consistent legislation is required. This Bill represents a large step to that end. The Commonwealth Bill is on its way through Parliament. Victoria has introduced matching amendments to its existing scheme. Current inconsistency has led to major problems with Commonwealth prosecutions (see, for example, *Grollo* (1994) 75 A Crim R 271).

Summary of provisions

In general terms, the Bill adopts the following policies:

- The Bill distinguishes between intimate, non-intimate and intrusive procedures. More rigorous protections apply to intimate and intrusive procedures. These include examination and taking samples from genital areas, the taking of blood and/or saliva and intrusion into bodily orifices;
- In general, unless a suspect gives informed consent to the taking of an intrusive sample, an intrusive sample can be taken only by order of a magistrate;
- Again, in general terms, non-intrusive samples may be given by informed consent, or may be required to be given by a police officer, provided that certain criteria are met, but a court order will be required where the suspect does not or is unable to give informed consent;
- There are special procedures to protect children and adults incapable of giving informed consent;
- The Bill allows for the making of urgent orders by electronic means where the taking of the sample must be done without delay. These are called interim orders. A case in which the sample sought is perishable, or a case in which it is feared that the suspect might destroy the sample are examples of cases in which such a power could be used;
- The Bill does not require, in every case, that the suspect be under arrest to be subject to the regime imposed by the provisions. This is controversial and will be dealt with in more detail below;
- The Bill grants a number of rights to the suspect including:
  - (a) the right to have full information about the relevant procedure and why it is required;
  - (b) the right to be present and to make submissions at an application for an order that the sample be provided;
  - (c) the right to have legal representation and, where the suspect is a "protected person" an "appropriate representative";
  - (d) the right to be treated humanely and with a minimum of physical harm, embarrassment or humiliation;
  - (e) the right to have a chosen medical practitioner present at most procedures; and
  - (f) limitations on the number and sex of people present when intimate samples are being obtained.

The Bill states that, where forensic sampling has taken place in violation of the provisions, the evidence is inadmissible against the suspect in court, unless the court is satisfied that it should be admitted. The Bill lists a number of factors which the court can take into account and specifically provides that the probative value of the evidence does not by itself justify admissibility.

There are also comprehensive provisions relating to the storage and destruction of forensic material. Lastly, the Bill provides for the taking of blood samples and fingerprints in certain circumstances following conviction of an offender for a serious offence.

Consultation and controversial provisions

The comprehensive consultation process carried on in relation to the Model Provisions on a national basis provided valuable practical and theoretical opinions informing the drafting of the provisions. It also clarified the controversial aspects of the Model Provisions. There were extremes. Some argued in effect that police should be able to take forensic samples without let or hindrance. Others argued that they should never be allowed to do so. Leaving such general comments aside, some specifics were controversial. The leading examples are as follows:

- The Provisions and the Bill do not require arrest as a precondition to the taking of all forensic samples. A number argued against this on civil liberties grounds. This has not been done because:
  - (a) the criteria which control the right of the police to request and enforce the obtaining of a sample are clear and set a high standard. They do not permit, for example, a fishing expedition by police. Adding arrest adds nothing useful;
  - (b) arrest should be a step of last resort, and the law should not tempt police to arrest in marginal cases in order to be able to try to obtain a forensic sample; and
  - (c) an aim of the provisions which is often overlooked is to facilitate the exclusion of suspects from the case. It would

be ironic that the suspect would have to be arrested (with all that entails) in order to be proven innocent.

- Some objected to the fact that the Provisions permit the police to require the taking of non-intimate samples without first going to court. This objection was not agreed to for the purposes of the Model Provisions or the Bill because:

(a) requiring a court order for every occasion in which police want to, for example, remove a paint flake from the arm of a suspect or take a hair sample is impractical and would bring perfectly proper criminal investigation to a halt;

(b) the approach of distinguishing between intimate and non-intimate samples in this respect is consistent with, for example, legislation in all comparable jurisdictions, including in the United Kingdom and the recommendations of expert reviews of the area such as the Review of Commonwealth Criminal Law; and

(c) there are very adequate protections in the scheme designed to aid the vulnerable and assist the innocent.

- Law enforcement authorities were critical of the strict rule of inadmissibility that is contained in the Model Provisions. The approach taken there and in the Bill is, however, consistent with current law. It requires the prosecution to satisfy the court that, despite the fact that the standards set down by Parliament have been broken, the evidence should still be admitted. It is also provided that the probative value of the evidence is not by itself sufficient to warrant admission. The reason for this is that the Bill deals with real evidence and the temptation to break the rules in order to get the vital piece of hard evidence must be high. In reality, it is no defence to breaking the law to say that the evidence actually obtained proves guilt—the end does not justify the means.

- The idea that samples from unconvicted people should be destroyed if there is no conviction of criminal proceedings on foot after a fixed time may be thought to be controversial. Any period fixed for the destruction of forensic evidence is bound to be arbitrary, but there should be one. Such a limitation is contained in the legislation in Victoria, the United Kingdom, Canada and the Commonwealth Bill—in short, in all modern comparable legislation. It cannot be argued with any real plausibility that all suspect's samples should be retained indefinitely. That is particularly so where the suspect has given informed consent in relation to the investigation of a particular case, but also applies where an order has been made, again in relation to a particular case. Neither is done for general criminal investigation purposes. If police want to keep the samples for longer than 2 years, they should provide some realistic time in which it is reasonable to believe that the investigation will be pursued actively and not just be shelved. Where such a reason or reasons can be supplied, there is a mechanism in the Bill for the time limit to be extended and there is no arbitrary limit on that—so long as good reason can be shown.

Honourable members may wish to note that the Coldrey report was even less compromising. It called for the destruction of all such evidence if no charge had been laid within six months of the taking of the sample [cl 6.195]. The Victorian legislation reflects that recommendation (plus a power in the Magistrates Court to extend). The Commonwealth Bill allows a period of 12 months with the possibility of judicial extension. The Canadian DNA legislation also has a destruction/judicial extension requirement and, again, the period is 12 months. The UK legislation has no fixed limit but calls for destruction "as soon as practicable" after the proceedings are discontinued (and like decisions). This is, if anything, a more stringent criterion. The Bill here provides a period of 2 years with a possibility of judicial extension. In addition the Bill provides (as does the Commonwealth Bill) for the retention and use of unidentified samples for the purposes of creating and maintaining a data base against which samples can be tested.

DNA Technology

A major reason for the enactment of the Bill is to make legislative provision for an effective regime for the use of defensible DNA analysis in the courts. This is so, not only in relation to the collection of samples from a suspect which may yield DNA information, but also to provide the for the necessary national DNA data base which will give those DNA readings some real meaning. The advent of the use of DNA technology has caused legal and legislative action both in this country and overseas. As has been noted, the issue of the admissibility and weight of expert opinion evidence as to the meaning and evidentiary value of DNA evidence has not been addressed in this Bill and is left to the ordinary rules of evidence. However, the technical rules governing the collection of genetic material from suspects is not only a matter of genuine public concern in terms of the balance between individual liberties and effective criminal investigation, it is also crucial in facilitating the consideration of the worth of such evidence by the courts on its own substantive merits, and not simply on the basis of the technical question of police powers.

Interaction With Other Police Powers

The result of the decision of the Full Court in *Dyson* to the effect that s 81(2), (3) of the *Summary Offences Act* authorises forensic sampling of almost any kind poses structural problems for the Bill. In fact, police deal with the bodily integrity of a suspect for at least four purposes. They are (a) search; (b) forensic sampling; (c) identification and (d) medical examination of the health of a person in custody. The problem is that, while there is no neat dividing line between any of these four purposes, the Bill tries to deal with one of them only. That being so, the Bill must draw some very difficult lines.

Some are comparatively easy. For example, consider the issue of x-ray or ultrasound examination of a suspect. The only real purpose for any such procedure falls under the heading of 'search' and therefore falls outside the scope of the Bill. But others are more difficult. The photograph of a tattoo or wound may be for identification purposes or for a combination of search and forensic sampling—or all at once.

Currently, these distinctions are made, albeit by default and not in a very rational manner, within the context of the *Summary Offences Act.* Section 81(1) is clearly a power of search, s 81(4) and following is about identification and s 81(2), (3) is about 'medical examinations'.

The decision in *Dyson* confirmed that s 81(2), (3) is about forensic evidence and other medical examination and is not confined to medical examinations in the health sense. It is positively undesirable to have two forensic powers running concurrently. Therefore, s 81(2), (3) will have to be repealed insofar as they authorise forensic sampling. Police have advised that, although it is not common, s 81(2) is sometimes used for body cavity search purposes. It is not the intention to affect police search powers in any way by this Bill and so the sections are amended by the Schedule to allow for this kind of search.

The overlap with identification procedures is more difficult. The same photograph of, say, a wound, could be taken for identification or forensic purposes. The solution that adopted in the Bill is to say that identification procedures could come either under the remaining sub-sections of s 81 or under this Act—that is, the two run in parallel. In addition, the Bill is not intended to regulate in any way the taking of photographs by video camera surveillance (such as video cameras in the Mall, at graffiti hot spots or to catch defaulting drivers/parkers)—that sort of activity is analogous to a power to search really. The Bill has to try to draw those lines.

This is not an easy thing to do. There is no simple and utterly principled way around it. For example, as a general rule the Bill says that if a suspect's clothing is to be disturbed, then it is a 'forensic procedure' but if not, then it is not under the Bill at all. We have tried to keep this sort of line as simple as possible so that operational police can learn it.

The legislative mechanism by which this is done can be seen in cls 5 and 6 of the Bill. In both cases, Parliamentary Counsel has taken pains to spell out clear and simple rules for the guidance of police officers, members of the public and other interested people as precisely as possible the scope of the provisions sought to be enacted.

Conclusion

For a number of reasons, this Bill has considerable importance. It seeks to codify the powers of the police to collect forensic samples and thus to facilitate the production of scientific evidence in a criminal trial. In so doing, it seeks an appropriate balance between public values which are commonly in conflict in the criminal investigation process.

The Bill has been drafted using the Model Provisions as a basis for the policy decisions involved and the areas of law to be negotiated. As I have said, the Model Provisions have received wide exposure, comment and agreement.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines various terms used in the measure. In particular, a "forensic procedure" is defined to mean—

- the taking of handprints, fingerprints, footprints or toeprints; or
- an (external) examination of the suspect's body; or
- the taking of a sample of hair from the suspect's body; or
- the taking of a blood sample; or
- the taking of a sample by buccal swab, or a sample of saliva; or
- the taking of a sample of fingernail or toenail, or material from under a fingernail or toenail; or
- the taking of a sample of biological or other material from an external part of the body; or
- the taking of a dental impression; or
- the taking of an impression or cast of a wound.

Clause 4: Suspicion of criminal offence

Certain Parts of the Act only apply in relation to persons who are under suspicion of committing a criminal offence. This section defines what it means to be "under suspicion" and, in particular, specifies that for the purposes of the Act a person will only be taken to be under suspicion when the suspicion is based on reasonable grounds.

Clause 5: Non-application of Act to certain procedures

This clause provides that the measure does not apply to—

- breath and blood samples taken under any other law requiring persons to submit to breath analysis or alcotest; and
- searches.

PART 2
FORENSIC PROCEDURES GENERALLY
DIVISION 1—PRELIMINARY

Clause 6: Application of this Act

This Part of the Act applies to forensic procedures generally (subject, of course, to the exceptions specified in clause 5). The rest of the Act, however, does not apply to forensic procedures carried out under any other law or forensic procedures carried out (by consent) on a person who is not under suspicion.

Clause 7: Authority required for carrying out forensic procedure

This clause provides that a forensic procedure can only be carried out on a person who is not under suspicion if the person consents or if the procedure is authorised by a court under Division 8 of Part 3 (which provides for the taking of certain samples from a person who has been dealt with on a charge of an indictable offence) or in accordance with any other law.

A forensic procedure can only be carried out on a person who is under suspicion with the person's consent under Part 3, with the authorisation of an appropriate authority (which is defined in clause 16) under Part 3 or in accordance with any other law.

DIVISION 2—GENERAL PROVISIONS ABOUT CONSENT

Clause 8: How consent to be expressed

A person's consent to a forensic procedure must be express or otherwise unequivocal.

Clause 9: Withdrawal of consent

Consent may be withdrawn at any time. A withdrawal of consent may be express or implied by conduct.

DIVISION 3—GENERAL PRINCIPLES FOR CARRYING OUT FORENSIC PROCEDURES

Clause 10: Forensic procedures to be carried out humanely

A forensic procedure must be carried out humanely, must not be carried out in the presence or view of more persons than are necessary and, if it is reasonably practicable, an intimate forensic procedure must not be carried out by or in the presence or view of persons of the opposite sex.

Clause 11: Right to be assisted by interpreter

A person on whom a forensic procedure is to be carried out and who is not reasonably fluent in English has the right to be assisted by an interpreter.

Clause 12: Duty to observe relevant medical or other professional standards

A forensic procedure must be carried out in accordance with appropriate medical or other professional standards.

Clause 13: Taking samples of hair

If a sample of hair is to be taken, the root of the hair must not be removed without specific authorisation.

PART 3
AUTHORITY FOR CARRYING OUT FORENSIC PROCEDURES
DIVISION 1—APPLICATION OF THIS PART

Clause 14: Application of this Part

This Part of the measure applies to persons who are under suspicion and (in Division 8) certain persons who have been dealt with by a court on a charge of a criminal offence.

DIVISION 2—CONSENT

Clause 15: Preconditions of request for consent

This clause limits the circumstances in which the police can ask a person under suspicion to consent to a forensic procedure. There must be reasonable grounds to suspect that the forensic procedure may produce evidence of value in relation to the suspected offence, the person must not be a "protected person" (which is defined to mean a child or mentally incapable person) and, if the proposed procedure is intrusive (which is also a defined term), the suspected offence must be an indictable offence.

Clause 16: Requirements for informed consent

This clause outlines the explanation that must be provided to a person under suspicion before he or she is asked to consent to a forensic procedure. The person must also be allowed a reasonable opportunity to communicate with a legal practitioner (if available) before consent is given or refused and, if the person is not reasonably fluent in English, to have the necessary explanation provided through an interpreter. A record of the explanation, the request for consent and the person's response to the request must be made by videotape, audiotape or, if neither of those methods is reasonably practicable, by writing.

A copy of the record must be provided to the person and, unless the record has been made by videotape, there will be no charge for this. In the case of a videotaped record, the person may view the videotape for free but a fee may be fixed by regulation for obtaining a copy of it.

DIVISION 3—ORDERS AUTHORISING FORENSIC PROCEDURES

Clause 17: Classes of order

Both interim and final orders are provided for in this Part.

Clause 18: Order may be made by appropriate authority

An order under this Part authorising a forensic procedure may be made by an appropriate authority. A magistrate is an appropriate authority for the purposes of an interim order under the measure. The Magistrates Court (in its Criminal Division) is an appropriate authority for the purposes of a final order under the measure. A senior police officer is an appropriate authority (for an interim or final order) only if—

- the officer is not involved in the investigation; and
- the suspect is in custody and is not a protected person; and
- the proposed procedure is non-intrusive.

DIVISION 4—APPLICATION FOR ORDER

Clause 19: Application for order authorising forensic procedure

An application may be made by a police officer in charge of a police station, the investigating police officer or the DPP.

Clause 20: General formal and procedural requirements

This clause prescribes the procedure for making an application.

Clause 21: Representation

The person under suspicion (here called the "respondent") is entitled to be represented by a legal practitioner. A protected person must be represented by an "appropriate representative" (which is defined in the clause) and may also be represented by a legal practitioner.

DIVISION 5—DETERMINATION OF APPLICATION FOR INTERIM ORDER

Clause 22: Hearing of application for interim order

This clause provides that a hearing for an interim order may be informal and may be held by telephone. Both the applicant and the respondent are to be allowed to make representations at the hearing.

Clause 23: Making of interim order

The appropriate authority may make an interim order if satisfied that evidence (or the probative value of evidence) may be lost or destroyed unless the forensic procedure is carried out urgently and that there are reasonable grounds to believe that the grounds for making a final order will ultimately be established.

An interim order may only be made in relation to a person (other than a protected person) if the person has refused or withdrawn informed consent. An interim order for carrying out an intrusive forensic procedure may only be made if the suspected offence is an indictable offence.

The evidence obtained by carrying out a procedure under an interim order is inadmissible against the respondent unless a final order has been made confirming the interim order.

DIVISION 6—DETERMINATION OF APPLICATION

FOR FINAL ORDER

Clause 24: Respondent to be present at hearing of application

This clause provides that the respondent must be present at the hearing for a final order (unless the appropriate authority is satisfied that reasonable grounds exist for dispensing with this requirement) and provides for securing the presence of a respondent at such hearings. If a warrant is issued to secure the presence of the respondent at the final hearing, and the respondent is arrested in pursuance of the warrant, the respondent is entitled to apply for bail.

Clause 25: Procedure at hearing

This clause outlines the procedures to be followed at the hearing for a final order.

Clause 26: Making of final order for carrying out forensic procedure

An appropriate authority may make a final order if satisfied that—

- there are reasonable grounds to suspect the respondent has committed a criminal offence and that the forensic procedure could produce material of value to the investigation of the suspected offence; and
- having regard to factors outlined in the provision, the public interest in obtaining evidence tending to prove or disprove the respondent's guilt outweighs the public interest in ensuring that private individuals are protected from unwanted interference.

A final order may only be made in relation to a respondent (other than a protected person) if the respondent has refused or withdrawn informed consent. A final order for carrying out an intrusive forensic procedure may only be made if the suspected offence is an indictable offence.

Clause 27: Making of final order confirming interim order

An appropriate authority may confirm an interim order if satisfied that proper grounds exist for making a final order. If an interim order is not confirmed, the authority must order the destruction of forensic material obtained by carrying out the procedure (but destruction must not occur until the time for an appeal has expired or until an appeal has been heard and has been unsuccessful).

DIVISION 7—DUTIES OF APPROPRIATE AUTHORITY ON MAKING ORDER

Clause 28: Action to be taken on making order

The appropriate authority must, on making an order, make a written record of the order and the reasons for the order (a copy of which is to be provided to the respondent) and inform the respondent that reasonable force may be used to carry out the order and that, if the respondent obstructs or resists a person in connection with the carrying out of the order, evidence of that fact may be admissible in proceedings against the respondent.

An order may include incidental directions.

DIVISION 8—FORENSIC PROCEDURES AFTER COURT HAS DEALT WITH CHARGE

Clause 29: Application of this Division

This Division applies where a person has been found guilty of a charge of an indictable offence or where a person charged with an indictable offence has been declared to be liable to supervision under Part 8A of the *Criminal Law Consolidation Act*.

Clause 30: Order authorising taking of DNA samples and fingerprints

This clause allows the police or the DPP to apply for an order authorising the taking of fingerprints or material for the purpose of obtaining a DNA profile from a person to whom the Division applies. A sample for DNA analysis may, however, only be authorised if the person has been dealt with on a charge of an indictable offence punishable by imprisonment for 5 years or more (a "major offence"). The court is required to take into account various matters before making an order.

DIVISION 9—MISCELLANEOUS

Clause 31: Obstruction

It is an offence to intentionally obstruct or resist a forensic procedure being carried out pursuant to an order under this Part. The maximum penalty is imprisonment for two years.

PART 4
CARRYING OUT FORENSIC PROCEDURES
DIVISION 1—PRELIMINARY

Clause 32: Application of Part

This Part applies to forensic procedures authorised under Part 3 by consent or by order of an appropriate authority. The provisions of the Part (except Divisions 5 and 6) also applies to procedures authorised under Division 8 of Part 3.

Clause 33: Who may carry out forensic procedure

A forensic procedure must be carried out by a medical practitioner or a person who is qualified as required by the regulations.

Clause 34: Assistants

A person carrying out a forensic procedure may be assisted by other persons.

DIVISION 2—USE OF FORCE

Clause 35: Use of force

A person authorised by an order under the measure to carry out a forensic procedure, or a person assisting, may use reasonable force to carry out the procedure and to protect the evidence obtained.

A police officer may use reasonable force to prevent a person from destroying or contaminating evidence until an application for an interim order is made and, if an interim order is made, until the forensic procedure is actually carried out, but in such a case the police must ensure that the application is made as soon as reasonably practicable.

Clause 36: Use of force does not constitute arrest

If a person is forcibly detained in accordance with this Division, that detention will not, by itself, constitute an arrest.

DIVISION 3—RIGHT TO HAVE WITNESS PRESENT

Clause 37: Right to have witnesses present

A person on whom an intrusive forensic procedure is to be carried out must be allowed a reasonable opportunity to arrange for the attendance of a medical practitioner to witness the procedure.

An appropriate representative must be present to witness a forensic procedure being carried out on a protected person.

A witness may however be excluded if he or she attempts, unreasonably, to obstruct the forensic procedure.

DIVISION 4—RECORDING OF FORENSIC PROCEDURE

Clause 38: Videotape recording to be made

Video recordings of forensic procedures (other than the taking of prints of the hands, fingers, feet or toes) must be made where that is reasonably practicable and the person on whom the procedure is to be carried out does not object. The person may arrange a time to view the video recording or, on payment of a fee fixed by regulation, a copy of the video recording will be provided to the person. If no video recording is made, the forensic procedure must be carried out in the presence of an independent witness.

DIVISION 5—HOW FORENSIC MATERIAL IS TO BE DEALT WITH

Clause 39: Person to be given sample of material for analysis

A part of any forensic material obtained from a person's body must be set aside for the person as soon as practicable after the material has been analysed and, if the person wants to have the material analysed, reasonable assistance must be given to ensure that the material is protected from degradation until it is analysed.

The clause does not apply if it is not practicable to obtain sufficient material to allow for division into separate parts for analysis.

Clause 40: Access to results of analysis

A copy of the results of analysis must be given to the person on whom the forensic procedure was carried out. However, if the results are not in a form that can be accurately reproduced by photocopying, the person may view them (at no charge) and may obtain a copy of them only on payment of the fee fixed by regulation.

Clause 41: Access to photographs

If a photograph is taken in the course of a forensic procedure, the person on whom the procedure was carried out may view the photograph (at no charge) and may obtain a copy of the photograph only on payment of the fee fixed by regulation.

Clause 42: Analysis of material obtained under interim order

Forensic material obtained under an interim order must not be analysed until a final order is made confirming the interim order, unless the material is likely to perish before that time. It is an offence to intentionally or recklessly disclose the results of analysis of forensic material obtained under an interim order until the interim order is confirmed. The penalty is imprisonment for two years.

DIVISION 6—DESTRUCTION OF FORENSIC MATERIAL

Clause 43: Destruction of forensic material

Forensic material obtained from a person as a result of a forensic procedure must be destroyed if—

- the material was obtained under an interim order that was not confirmed;
- proceedings for an offence to which the material is relevant are not commenced within 2 years (or, if special reasons exist, such longer period as the Court may allow) after the material is obtained, or are discontinued;

- the material is declared to be inadmissible in court proceedings; or
- the person is acquitted of the offence to which the material relates (unless the person is declared to be liable to supervision under Part 8A of the *Criminal Law Consolidation Act*).

DIVISION 7—MISCELLANEOUS

Clause 44: Exemption from liability

A person who carries out or who assists in a forensic procedure that the person genuinely believed was authorised is exempted from civil or criminal liability for any reasonable act or omission.

PART 5
EVIDENCE

Clause 45: Effect of non-compliance on admissibility of evidence

Evidence obtained as a result of a forensic procedure performed in contravention of the measure is not admissible against the person on whom the procedure was carried out unless the person does not object to the admission of the evidence or the court is satisfied, having regard to matters outlined in the provision, that the evidence should be admitted despite the contravention.

Forensic evidence will be inadmissible beyond the time that it is required under the measure to be destroyed.

Clause 46: Admissibility of evidence of denial of consent, obstruction etc.

Evidence that a person denied or withdrew consent to a forensic procedure is inadmissible in criminal proceedings against the person unless he or she consents to admission of the evidence. Evidence that a person obstructed or resisted the carrying out of a forensic procedure is, however, admissible subject to the ordinary rules of evidence.

PART 6
MISCELLANEOUS

Clause 47: Confidentiality

This clause sets out the limited circumstances in which information obtained through the conduct of forensic procedures under the measure may be disclosed.

A person who intentionally or recklessly discloses information in contravention of the clause commits an offence punishable by a fine of $10 000 or two years imprisonment.

Clause 48: Restriction on publication

This clause makes it an offence to publish a report of any proceedings under the measure that includes information tending to identify a person under suspicion unless—

- the person consents to the publication or has been charged with the suspected offence or a related offence; or
- the appropriate authority authorises the publication.

The maximum penalty for contravention of this provision is a fine of $5 000 or imprisonment for one year.

Clause 49: Databases

This clause provides for the maintenance of a database of information obtained from carrying out forensic procedures under the measure. A DNA profile may, however, only be stored on a database if the person from whom the material was obtained was found guilty of the offence in relation to which the forensic procedure was carried out or was declared to be liable to supervision under Part 8A of the *Criminal Law Consolidation Act*. If such a person is subsequently acquitted of the offence, the DNA profile must be removed from the database.

The Minister may enter into an arrangement providing for the exchange of information recorded in the database kept under this clause and a database kept under a corresponding law.

Clause 50: Access to information stored in database

This clause limits the circumstances under which a person may have access to identifying information about DNA profiles stored in a database. In addition, identifying information about a DNA profile derived from forensic material must not be retained on the database beyond the time the destruction of the forensic material is required.

Clause 51: Reciprocal registration of orders

The Minister may enter into an arrangement providing for the reciprocal registration of orders made under the measure and a corresponding law. The Minister may also register an order made under the law of the Commonwealth or of another State or a Territory of the Commonwealth that is registrable under criteria prescribed by the regulations.

An order registered under this clause may be enforced as if it were an order made under the measure.

Clause 52: Regulations

This clause provides for the making of regulations.

SCHEDULE 1
Transitional

This schedule provides that the measure only applies in relation to forensic procedures proposed to be carried out after its commencement.

SCHEDULE 2
Amendment of Summary Offences Act 1953

This schedule makes consequential amendments to section 81 of the *Summary Offences Act 1953*. Under the amendments that section will only relate to searches and the carrying out of certain minor procedures aimed at identification where a person is in custody on a charge of committing an offence.

Mr ATKINSON secured the adjournment of the debate.

LIQUOR LICENSING (LICENCE FEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 424.)

Mr ATKINSON (Spence): At the outset I should confess that last year I was the lead speaker for the Opposition on the Liquor Licensing Bill, which is the Bill that this Bill is designed to fix up. Along with the Government, I did not notice features of the 1997 Bill that would be unduly onerous on small licensed clubs.

Mr McEwen: Shame on you.

Mr ATKINSON: I wonder whether, had the honourable member been here, he would have noticed. I should also state that I have some interest in this Bill as I am a member of the Czechoslovak Club, the Irish Association, the West Croydon and Kilkenny RSL Club and the Eagles Club, all of which are comparatively small licensed clubs. The Opposition welcomes the measure. We are pleased that the Government had postponed some of the new imposts contained in last year's Liquor Licensing Bill. That Bill had the potential to place disproportionate burdens on small licensed clubs.

We do not think it is fair that a small ethnic club, such as the Scandinavian Club at Hindmarsh or a small bowling club such as the Croydon Bowling Club at Ridleyton, should have to have all the members of its committee of management checked and approved by the Liquor Licensing Commissioner with the assistance of the police. Nor do we think it is fair that all the committee members who happen to serve at the bar at some time or another should have to pay for extensive training in responsible liquor service principles and pay an application fee to be approved as a responsible person under the Act. Nor do we think it is fair that there should be a requirement on these kinds of clubs to have an approved responsible person at the bar at all times.

The Bill removes these burdens from small clubs willing to accept a restricted licence. In this context a restricted licence means that the club would serve only members and up to five invited guests of each of those members which I understand are the trading conditions they had until last year's Liquor Licensing Bill removed those requirements from clubs. I think that most small clubs would be happy to have those restrictions back in return for having the burdens, which the Government has placed on them lifted. Indeed, the Attorney in another place acknowledges that the revenue raised from the measures we are removing today would have been $600 000—rather a lot of money.

Finally, I refer to the role of the Licensed Clubs Association, which I think is being somewhat sensitive in this matter. Perhaps that is because it has had some internal difficulty of late—not that that was evident when I enjoyed (and for which I am most grateful) their hospitality at Christmas.

I was surprised during the debate on last year's Bill that, as the Opposition spokesman in this area, I did not receive representations from the Licensed Clubs Association. The member for Mawson indicates that he did not either. Indeed, I saw Max Beck at the races and said, 'Look, I have not heard from you about the Bill.' His reply was, 'Look, mate, we have stitched it up with the Government. We have got a really good deal going. Don't you worry about that, you just support the Government on this.' With a few exceptions that is what the Opposition did, and both of us overlooked these very real problems for small licensed clubs.

It may be that the Licensed Clubs Association has to have a look at the way in which it operates and, when it comes to politics, to play both sides of the street and not just the Liberal Party, which at that time happened to have a record majority in the House of Assembly. As many political lobbyists in South Australia know, no matter how small the Labor Opposition may be in this House—and it was very small in the past four years—together with the Democrats we have the ability to change legislation in this State, and we retained that ability even between December 1993 and October 1997.

I do think it was an omission by the Licensed Clubs Association not to lobby the Labor Opposition over the Liquor Licensing Bill. In future, I would hope to hear from it on these matters, and I would hope that it would have due regard to the interests of its smaller members. With those remarks the Opposition supports the Bill and will be interested in debate within the Government over how cellar door sales should be treated. No matter how large their revenue, I wonder whether wineries should be roped into the responsible service requirements of the 1997 Bill because, after all, the only liquor being consumed at those outlets, as I understand it, is very small, free samples and, if you linger and ask for more samples, the samples get smaller. The member for Gordon indicates that after a certain number of samples you might be shown the door if you have not bought any bottles.

No matter how big the company that is making the cellar door sales, I wonder whether cellar door outlets should be treated in the same way as a small licensed club. The Opposition will listen to what Government members have to say and we hope there will be an amendment to the Bill to accommodate cellar door sales

Mr BROKENSHIRE (Mawson): I also support the Bill and, in doing so, I will put a few brief points on the record. First, by and large, I was pleased to see initiatives between the peak bodies brought forward through reasonable consultation processes to get a better deal in particular for licensed clubs. I have wanted to see that for some time. Like the member for Spence, I declare an interest from the point of view of being a member of several licensed clubs. A few issues have concerned me.

I understand that in the interest of getting on with business and trying to consider everyone's best interests there has to be compromise, and ongoing compromise, in any parliamentary process to achieve satisfactory and fair outcomes. However, I still believe that there was room to move further. I will be watching very closely what happens in the Liquor Licensing Court when it comes to new section 97(2), which provides:

> If the licensing authority is satisfied on the application of the licensee that, in view of the limited scope of a business conducted under a licence, an exemption from the requirements of subsection (1)(a) may be granted without compromising the responsible service and consumption principles, the licensing authority may approve alternative arrangements for the supervision and management of the business.

I will be watching this and hoping that there will be fair and reasonable flexibility. I am the first one to want to see responsible drinking addressed in this State. Members only have to look at the nonsense that has occurred in the past couple of weeks at places such as Rio where, early one morning, there was an incident involving the drug known as Fantasy; the shooting at 8 a.m. the other day; and people being harassed when they are going to work because of drunken individuals who are obviously nocturnal and who, unlike most of us, do not work during the day. I am not impressed with that, and I hope that it will be addressed under the current licensing provisions.

These little clubs battle like hell because there are many of them and they are all trying to get a share of the market. They are primarily staffed by volunteers and they do not generate big profits. Their managers do not drive around in Mercedes cars like many of the hoteliers. They are really battling to keep things together. What is even more important is that their profits go directly back into their local communities. Frankly, I am sick and tired of the impost being put on these small clubs, and in particular the volunteers. The volunteers are the backbone of these clubs. They create opportunities for young people and contribute to the community spirit within this State.

We have done it very well in South Australia in the past. Let us not allow too many radical imposts to be brought in by over energetic bureaucrats without consideration of the long-term ramifications. I was caught up in this situation, as were many of my colleagues, and I did not pick up on some of these problems straight away. I also agree with the member for Spence in that I do not want to let the Licensed Clubs Association totally off the hook. It is not just a matter of the Licensed Clubs Association, or any other peak body, sitting around a table with the Attorney-General (on this occasion), or whoever the Minister may be, and maybe having a meeting with the shadow spokesperson and a few other people within the industry.

I believe that they are duty bound on behalf of the members whom they represent and who pay good fees to these associations to inform backbenchers on both sides of the House about what is going on. We do not want a situation, as has occurred on this occasion, where, on the one hand, we were told that everything was hunky-dory and everyone was happy, yet, on the other hand, when we visit a club for a drink on a Friday night we are given an earful—and rightly so, I might say—from the volunteers in that club because they are being told another thing by the Licensed Clubs Association. I ask the Licensed Clubs Association to let all members of Parliament know what is going on in the future. We do not all get to the races, so it would be handy if it wrote to us.

In relation to cellar door sales, I personally believe that it is an impost that should not be put on any winery, irrespective of its size—big, small or indifferent. It is a totally different argument. I have been involved in the wine industry since I was a youngster. I have not seen people at cellar door outlets carrying on like the bikie thugs do at their headquarters. They are not the sort of people who are necessarily even welcome at a cellar door sale. People who frequent cellar door outlets are responsible: they are tourists and wine connoisseurs who call in to taste a little wine and buy some bottles. Why put another impost on those companies and businesses when we are trying to encourage them?

In relation to the foreshadowed amendment, I intimate that I will be watching that with a great deal of interest, as will many of my colleagues. I trust that in 12 months we will see a full and open review that will give everyone an opportunity to contribute. As members of Parliament who are elected to represent our community we are duty bound to ensure that that review is fully open. I want to see the report tabled exactly six months after the 12 months and, if we can point to evidence where there has not been enough flexibility or that the imposts are too great on these little clubs and the cellar door outlets, I will be right there with the South Australian Wine and Brandy Producers Association, the small clubs in my electorate irrespective of where their peak body might be and definitely the winemakers and the cellar door sales people in my electorate to ensure that we further address it.

Having said all that, overall there are a lot of positives which we should focus on. I know it is not an easy job trying to run the liquor licensing controls in this State but, by and large, those people are doing a very good job. However, I would ask them to listen to what is said in this House today, to read what members have said and realise that we also have an important part to play in this. I also suggest that senior bureaucrats in Ministers' offices listen to what members have to say, because we represent our communities. We are the ones who are in touch with what goes on on a day-to-day basis. Overall, I support the Bill.

Mr McEWEN (Gordon): It is great to hear the Opposition acknowledge that it was party to shoddy legislation. However, it was only the junior Party, so the Government has to accept that shoddy and dodgy legislation has to come back before the House to be amended. Although I support the proposed amendments, they still do not go far enough.

Mr Atkinson: You will not hear an apology from the Government.

Mr McEWEN: No, we will not get an apology from the Government. There are difficulties with a number of sections of the Act. Section 36, in an attempt to create a limited club licence, will redress some of them. Section 71, in terms of approval for management of control, will address some others. In relation to that, it was interesting that, at public meeting in Mount Gambier, a gentleman who holds a pistol licence held up the police certification in terms of his pistol licence and asked whether it would satisfy the police check in relation to the Liquor Licensing Act 1997. He was told by a police officer, 'No, this is far more serious. We will have to do a far more in-depth police investigation.' If a responsible person selling wine has to be investigated further than someone who carries a firearm, I have grave difficulties with what the Liquor Licensing Commissioner expects in this regard.

Having said that, I refer to the comment of the member for Mawson. He said that he has not received any correspondence on this matter, but I would ask: why would you bother writing to the member for Mawson or any other Liberal Party backbencher, because they will not have the opportunity to take any notice of that correspondence? In fact, they will do the bidding, just as they did the bidding the last time the legislation came into this place.

The correspondence is sent out to the Independents because it is perceived that, along with the Leader of the National Party in this State, we are the only members who can make a difference in terms of correcting this shoddy legislation. We get the correspondence—and a great deal of it. The correspondence says that the Bill still does not go far enough and that there are major concerns with the exemption. The exemption is just another bureaucratic heap of red tape. We have been hearing for years now that we should take the monkey off the back of small business and cut through the red tape—'Reduce red tape by 30 per cent', the headlines say. This Bill reduces nothing. It just adds more red tape and more bureaucracy to small struggling family businesses—small cellar door outlets.

I am not happy with the exemption. We are pressing the Attorney-General to consider further amendments in relation to an exemption from the outset instead of the exemptions within section 97(2) of the Act. We do not want small cellar door sales outlets included. Let us hope that we can press the matter. At the end of the day, we might have to accept the amendments as proposed and accept a review within 12 months. We support the Bill but we say that it still does not go far enough.

Mr WILLIAMS (MacKillop): I also rise to support the Bill, but there are a few comments I wish to make. First, I note the object of the principal Act, which is to control the sale, supply and consumption of liquor for the benefit of the community as a whole and, in particular, to encourage responsible attitudes towards the promotion, sale, supply, consumption and use of liquor, and it goes on to use the words 'minimise the harm associated with the consumption of liquor'. It is rather ironic that only this morning I was speaking in this House with respect to the Criminal Law Consolidation (Intoxication) Amendment Bill, where the Attorney-General has chosen not to address the excuse of intoxication as a defence in criminal law matters. However, the Attorney is responsible for this Bill, which is to encourage responsible attitudes towards the promotion and use of alcohol. The irony of that has not escaped me.

It became obvious to me not long after my election, due to the number of phone calls and letters that arrived at my electorate office—and I am certain that it happened to many other members of this place—that the conditions under this legislation were placing an impost on small clubs such as bowling clubs, RSL clubs, tennis and football clubs, and so on. The Attorney-General suggested that those clubs were mainly concerned about the cost of the impost. I would suggest that those clubs are not only concerned about the cost of the impost because they also have serious reservations about their ability to find enough people to fill voluntary positions at these clubs who comply with the terms of the Act in respect of the responsible persons requirements. There are plenty of committee people who are quite willing to assist in the running of their clubs, to make lamingtons and sell them down the street and to raise funds, but they are not willing to have the police conduct checks on them, their spouses, their next of kin, their children, their in-laws, their parents—

An honourable member: Their dog.

Mr WILLIAMS: Their dog, to see whether it is registered. I believe that, in our community, that is an even greater impost than the cost. They are also not very happy about having to walk around in their club—and I emphasise their club—wearing a badge, which suggests the tawdriness which is connected with a common bar. That is not what these clubs are about. Many of them are family clubs, where the responsible use of alcohol has never been in question.

At the end of the day, with regard to the clubs, I congratulate the Attorney on his actions to both extend the moratorium and to bring in the amendment that will allow many of these

clubs to apply for a limited club licence, and also for certain clubs to be able to apply for exemptions under new section 97(2). So, I believe that many of the problems for clubs in my electorate will be overcome with these amendments, and I support them on those grounds. My main concern relates to the potential adverse effects upon the tourism industry within this State, especially with regard to the Bill's potential impact on cellar door outlets.

I read from an article that appeared in the *Advertiser* of 22 November, quoting the Minister for Tourism (the Deputy Premier) who was launching a South Australian Tourism Commission report on wine and tourism in South Australia. The report states:

> . . . the number of international visitors to South Australia who visit wineries has grown by an average of 19 per cent per year over the three years 1993 to 1996.

It goes on to state that, of the 89 000 international tourists who visit South Australia, 36 per cent visit a winery at some stage during their tour. The figures suggest that only 9 per cent of total international tourists to Australia visit a winery, yet 36 per cent of them do so in South Australia. The Minister also went on to say that South Australia is regarded as the wine State, but this was under challenge, especially from Victoria, which was aggressively targeting the wine tourism market.

We have been told for years how important tourism is to this State, and I have been told it that often that I am starting to believe it. An article in the *Border Watch* of 21 November, which is headed 'Wine Cellar Door Sales Threatened', states:

> Coonawarra's cellar doors sales outlets could be forced to close due to rising costs and changes to the Liquor Licensing Act.

In the article, Mr Jim Brand, the manager of Brands Wines in Coonawarra, said:

> It costs a lot with double time on Sundays, and now we have someone who has to be approved.

I believe that that winery has closed its doors on Sundays, and if that sort of thing continues in the Coonawarra it will have a severe effect not only on the Coonawarra but also on the surrounding towns of Naracoorte, Penola, Mount Gambier and Millicent.

An honourable member: And the Riverland.

Mr WILLIAMS: I am certain that the examples I use there in respect of the Coonawarra, in the heart of my electorate, could be extended to the other wine-growing areas in the State. I still have a particular concern with section 97(2), which deals with exemptions. The suggestion is that exemptions will be granted 'in view of the scope'. I have a lot of trouble with those words. Does this suggest that a large winery, like BRL Hardy, or any of the large wineries, will have problems getting exemptions, or will all wineries be treated the same?

Probably one of the largest cellar door operations in the State would be at Seppeltsfield in the Barossa Valley. It has won a national tourism award for the work it does in the Barossa Valley for promoting not only its industry but its region and South Australia in general. It is my information that the people who operate the cellar doors of wineries are highly trained, because they are most interested in promoting not only their wine but also their industry and their region. Tourism is a big part of their industry, and they get a lot of advertising in that way. The people are already highly trained in the industry, and there is no necessity for this legislation to impact upon that industry.

I have had discussions with the Attorney, and he took note of my comments to him yesterday, as I know he will take note of my comments today. I hope that his representative will foreshadow that there will be a couple of further amendments to this Bill and a further statement along the lines that the moratorium on complying with the provisions of this legislation will be extended. The amendments that will be proposed will ensure that we will look at this matter in the future. I sincerely hope that the provisions of this legislation will not impact upon the cellar doors sales industry, the wine industry and the tourism industry in this State. If they do, at the time of the review I will certainly have a lot more to say on that matter.

Mr LEWIS (Hammond): I well remember this legislation going through the Chamber less than 12 months ago, although the precise date I could not recall until checking the record.

Mr Atkinson: July.

Mr LEWIS: Yes, the honourable member for Spence guesses accurately; it was July, and a conference was the result. I want to predate that conference with my recollections of what I thought of the legislation. I remember being annoyed and disturbed that it was the kind of deal that I have warned about in this place for the 18 years that I have been in here.

If you deal with the representatives of large corporate interests, you will get an agreement and an arrangement that suits their particular positions but may not suit the wider community. Indeed, very often it deliberately undermines what a citizen may wish to do on the same matters or what small groups of citizens may wish to see done. Accordingly, we have passed laws from time to time and have claimed that we have consulted all those people relevant in the process of determining the impact the laws will have and the benefits they will bring to society when enacted. We do that without considering what it will feel like when it finally impacts on each of us as living beings, as people, governed by the laws we make. This was one such law.

As it turned out, my apprehension about it kept me out of the debate, because at that time, knowing that it was close to an election, I did not want to appear to be saying things. I now feel not just as though I have failed in my duty and was inadequate in my work but a considerable measure of remorse, because, as much as any other member, if not more than most members, the communities I represent are small, the clubs they have in them are small and almost without exception they were all adversely affected by the impact of the measure in the form that members alluded to in their remarks, namely, that they would be put to exorbitant expense and their members, volunteers, have to set aside a great deal of time to undertake the training which the law so produced by that Act required of them before they could continue to trade. I just hoped that in some way or other commonsense would prevail and people would not insist on those measures being a prerequisite to opening the door and turning on the keg. I hoped in vain. We have to fix up the mess and, in consequence, all of us who were here at that time deserve a measure of—

Mr Atkinson: Flagellation.

Mr LEWIS: —I don't know about flagellation—disdain from the community in that we failed those people who voted for us. Corporations do not vote for us. Our job is to represent human beings and the organisations to which they belong, not the dollars which are accumulated by some of them into large

aggregates that form vested interest groups and argue against the best interests of good conduct and the respect for law and order in the wider community but argue a case which suits their profit position and their comfort zone. In the Liquor Licensing Act, the law as it stands, we have something that is convenient for the pubs—and it is even more convenient for the bigger pubs because it makes it harder and more costly for the small pubs—and, likewise, it is convenient for the licensed clubs which are very large, which have a fairly substantial turnover and which employ staff to do their work.

It is very inconvenient for people who are not members of the family but have chosen nonetheless to get together and have a picnic drink after their game of bowls, or even during it, or tennis, football or whatever: they have to have a licence. That is appropriate, but they also have to go to these other expenses and troubles to make it possible to continue. It gives me no joy at all to stand in this place, acknowledge the necessity for the legislation before us and say of my own efforts to the people I represent, 'I am sorry that I did not speak up earlier and more strongly.' However, the moment I saw the insistence being made on doing what was required in the law to the extent that it would clearly close down a large number of clubs, I immediately raised my voice as others have done against leaving the law the way it was.

Let us get back to what we had where, if a small club wishes to continue to buy from an existing licensed hotel premises, it does not have to go to this great expense, and it still can obtain a range of liquor which it can sell to its members and their visitors within the framework of the law in that respect, and still make some contribution, some profit, towards its funds for doing so, but without making it so expensive and difficult that it will simply close down as a means of providing lawful drink and connive ways of getting around the law, thereby, as I have alluded to many other times, bringing the general framework of the law into contempt and disdain.

The less we do in that respect, the better off we will be. Commonsense needs to prevail. I hope that, with regard to the 12 month review, within six months a report will most certainly enable us to get it right, finally, and this measure goes a long way towards to that. I commend the Attorney-General for the willingness he has shown to do the job in this way, and I commend other members of the House for the views they have expressed so frankly about it.

Mr SCALZI (Hartley): I support the Bill. Like many other members I had great concerns about the legislation. I was inundated with correspondence and telephone calls from various small clubs in my electorate, for example, the Kensington Gardens tennis and bowling club, and clubs in Trinity Gardens, which is just outside my electorate, and Tranmere. Concerns about the legislation were also raised by small clubs of non-English speaking background, which do a lot of good work, using volunteers, as is the case with all small clubs. I commend the Attorney for announcing a moratorium and for bringing about changes to allay the fears of the small clubs.

There is no doubt that we will never have a perfect Act, but the result of the communication and consultation with the Attorney-General can be seen in the amendments, and it has brought about the best possible solution to the problem facing small clubs. I commend the Attorney-General and the Government for that. Small clubs cannot be treated like other businesses. They are staffed by volunteers and they have a totally different culture. The assistance that they need to survive is very different. Such clubs are not based on profit and, with the original imposts, a lot of them would struggle to keep going.

I commend the Attorney-General and the Government. The amendments have allayed the fears of small clubs, the RSL, and all the sporting clubs in my electorate. The Bill will achieve that balance between responsible consumption of alcohol whilst at the same time recognising the special needs of small clubs in South Australia.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members for their contribution to the debate. I wish merely to make one observation. Hearing members talk about cellar door sales in the Coonawarra area is a classic case of what goes around comes around. I remember years ago driving to Melbourne and telling my wife that we would stop in the Coonawarra and buy some wine on the way. Unfortunately, I am old enough to admit that none was available, so it shows how much this has become an important part of the wine industry over the past few years. I am pleased that various points have been made by members, and I look forward to discussing the rationale behind the amendment in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6.

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

Page 3, after line 4—Insert:

(6) The Minister must cause a review of the operation of this section (including the granting of exemptions under subsection(2)) to be undertaken as soon as possible after the period of 12 months from the date of commencement of this subsection.

(7) A report on the outcome of the review is to be tabled in each House of Parliament within 6 months after the period referred to in subsection (6).

I move this amendment in the light of concerns expressed by smaller licensees, particularly in the wine industry, as to the operation of proposed new section 97 and the manner in which the licensing authority will exercise the discretion conferred by proposed section 97(2). This discretionary power enables the licensing authority to exempt a licensee from the responsible person provision of the Act where the licensing authority is satisfied that, in view of the limited scope of the business conducted under the licence, an exemption may be granted without compromising the responsible service and consumption principles of the Act.

The effect of the amendment is to require that the operation of section 97 and the exercise of the general exemption discretion by the licensing authority be reviewed once the section has been in operation for 12 months and a report on the outcome of the review be tabled in Parliament.

In addition, the Attorney-General, as Minister responsible for the administration of the Liquor Licensing Act, will give an undertaking that, if there are any difficulties with the operation of the responsible person provision with respect to producers' licences arising out of the review, he will give priority to amending the Act or regulations in order to address that problem in a manner directed towards maintaining the responsible service and consumption of liquor principles of the Act while minimising the regulatory requirements.

In conducting this review, the Attorney-General will ensure that public consultation occurs, particularly with those who are affected by the operation of the provision. In addition, the Attorney-General will undertake to extend the

current moratorium on the approval of responsible persons to 30 June 1998 in order to allow licensees the opportunity to take advantage of the new provisions contained in the Liquor Licensing (Licensed Clubs) Amendment Bill and apply to the licensing authority for an exemption from the responsible person provision should they wish to do so.

Mr BROKENSHIRE: I appreciate the good work that hoteliers do in generating jobs and stimulating the economy in our State, but the current Act provides that licensed clubs can request take-off licences. If there is reasonable justification, such clubs can be given a take-off licence. I am not proposing that they get into full stream drive-in bottle services because that is the job of bottle shops and drive-in bottle departments, but that provision frustrated me because it seemed to be absolutely inflexible and, frankly, a waste of time. Indeed, I would not bother to recommend to one of my clubs that they seek a take-off licence, and I will deal with that matter later in this session of Parliament. I trust that due consideration will be given to this clause, and I ask the Minister whether fair and reasonable flexibility will be applied.

The Hon. M.H. ARMITAGE: I am informed that there is flexibility in the application of that particular concern of the member for Mawson.

Amendment carried; clause as amended passed.

Clause 7 passed.

Title passed.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That this Bill be now read a third time.

Mr ATKINSON (Spence): As the Bill comes out of Committee I think it is much improved by the amendment, and I congratulate the Government on acting on the concerns of those wineries that sell at the cellar door. I wanted to say that the Licensed Clubs Association, although it missed this point during the 1997 debate, nevertheless did win very big concessions from the Government in the 1997 Bill. The clubs, through their Licensed Clubs Association, did win from the Government in the 1997 Bill certain concessions that they had been struggling to obtain for many years.

It is not surprising that, in the context of winning these concessions, the Licensed Clubs Association perhaps missed some of the minor detail, just as we legislators missed this minor detail and did not anticipate the difficulty that the 1997 Bill would cause for small clubs. However, all is well that ends well.

Bill read a third time and passed.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 542.)

Bill read a second time.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

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

The Hon. M.D. RANN (Leader of the Opposition): I take this opportunity to report to the House on the proceedings of the recent Constitutional Convention held in Canberra over two weeks. I had the privilege of being a delegate to that historic convention, one that I believed certainly broke new ground in terms of bipartisanship. It was very interesting to see the changing alliances that occurred across Party lines, and to see a group of Australians (152) who were prepared to change their mind, be flexible, pragmatic and have respect for each other's view, yet engage in those proceedings in a principled way.

Certainly, I believe that Australians can be proud of the vast majority of the delegates who attended the 1998 convention. It also points out the history which we have followed: 100 years ago Australian delegates to the various meetings of Constitutional Conventions in Adelaide, Sydney and Melbourne showed that they had the courage and foresight to put aside self-interest and short-term political advantage to embrace far-reaching changes that led to our Federation and the birth of our nation. Leaders, such as South Australia's own Charles Cameron Kingston, showed that their patriotism was underpinned by a willingness both to lead and to compromise in order to achieve the best possible result for all Australians.

I think that in 1998 delegates faced a challenge similar to the journey taken by Australia's founders. For our predecessors it was inconceivable to embrace anything other than union under the British Crown, even though they left us with a unique Constitution, which includes key elements from the United States and the United Kingdom, as well as Canadian and Swiss influences. Certainly, in Canberra we were considering new models which reflect our maturity as a nation with a willingness to chart our own destiny as we move into a new century and millennium.

I am a republican. I was born in England, raised in New Zealand, migrated to Australia as an adult and I have two Australian-born children. For me, Australia's becoming a republic is not about change for change sake but about defining what Australia stands for as a nation. For me, supporting a republic was and is not about embracing alien concepts but, in fact, about reinforcing our loyalty to Australia as citizens rather than as subjects. It is very important that we in Australia, in the lead-up to the referendum, emphasise that becoming a republic should not be interpreted as in any way being disrespectful to a Royal Family which has served Australia well and for which most Australians hold great affection as well as respect.

Becoming a republic is not about ignoring Australia's history or denying our heritage: it is part of our evolution as a nation. I certainly firmly believe that, as we enter a new century, it no longer makes any sense whatsoever for Australia's Constitution to insist that our allegiance is to the person wearing the crown of 'the United Kingdom of Great Britain and Ireland', according to a law made by the Westminster Parliament. To me it also makes no sense whatsoever for a modern, mature, Australian democracy that article 59 of our Constitution states:

> The Queen may disallow any law within one year from the Governor-General's assent. . .

It is certainly true, and constitutional monarchists would be quick to tell Australians, that this extraordinary power of the Queen to disapprove Acts of the Commonwealth Parliament has never been used during the past 90-odd years, but it is there in black and white in our Constitution and is certainly contrary to any principle of parliamentary democracy in a free country. I believe that it is important for those of us who are republicans to explain to our fellow Australians that becoming a republic is not about abandoning Australia's

active role in the Commonwealth of Nations, which is headed by Her Majesty The Queen.

In fact, at last count, I understand there were 31 republics and 15 constitutional monarchies with allegiance to the Queen and the Commonwealth, and even five national monarchies, such as Tonga and Brunei with allegiances to their own royal families. Much of the debate which occurred in Canberra concerned what kind of head of State Australians wanted and how that person should be chosen. Before the convention, in fact, back in December I joined with my colleague the Leader of the Opposition in Western Australia, Geoff Gallop, in issuing a paper on this issue.

We believed that, above all else, Australians deserved a head of State who exemplified, united and promoted our nation, who lives among us and whose loyalties lie firmly and solely with the people of Australia: in other words, a fellow citizen as head of State—one of us. Geoff Gallop and I argued that a President, as Australian head of State, would immediately remove any ambiguity at home or abroad about his or her primary allegiances. In our paper we argue that Australians would also want a President who was above politics, with powers and ceremonial duties similar to those of the Governor-General, who at present is not Australia's head of State but remains as the representative of the Queen.

Former Prime Minister Paul Keating, a number of my senior ALP colleagues at Federal level and, indeed, many of the delegates who attended the Constitutional Convention had a preference for the appointment of Australia's head of State by a two-thirds majority of Federal Parliament.

That was the model proposed by the ARM. I am certainly relaxed about this model, a variation of which I would certainly support as the method for choosing our own State's Governor. I am aware that the two-thirds model, a variation of which was later endorsed by the convention, is designed principally to ensure a non-partisan choice as head of State by attempting to entrench bipartisanship into the selection process. After all, this model would be a substantial improvement on the present blatantly partisan process whereby Governors and Governors-General are selected by the Party in power, often with no consultation, let alone agreement, with opposition Parties.

In our paper, Geoff Gallop and I raised another option which we believed deserved both debate and serious consideration—the direct election of the President, which of course is the option favoured by the vast majority of Australians. We were aware of the arguments against direct election, namely, that the directly elected head of State's popular mandate could rival that of the Prime Minister and that the election process would become highly political. Politicians who oppose a direct-elect model argue that those Australians who favour this system because they do not want politicians to choose their President would end up simply with a politician as their President if the direct-elect model were endorsed, which of course at the convention it was not. I believe firmly in the sovereignty of the Australian people and believe that we should listen to the views of Australians who believe that the position of President should rest upon the ultimate power of the people.

It was interesting that, following two weeks of negotiation by people mainly of good will, we came out with a compromise. Essentially, that compromise was to broaden out the process to allow the public much more involvement in nominating people who could be President of Australia and who would be decided by a two-thirds majority. That would be a process that could involve citizens, by petition, putting in names to a constitutional committee on a private basis so as not to embarrass those who had been nominated. It could also involve motions of State, Territory or Commonwealth Parliaments. I think that it was important to involve the States in this process, a process in which they are certainly not involved in the choice of a Governor-General.

We also wanted to ensure that the States had a role in terms of the selection of the most suitable person to go forward. Indeed, the compromise that we finally endorsed involved a process that would include not only representatives of the Federal Government and Federal Opposition but also representatives of State and Territory Parliaments sitting on a committee that would look at the names put forward. Out of this process—and whilst still enshrining that two-thirds majority of Parliament would fix the eventual choice—we were able to use our bargaining strength to insist on a more democratic process of nomination and selection.

However, I do point out that there were a number of other issues which arose and which did not get media attention, and those related directly to the position of the States. I thought it was very important that in a republic we adopt a national—not a Canberra—model. The Commonwealth of Australia, whether it be under a constitutional monarchy or under a republic, should have one central unifying continuum as we move into a new century. Ours is a democratic and representative Federal system that includes State and Territory Parliaments and Governments as well as the Commonwealth Parliament and Government. It was a system that was devised 100 years ago in a Constitution which recognised the geographic reality that Australia is a continent and not just a country with different regions that have evolved differently as States and Territories.

The point I made in negotiations both in committee meetings and on the floor of the convention was that it was vitally important that any move to a republic did not alter the Federal balance of the Constitution in respect of the powers and responsibilities of Federal, State and Territory Parliaments and Governments. To do so would be a political as well as constitutional folly and, above all, each State must be the master of its own Constitution. As a republican at that convention I stressed that my support for a republican system and Constitution involved enshrining the sovereignty of the States in a federation in a republic. I also said that I would welcome the addition of a provision that would recognise the Territories in their own right and, in particular, allow for the Northern Territory to become a State, a move I support strongly as an act of nation-building to commemorate the Centenary of Federation on 1 January 2001.

Indeed, it should be noted that the deal in 1911 for South Australia to hand over the Northern Territory to the Commonwealth was undertaken on the basis that, in return, the Commonwealth would build a north-south railway. Certainly, I hope that building the railway will be a bridge to statehood for the Territory and that statehood for the Territory will be a bridge finally to getting that railway promise honoured.

I think there is bipartisan agreement in South Australia that in a republic it would still be necessary for each State to have its own head of State. Over the years, our State has been served well by non-partisan Governors in a non-partisan way. One of those Governors, probably the most popular and most respected, was a delegate to the convention: Dame Roma Mitchell. However, I did disagree with Dame Roma on one point at the convention in that I argued against her motion calling for Australia's head of State under a republican

system being called 'Governor-General'. I did so because the very term 'Governor-General' by definition means representative of the Crown, and only constitutional monarchies in the Commonwealth of Nations have Governors-General. There is no republic in the world with a head of State designated as Governor-General. I was pleased to have the support of the vast majority of the convention on that.

But the same is not true with the term 'Governor', which is used in both republican nations and constitutional monarchies alike to describe the heads of State in regions, provinces or States. That is why I support strongly the retention of the title 'Governor' at State level if Australians eventually vote to become a republic. As I have mentioned, this approach is neither illogical nor inconsistent with my support for the term 'President' for Australia's head of State. With respect to a couple of overseas examples, in the United States there is a President as head of State nationally plus Governors as heads of State and heads of Government in each of America's 50 States. India, the world's largest democracy—and a republic within the Commonwealth—has a President as national head of State and a powerful Prime Minister as head of Government but with Governors as head of State in each of India's States. Similar systems with national Presidents and State Governors occur in non-Commonwealth republics such as Argentina, Brazil and in many other nations.

I will support strongly the retention of the title 'State Governor' for our own State if Australia chooses to become a republic. If a majority of Australians in a majority of States support a republic, it is vitally important that all States as soon as possible take the appropriate consequential constitutional and legislative steps to ensure that they republicanise their institutions. I believe it would be ludicrous for any State to try to go it alone, as was argued at the convention, and remain as some kind of monarchical island within a broader Australian republic. I agreed with the South Australian Premier that, if we as a nation opt for a republic, it must be by way of an all-in move for all the States. There must be constitutional consistency within our Federation, and there will be a clear need for the National Council of Attorneys-General to get cracking soon after the recent convention and also after the referendum both to explore options for change and to make the necessary preparations to ensure constitutional consistencies.

Again, I stress that we want to achieve out of that a national model—not a Canberra model. Constitutional consistency does not mean prohibiting regional variations within our Federation of Australia. After all, there are already considerable constitutional differences among the States. For example, South Australia has one vote one value, whilst other States such as Western Australia do not—they have a rigged system of voting as we used to have in South Australia during the Playford era. Queensland has a unicameral parliamentary system with no Upper House. Tasmania has the Hare-Clarke voting system which, despite the views of many Tasmanians, is yet to catch on internationally. Certainly, the same is true in other parts of our different State Constitutions.

Some States, such as Queensland and Western Australia, require a referendum to change their Constitutions. Others require a majority in both Houses of State Parliament and so on. As we talk about the role of the State in a republic I am trying to emphasise that under the umbrella of national constitutional consistencies there can also be variations at the State level.

Under a republic some States might opt to choose their Governor or State President in different ways. Some might opt for direct election; appointment by the Premier, as it is done today; appointment by the Premier in consultation with the Leader of the Opposition to try to guarantee some bipartisanship rather than appointments for favours or political gain; election by a two thirds majority of Parliament; or some kind of State-based hybrid of the McGarvie model, which was being talked about for the first week or so of the Constitutional Convention. I regarded it as the Gilbert and Sullivan option involving some kind of unelected inner temple—some sort of constitutional masons group. Thankfully, it was rejected. Certainly the method of choosing a State Governor or State head of State is for each individual State to decide following their own deliberations in State Parliament or in State based constitutional conventions following public debate.

Certainly we would not contemplate State Governors being appointed by the national President or by the Commonwealth Parliament. Some delegates, I understand, hoped to achieve some kind of uniformity in this process. I think that that would be wrong and to do so would be to significantly change the constitutional balance of Federation. For me the bottom line is that the sovereignty of the States must be preserved and protected in a republican Australia and that the State's Constitution should be their own business. South Australia's Constitution and the changes that will be necessary, if Australia becomes a republic, must and should be the prerogative of the South Australian Parliament, hopefully with bipartisan support.

I certainly believe that no-one in this House and no citizen of South Australia should underestimate the technical complexity of republicanising our own State's Constitution. In South Australia the move to a republic would necessitate a swag of amendments (more than 30) to the South Australian Constitution Act and also amendments to around 350 other South Australian statutes. It is difficult and quite complex, but it would be achievable in an omnibus, enabling Bill. In South Australia, even with Independents, (or so-called Independents) holding the balance of power in both Houses, such an approach would be embraced, I am sure, in a bipartisan way and there would be no impediment to achieving consequential changes at State level before the target date of 1 January 2001, the hundredth anniversary of Federation.

Fortunately, the South Australian Constitution is much broader in scope and significantly more flexible than the Commonwealth Constitution. Apart from the limitations imposed on State laws by the Commonwealth Constitution, it is much easier to amend the South Australian Constitution by subsequent Acts of the State Parliament. We do not require referenda to change our State's Constitution, as is required in Western Australia and Queensland. Under section 109 of the Commonwealth Constitution, of course, Commonwealth laws have priority over that of the States. However, it is also true that the States, in general, have more flexible legislative powers than the Commonwealth. I am not sure what the other States would be required to do to change their procedures to 'republicanise' their head of State. In South Australia we would have to amend the Australia Act as well as the Constitution Act. I am told that South Australia's Solicitor-General has argued that the Constitution Act could be varied without a State referendum.

I certainly was somewhat amused that the majority report of the South Australian Constitutional Advisory Committee recommended that in South Australia it should be an unwritten convention of our Constitution that Premiers

consult confidentially with Leaders of the Opposition over the appointment of Governors. I do not believe this proposed unwritten and minimalistic change to the Premier's power to appoint goes far enough. However, I note that it was proposed in a year when a Governor in this State was appointed and the only consultation with me was an embargoed press release sent me to a short time before the announcement and at the same time as it was sent to the media. That is the regard that this Government has for bipartisanship and non-partisanship in the appointment of a Governor.

There has been some debate, and rightly so, about the importance of the preamble to the Constitution as a statement of Australian values. I certainly was very disappointed in Canberra that a number of delegates did not want the preamble to include a genuine commitment to equality under the law, to human rights, to equality of law for men and women, to recognition of indigenous peoples or even democracy! I thought it was bizarre to hear delegates to the Constitutional Convention saying that we must not under any circumstances use the word 'democracy' or 'Parliament' in the preamble to the Australian Constitution. This is an area where States should take the lead and set an example by adopting or changing the preamble to their own Constitutions.

Earlier I mentioned regional variety. The States have much in common, but also different cultures and the preamble as well as the Constitutions can reflect those different State cultures and values. In South Australia, the State which first gave women the vote and women the right to stand for Parliament, I would certainly like to see the South Australian preamble to our own State Constitution include a recognition of equality under the law for men and women and a commitment to equal opportunity.

South Australia was also the first State, and in a bipartisan way, to legislate for Aboriginal land rights—with 20 per cent of South Australia now under Aboriginal ownership. I would like the South Australian preamble to our Constitution to include a clear recognition of the original inhabitants, the indigenous peoples of South Australia. South Australia was also the first State under Lynn Arnold's leadership to embrace and define multiculturalism in statute, and I would hope that any preamble to the South Australian Constitution would include a recognition of South Australia's cultural diversity and the contribution of waves of migrants to building and advancing our State. As I say, this is a matter for South Australia to decide, and I think we can do so in a bipartisan way—and I am certainly pleased with some of the interjections from member opposite—and for each State to decide.

In closing my report to the House on the Constitutional Convention, I was disappointed that, even though the State Government had the right to have a delegate at the convention, that right was hardly ever observed. Day after day there was no representative of the South Australian Government; no representative, for instance, in the working parties that debated the future of the States under a republic. I would have thought that there should have been some interest. The Premier turned up for the last couple of days but did not attend any of those committees, and neither did his proxy the Attorney-General. I put that aside. I hope there can be more bipartisanship and more interest from this Government in the future.

Apparently, the reason why there was no representative from the State Government was that there was some physical exercise routine going on in the southern suburbs involving members of the Liberal Party. I would have thought that the Federation, the balance of power between the States and the Commonwealth, was of significant interest to at least have a representative of the South Australian Government, because all other Governments were represented. I was quite prepared to hold the fort and negotiate for South Australia's interests on behalf of this Parliament, even if I did not have the support of anyone from the South Australian Government at the time.

I believe that politicians came out of the convention fairly honourably. During the first four or five days nearly every speaker, both inside and outside the convention, in the committees and during negotiations, bagged politicians. They said that politicians were not respected by the people of Australia, that they were combative and confrontational, that they could not compromise and that politicians' behaviour in Parliament was regrettable, and so on.

It was very interesting that the worst behaviour at the convention came from those who were not politicians but perhaps had always wanted to be and felt frustrated that they were not elected members of Parliament. It was also interesting that nearly every group, in the end, elected politicians to chair their meetings and to be the principal negotiators for achieving an outcome for the convention. In the last couple of days, there was a broad feeling that the convention should not become a code word for failure, because that would give the opponents of change, and those who would fight any constitutional reform, every alibi and excuse to do nothing.

So, I believe that the convention was useful in helping to define what Australia stood for and where we are going as a nation at this important turning point, and I believe that it was an opportunity for the representatives of a broad number of Australians to show leadership. Most delegates, I think, came to support different models but were prepared to compromise, and I certainly was pleased that the convention endorsed future constitutional reform and another convention within five years to look at a range of issues that many of us would hold dear.

At the end of the convention I came out in support of what was known as the hybrid, or bipartisan model, because it included many of the things that we had suggested, and I was pleased that we were able to play a positive role in trying to get much more involvement by the Australian people in the process. I believe that, in so doing, the convention took a big and courageous step towards helping to build a bridge to the future by embracing change at an important turning point in Australian history. I certainly look forward to supporting the compromise model in any referendum. I urge other people who want to see a republic and who want to achieve constitutional change to heed the words of Archbishop Pell in Melbourne and to get behind the republic model and the move for an Australian head of State.

I take this opportunity to praise many of the young people who attended the convention. I believe that Australia can be proud of the young delegates, whether they were constitutional monarchists, direct electors, ARM delegates or, indeed, Independents. Mia Handshin from South Australia shone, at the age of 19, as someone with enormous integrity and made a really substantive and valuable contribution, as did several of the delegates from Melbourne, such as Misha Schubert, Melany Markham and others from around the country, who showed that they had maturity way beyond their years. They will probably have a big future in Australia next century. I look forward to debating this issue in Parliament, as we have to republicanise our own Constitution if the referendum is endorsed by a majority of Australians and a majority of States.

Ms RANKINE (Wright): The issue I raise today I am sure will be of grave concern to all responsible South Australians. We in South Australia are only too well aware of the devastation and despair caused by bushfires. In fact, only yesterday the Minister for Emergency Services reminded us of the devastation which occurred 15 years ago during the 1983 Ash Wednesday fires when, tragically, 28 people lost their lives, 383 homes were destroyed or damaged and 159 000 hectares of South Australia were destroyed. The Minister told us of the importance of ensuring that our courageous fire fighters, those people who put their lives on the line time and again, are appropriately equipped and trained to deal with these emergencies.

I wonder, then, what the Minister thinks about what is happening today. I wonder what he thinks about the practice now being implemented by his Government which is directly putting the lives of our National Parks and Wildlife officers and the general public at grave risk. The Country Fire Service, using the McArthur Fire Danger Index, has the responsibility of deciding whether or not to issue a fire ban. The McArthur Fire Danger Index takes into account factors such as the projected temperature, wind speed, humidity, fuel load and the amount of curing of the undergrowth. If the fire danger index reaches 50, a fire ban is issued. It has been the practice in the past that, when a total fire ban has been declared, when we have faced extreme fire danger throughout a region of our State, national parks in that area have been closed—just good old-fashioned commonsense, really. Why, in a State like South Australia, with our history of devastating fires, when we are on extreme fire alert, would our Government take any unnecessary risk with lives and property?

Today, as we sit in the cool comfort of this House, it is around 39 degrees outside. The weather report in today's *Advertiser* states that it is a day of extreme fire danger. In fact, at about 1.30 this afternoon, the fire danger index was recorded at 92—not around 50, but 92. Yet, today our national parks are open. Earlier today I rang Belair, Cleland and Para Wirra—parks which take busloads of visitors and carloads of families and which consist of vast areas, some with dense bushland—and I was told that they are open today. Sunday 1 February was another example of the gross negligence of this Government, when the temperature was again in excess of 38 degrees, the fire danger index reached 88, and our parks remained open.

I am astounded. How could any responsible Government sanction this blatant disregard for life and property? How could any responsible Government be so ignorant of fire safety? Yet yesterday, the parks were closed. yesterday, when the conditions were not as severe as they are today, the parks were closed. This apparent lack of policy direction and this lack of consistency must be of major concern to all responsible South Australians and, more particularly, to those involved in the management of our parks.

This action of one day closing the parks and the next day opening them puts the visitors and the very dedicated staff of our parks at substantial risk. What would the staff be expected to do should a fire occur? What could they have done on Sunday 1 February, for example, with temperatures in excess of 38 degrees and wind speeds reaching 125 kilometres per hour? Should their priority be to risk their own lives in getting visitors safely out of the park? Should they get themselves out? Should they fight the fire? What should we expect them to do?

With the history of Ash Wednesday behind us, and with the years of legal challenges which followed, I would be very interested to know the legal and financial responsibility of the Government should a fire occur within a national park, resulting in a fatality or major injury as a result of that national park being left open when a total fire ban has been declared. I would like to know the legal and financial responsibility of the Government should there be a death or damage to property outside the park as a result of a fire starting within a national park on a fire ban day when that park was not closed. Our parks and our wildlife are part of our precious heritage and must be protected. To place so little value on them is, quite frankly, astonishing.

Unfortunately, fires do not burn according to the calendar. They do not choose which day of the week they will occur. They do not care if it is a busy trading day for the parks or not. So, they could occur on a Sunday afternoon, when families are picnicking with their children, or they could occur today, with maybe busloads of children visiting the parks, studying some environmental issues. Any visitors in our parks today are at real risk, yet it seems that, while this Government is happy to impose a fire fighting levy on every property owner, it is not prepared to forgo the small change it may pick up at the park gate. While they talk about the risk of retaining ETSA and Optima Energy, while they claim that they will not gamble with the finances of this State, they are quite prepared to gamble with the lives of our people, all for a dollar or two, again collected at the park gate. I urge this Government to take the advice of the CFS and the advice of its park rangers, to put safety first, use commonsense and restore the practice of closing national parks on days of extreme fire danger.

Mrs MAYWALD (Chaffey): Earlier today, I asked a question without notice of the Minister representing the Minister for Transport. My question related to the harvest overload allowance which ended in June 1997. Briefly, the allowance was available for vehicles carrying general freight, grain, fresh fruit, vegetables and grapes. Subject to strict controls, vehicles were permitted to operate with an overload of up to 40 per cent during peak harvest periods to transport primary produce to receival points. This was a sensible and cost effective scheme, which reduced labour and fuel costs as well as the number of trucks on rural roads and the number of trips made at peak harvest periods. However, in yet another example of the interests of South Australian rural producers being sacrificed on the altar of a misdirected national micro-economic reform program, the scheme was phased out on the basis of arrangements developed and agreed to in 1989, during the term of the former State Labor Government, as part of a so-called national transport reform program. The phase out continued under the Brown and Olsen Governments, and the old scheme ended on 30 June 1997.

Since then, primary producers and growers have been required to apply for a permit with increasingly restrictive and onerous conditions attached to it to enable them to retain the 40 per cent overload allowance for transport of produce to receival points. To qualify for a permit, growers must now establish, first, that the vehicle was registered in South Australia at or prior to 30 June 1991. I fail to understand why a truck that was manufactured prior to 1991 is more capable of carrying an overload tolerance than are trucks that were manufactured after 1991. Secondly, the vehicle must be owned by the person who was the registered owner as at 30 June 1991. Again, what difference does it make? Thirdly, the vehicle, including trailer, is to be subject to initial roadworthiness inspection, and then inspection once every

three years. This is significant, because it is important that we have roadworthy trucks on the road. In addition, the maximum speed of vehicles that qualify under the new permit arrangements is limited to 50 km/h, and they are not allowed to travel more than 80 kilometres from the production area to the receival point.

South Australian rural producers and growers, through their representatives in the South Australian Farmers Federation, have been actively pursuing this matter with the Minister for Transport since February 1997. The growers have requested the reintroduction of a fairer scheme which will allow, first, for a 20 per cent harvest tolerance overload allowance for all vehicles used to transport harvest grapes, grain fruits and vegetables—that is half the allowance that previously applied; secondly, a maximum speed of 80 km/h for fully laden vehicles; and, thirdly, a maximum allowable distance of travel from area production to point of receival of 100 kilometres. This is only fair and brings us into line with what is happening in both Victoria and Queensland.

It is a matter of concern and regret that the Minister for Transport refused to support the South Australian primary producers with respect to this matter. The actual costs to each farmer across the State of not having a tolerance overload during harvest times have been estimated by the Farmers Federation, and they are substantial. For example, SAFF estimates that the average extra cost in fuel is $220 per farmer per year; the average extra cost in time is 33.1 hours per farmer per year; and the average extra cost in labour is $436 per farmer per year. Using these estimates and Australian Bureau of Statistics estimates of the actual number of grain and wine grape farmers across the State, one sees that the estimated total increase in actual operating costs to farmers statewide with the abolition of a broadly-based harvest tolerance overload is some $8 million.

The South Australian rural community provides the bulk of this State's export earnings. Some 60 per cent of our export income and some 30 per cent of our State value of production is sourced from the rural sector. Transport is a high farm input cost, which every farmer in my electorate and elsewhere in South Australia must confront. During harvest times, when bulk product is being transported from vineyard and paddock to winery, silo, railhead or processing centre, time, cost and efficiency of product movement is critical. It is deeply disappointing to me as a National Party member in this place representing South Australian growers and producers that the Minister for Transport in a Liberal—

An honourable member interjecting:

Mrs MAYWALD: Thank you; we are.

Mr Brokenshire: Other than Independents.

Mrs MAYWALD: And the Independents do a good job, too, but the National Party does represent the interests of rural South Australians, and I particularly represent the interests of those growers and farmers in my electorate, the District of Chaffey.

Mr Brokenshire interjecting:

Mrs MAYWALD: I thank the member for Mawson. It is deeply disappointing to me that the Minister for Transport in a Liberal Government can, despite many months of correspondence and representations by the South Australian Farmers Federation on behalf of growers and farmers across the State, that they continue to support a Labor Government initiative which prevents South Australian farmers from utilising harvest tolerance overload.

The delay by the Minister in agreeing to an appropriate new arrangement has already cost the grain industry dearly, as the harvest in this sector is now complete. However, with the grape harvest now getting under way, there is still an opportunity for the Minister to allow that sector to benefit by agreeing to allow vehicles concerned in the transport of grapes to utilise the 20 per cent harvest tolerance overload. I urge the Minister for Transport to make up her mind and act immediately to allow this sensible measure to be introduced for the benefit not just of the grape industry but of all South Australians.

Mr WRIGHT (Lee): Mr Acting Speaker, might I congratulate you for getting into the Chair so quickly. I did not think your colleagues would let you, as a first timer, get there so quickly. You have done very well.

An honourable member: He is going places.

Mr WRIGHT: Yes, he is going places very quickly. Perhaps he has already demoted some of his colleagues who have spent a term or two here. Perhaps it is to do with his organising the big love-in that you had a couple of weeks ago—I am sorry, that was the member for Mawson. He corrected us about that; my apologies.

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Acting Speaker. I ask you to rule on relevance, Sir.

The ACTING SPEAKER (Mr Hamilton-Smith): Order! I take the point of order. I ask the member for Lee to push ahead with his contribution.

Mr WRIGHT: Thank you, Mr Acting Speaker. I am very sorry if I have upset the Minister and the member for Unley: I will certainly try not to do so again. Today I would like to refer to a few of the fundamental responsibilities of Government. I would like to talk about areas such as education, health, police and the Housing Trust, and I know that members opposite would be disappointed if I did not touch on ETSA today, because that certainly has been the daddy of them all. Regarding education, I am sure all members on both sides of the House—

Members interjecting:

Mr WRIGHT: Undoubtedly; we are learning from you on a daily basis, the member for Hartley. I am sure we all have a number of schools in our electorate, and I am also sure we all service them very assiduously. Education is obviously something that we as a Parliament must take very seriously, and both at a State and a national level we must ensure the best resources for our kids: education is the future for this nation. Now—and it has been happening for some time, as I certainly acknowledge—in South Australia we have started to slide backwards. For a long time, we had undoubtedly the best education system in Australia, but in recent years growing pressures have been put upon the public education system, and we need to address them.

Mr Scalzi: In the past 10 years?

Mr WRIGHT: No, not in the past 10 years: in particular, I am talking about the past 4½ years. I acknowledge that previous Labor Governments have also done some things that might not have been in the best interests of the public education system. In the past 4½ years in particular, this has really been blown out by some mean spirited decisions by this conservative State Liberal Government.

One of the things that we need to address is staffing ratios. At the moment the formula is so tight and so complex that, if a school goes below a particular node, either half a staff member or a percentage will be lost. For those who do not know what a node is I will explain it, because I notice that some members opposite are looking very interested in this suggestion. Basically a node is the average figure under

which a school is staffed. Without using real figures, I will give the House an example.

Take the case of a school with 10 staff for 185 students. If that school falls back one student, which often happens, half a staff member would be lost. That happened at Semaphore Park Primary School, which is one of the schools in my electorate. That is what I refer to as a strict and complex staffing formula. It is important that we look to a better formula to ensure a better quality of education for our kids. Resources are also very important, and in particular we need to address the lack of SSOs. The member for Hartley is looking at me again very strangely, so I will explain that as well. SSOs are support service officers.

Mr Scalzi interjecting:

Mr WRIGHT: I know that the honourable member was a teacher—

Mr Scalzi interjecting:

Mr WRIGHT: —and a member of the union, and I am very pleased that he was, too. I know that he would not have been a scab, unlike some of his colleagues. There has been a very big reduction in the number of SSOs, so teachers have had to undertake some of the work that was previously done by SSOs. We have to address that problem. Every time a teacher's workload is added to, that teacher is taken out of the classroom, and that is what we cannot afford to do. Every time we do that, we take away the quality of education that our kids are going to get and we endanger their future and our future.

Class sizes have increased, and the biggest problem is at the junior level of high school. If a high school is to be successful, it needs to offer a broad curriculum. If high schools, particularly those in country areas, are to offer the breadth of curriculum, in quite a number of cases they will have small numbers in certain classes in the upper secondary level. That will force bigger class sizes at the junior level. Most junior high school classes have in excess of 30 students. That is too high, and we would all agree with that. We must do something about it.

We must also address the problem of facilities and the environment. Today some students would have been working in wooden classrooms without air-conditioning. As we go into the next millennium, we cannot afford to have an environment such as that. It is simply not suitable.

The Liberal Government has created paper warfare in schools. If the Minister does not believe me, he should go and ask the teachers, because they will soon tell him. I am sure that he keeps in contact with schools and teachers, and they will tell him that, in the last four years, the paper warfare has quadrupled, and that is a huge problem. All these things cause great problems with morale within our education system.

The Federal Government has taken $20 million out of public school funding and transferred it to private schools. Can you believe that $20 million has been sucked out of the public education system and put straight into private schooling? That is a shame. I am sure that members on both sides of the House would support the rally that the Australian Education Union has organised today.

Members interjecting:

Mr WRIGHT: The union of the member for Hartley has organised a rally today. He should be out there supporting it. He could have organised a pair and gone out to support the rally.

Let me speak now about health. This is another critical area that we as a Parliament are not addressing correctly. The blame must be laid solely with the Liberal Government. When the Liberal Government talks about the State Bank, have they not learnt anything? The member for Colton, when he went to the last election, and when his Premier—

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. I draw your attention to the fact that the member for Lee is calling one of our colleagues 'he', rather than describing him by the electorate that he represents.

The SPEAKER: Order! I uphold the point of order. The honourable member is technically correct: members must be referred to by their electorate.

Mr WRIGHT: The member for Colton is not a good campaigner and he does not understand that, at the last election, his Premier nearly dragged him down. He must realise that this time he is already dead in the water, and that is because his Premier has backflipped and announced a decision for which he has no mandate. He has tried to tell us that it is convention that a certain document was not passed onto the Minister. Can members believe that a document at a staff level was not passed onto the Minister or the Premier of the day? What an absolute joke!

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

Ms THOMPSON (Reynell): I rise today not to speak about $2 million or $2 billion as we have heard thrown around the Chamber so much lately: I rise to speak about real money that is understood by real people who are trying to make their budget meet from day to day.

The two families to whom I want to refer first have recently been notified that they will have to pay about $1 000 a year to provide incontinence products for invalid family members. One family is the Turners, and Ellen Turner and her daughter Rachel were my guests here this morning. Rachel's older sister Rebekkah has severe cerebral palsy. She is blind, she fits, she is able to attend school a little, but basically she cannot even sit up for an hour to have her meal. This week the family received the bad news that one of the things that she really enjoys, that is, swimming, was no longer to be provided as part of the school curriculum because Access Cabs did not want the responsibility of taking invalid children to swimming from school.

But that is not Ellen Turner's main worry. Her main worry is that she will no longer get incontinence products for nothing through Southern Domiciliary Care, as has been the case. The care of a 12-year-old totally invalid child with three other siblings is a major burden, financially, emotionally and physically. Mrs Turner is being asked to find $800 a year out of a very tight budget, that is $15 a week, to provide the nappies for Rebecca.

Ellen is already debating whether she can find $3.40 a week to enable Joshua, who is eight, to play miniball. That is how tight her budget is, and Joshua can play miniball only if one of the neighbours is able to take him to the matches, because Ellen does not have the petrol to make extra trips. Yet people in this place have been focusing on $2 billion debts and $2 million debts. They are not focusing on the $800 which the Ellen Turners of the world have to find but which has previously been provided.

Mr Sandallis is another case. He has been an invalid pensioner, a paraplegic, for 36 years. Mick Sandallis' family has cared for him throughout this time. He also needs considerable support in terms of various products, including incontinence products. He has also been told he will no longer receive these products free. That family has not yet received their bill but they are expecting it to be about $1 000

a year. When you have been living on invalidity support for 36 years, you do not have any spare money in the bank. People such as the Sandallis family have been taking a mighty responsibility in the care of a total invalid, and they deserve both community and family support.

Depriving people of that amount for incontinence products is really the dirty end of Government business today. I find other areas distressing. I spent the other evening on patrol with our local police. Two excellent constables, Lee and Doug, took me with them for the evening and I was able to observe their skill, commitment and respect for the community, and the care they take in carrying out their duties. However, we were a half an hour late getting back to the station because one of our last duties was to care for someone who was considerably distressed and disoriented. We were caring for her under the provisions of the Mental Health Act.

It took us quite some time to locate the home of this woman and so, by the time we returned to the station, the next shift had been sitting around and waiting for 45 minutes because not enough equipment was available for it to commence its patrol. It is pretty poor when equipment is in such short supply in our Police Force that one shift must wait for a couple of sets of handcuffs, a radio and a computer to be returned from the earlier shift. These priorities I cannot agree with. Our community needs the support of an excellently equipped, highly skilled and well trained Police Force. Equipment does wear out and needs to be replaced.

Mr Brokenshire interjecting:

Mr WRIGHT: I rise on a point of order, Sir. The honourable member made an unparliamentary remark. I cannot hear the speaker because of the rude interruptions from the member opposite.

The SPEAKER: Order! The Chair was distracted at that stage and I did not hear the remark. If there was an unparliamentary remark I would ask that it be withdrawn.

Mr BROKENSHIRE: If 'pork chop' is an unparliamentary remark, I withdraw it, Sir.

The SPEAKER: While 'pork chop' may not be an unparliamentary remark, it is inappropriate. On reflection, I believe the remark is unparliamentary and not in the tenor of the conduct of this Chamber.

Ms THOMPSON: I do not accept that everything that was not done five years ago cannot be done today. Changes have occurred in budgetary priorities. More money is spent today on Government publicity, particularly of the Southern Expressway, than was ever previously spent. More money is spent today to publicise ETSA's sale, and to try to convince the people of South Australia that this is something about which every morning they should get up and cheer. This Government has inappropriate spending priorities. We know that not as much money is available as any of us would like there to be, but what is important is the priorities that we place on the money that we spend.

Personally, I would rather see Ellen Turner and Mick Sandallis receiving their incontinence products than seeing $300 000 spent on some advertising agency to convince the people of South Australia of something that they know to be wrong. They are not appropriate priorities in Government spending and it is time Supply were directed towards the needs of the people rather than the needs of international big business.

Another area I would like to mention briefly relates, of course, to ETSA. The people of my electorate are very distressed, as are so many others, about the sale of ETSA. In fact, the people of Reynell have been very distressed about the corporatisation of ETSA. I would say that, in the period since October, I have received more queries about ETSA and the Housing Trust than about any other matter. Morphett Vale has experienced constant power interruptions. In fact, in January Morphett Vale had no power supply for six hours. The result of this was that many families lost the food in their freezers, and many businesses lost the products they had in storage. The BP Service Station on Main South Road lost between $6 000 and $7 000 worth of stock and the Emu Tavern, my favourite local, was unable to trade for 5½ hours. The tavern is not sure how much money it lost. That is a serious matter.

The people of the Emu Tavern provide a real community spirit, not to mention the fishing club, and the interruption to that is a serious community concern, but I am more concerned about the food lost. I have already drawn to the attention of this House the plight of the Swann family who had their power supply interrupted by inappropriate provision of power to the factory opposite them. That has been temporarily remedied, but only temporarily. My constituents tell me that they see that the maintenance is not being carried out as it used to be. Corporatised ETSA is not putting security of power as its primary consideration. It is more interested in profits rather than the people who need the power to survive.

People are therefore really fearful about what will happen in the privatised ETSA because they have already seen what happened with respect to the privatised SA Water. The changes in the arrangements involving the Housing Trust are also causing great fear, as the constituents—

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

Members interjecting:

Mr CONDOUS (Colton): I hear members opposite with the crystal balls. We have heard more predictions in the past three days. The member for Kaurna has been working out the new ministry for the Liberal Government and the members—

Mr Koutsantonis interjecting:

Mr CONDOUS: That is right. You all know because you have been great winners all your lives. Members opposite have all been in business; they have all risked their own capital to be successful and they know what it is all about! I will debate that issue later. I wish to talk about something that should be of concern to all people in this Parliament. An article in this week's newspaper said that the Adelaide City Council had made a decision to reject the Victoria Square dry-zone call. I think that we all sympathise with those people in the community who suffer with alcohol-related problems. It is a disease just the same as that involving people hooked on gambling and poker machines.

It is a health problem for them and we as a community have not addressed this problem for about 50 years. I say 50 years because, as a child, I can remember sitting in the Salvation Army premises in Whitmore Square while my mother visited the mother of Senator Nick Bolkus in Hocking Place off Whitmore Square. I sat there with the derelicts. It was a problem in Whitmore Square in those days, and it is something that has existed for many decades. While I have sympathy, and we all have sympathy for those people in Victoria Square who are there every day, it is also unfair to the community; unfair to the elderly people who use the Glenelg tram system and who want to go to Rundle Mall because, in trying to walk across the square, they are harassed by people continually. It is unfair to young students who, attending TAFE and university courses, are harassed every

day. It is also unfair and a blight on Adelaide that interstate and international visitors leaving the Hilton Hotel look—

Mr Clarke: You're worried about the fat end of town.

Mr CONDOUS: If you were realistic about the battlers in the community, you would visit the Victoria Square shopping centre and the Central Market—

Mr Clarke interjecting:

Mr CONDOUS: No, I am talking about the little traders. There are about 200 of these traders in the Central Market Plaza, the Victoria Square shopping centre and the Central Market who today are struggling to make a living. Yet those traders in the Central Market have to fight against Westfields—who provide multiple security measures in their shopping centres—and they cannot afford to pay for such necessities. Therefore, these drunks drift through the market, offend the small traders' customers and drive business away.

An honourable interjecting:

Mr CONDOUS: All right, I see that you are knocking your head. This week on Channel 9 *News* I saw drunks in Victoria Square abusing taxi drivers and people walking along the street. I ask the honourable member to walk around the vicinity of Victoria Square and ask how many young women office workers would use their lunch break to sit on the lawns in the square and eat their lunch. Not one of them would do this. We have made the square a no-use zone for decent ordinary people; that is what it has become. I ask the honourable member to name one city in Australia where you can see something similar to that which takes place in Victoria Square. Where do you go in Sydney to see 30 or 40 drunks congregated in one area, abusing people, drinking out of flagons in brown paper bags and harassing people for money?

In the past month I have had three letters from constituents in my electorate saying that begging has become a massive industry in the City of Adelaide. People who use this area are being asked to give $1 or $2 to these drunks. We could just ignore it. I am not here to ask this Parliament to support a dry zone. I am saying that we have a problem and that we can tackle it together in a bipartisan way, or we can do what previous Governments of both political persuasions did, that is, ignore the issue and make Adelaide the total joke of interstate visitors. I have been to Melbourne, Sydney and Perth and I have not seen the sorts of goings on that we see in Victoria Square.

The Adelaide City Council has given up trying to put grass in one section of Victoria Square, because it never grows there. In fact, the indentation on the square is about 10 centimetres deep. I do not know what the solution is, but I think the time has come when some action has to be taken to revert Victoria Square to one of Colonel Light's great squares in the city—

Mr Conlon interjecting:

Mr CONDOUS: Get a brain, will you. The Adelaide City Council wants a joint committee by way of a working group with the State Government to try to find a solution. I do not think that a talkfest with people sitting around a table will solve the problems of Victoria Square; it goes deeper than that. Forget about what side of politics you represent or in what area you live—we owe the people of South Australia a city in which they can comfortably move around without harassment. The time has come when this problem has to be addressed. We have to drop all the rubbish being bandied about and stop playing politics on this matter, because this is about people and we have to come up with a solution. If we do not do that—

Mrs Geraghty interjecting:

Mr CONDOUS: It is not a matter of moving it from one place to another. They have been saying that for years. There are solutions to it. In conclusion, if we are responsible politicians we should get together, solve the problem and change the image that pervades Victoria Square.

Mr CLARKE secured the adjournment of the debate.

MATTER OF PRIVILEGE

The SPEAKER: This afternoon, the Leader of the Opposition raised a matter of privilege and asked that I rule on it accordingly. During the period since that request was made I have examined the record, and there are four quotations which I think are relevant. The first one, dated 19 February, states:

> When the annual report of ETSA was tabled in this House is when I became aware of it . . .

A further quote, reported in Question Time today, is as follows:

> I made the comment to the House that I received the information relating to the $96 million when I received the annual general report from ETSA, and that was during the election period.

Another quote from today states:

> What I said was that the report was delivered into my office during the election campaign.

Finally, another quote from today states:

> I was advised that the report came into my office during that period, and I have said to this House that I read it afterwards . . .

The Chair believes that there is an inconsistency between the two statements of the Deputy Premier. The issue is whether the inconsistency amounts to a wilful misleading of the House or a slip in terminology. Over the years in this House not every inconsistency in a member's speech has amounted to a breach of privilege. I have considered the Minister's statement in the *Hansard* record and, whilst there appears to be an inconsistency in the record, it is the view of the Chair that there does not appear to have been a deliberate attempt by the Minister to mislead the House. However, because of the inconsistency I believe that an explanation should be provided by the Minister and that he certainly should be given the opportunity to make an explanation to the House to clarify these matters of inconsistency. After I have heard that explanation from the Minister I will be prepared to make a final ruling. The honourable Minister.

The Hon. G.A. INGERSON (Deputy Premier): Mr Speaker, I thank you for your comments. On 19 February last I made the following statement to the House:

> When the annual report of ETSA was tabled in this House is when I became aware of it, as did the Premier and everyone else in this House.

That statement referred to the $96 million provision which was mentioned in the question asked by the Deputy Leader of the Opposition. Mr Speaker, that statement is correct. When answering the question today I used the words, 'I received the information', which meant that my department received it. I corrected that statement within minutes of giving that answer when replying to the next question from the member for Hart.

I am advised that my office received the ETSA annual report during the election campaign. Clearly, we (members of the Government and Ministers) were in caretaker mode. All members are aware of the role of Government Ministers

during this period. All Cabinet Ministers—and I was one of them—were warned not to handle any Government business during that period.

After the election, as all members of this Parliament would be aware, I changed portfolio. The new Minister tabled the ETSA annual report in this House. It was after this report was tabled that I read the report and became aware of the $96 million provision, as I stated on 19 February 1998. I apologise to the House for my comments that may have caused any of this concern to the House.

The SPEAKER: Order! I rule that the Minister has satisfactorily explained the inconsistencies, and therefore I rule that there has not been a breach of privilege.

The Hon. M.D. RANN: Mr Speaker, I seek further clarification regarding the future procedures for this matter, given that the Deputy Premier read from notes beforehand and given that the media seemed to have more information about what was happening this afternoon than members of Parliament. Were there any discussions between officers, you and the Deputy Premier prior to making this ruling?

The SPEAKER: In relation to the question from the Leader of the Opposition, the Chair sought copies of *Hansard* prior to this deliberation period. I sought advice from officers and legal advice from my Clerk, and it is important that I do that. Regarding any explanation from the Deputy Premier or any discussion with him, I have to admit to the House that I rang the Deputy Premier and asked that he provide me with relevant quotes, and they were provided.

The Hon. M.D. RANN: The reason I ask is that I asked the Deputy Premier before you came into the House, Mr Speaker, and he told me that there had been no discussions with you. The other point is that, when the former Speaker interestingly enough put the same Deputy Premier in a similar circumstance, he had discussions with both of us before making a ruling. I would have thought that that is the fair and proper thing to do, without reflecting on you at all, Sir.

The SPEAKER: The Chair independently came to its own conclusions on this particular ruling. I sought copies of *Hansard* and gave the Deputy Premier an opportunity to provide copies of *Hansard* so that the Chair could deliberate on them and come to a decision.

The Hon. M.D. RANN: Sir, if you speak to one side of the argument in a privileges matter, would it not be fair to speak to the other side as your predecessor did, particularly when there were prepared texts read by both you and the Deputy Premier and particularly given that, as I say, the media seemed to have more information about this privileges matter in advance than this House?

The SPEAKER: I do not want to debate this, but I point out that before I deliberated I advised the Chamber that I would be seeking copies of *Hansard*. I sought copies of *Hansard*, then I deliberated on them and came up with my decision.

Mr Foley interjecting:

The SPEAKER: Order! That is casting an aspersion on the Chair. In fact, because of the amount of material, it took some effort to reach a decision by this time.

The Hon. M.D. RANN: Sir, can I just say that I am not reflecting on the Chair, but I was very concerned when I raised the privileges matter to hear what was said to the Clerk and through the Clerk to you by the Deputy Premier about the procedures that should be followed. I really feel that there needs to be perhaps some bipartisan talks during the break in order to assist the better running of this Parliament and the respect that all members should have for matters of privilege which are very serious matters and about which in the past 12 plus years I have been involved on only two occasions.

I am a little concerned about the appearance of bias, if not the actuality of bias, and the appearance of bias, of course, as has been established by previous Speakers, and indeed in deliberations with the Commonwealth Parliamentary Association, can only hamper your role, Sir, and, indeed, the role of all members of this Parliament and the privileges that we hold.

The SPEAKER: I thank the Leader of the Opposition for his assistance, but if he goes back through the record he will find that the quotations that I was able to pull out were not favourable to the Deputy Premier; they were the best quotations I could find and the best summary that I could put together. I am not interested in sitting in the Chair and taking advice from others on matters of such importance. I would like to think that the independence of the Chair was respected by all Parties on both sides. Certainly, I have had no contact with the media other than one reporter who telephoned me about 15 minutes before I came into the Chamber and asked whether this matter would be dealt with tonight. I think the matter has gone far enough.

ADJOURNMENT

At 5.58 p.m. the House adjourned until Tuesday 17 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 17 February 1998

QUESTIONS ON NOTICE

EDUCATION POLICY

17. **Ms WHITE:** What was the cost to taxpayers of distributing copies of the Liberal Party Education Policy 'Focus on Education and Children's Services' to school councils and with a covering letter on ministerial letterhead from the Minister for Education and Children's Services prior to the election on 11 October 1997?

The Hon. M.R. BUCKBY: Prior to the last election, a decision was taken to provide all school councils, given their important role in providing direction for and assisting with managing education, a copy of the Liberal Party Education Policy document. The document comprised an overview of achievements to date, information about policy continuity (e.g., Early Years Strategy) as well as some new directions. Importantly for school councils, the document also contained proposed changes to the role played by them. The cost of producing the document and distributing it to schools was $2.63 per copy.

VEGETATION CLEARANCE

27. **Mr HILL:**

1. How many applications for clearance were lodged with the Native Vegetation Council during 1996-97?

2. Of the total, how many applications were deferred, withdrawn, refused consent or consented to with conditions?

3. How many applications were for broad acre clearance and how many for single tree clearance and what was the total area approved for clearance?

The Hon. D.C. KOTZ:

1. 198 clearance applications were lodged with the Native Vegetation Council for a decision during 1996-97.

2. Of the total,

14	Deferred
5	Withdrawn
18	Refused consent
149	Consent with conditions
8	Exempt
4	Conciliator reports
198	

3. The applications completed are as follows:

4	Broadacre/regrowth/degraded vegetation
6	Brushcutting
5	Woodcutting
7	Orchard Development
8	Fire Protection
22	On Farm Management
6	Roadside
3	Research
44	Miscellaneous Development
45	Vineyard
32	Irrigation
4	Agroforestry
186	
8	Exempt
4	Conciliator Reports
198	

The total areas that came into production because the clearance was approved by the Native Vegetation Council in 1996-97 was 3 324 hectares.

The total area set aside for conservation as part of the conditions for permitting the clearance was 995 hectares.

EFFLUENT DISCHARGE

29. **Mr HILL:** Has agreement been reached between the Environment Protection Authority and SA Water on disposal options for effluent from the Heathfield Sewage Treatment Works and when will effluent cease being discharged into the Sturt Creek?

The Hon. D.C. KOTZ: The initial Environment Improvement Program (EIP) for the Heathfield STW, lodged with the EPA in May 1996, recognises that the plant is a significant point source of nutrients with phosphorus cited as the problem nutrient.

The cessation of the Heathfield effluent discharge to the Sturt Creek, or at least a very significant improvement of the effluent quality, is a very high priority according to the Patawalonga Catchment Water Management Board. The loads of nutrients ultimately reaching the Patawalonga and the marine environment from Heathfield are of concern. Although the effluent discharges do not seem to have greatly impacted on the local riparian biodiversity in the upper catchment, the loads represent the single most significant source of nutrients from the entire catchment.

As outlined in the Patawalonga Catchment Water Management Board's catchment water management plan, significant reduction in nutrients from Heathfield represent as much reduction in phosphorus as from all other catchment plan measures including wetlands, education and best practice programs combined.

The EPA is presently waiting on SA Water to update and resubmit the EIP for the Heathfield STW. The Government considers the Heathfield EIP to be a high priority and through the EPA will be looking for a commitment from SA Water to upgrade its treatment works to meet a best economically available technology standard.

SEAGRASS

30. **Mr HILL:** Has the Government accepted the recommendation 2.2.2 of the Review of the Management of Adelaide Metropolitan Beaches that seagrass loss is a major issue for future management of the coast and what action has the Minister taken to implement the recommendation that further study linked to work by the Environment Protection Authority and the Coast Management Branch be undertaken urgently?

The Hon. D.C. KOTZ:

The Coast Protection Board at its meeting on 5 December 1997 considered the recommendations of the Review of the Management of Adelaide Metropolitan Beaches in order to provide advice to the Minister for Environment and Heritage.

The Review recommended a number of studies into aspects of coastal management for the Adelaide coast including the influence of seagrass dieback on coastal processes.

The Board requested that the Coastal Management Branch of the Department for Environment, Heritage and Aboriginal Affairs provide it with a prioritised action list of these studies for further consideration.

The Board has already initiated work on the effect of seagrass loss by providing $2 500 sponsorship towards student studies in the University of Adelaide, Department of Civil and Environment Engineering to carry out a laboratory investigation of the effects of seagrass loss on the wave height and energy impact on near shore processes. The report was completed in November 1997.

Furthermore, the Coastal Management Branch has since 1975 been monitoring the impact of seagrass loss on seabed changes as part of its beach monitoring program and this information will be used to support further studies on seagrass loss. In particular the Branch has been working with the office of the Environment Protection Authority in developing a scoping study by the CSIRO to identify areas of further investigation in Gulf St Vincent. This project has been estimated to cost up to $4 million. As part of the investigation it is intended to conduct pollution modelling and develop an adaptive management system for seagrasses. The office of the Environment Protection Authority has applied to the Commonwealth for a grant of $1.5 million toward the study from the Coasts and Clean Seas Program.

SOUTHERN BEACHES

31. **Mr HILL:** Following release of the Report of the Review of the Management of Adelaide Metropolitan Beaches, has the Government accepted the recommendations concerning Adelaide's Southern Beaches and what action is being taken to develop a strategy and provide funding for improving sand levels at Christies Beach and Hallet Cove Beach?

The Hon. D.C. KOTZ: The Coast Protection Board considered the recommendations of the Report of the Review of the Management of Adelaide Metropolitan Beaches at its meeting on 5 December 1997.

The Board did not consider the recommendations concerning Christies Beach and Hallet Cove Beach, but requested the Coastal

Management Branch of the Department for Environment, Heritage and Aboriginal Affairs to provide it with a prioritised list of actions on the report's recommendations.

The Board will report to me on the actions necessary in due course.