LEGISLATIVE COUNCIL

Thursday 10 October 1985

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Technology Park Adelaide Corporation—Annual Report, 1984-85.

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Supreme Court Act, 1935—New Rules of Court for proceedings under the Companies (South Australia) Code.

Supreme Court Act, 1935—Index to Companies Rules, 1985.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Medical Board of South Australia—Report, 1984-85.

By the Minister of Labour (Hon. Frank Blevins):

Pursuant to Statute—

Industrial Court and Commission of South Australia—Report of President.

Pipelines Authority of South Australia—Report on Accounts, 1984-85.

State Clothing Corporation—Report, 1984-85.

By the Minister of Agriculture (Hon. Frank Blevins):

By Command—

Resolution of the Australian Agricultural Council—One Hundred and Twenty-Second Meeting—Darwin, 21 July 1985.

By the Minister of Fisheries (Hon. Frank Blevins):

By Command—

Resolution of the Australian Fisheries Council—Fifteenth Meeting—Darwin, 21 July 1985.

QUESTIONS

WORKERS COMPENSATION

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Minister of Labour a question about workers compensation.

Leave granted.

The Hon. M.B. CAMERON: Members would be fully aware of the agreement that was supposedly reached between the Trades and Labor Council and employers on the subject of workers compensation. It was then promoted by the Government in very large scale advertising as the answer to all the problems of workers compensation. Since then some difficulties have apparently arisen. The latest word is that the Trades and Labor Council has suddenly decided that it does not agree with all the matters that it previously agreed with the employers. The Trades and Labor Council has found that it perhaps made some mistakes and has sought fresh negotiations. The employers' body has rejected the application for fresh negotiations; so we are now almost in a position of stalemate with no real agreement, as outlined by the Government in the advertising. That makes the advertising a bit of a farce.

We have waited for the Minister of Labour to introduce legislation associated with this agreement on workers compensation, but nothing has appeared in the Council. Is it the Minister's intention to introduce such legislation and have it passed prior to the prorogation of Parliament for an election? It appears that there is considerable activity from the Government on numerous fronts, all of which leads one to believe that the Government will have an election soon.

The Hon. FRANK BLEVINS: Yes, that is the Government's intention. I will go through the position again, briefly, for the benefit of the Hon. Mr Cameron. Since about 1978, when the Byrne committee was established, there has been an ongoing debate over workers compensation, which culminated in the Byrne report, which was presented to the previous Government. It did not act on that report, unfortunately: had it done so, the 150 per cent increase in premiums that has occurred since approximately the time the report came out (between 1981 and 1983) need not have happened. But that is water under the bridge.

The Hon. Peter Dunn: You haven't actually been quick acting on it. It has taken three years of your Government.

The Hon. FRANK BLEVINS: This Government has endeavoured to get the employers and employees together—the two principal parties concerned. They are the parties that have rights in the workers compensation area; other parties have interests, including the Government, insurance companies, lawyers and so on. Our strategy was spelt out clearly in the 'New Directions' conference that was convened by the previous Minister of Labour. There is an attempt to get the maximum level of agreement between the two principal parties. The negotiators from those two principal parties came to an agreement that they would then take back to their respective organisations. That process has occurred.

We are now collating information that has come back from the Trades and Labor Council, the employers, the Law Society and other community groups that have also made submissions as a response to the white paper. The Government will go through those submissions, decide its position and introduce legislation into this Council based on that position. I expect, after a preliminary look at the submissions, particularly those of the United Trades and Labor Council and the employers, that they are very close together. The difference is about the 2 per cent reduction in premiums: instead of a 44 per cent reduction, it is about a 42 per cent reduction. The difference that we are talking about is very minor in financial terms, but still significant in ideological terms. Whether the varying parties want to stick to their ideological positions, at the expense for the Trades and Labor Council of their members or for the employers the members of their organisations, time will tell.

The Government does not control this House of Parliament. Therefore, without the maximum amount of agreement between the two parties it is unlikely that we could get any amendment to the legislation or new legislation carried by the Parliament. It is clear that the Liberal Party will oppose it: it does not matter what it is. That is how it sees its role. So, we have to rely on other forces. Our Government is not in the business of making empty gestures, so we had to go through that tortuous, but useful, exercise of bringing employers and employees together to see what common ground there was. That common ground is very large indeed.

I do not anticipate that every 'i' will be dotted and every 't' crossed of an agreement between the two parties. However, when the legislation is introduced, if that does not occur, I will spell out the differences, their cost and then of course it will be in the hands of this Council. The answer to the honourable member's question is 'Yes'.

AMBULANCE SERVICES BOARD

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the Ambulance Services Act.

Leave granted.

The Hon. J.C. BURDETT: I understand that the Ambulance Services Act was proclaimed today: I am very pleased about that. Is the Minister in a position to tell this Council the names of his three ministerial appointments to the board and their areas of expertise?

The Hon. J.R. CORNWALL: It might be my great age, but I confess that I cannot recall the three names in detail. They will be gazetted later this afternoon. I now have the names and I can say that the people whom I have appointed are David Nicolle, a senior legal practitioner of Adelaide; Dr Gavin Beaumont, a general practitioner; and Eileen Cooper, a woman who has been involved in community affairs for a long time: she is a lady of mature years who also happens to be Dr Anne Summers' mother, and that is one of her many claims to fame.

After quite a degree of consultation, so many names had come across my desk that it was one of those quirks of fate that I could not immediately remember those names. I think, after a great deal of consultation, we have probably got the best three people available to fill these three positions.

Mr G. MACKIE

The Hon. K.T. GRIFFIN: My questions to the Attorney-General are:

1. Does the Attorney-General support the action by the Minister of Correctional Services to write to the West Lakes bomb murderer Mackie wishing him well in his application for early parole, a course of action which compromised the Attorney-General's appeal against Mackie's early release?

2. Will the Attorney seek special leave to appeal to the High Court of Australia in view of the decision of the Court of Criminal Appeal today to allow the early release of Mackie?

The Hon. C.J. SUMNER: The recommendations with respect to Mackie's release on parole came under the old parole system—the system that existed under the previous Government.

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That is the situation: it was made under the same sorts of rules as applied under the old parole system where the Parole Board made a recommendation to the Governor in Executive Council. That is the situation that existed under the previous Government and the one they wish to return this State to. Let us not make any mistake about that.

Members interjecting:

The Hon. C.J. SUMNER: That is the situation. Perhaps the honourable member would like me to read an extract from the judgment of Mr Justice King, as follows:

> The respondent became involved in a legal and administrative tangle which was not of his own making. In September 1983, when the respondent had served eight years of his life sentence, he applied to the Parole Board for release on parole. As the law then stood, the Parole Board was authorised to recommend the respondent's release to the Governor, who, of course, acts on the advice of Cabinet.

That is what the Chief Justice said. It is all very well for the Hon. Mr Griffin to interject. The fact is, as the honourable member will know if he studies the judgment, that the procedure that was being adopted with respect to Mackie was the procedure which applied while he was in Government and which he now wishes to return to, that is, an application to the Parole Board for parole, the recommendation for parole by the Parole Board and then a recommendation to the Governor in Executive Council, who would then make the final decision. That was the situation that pertained while the honourable member was in government. That was the situation that pertained prior to the honourable member coming into government.

Let the honourable member be under no misapprehension: the procedures being followed with respect to Mackie by the Parole Board at that time were procedures that were in place under his Government. Also, it is the policy of his Party to return to those procedures if it wins the election. That is the first point that needs to be said about that.

Secondly, the honourable member has grossly misled the Parliament by suggesting that the Minister of Correctional Services wrote to Mackie supporting his application for early release. That is incorrect and the honourable member knows it is incorrect. However, he comes into this Parliament as he has become very inclined to do in recent times, as opposed to his usual approach, gives incorrect information and, quite frankly, is quite dishonest about what he puts in questions and statements in this Parliament.

The Minister of Correctional Services did not write and support the application for early parole. Let that be crystal clear. What the Minister of Correctional Services did, after the Parole Board had made its recommendation for the release of Mackie, was write to him in what I assume was some kind of letter that the Minister sends to all parolees in the terms that the honourable member knows. This was after the Parole Board had made its decision about Mackie. I repeat: the Minister of Correctional Services (Hon. Frank Blevins) did not—and this is where the Hon. Mr Griffin has attempted to mislead the Parliament and this Council—write a letter supporting early parole for Mackie. Let us make that crystal clear.

The problem that occurred was that subsequently it was held that before Mackie could be considered for parole he should apply to the Supreme Court to fix a non-parole period; and that is where the difficulty arose. Because the Parole Board had acted under the old system based on an assumption that it had the power to recommend Mackie's release, the Full Court and the sentencing judge held that they could not change that parole period. They are the facts; they are not as the honourable member indicated. I think it ill behoves him to come into this Parliament and make what are clearly inaccurate statements about this situation.

Finally, the honourable member has asked whether I intend to appeal as Attorney-General. This judgment was handed down this morning and I have not studied it in detail yet. I have not had the opportunity to speak to counsel for the Crown or counsel for the Attorney-General (the Crown Prosecutor, Mr Rice, who appeared before the Court of Criminal Appeal in this matter). Therefore, I am not in a position at this stage to indicate whether there is any further action indicated by way of seeking leave to appeal to the High Court. I can say, as a general proposition that the Chief Justice of the High Court only this week at the International Criminal Law Congress being held in Adelaide indicated that, in his view, the High Court was not the place to deal with appeals on sentence—either Crown or offender appeals.

I think there was some qualification on it for very exceptional cases, but the Chief Justice of the High Court, Sir Harry Gibbs, made it clear in a public forum that he did not see the High Court as the final court of appeal with respect to the great bulk of sentencing matters and it should be the State Courts of Criminal Appeal that in effect become virtually the final court of appeal on sentencing matters. It does not exclude the High Court, of course, but that is

certainly the view that he has publicly espoused. It is certainly the view that the High Court has collectively espoused in judgments on a number of occasions. That obviously has to be taken into account when considering whether any appeal is likely. I am sure that the honourable member, if he was not so embued with what he sees as the politics of the occasion, would also realise that that is the situation.

It is very, very easy for him to come into this place and say that an appeal should be lodged. I understand that he has already made that statement. It is the sort of thing he did last week when he came into this place with respect to certain events and allegations that were made about a murder trial. Once again, knowing the law and knowing the situation with respect to Crown Prosecutors, he came in here and deliberately misrepresented the position—

The Hon. K.T. Griffin: I did not misrepresent the position.

The Hon. C.J. SUMNER: Yes, he did. He should see what the Crown Prosecutor has to say about it. He is either not very learned in the law or he was being dishonest. If he was learned in the law in these matters, the former Attorney-General would know very well what the law is with respect to the matters that he raises in this Parliament. He knows what the law is because I do not believe that he is as foolish as he is making himself out to be with these sorts of questions. He knows what the law is but he distorts it. He comes into this Parliament and makes the sorts of comments he has made today, in this case, one that was absolutely inaccurate. It was misleading and he knows that it was. The question he asked last week on the same sorts of topics, again he knew what the situation was, but he comes in and makes those sorts of misleading statements to this Council, knowing as he should know and would know what the law is in relation to these matters.

Of course, as shadow Attorney-General, he has the freedom to make these statements, knowing what the true situation is, to play for the politics of the situation and I suppose that that is what we will see from the shadow Attorney-General over the next few months. It is a political environment and he will play it for what it is worth.

The Hon. Frank Blevins: How many times did he appeal?

The Hon. C.J. SUMNER: The Hon. Frank Blevins asks, 'How many times did the Hon. Mr Griffin appeal against lenient sentences when he was in office?' How many—17 times compared to 80 appeals by me as Attorney-General against lenient sentences, including an appeal which resulted in the longest non-parole period fixed for murder in the history of this State. I am happy for his record in this area to stand up against mine. I am happy for that to be debated anywhere, any time. The fact is at the moment the honourable member is deciding to play to the political audience that he thinks he has. My responsibilities, however, are very serious in this area. I am the one who has to examine the judgment. I am the one, in consultation with the Crown Prosecutor, who will decide whether or not there are grounds of appeal or grounds to seek leave to appeal in this or any other matter that comes before me. It is easy for him to cheer chase and that is of course what he is doing. What I find particularly distasteful, however, is that he is cheer chasing, playing to the political audience, and doing it in a manner that misrepresents the true situation.

The Hon. K.T. Griffin: Come on!

The Hon. C.J. SUMNER: I just quoted that from the Chief Justice's judgment. I have just indicated that the statement in the question was incorrect. The honourable member is trying to put a situation that is not correct. The honourable member knows that it is not correct—just as he knew that it was not correct last week. These are serious responsibilities and, unlike the honourable member, I intend to treat them seriously and in accordance with the law of this State. As to whether there are any grounds for leave to appeal, I will discuss that with the Crown Prosecutor once I have talked to him about the judgment. I cannot indicate the position at this stage.

The Hon. K.T. GRIFFIN: I desire to ask a supplementary question. First, is it correct that Mackie applied for a non-parole period under this Government's new parole scheme? Secondly, is it correct that the Minister's letter was written when the new parole scheme was in operation and prior to Mackie's application for a non-parole period?

The Hon. C.J. SUMNER: Once again, the honourable member is attempting to distort the situation.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I can and I have answered the two questions very clearly, as the honourable member would know. Mackie's application for parole was assessed by the Parole Board under the old system, which is what the Chief Justice says in his judgment. I will read it again, if that is what the honourable member wants. Mackie was originally assessed as being eligible for release on parole after 10 years under the same procedures that applied in relation to parole in this State during the 1970s and during the period that the Hon. Mr Griffin was Attorney-General—and he cannot deny that. That is the fact of the matter, and that is what happened with respect to Mackie's application for parole: his application to be released after a certain period was dealt with by the Parole Board and it was agreed that he should be paroled after 10 years.

What happened following that, as I have already said, is that it then became clear that the procedure adopted by the Parole Board was incorrect. It was not a valid procedure at that stage because Mackie should have applied to the Supreme Court for the fixing of a non-parole period. He subsequently did that and was granted a non-parole period of 10 years on the basis that the Parole Board had already held out that as a reasonable non-parole period (that was under the Parole Board's system). The problem occurred with the original recommendation of the Parole Board that Mackie should be released on parole after 10 years imprisonment.

GILLMAN SPILLAGE

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health a question about the Gillman spillage.

Leave granted.

The Hon. I. GILFILLAN: Much attention has been directed to the effects of the spillage of 15 000 litres of copper chromium arsenate into the drain leading into the Port River. Obviously, various questions could be asked about this matter. One area which to date has not received due attention—and fortunately the accident has emphasised many areas of public concern—is the site of the timber preservation works.

I will ask the Minister questions which I hope will direct some of the Government's and the public's attention to what should be an area of considerable concern—and that is the lack of control over the use of extraordinarily dangerous products, and the hazards that that poses for present-day workers and future workers. In relation to the Gillman spillage and the timber preservation plant, from which it came, I ask: does the Minister agree that chromium and arsenic are carcinogens?

Is the Minister aware that both have been linked with cancers in workers industrially exposed to these substances? Does the Minister agree that cancer causing substances may cause cancer after minimum exposure and that there is a linear relationship between exposure and probability of can-

cer and that there is no threshold below which a carcinogen can be said to be safe? Is the Minister aware that the timber preservation plant at Gillman occupies a site which, after many years of operation, has soil heavily impregnated with arsenic and chromium compounds and that in summer dust from this impregnated soil exposes both workers and the public to inhalation of these elements? Does the Minister agree that the situation poses longer term risk of cancer to both workers and members of the public and requires corrective action? In the Minister's opinion, what can and should be done?

The Hon. J.R. CORNWALL: First of all, I am not an expert in the matters that have been raised by the honourable member any more than he is. I am aware, because I did study chemistry for a number of years, that copper, chromium and arsenic are all heavy metals and all very toxic; there is no doubt that copper chromium arsenate is a very nasty compound indeed. As to its carcinogenicity and whether there is a linear relationship and no threshold and so forth, they are all matters on which I would have to seek expert opinion and will be pleased to bring back a reply. However, before the Hon. Mr Gilfillan, in this pre-election atmosphere, takes his particular faction of the Party too far down one track—

The Hon. L.H. Davis: The left bank.

The Hon J.R. CORNWALL: In South Australia we have the best occupational health branch in this country and within that branch we have a number of people in a range of areas who are regarded as being outstanding in their field and who are, on a day to day basis, doing inspections of industrial premises to look for the sorts of things about which the honourable member has raised concern.

We also have an epidemiology branch and a cancer registry which is, beyond question, the best in the country. Therefore, if these questions of carcinogenicity and hazards in industry arise from time to time, then we are very well placed, comparative to other parts of the country, to check that out very quickly. As I said, there is no question that copper chromium arsenate is a very nasty substance indeed. I have been concerned about it for a very long time. I first came across it as a hazard in Mount Gambier many years ago when a 44 gallon drum of the powder fell off the back of a truck and ruptured. The police were called out, who in turn called out the fire brigade, who were about to hose the contents down into the underground water supply when they were apprehended by an alert local councillor, thank goodness!

I do not know the specific physical details of Gillman but I do know that our people from public health have been involved: they have been on site, they have held discussions with a number of other agencies and I have received a report of the role that they played. The question of environmental hazards generally and hazardous substances is one which is being addressed at the federal level at this moment, and is being addressed by our officers in the relevant departments in conjunction with that inquiry.

There are a number of ways in which I believe the present procedures can be better coordinated and there are a number of existing Acts, including the Controlled Substances Act, under which it may be more convenient to place some of these more hazardous things, both from the point of view of production and from manufacture, storage, transport and disposal. At the moment we have a situation where there is a range of Acts that all have some application, but I do not believe the situation is satisfactory and the Government does not believe the situation is satisfactory. It is for that reason that Mr Ken Taeuber has been appointed to conduct a specific inquiry and when the results of that inquiry over the Gillman spill, in particular, and other hazardous substances in general, is available to the Goverment, then we will certainly act expeditiously to get a comprehensive approach to this whole question of hazardous substances.

As I said, the situation at the moment is that there are a number of Acts which have some application but there is some doubt as to whether they are entirely adequate in all the circumstances. As to the carcinogenicity of low levels of chromium and arsenic, I shall refer that to the public health people and bring back a reply next week.

The Hon I. GILFILLAN: Will the Minister indicate whether he will get his officers actually to assess the soil situation on site to get some satisfaction as to the level of the arsenic chromium content and the actual hazard in the dust as was implied in my question?

The Hon. J.R. CORNWALL: I will take advice on that from my officers but I will certainly make that part of the reply that I bring back next week.

'NO SMOKING' SIGN

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before directing a question to the Minister of Health on the subject of the Health Commission.

Leave granted.

The Hon. R.I. LUCAS: For some time the Tobacco Institute, at a cost of some thousands of dollars, has distributed about 8 000 signs to retailers of cigarettes in South Australia, which warn that the selling of cigarettes to children under the age of 16 is prohibited. After recent amendments to the Act, initiated by the Hon. Mr Milne, the Tobacco Institute sought discussions with the Health Commission about that proposed new sign to be sent to at least 8 000 retailers. The proposed sign from the Tobacco Institute said simply:

> If you are under 16, please do not ask for cigarettes—even if they are for someone else. It is illegal to sell them to you. The maximum penalty is $500.

In small print at the bottom it says:

> Provided as a community service by the Tobacco Institute of Australia.

However, the Health Commission decided to duplicate the service of the Tobacco Institute and waste thousands of urgently needed health dollars by producing and distributing its own signs. The wording of the Health Commission sign is very similar, and it reads:

> Notice
>
> The sale or supply of cigarettes and tobacco products to children under 16 years of age is prohibited. Maximum penalty $500.

The crazy story does not end there because many retailers in South Australia are refusing to use the Health Commission signs because they believe they are misleading. They are misleading because they incorporate on the sign the universally recognised 'No Smoking' logo on them. It is not hard to understand the reasoning for many tobacconists, hotels, clubs and restaurants not wanting to use a sign that might lead people to believe the area was a no smoking area.

I am advised that when these problems were raised with the Health Commission the reply was, and I quote: 'If they don't like it,' (that is, the retailers) 'they don't have to put it up.' This is a further sorry example of the Minister and the commission wasting urgently needed health dollars. It is really time for the Minister to take off his blinkers and recognise that much tighter financial controls must be exercised in the commission.

Why did the Health Commission decide to duplicate the signs produced by the Tobacco Institute? Does the Minister believe that the sign prepared by the Health Commission complies with the provisions of the Act? I might add that the Tobacco Institute has advised the Health Commission that legal advice it has taken might indicate that the signs produced by the Health Commission do not comply with

the Act. Is the Minister or the Health Commission aware of a number of retailers refusing to use the Health Commission sign?

The Hon. J.R. CORNWALL: I am amazed. The Hon. Mr Lucas has been known to do some very strange things since he has let his perverted, personal vendetta against me get the better of him, but to come in here acting as the whore of the tobacco industry is a new role to which I never expected to see him stoop. I am disgusted.

The Hon. R.I. LUCAS: A point of order, Sir. I take exception to being called 'the whore of the tobacco industry'. It is unparliamentary. I know that the Minister would be too much of a coward to repeat it outside the Chamber because he knows what legal process would follow if he took it out of the Chamber. I ask him to withdraw and apologise for that disgraceful allegation.

The PRESIDENT: I also believe it to be unparliamentary and ask the Minister to withdraw and apologise.

The Hon. J.R. CORNWALL: I really have great difficulty in doing that. However, we have it on the record and, in the circumstances, purely as a technicality, I withdraw it.

The PRESIDENT: I have to accept the 'withdraw' part because the Minister has withdrawn it, even though he has attached strings. He was also asked to apologise.

The Hon. J.R. CORNWALL: I find it very hard to apologise for attacking someone who is prepared to start children on a road to death: lung cancer, emphysema, heart attacks. It is truly a disgusting performance, but technically I withdraw and apologise.

The 'No smoking' logo was on that notice that was sent out to 5 500 retailers, I discussed it with senior officers in the public health area and was delighted that they were putting that on. We knew the form and the standover tactics of the tobacco industry. We know how it tries to stand over all sorts of people, but we do not know how it gets the willing cooperation of people like the Hon. Mr Lucas, who is prepared to be the industry's mouthpiece in this Council and apparently has no conscience about allowing children to smoke.

The total cost of sending out those 5 500 notices with the 'No smoking' logo and a simple message that sale and supply to children is prohibited and that there is a penalty of $500—I cannot say accurately—would have been about $7 000 to $8 000 in a total health budget of—

The Hon. R.J. Ritson: We would get 8 000 political pamphlets for $600. Who is your printer?

The Hon. J.R. CORNWALL: Certainly no more than $7 000 to $8 000. The Hon. Dr Ritson seems to think that that is too much, which amazes me. I make no apology for it at all: indeed, I was directly involved. I discussed it with the senior officers. I was very pleased at the suggestion that we could use the State Taxation Office in its next mailing out to enclose that sign. We could not get a list: it would have been wrong for the State Taxation Office to supply us with a list of all of the retailers, but it was entirely in order for it to mail them out to everybody who holds a tobacco franchise.

The Hon. R.I. Lucas: They threw them in the rubbish bin.

The Hon. J.R. CORNWALL: The Hon. Mr Lucas seems to be delighted that it was thrown in the rubbish bin by some of the retailers. If he thinks that that is a responsible attitude to take towards a campaign to try to stop the epidemic of tobacco smoking that is occurring in adolescents at this time—

The Hon. M.B. Cameron: Have you given up smoking?

The Hon. J.R. CORNWALL: My word, I have! I have well and truly seen the light. I have lost a lot of weight—almost 8 kilos—at the same time. It is quite a performance.

The Hon. M.B. Cameron: That's not what we hear.

The Hon. J.R. CORNWALL: I do not give a damn what the honourable member hears. He does not hear rightly, but that is beside the point. I have never been guilty, even in the days when I was a smoker, of defending the merchants of death. Let us make no error or mince words on this one.

The Hon. L.H. Davis: What about wine and beer makers? What do you call them?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Anybody who has an interest in the tobacco industry obviously needs new customers. Smokers die, and unless one is renewing the market by encouraging, albeit by subtle means or otherwise, a new generation to take up smoking, one eventually runs out of customers. I would never apologise for taking whatever action I could within the law to dissuade young people from beginning to smoke. We have a deliberate policy of a smoke-free generation by the year 2 000.

I am prepared to do anything that is within the law that will promulgate and push that policy as much as possible. So it was not a question of the Health Commission's duplicating. We have seen the sorts of wishy washy things or notices in the public interest that the tobacco industry has done before. We do not like dealing with the tobacco industry in the health area because we do not find its people to be honourable people with whom to deal.

As to the sign complying with the Act, it was the Hon. Mr Milne's legislation, as the Hon. Mr Lucas pointed out. The Act is silent as to specific sizes and so forth of the sign. So, there was never any real question whether it complied with the Act or not. I am sure that the tobacco industry objected to the international 'No smoking' logo, which added a little bit of drama to the sign. I am not aware of how many retailers may have put it in a bin, but I know that the responsible ones with a social conscience would have displayed it.

STATUTORY AUTHORITIES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier and Minister of Arts, a question about annual reports from statutory authorities.

Leave granted.

The Hon. L.H. DAVIS: The Attorney-General would be well aware that, under companies legislation, public listed companies are required to report within three months of the end of the financial year and distribute an annual report to all shareholders shortly after that, that the 42 500 proprietary companies in South Australia are all required to file annual reports at the Companies Office within six or seven months, and that there are penalties attaching and enforced if they do not comply with that legislation.

I direct my attention particularly to the annual reports that have not been filed by the History Trust of South Australia, which was first established in 1981. It plays a critical role in promoting and researching the history of the State, maintaining and administering museums, including the Constitutional Museum and Birdwood Mill, and operating a museums accreditation and grants program. It has an active role in the Jubilee 150 celebration. In 1985-86 the History Trust—

The PRESIDENT: I appeal to the Hon. Mr Davis that today his explanation must be relevant to his question, not a history lesson again.

The Hon. L.H. DAVIS: It is not a history lesson: the explanation is very relevant to the question. In 1985-86, the History Trust will administer recurrent and capital expenditure in excess of $2 million, and it has over 50 full-time equivalent staff employed. Section 20 of the History Trust

of South Australia Act requires the trust on or before 30 September each year to deliver to the Minister a report on the administration of the Act during the previous financial year.

A copy of the report must be laid before each House of Parliament. This is a mandatory requirement, yet the History Trust, which plays a critical role in promoting and researching the history of the State, maintaining and administering museums and overseeing the Jubilee 150 celebrations has not filed an annual report since 1981-82. The History Trust has not filed a report for the past three financial years—1982-83, 1983-84 and 1984-85. It is three reports behind!

The absence of this vital information must make it difficult, if not impossible, to judge whether the trust is properly fulfilling its objectives. As already noted, no company in the private sector could get away with such a flagrant breach of reporting requirements. The History Trust's failure to report is a gross breach of the reporting standards required by the Act under which it is established. It is unacceptable, unprofessional and high handed for the History Trust to ignore these basic provisions of the Act. My questions are:

1. When did the Government first become aware that the History Trust has not yet reported for the 1982-83 year?
2. When did it first act to correct this errant behaviour?
3. What justification does the History Trust have for ignoring the provisions of the Act?
4. Will the Government establish an appropriate mechanism to ensure that such a situation does not arise again in future?

The Hon. C.J. SUMNER: I will refer the honourable member's question to the Premier and bring back a reply.

MEMBER'S QUESTION

The Hon. ANNE LEVY: Mr President, my question is directed to you and relates to the question just asked by the Hon. L.H. Davis. I seek leave to make a brief explanation before asking that question.

Leave granted.

The Hon. ANNE LEVY: Earlier this week you, Mr President, read to the Council a statement which I felt all members had been trying to observe—that any explanations to questions were to be relevant to the question asked. Among other things, the Hon. Mr Davis proceeded to tell us how many people were employed by the History Trust, what their entire functions were—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I personally find great difficulty in seeing why the number of people employed by the History Trust is in any way relevant to whether or not the trust has submitted an annual report and whether the Government knew it had not submitted that report. I ask you, Mr President, to rule whether you regard such matters as relevant and admissible within the terms of your statement earlier this week.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas will come to order or be missing. The short answer is 'No'; I do not think it was relevant.

AUTOLOGOUS TRANSFUSION

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about autologous transfusion.

Leave granted.

The Hon. R.J. RITSON: About eight weeks ago I asked the Minister of Health a question based on two learned articles that appeared in scientific journals urging upon the profession and Governments the adoption of an increasing use of autologous transfusions (that is, transfusion by a patient's own blood) in order to reduce the spread of AIDS by minimising the amount of bank blood used. The Minister did not answer, or attempt to answer, the question, which was specifically whether the Health Commission had or was considering a policy on autologous transfusion.

Instead, he turned a peculiar colour and abused me uphill and down dale for a good deal longer than it would have taken to answer the question correctly. I assumed at the time that the Health Commission therefore had no such policy or at least that the Minister had no knowledge of it. During the Estimates Committees proceedings an officer of the Health Commission, when answering another question, listed lines of expenditure and included a statement that there was expenditure on an autologous transfusion program.

Did the Minister know that the Health Commission had such a policy at the time I asked him my question? If he did know, why did he deliberately withhold that information? If he did not have a policy at that time (but the Health Commission obviously has one now), was the policy formed as a result of my question and will the Minister now explain to the Council what is the Health Commission's policy on autologous transfusion as referred to by one of his officers during the Estimates Committee proceedings?

The Hon. J.R. CORNWALL: I must say that I cannot recall the occasion on which I was alleged to have been abusive towards the Hon. Dr Ritson. I would have to say that he asks so many silly questions that it would not be at all surprising if he had tested my patience and I had acted uncharacteristically. I know, for example, that he was the first person to raise in either House of this Parliament the possibility of surgeons refusing to operate in certain circumstances.

He has tried on one or two occasions to raise what I thought was unnecessary fear in the community. On those occasions I have always tried to refute what he has said. The position with regard to AIDS, so far as I am concerned, is very clear. From the outset (and this goes well back into the early part of last year) I have done everything I can to support our Communicable Diseases Unit under the supervision of Dr Scott Cameron. I have done everything that I could to support the South Australian AIDS Advisory Committee. I have done everything reasonable and possible, both financially and in the policy sense, to support the very sound recommendations of Prof. Pennington's AIDS task force.

I have attended every meeting held interstate by Health Ministers and their officers to devise the best possible way to control AIDS in South Australia. As a result of that (and it is not entirely accidental, let me say) we are better placed than any other State in Australia at this time. We have not had to this time a single clinical case of full-blown AIDS arise in this State. There have, in fact, been two cases of AIDS who have been nursed through their terminal stages at Flinders, but they have both returned from interstate (having contracted the disease) to die in South Australia. With regard to autologous blood transfusion, I refer Dr Ritson to an editorial in the *News*.

The Hon. R.J. RITSON: I rise on a point of order. The question asked was plain. The Minister's officer revealed an expenditure line on a policy on autologous transfusion. I have asked the Minister to explain what that policy on autologous transfusion is, but he continues to not answer the question.

The PRESIDENT: That is not a point of order.

The Hon. J.R. CORNWALL: The honourable member behaves very foolishly and very irresponsibly. I refer the

Hon. Dr Ritson to an editorial which appeared in the *News* before Christmas last year and which congratulated me personally as the South Australian Minister of Health because of—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R CORNWALL: I have it cut out and pasted on the wall—I read it often. It congratulated me personally on the very responsible position I had taken with regard to AIDS control and specifically on raising the matter of autologous blood transfusion. I discussed the matter of autologous blood transfusions with Dr Beale at considerable length 12 months ago. We made financial provision for that in our public hospital system. We have supported it from day 1 as the most reliable means for anybody who is having elective surgery to ensure that (by giving their own blood in advance) they can have a safe blood transfusion. We continue to support that in the public hospital system; if we are able to assist we would do the same in the private hospital system. So, our system has been clear from the outset. Financial support has been forthcoming and technical advice has been to hand, also.

There has never been any doubt as to where we stood specifically with regard to the support of autologous transfusions both in the policy sense and financially, nor where we stood in doing every reasonable thing we could based on the scientific knowledge at the time to control AIDS. I repeat, as a result of that, we are well placed in this State to handle the cases which inevitably will arise because we know that there are about 120 blood positives presently out there in the community. We cannot stop AIDS occurring. We can, through the program we have mounted—a very comprehensive program—minimise the incidence in the community, and we intend to continue to do so.

SELECT COMMITTEE ON THE CHURCH OF SCIENTOLOGY INCORPORATED

The Hon. J.C. BURDETT brought up the report of the select committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

BUDGET PAPERS

Adjourned debate on motion of Hon. C.J. Sumner:

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1985-86.

(Continued from 19 September. Page 1053.)

The Hon. R.I. LUCAS: I will now canvass the questions I intend to raise with the Minister of Health during the Appropriation Bill debate next week. I have had discussions with the Minister about this, and in this way I hope that we will not require the presence in the Chamber of officers of the commission next week at all hours of the night providing answers to these questions. The questions I want to put to the Minister of Health and his officers relate to the Minister of Health's opening statement to the Estimates Committee last week headed, 'South Australian Health Commission 1985-86 Estimates'.

I cannot indicate what pages my questions refer to because they are unnumbered, but the first matter relates to about page 4 of the statement. The Minister talked about the outcome of the year for 1984-85 and said:

> As I have already reported, the South Australian Health Commission's gross payments in 1984-85 were $5.2 million under budget.

Further on he says:

> While some of the savings occurred in tied lines such as lower than anticipated workers compensation payments and superannuation contributions, the commission and its associated health units also achieved significant planned savings that allowed it to absorb $1.7 million in the carry-forward costs of 1983-84 new initiatives as well as contributing to the overall under budget result.

Certain questions were raised during the Estimates Committee debates to try to provide a breakdown of those figures, and some detail was provided by the Minister and his officers at that time. The information I am seeking from the Minister is a detailed breakdown of the $5.2 million under budget figure for 1984-85. The Minister gave the breakdown for the workers compensation component and the superannuation contribution, but I am interested in a detailed breakdown of the $5.2 million. In addition, I am seeking some detail on the statement:

> . . . that allowed it to absorb $1.7 million in the carry-forward costs of 1983-84 new initiatives . . .

As I understand it, it basically means that projects that were meant to be new initiatives during 1983-84 were not spent and were carried over into 1984-85. Is that understanding correct? If so, what is the breakdown of that $1.7 million, that is, what new initiatives had been held over from 1983-84 and flowed into 1984-85?

In relation to the figures that the Minister and his officers provided on 1984-85, $5.2 million under budget figure, I refer the Minister to about page 8 of his statement which is headed, 'The 1985-86 Year' with the subheading, '1985-86 gross payments budget'. The document says:

> The commission's initial gross payments budget for 1985-86 is $736.1 million, which is an increase of $82.1 million or 12.6 per cent on last year's actual gross payments. The increased funding includes provision . . .

and it then goes through nine separate points. I refer the Minister and his officers specifically to points 6 and 7. Point 6 says:

> The carry-over cost of 1984-85 new initiatives ($1.7 million).

Point 7 says:

> Under expenditure on items in 1984-85 for which carry-over funds were provided in 1985-86 ($1.7 million).

I confess that I do not understand the distinction between those two points. I would like an explanation of the distinction. I note that the figures are both $1.7 million, which also corresponds with the statement on page 4 of $1.7 million being carry-forward costs of the 1983-84 new initiatives. Is there a link-up in those figures?

I am also seeking a detailed breakdown of what 1984-85 new initiatives ($1.7 million) had been deferred to the 1985-86 year. I think that in some of the evidence during the Estimates Committee one of the officers referred to the ISIS program. That may well be a component of that $1.7 million. Nevertheless, I seek a breakdown of it. On page 4 of the statement the Minister says:

> In addition, the receipts achieved by health units were $7.1 million above budget and Commonwealth contributions mainly under the Medicare agreement were $5.7 million above budget.

In response, during the Estimates Committee as to why receipts achieved by the health units were $7 million above budget, the Minister and his officers were not entirely clear. I would like detail about why those receipts were $7 million above budget; similarly, why Commonwealth contributions under the Medicare agreement were $5.7 million above budget? Were they just errors of estimates made at the start of the previous year, or were there specific changes in the circumstances of the Medicare agreement which resulted in that $5.7 million above budget payment from the Commonwealth?

Finally, I have a question on notice with respect to the breakdown in expenditure for The Second Story, which has been there for some weeks. The Minister may be providing a response next Tuesday. If so, that is fine. If the Minister does not provide a response on Tuesday I will be seeking, during the Committee stage of the Appropriation Bill, that information from him or his officers. I intend raising all these matters next week in the hope that we can expedite the business of the Chamber.

The Hon. PETER DUNN secured the adjournment of the debate.

MENTAL HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 9 October. Page 118.)

The Hon. K.T. GRIFFIN: I want to make only a few brief observations on the area of informed consent. When I was the Attorney-General and the Minister responsible for the area of disability, one of the major concerns which was raised by those who worked with intellectually disabled people and those who were parents was the difficulty of both making decisions for the intellectually disabled child and, having made the decision, having that decision carried out. The whole area of who could give consent and in what terms the consent could be given was a major issue. The debate was then current as to whether the parents should be responsible for making that decision or whether it should be some other body or person.

Parents felt very protective of children who were intellectually disabled. They, of course, had a very close relationship with them. They cared for them constantly, and understandably they had a view which was that the parents knew best for the intellectually disabled child. That does not necessarily follow, but one can appreciate the reasons why those parents had that very strong view. They did not particularly want any other person interfering in what they regarded as a family decision affecting the intellectually disabled child who may of course have reached the legal age of majority but not have the necessary capacity to make his or her own decisions.

On the other hand, there was a body of opinion that parents were not necessarily the best persons to make these sorts of decisions. Because they were too close to the scene, they might make the decision under a situation of tension, under some anxiety to provide some relief from the results of promiscuous behavior by intellectually disabled children. So, the view by some people was that their decision would be coloured by their own circumstances and by their own needs and anxieties.

I can appreciate both points of view. It seems to me that what the select committee has come up with in this Bill is a reasonable compromise provided, of course, the Guardianship Board actively involves parents in the decision making process. I think it would be a sad day for the operation of the board, for the relationship of the board with parents, and for the relationship of parents with intellectually disabled children, if the board did not make a conscious effort to involve parents in as many instances as possible which come before it.

The board will, of course, have the right to make the legal decision in many instances. I do not really object to that, provided that the emphasis is on consultation with parents, those who are most closely associated with and related to intellectually disabled persons. Provided that there is that consultation, I think the system can work reasonably well.

The other area of need is for the board to ensure that there is adequate information to parents. One of the problems about the legal process, whether it is through the courts or through the *quasi* judicial process as this will be, is that the ordinary citizen has no exposure on a day-to-day basis with the procedures. The problem is that they do not adequately understand either their own role in the procedures or what is expected of them, what are the respective rights of parties before tribunals and courts, and do not understand fully the implications of a particular course of action within the courts or the tribunals.

There needs to be adequate information as to the procedures and the reasons for the procedures and the parents' role within those procedures, and there needs to be adequate consultation between the Guardianship Board and parents in particular. That is not to say that there should not also be adequate consultation with the intellectually disabled people.

The late Sir Charles Bright was instrumental in focusing on the fact that intellectually disabled people in many instances have the ability to understand what is put to them and what is expected of them. With some training, they can develop a capacity which at first view might be absent. We have a lot to thank Sir Charles Bright for in the area of intellectual disability and the rights of persons with intellectual disability. Not only should parents be involved and there be adequate information about the procedures, but the intellectually disabled person should be fully consulted as much as is possible in determining what is to take place with respect to that person.

I would like to see the procedures monitored on a regular basis because there have been some instances drawn to my attention where there has been some unsatisfactory action taken by the Guardianship Board. It is for that reason that in this new area I want to ensure that there is adequate monitoring of what the board does with a view to refining the processes if changes become evident. In that review process, parents particularly ought to be involved. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank all honourable members for their contributions to the second reading debate. I reiterate that the select committee was able to come back with significantly better legislation than the original Bill which came into the Chamber. It was always my intention that this should go to a select committee, and again the select committee process of the Upper House has been seen at its best. I do not think there was very much raised by other speakers to which I need specifically refer, with the exception of Dr Ritson and the Hon. Trevor Griffin.

Dr Ritson was concerned about the fact that a termination and sterilisation procedure done simultaneously might be clinically indicated in certain situations. I would have thought that since it is compulsory under the Bill for an appeal to be heard within two days in the case of a termination, there would be little difficulty in simultaneously putting the case or appealing, if necessary, for or against a sterilisation procedure. It may be that in practice in the infinite variety of permutations and combinations that can arise in a complex and fairly difficult area such as this that one or two anomalies may be demonstrated in the first year or two of the operation of the Act. It is specifically for that reason that the select committee recommended (and the Government accepted) that a full report should be prepared for the Parliament by the Minister of Health at the expiry of two years of operation of the legislation.

That is as far as I can take that matter. I think we are all aware that anomalies may become evident within the first two years. If that is the case, they will be reported back to

the South Australian Parliament and action will be taken to try to correct any difficulties.

With regard to adequate information (mentioned by the Hon. Mr Griffin), it was the clear intention of the select committee that there should be significant education programs before the legislation comes into force. Those education programs will extend through many groups. In the first instance, it is well acknowledged that the medical profession is not aware of the operations, or even the existence in some instances, of the Guardianship Board and the Mental Health Review Tribunal. I believe that a responsible campaign with the assistance of the AMA would be highly desirable to ensure that anyone who is registered to practice in the medical profession in this State becomes aware of the new rules before their date of operation. I think that would apply to many other people in the health and welfare or social professions. I give the Council an undertaking that that will be done.

It is also very important that we make as much useful information available as possible to groups such as the Parent Consultative Council, and any other groups concerned with the welfare and well-being of intellectually disabled people. All of that will be done, as the Hon. Mr Griffin said, without prejudice to the rights of the intellectually disabled individuals themselves. I think we have reached the end of the second reading stage of a Bill which will see a significant reform in this State. I thank all members of all Parties for their positive contributions.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 8 October. Page 1107.)

The Hon. DIANA LAIDLAW: I support the second reading of this Bill which seeks to make three amendments to the law relating to sexual assault. Before addressing the three amendments I record my disappointment with the *ad hoc* manner with which the Government over the past three years has approached the subject of change to our law and practice relating to non-consenting sexual offences. I do not deny that each amending Bill has proposed important reforms, nor that the cumulative impact of these reforms has been other than beneficial in helping to redress a number of past problems in sexual offence trials. However, the Government does not appear to have any overall goal or policy framework. The Government's amendments amount to a piecemeal reaction and, in relation to the abolition of the unsworn statement, reluctant and belated reactions at best.

By contrast, I cannot help reflecting on the comprehensive, constructive and forward-looking approach to sexual assault law reforms adopted by the New South Wales Government in 1981, with the introduction of the crime sexual assault amendment legislation in that State. Notwithstanding my reservations about the Government's approach to rape law and practice in this State, I welcome the measures proposed in this Bill. They herald an important milestone in our attitude to rape and the way in which our legal system and agencies should deal with it.

Marjory Lavis in an analysis of rape at a national conference on rape law reform in May 1980 outlined that rape entered the law through the backdoor as a property crime of man against man. She noted that early English law viewed the offence as revolving solely around acts associated with reproduction and heirship that affected the value of women for marriage, their social value or value to someone else. A victim's personal afront, dignity and integrity did not seem worthy of any consideration. This historical perspective gave rise to myths which have persistently and irrationally coloured society's consideration of rape.

Such myths suggest, 'She got what she deserved'. 'Good women do not get raped'. 'If a woman resists, she cannot be raped', and 'Rape is every woman's sexual fantasy'. These myths, though rapidly being discredited, are still far too prevalent. Whether they are ingrained in our attitudes because society has been basically male dominated, whether it is because of the historical status of women, or whether it is because it is embedded in the legal system is open to debate. No matter the answer, the truth is that rape is a sign of man's desire to dominate. It is an act of aggression and violence based on subjection, debasement and humiliation.

There is no question that most women have a fear of rape and that that fear affects how women live and what they do. Notwithstanding these realities, the hangover of outdated myths contributes to one of the most tragic aspects of the crime of rape and sexual assault, which sees the victim suffer the fear of stigma and considerable humiliation. That humiliation involves being forced to recount in court not once but at least twice—and in each instance in minute detail—the most humiliating and degrading experience that they have ever gone through. At present, the definition of 'sexual intercourse' is confined to the penetration of the vagina, anus, or mouth by the penis.

The Hon. M.B. CAMERON: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. DIANA LAIDLAW: This Bill seeks to extend this definition by widening the concept of penetration to reflect less conventional means by which a sexual assault can be carried out. I believe this matter could have been more constructively dealt with if the Government had opted for the grading of offences. I intend to refer to that matter later. Nevertheless, this is an important amendment, for our criminal law ought to emphasise the violent aspect of the crime, as distinct from the sexual aspect of non-consenting sexual offences.

Such offences after all are more correctly viewed as acts of aggression and domination rather than the result of excessive passion or sexual gratification. By this amendment fellatio, cunnilingus and the insertion of objects will be covered as principal offences, rather than as secondary indecent assaults either prosecuted separately or merely taken into account as a contributing feature of rape or sexual assault. Indeed, the victim of an assault in which a bottle, screwdriver or other object is inserted into the vagina or anus may be much more seriously injured, physically or phychologically, than a female subjected to more conventional means of intercourse, without consent.

The second amendment is designed to highlight the fact that a person who does offer physical resistance to a would-be rapist is not by reason of the non-resistance to be taken as consenting to the sexual intercourse. This is also an important amendment, which I welcome, although I appreciate that the statement that non-consensual intercourse is, of itself, criminal, simply clarifies existing law. However, in practice the courts have tended to require a lot of evidence of resistance from the victim. This amendment may help to make complaints, where there is no additional injury, more legitimate in the eyes of the judge and jury than has been the case in the past.

In this context it is relevant to note the comments by the Director of the Office of Crime Statistics, Mr Adam Sutton, in a research paper entitled 'Sexual Assault in South Australia', published in July 1983. In assessing sexual assault

trials in the South Australian Supreme and District Criminal Courts between 1 July and 30 June 1982, in terms of the outcome and nature of the inquiries to alleged victims, Mr Sutton noted:

> There was a handful of cases where medical evidence suggested that the victim had suffered some injury, but the defendant was not convicted. This may provide some grounds for believing that the emphasis on consent may be pushing the balance too far in favour of the defendant. It must be acknowledged, however, that this was a small percentage of cases, and that the visible injuries were of such a nature that the defence could present a plausible alternative explanation for their origin. Most cases resulting in acquittals had no evidence of injuries. As Young (1983) has pointed out, in such instances it may be difficult to see how consent could fail to be a central issue.

The subject of force is a vexed problem. Force does not have to be physical. Threats directed at or terror instilled in either the person who submits, or any other person, such as a child, are instances of force. For example, a mother in respect of whose child a threat of violence has been made may take part in sexual intercourse with seeming cooperation and enthusiasm, submitting but not consenting. For her to fight back or offer physical resistance might very well precipitate the realisation of the threat against the child.

The problem of force is compounded further by advice provided by the police, amongst others, that could very well be at odds with the courts' requirement to determine non-consent. The police tend to caution about the use of force when a person is confronted with the possibility of rape. For example, I cite an article by police reporter Robert Ball in the *Advertiser* of 2 December 1983 where Senior Constable First Grade Anne Buring, a former rape squad officer, is quoted as saying:

> 'Your aim is to survive to tell the story,' she said, 'If it means submitting, then submit. There are no hard and fast guidelines on what to do. But try to sum up your offender and start thinking about the possibility of rape right now, not when you are confronted. Forget about this business of "It'll never happen to me."
>
> If you have given it some thought beforehand, you can react automatically the right way, even though inside you might be dying a thousand deaths. Human life is far more important than just one act of sexual intercourse—it's not ordinary intercourse, but it is intercourse. It may be in terrible circumstances, but it's not worth getting killed for.'

I repeat the opening remarks of her quote:

> Your aim is to survive to tell the story. If it means submitting, then submit.

In view of what I believe is sound advice offered by Senior Constable Buring, I welcome this amendment relating to resistance. However, I am under no illusions that this clarification of the law will help the victim in her ordeal at the time of the incident, or reduce her trauma in court, if she decides to pursue the offence. The problem will remain one of proof of non-consent in the courtroom to the satisfaction of the jury; of pitting one person's word—the victim's word—against another's, the accused. Where there is no corroborating evidence and the accused claims the complainant consented, it seems likely (notwithstanding this amendment) that the court will fall back on the requirement established in the past that there be evidence of struggle.

The third amendment, the repeal of section 76a, removes the provision for the time limit of three years within which charges for sexual offences under the Act must be laid. The provision is an anomaly, for there is no time limit on the laying of charges for other offences under the Act. Furthermore, the amendment acknowledges the special nature of the crime of rape and sexual assault and the fact that the offences are the most under-reported of crimes. Humiliation, fear of stigma, judgmental treatment by authorities and peers, fear of family difficulties and disruption and drawn-out legal proceedings are some of the reasons why women do not report or pursue sexual violence offences.

Irrespective of the reasons for the low reports, this amendment will allow a person to make admissions concerning sexual offences after a three-year period and for action to be taken. I have been advised that people may well be prompted to come forward with valuable information after learning of the apprehension or identifying someone charged on other counts of rape. Obviously, if the time lag is too long, the chances of conviction are considerably reduced.

I wish to say a few words in support of the introduction of the graded system of offences and penalties. The Liberal Party supports such an initiative for a variety of reasons. We believe that it would ease the current difficulty in having one very severe punishment for any rape, no matter what the circumstances, and it would encourage victims to prosecute and, in turn, juries to convict.

The Hon. C.J. Sumner: What evidence is there of that?

The Hon. DIANA LAIDLAW: You listen and be patient.

The Hon. C.J. Sumner: Lessen the seriousness of rape.

The Hon. DIANA LAIDLAW: You understand the law sufficiently to know that that is not the case. No longer would juries be confined to a single guilty/not guilty alternative when any one charge is laid.

An important aspect of the grading system stresses that any violence would not be tolerated, whilst the sexual aspects of the actions of the accused become but one factor in the whole transaction of sexual assault. Where graded penalties have been introduced in Michigan in the United States and in New South Wales, the results have realised the legislators' desire to encourage rape victims to report offences to authorities and to facilitate the administration of justice and the conviction of offenders.

Whilst I appreciate that there is a danger in assuming that legislative change after the style of the Michigan reforms would have the same impact in South Australia, it is interesting to reflect on the extent of the possible changes in that State, where reports of sexual offences have been up 30 per cent, arrests up 17 per cent and convictions up 90 per cent. I appreciate in quoting those figures that the grading of penalties was introduced as a package of measures. Meanwhile, in New South Wales the Attorney-General noted in November 1982 to Parliament the results of research for the first year of the legislation in that State, when there was a 13 per cent decrease in the rejection rate by police of complaints, a reduction of almost half in court delays, an increase from 31 per cent to 51 per cent in the rate of guilty pleas, and a 10 per cent increase in the conviction rate by jurors. In each respect, these results have been most heartening.

I am aware from recent contact with New South Wales that the improvements in that State have been maintained. Such results augur well for the introduction of a similar system of grading of offences and penalties in South Australia in the future. My enthusiasm for such a move, which I indicated earlier is supported by the Liberal Party, is reinforced by offence conviction data for South Australia. I refer specifically to alleged sexual harassment and lone offenders. Again I refer to the research report by Mr Adam Sutton, on behalf of the Office of Crime Statistics, entitled 'Sexual Assault in South Australia'. In that report, on page 50, he notes:

> Juveniles arrested for sexual harassment were far more likely to have made admissions and to have been found guilty than adults and, among lone offenders, those charged with indecent assault were more often convicted than those where rape was alleged.

In both cases it is reasonable to assume that the severity of penalties facing the alleged offender could have had some effect on the likelihood of admissions and the outcomes.

I stated at the outset that I favoured the grading system. Such a system is the preferred option to that adopted by

the Government in this Bill, which simply widens the definition of 'sexual intercourse' without adjusting the present life imprisonment penalty. The shadow Attorney-General (Hon. Trevor Griffin) has foreshadowed that he will move an amendment to establish a maximum penalty of 30 years for rape. This is an important first step towards the grading of penalties and offers for the first time a clear indication from Parliament to the courts of the seriousness with which we view this crime.

The maximum penalty of 30 years is an appropriately severe provision. In fact, in New South Wales 20 years has been set as the maximum under its system of grading. Whilst statistics of sentencing in the higher courts in this State show that, in the period 1972 to 1981 inclusive, the highest sentence imposed for a rape offence was 20 years, and there is only one instance of such a high penalty; the next highest penalty was 12 years. Therefore, the move to replace the nebulous penalty of life imprisonment with a maximum of 30 years is not a soft and lenient option, as the Government would have the public believe. It is a strong signal to the courts that this Parliament views rape—

The Hon. C.J. Sumner: You are wrong. You don't understand it!

The Hon. DIANA LAIDLAW: I do understand.—as a particularly heinous crime, which the courts should deal with accordingly. Therefore, I strongly endorse the amendment to be moved by the Hon. Trevor Griffin. As I indicated earlier, I welcome the other provisions in this Bill, although I believe that in some instances it could have approached the subject in a different way. I support the second reading.

The Hon. R.J. RITSON: I support the Bill and, in doing so, I will make a few comments with my characteristic brevity about some of the changes. The inclusion of other forms of sexual assault in the definition of 'rape' is a move in the right direction to the extent that certainly these forms of assault represent a most hideous and reprehensible crime. They desecrate a person's body and traumatise a person's mind, and certainly should be elevated to a level of seriousness much greater perhaps than they have been in the past.

The crime of rape itself, as it has generally been conceived in the past—namely, the penetration of the vagina in a way that could lead to pregnancy—is perpetrated by persons who are, contrary to popular opinion, not persons suffering sexual deprivation or enormous sexual appetite; usually they are persons of very small ego, often persons of small intellect, who are acting out some terrible anger against womanhood and who somehow see that the way to act this out is to perform an act of degradation on these women who are their victims.

The effects are often physical: the women are often placed in physical danger, as well as suffering the violation of their bodies. They are subjected often to the risk of pregnancy, which is in those circumstances a most dreadful thing for them to have to bear. If pregnancy results, even if it is terminated, there is still a scar that remains, probably for ever. Human society generally has rightly regarded the traditional crime of rape as one of the worst crimes that can be committed, against both the individual woman and the social fabric as a whole.

I do not know whether other more bizarre sadomasochistic sexual practices are more prevalent now in our modern society or simply more freely talked about but, certainly, the public awareness of sexual assaults involving sadistic, dangerous and degrading practices has risen lately. It would be reasonable for us to assume in the absence of evidence to the contrary that there is an increase in these particularly reprehensible forms of sexual assault. So, I commend the Government in principle for coming to grips with these other forms of sexual assault and attempting to elevate them to a higher degree of seriousness and public disapproval. I wonder, though, whether to lump them altogether as rape ultimately is the best way to go.

There are some distinctions: for example, rape itself always has the ingredient of risk of pregnancy whereas some of the other forms of sexual assault do not. Some of the other forms of sexual assault may be less dangerous than rape in terms of physical harm to the victim, or indeed they may be more dangerous, depending on the particular case.

I am rather attracted to the idea ultimately that perhaps the wide variety of horrid and reprehensible sexual assaults other than traditional rape ought to be codified with a suitable range of serious penalties and a gradation of penalties and seriousness. It is, after all, an indecent assault merely to touch in an unwanted but non-dangerous and non-violent way the genitalia of another person without consent. That, of course, must be seen as something not quite as serious as sexual assault with, as the Hon. Miss Laidlaw mentioned, dangerous instruments such as screw drivers, bottles, etc., which, apart from the indignity and terror of it all are a potential source of grave bodily harm, or even death.

I think that there is still a distinction between what has traditionally been regarded by the common law as rape and some of the other more inventive and in some cases equally as horrid (and in some cases not so horrid), forms of sexual assault. I would like to see the Government of the day in due course codify or consider the codification of the various forms of sexual assault. I understand that the State of Queensland, which is a code State and not a common law State so far as its criminal law is concerned, has successfully operated a scale or code of sexual assaults, and maybe the State of South Australia can learn from that.

As regards the sentencing of these offenders, it is certainly true that society ought to make the strongest possible statement about its abhorrence both of the traditional common law rape and of some of the more bizarre and dreadful forms of sexual assault which seem to be becoming more common today.

I understand that the shadow Attorney-General, the Hon. Mr Griffin, is proposing to argue for a stated 30 year maximum term. I heard and understood the Hon. Mr Sumner's interjection saying, quite clearly, that 30 years is less than life and that what we would be doing if we followed that course would be replacing an extremely severe penalty with a somewhat less severe penalty. That may be supportable as a theoretical argument, but I am sure that the public would not see it, or understand it, that way.

The effect of a life sentence cannot be judged currently or prospectively. One can only look backwards and see the effect of life sentences in the past. The mean period of detention of persons sentenced to life imprisonment is affected by all manner of things. For example, mean periods of detention do not indicate the most common release periods. Mean periods of detention will be lowered with regard to statistics by people who die in prison, for example, and who are never released by virtue of having died before their release date. They will make the period of detention appear shorter than it really is.

Notwithstanding that, it appears from criminologists who have done retrospective studies over the past 40 or 50 years that the mean period of detention of people sentenced to life in South Australia is of the order of 11 to 13 years. If persons are sentenced under a provision for a maximum penalty of 30 years, obviously only the worst possible case will receive 30 years. I think that that will be almost no-one because the courts always reserve it for the possibility that in the future there will be a worst possible case.

I am sure that the Attorney-General will correct me if I am wrong, but cases, not the worst possible case and not multiple offenders—ones judged by pre sentence reports to be potentially rehabilitatable—would get something like one third of the penalty and then serve two thirds of that sentence before being eligible for parole. I guess that we are still going to see, with a 30 year penalty, periods of detention somewhat similar to those which pertain now and which have pertained in the past decade or so.

The fact of the matter is that the public does want a statement. The public does have a view, right or wrong, that a life sentence is a short sentence. That is because the thing that the public remembers most is the case involving the person released very early by virtue of receiving a short non parole period rather than perhaps looking at those lifers who served the 15 year plus type of sentence.

One does not expect the general public to be statisticians: the general public recalls vividly the people who, for reasons not known to them (they were not at the trial) may be released early. I believe that the public does want a statement that this Parliament regards the crime of rape, and indeed the crimes of serious sexual assault, very seriously indeed. I do not think that there would be any harm in this Parliament making such a statement by proposing a 30 year maximum term for those offences. It would clearly, in the minds of the public, indicate that this Parliament takes the matter very seriously.

It may, in fact, result in periods of detention roughly the same as are being served now by people convicted of rape, but I think that the statement needs to be made. The fact that in theory a life sentence can be forever whereas 30 years can only be for 30 years is something that the public will not understand at all.

The Hon. C.J. Sumner interjecting:

The Hon. R.J. RITSON: As far as the courts are concerned, I will be very interested to hear the Attorney's opinion about what sorts of sentencing patterns one could expect under a law which provides for a maximum penalty of 30 years. He would be much more familiar with judges' rules of sentencing than I. I am interested to know whether there is any argument at all that they are likely to be less on average than the average term served by people convicted of rape now.

Considering the maximum for the worst possible case would be life, which on average would be 11 to 13 years, a lot of people would be getting a half or a third of the sentence for the worst possible case, which would be three to five years for the average conviction. What would be the average period of detention set by the courts in those average cases where the maximum is 30 years? Would it be 10 years, or eight years, minus the remission period? Perhaps the Attorney could address himself to that matter. I can understand a number of people wanting a statement that this Parliament considers it a most serious and a dreadful offence.

I believe that the 30-year provision would have that effect. I would have thought that one would not be seeing shorter mean or average periods of detention under a 30-year maximum than one would be under the 'life' maximum or average periods of detention for people convicted of rape.

After having discussed this matter with professionals working with prisoners and criminals, a strong body of expert opinion indicates, as with the crime of arson, that people who commit serious sexual offences have among their ranks an over-representation of people of inferior intellect or mental abnormality, although not being legally insane in terms of the McNaghten Rules. Nevertheless, there are a number of people who are, to some extent, of diminished responsibility and, according to professional advice I have received, these people have a greater likelihood of re-offending than many other types of criminals.

A very important reform that must be carried out in terms of community protection, as well as justice to individuals in such offences, is to do something to overcome automatic parole. It is frustrating to have a situation where perhaps the prison psychiatrist is sitting on a heap of case notes and opinions that indicate that the person is almost certain to re-offend and to do so fairly promptly on release from prison, yet parole is granted automatically under existing law.

The public would be a lot happier, individual justice to prisoners would be better served and the community would be better protected if the Government had another look at the changes it introduced to the law when it introduced automatic parole. There must be a better way of determining the release date of this type of offender. This type of offender needs to be sentenced according to the severity with which the community regards the crime, and released according to that person's fitness for release.

The question of determining the fitness for release is not knowable or foreseeable by the judge at the time the judge sentences. Certainly, the judge knows the severity of the crime and type of sentence that reflects the community attitude to that crime. Presumably, the Parliament knows this when it sets penalties for crime. However, the courts cannot know whether that person will be fit for release in two years or 10 years. I do not think it is possible to consider the question of penalties and sentencing for sexual offenders without facing the fact that a large number of them are of diminished capacity or responsibility, although not legally insane; also large numbers of them are likely to re-offend quite soon after release, whereas certain others may be fit for much earlier release.

Of course, the courts, knowing that there is automatic parole, act out of abundant caution and set long non-parole periods, which may be a measure of harshness on people who would be fit for release early. Nevertheless, at the other end of the scale, there is still the automatic release of offenders who are known to be likely to re-offend, and to re-offend shortly after release.

We should eventually consider a codification for serious grades of sexual offence other than for traditional common law rape, perhaps looking at the Queensland scale as a starting point for discussion. When we are looking at the whole question of penalties in terms of detention, we can not do so sensibly when we have this senseless provision for automatic parole. I commend the Bill to the Council and hope that during the Committee stage, or ultimately when another Government is in power, some of these other matters raised will be dealt with to fine tune the law in this regard. I support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contributions. Two questions have been raised: first, the question of grading offences for rape or sexual assault. This has happened in other jurisdictions, and other jurisdictions are considering it. A gradation of offences lessens the seriousness of the offence of rape because one has a lower penalty and one defines rape in a different way for those acts of non-consensual intercourse that do not involve other acts of violence.

Honourable members opposite are proposing, in effect, a weakening of the basic concept of rape and are providing for lower penalties for what might be called, depending on what system is adopted, non-aggravated rape, that is, non-consensual intercourse, but without aggravating factors of externally obvious violence. If Parliament takes that course, then it really needs to be certain that the grading of the offence of rape is a desirable thing to do. At this point of

time I am not convinced that it is necessarily desirable. I understand that the effect of that law in New South Wales is still being assessed and reviewed.

I prefer to tread cautiously in amending the law at this stage, given that it is, as I said, weakening—and there is no question about that—the notion of what constitutes the offence of rape and the penalties that attach to it.

The Hon. R.J. Ritson: Could you have a sexual offence that is not rape but still with a similar penalty to the penalty for rape if it is an equally horrid thing?

The Hon. C.J. SUMNER: You can but, if you do that, there is no point. The main argument for gradation of offences is that you have a lower penalty for what might be called the less serious rape on the assumption that that will encourage offenders to plead guilty and therefore reduce the number of trials and achieve a higher conviction rate, either by more people pleading guilty or by juries being more prone to convict people when they know that the penalty is not as high as life imprisonment. That has been the basic argument put forward in favour of grading the offence of rape.

The Hon. Diana Laidlaw: Is that persuasive?

The Hon. C.J. SUMNER: Whether it is persuasive or not depends upon whether it succeeds in achieving those objectives, assuming those objectives are desirable. What the Hon. Miss Laidlaw has to understand is in effect it says that, for non-consensual, non-aggravated intercourse, we—that is, society—consider that that is something that should be treated less seriously by society than it currently is.

The Hon. Diana Laidlaw: More effectively is the argument.

The Hon. C.J. SUMNER: Now the honourable member is playing with words.

The Hon. Diana Laidlaw: No, that is what it means.

The Hon. C.J. SUMNER: It means what I said and the honourable member should not be under any misapprehension about that. She is supporting a reduction in the seriousness of rape as a crime in this State by her proposition for a grading of the offence of rape. I am afraid that she cannot deny that.

The Hon. Diana Laidlaw: I am not surprised that you are smiling because it is not true.

The Hon. C.J. SUMNER: I am not smiling. I can assure her that that is the proposition she is putting to the Parliament. If we are to proceed in that direction, there is a need for something more than we have at the moment—the fact that it has been done in some other States. It has become fashionable, but is fashion a basis for changing the law in the absence of any full assessment of the changes to the law that have occurred in New South Wales and some other jurisdictions overseas, although I believe not all that many jurisdictions overseas? That is the first point that needs to be made.

The second point is this rather curious proposition from the Liberal Opposition members to reduce the penalty for rape. Not only are they reducing the concept of rape in its seriousness by a proposition for grading offences, but they are now coming forward with a proposition to reduce the penalty for rape.

The Hon. M.B. Cameron: That is nonsense.

The Hon. C.J. SUMNER: The honourable member says it is nonsense, but I am afraid that it is not. If I am a defence lawyer and I am putting submissions to the court on behalf of my client with respect to what is the appropriate sentence for a rape (assuming it is), then as soon as the Hon. Mr Griffin's amendment is passed by the Parliament, in the first case that I have as a defence lawyer of rape before the Supreme Court, I will immediately refer to Parliament's intention to reduce the penalty for the crime of rape and therefore will argue that that calls on the court to apply a more lenient sentence than it would otherwise have done. Now, I would have thought the logic of that was fairly impeccable. Clearly at the present time the offence of rape has a maximum of life imprisonment. That is now to be reduced, if the proposition of honourable members opposite is agreed to, from life imprisonment to 30 years.

The Hon. M.B. Cameron: That is an extraordinary argument.

The Hon. C.J. SUMNER: It is not an extraordinary argument. It is an argument that I can tell you will be accepted, because it is logical.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: I am sure it will be accepted. There will be no choice for a court but to accept it. There is no doubt in my mind that the Opposition is lessening the penalty for rape from life imprisonment to 30 years. That is the maximum penalty that can be imposed. Life is the current maximum, but this proposition is 30 years, which is clearly less than life.

The Hon. Diana Laidlaw: Under life, what has the maximum ever been?

The Hon. C.J. SUMNER: Under life, the maximum is life.

The Hon. Diana Laidlaw: But what is the maximum applied?

The Hon. C.J. SUMNER: I do not have the figures in front of me but, whatever is applied with respect to life imprisonment, there will now be a warrant for the courts to make the sentence more lenient.

The Hon. Diana Laidlaw: It's unrealistic.

The Hon. C.J. SUMNER: The honourable member does not understand. That is a problem with which he will have to grapple at some stage. I would think that by reducing the maximum sentence for the offence of rape from life imprisonment to 30 years is a very clear argument that that constitutes a lowering of the maximum penalty for that offence. I am pleased that members opposite support the Bill.

Before we go into gradations of offences, more work needs to be done. I prefer to see a combination of abolition of the unsworn statement and the amendments that have been made to the Government's Bill in operation. Before moving to consider gradation I would like more information from the review of legislation that I understand is proceeding currently in New South Wales. I reject the Liberal amendments to reduce the maximum penalty for rape from a maximum of life imprisonment to 30 years.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Rape.'

The Hon. K.T. GRIFFIN: I move:

Page 1—

Line 25—After 'amended' insert:

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(a).

After line 27—Insert word and paragraph as follows:

and

(b) by striking out the word "life" and substituting the passage "a term not exceeding thirty years".

This amends the concept of life imprisonment to a term not exceeding 30 years. I do not agree with the Attorney-General as to its effect. During the second reading debate I indicated that it quantifies the period. Whilst there may be an argument that 30 years is something less than life, I do not believe that in practical terms it will result in lower sentences. I suggest it is more likely to result in higher sentences, because even within the courts there is no clear identification of what life imprisonment may be.

I indicated that the Office of Crime Statistics report for the period 1 January 1983 to 30 June 1983 showed that

penalties for the offence of rape were generally fairly low. In one case involving a female victim the sentence was 10 to 15 years, although it was not clear from the statistics whether that was closer to 10 or 15 years, and other offences of rape where the victim was female involved very modest periods of imprisonment. There were two cases where the head sentence was three to four years, and two head sentences of four to five years.

There is not a preponderance of heavy penalties for the offence of rape being imposed in the courts, according to the latest publication of the Office of Crime Statistics. I do not want to lessen the significance of the crime of rape. I made that point clear during the course of debate: both in relation to this penalty and in relation to grading offences, it does not reduce the seriousness of the crime. It still means that, apart from murder and manslaughter—where in one instance mandatory life imprisonment is imposed and in the other a maximum of life imprisonment is imposed—30 years is the highest maximum penalty.

The Hon. C.J. Sumner: It is a lower maximum than life imprisonment.

The Hon. K.T. GRIFFIN: That is the argument being put, but, as I said earlier, the crystallising of a term will have the effect of giving a standard to the courts and the practical effect will not be a lessening of penalties but an increase in penalties.

The Hon. C.J. Sumner: That cannot be right.

The Hon. K.T. GRIFFIN: I acknowledge that there would certainly be arguments about it in the courts, but the penalties being imposed at present are in many instances very low and there is no standard. The term 'life imprisonment' is a vague and nebulous concept. The object of a 30, 35 or 40 year period is to fix a term by which the courts will be able to assess the seriousness of a criminal act and impose a penalty, having regard to that fixed maximum. That is the argument, and it is one that I believe has some merit.

The Hon. I. GILFILLAN: I am not persuaded by the Hon. Trevor Griffin's argument. It seems to me that the key issue is that an appropriate sentence be imposed. I have not received a judgment, but I believe that the complaint is that inappropriate sentences are imposed under the maximum term of life imprisonment. I do not see any logic in the argument that inappropriate sentences will not be imposed if a maximum sentence of 30 years is stipulated. Surely in the mind of a sentencing judge and a layman like me life as a maximum term carries more significance and is more daunting than a term of 30 years. I do not intend to support the amendment.

The Hon. C.J. SUMNER: To my way of thinking, what the Hon. Mr Gilfillan says is absolutely correct. I really cannot see how the Hon. Mr Griffin can argue to the contrary. I suspect that this might be one case where the honourable member has been done over in the Party room, because I cannot imagine how he as a lawyer, one of the few lawyers in the Liberal Party room, one who is familiar with the principles, could accept that what he is putting forward would constitute an increase in the penalty for rape. It clearly would not. It may sound better for the Liberal Party's politics and political campaign if it could say that it had attempted to achieve a 30 year term of imprisonment for rape to perhaps muddy the waters a little bit.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: That is a matter of opinion.

The Hon. R.I. Lucas: Do you agree?

The Hon. C.J. SUMNER: No. I do not mind if members opposite feel that they are quite secure about winning the next election. I am quite happy for them to feel secure. However, they will probably end up with a rude shock, as occurred after the last election. But that is not an issue that I intend to debate here. All I am saying is that the proposition may sound good, but in logic it has no basis, and I repeat that, if the honourable member's amendment is passed, the first rape case that is heard in the Supreme Court after the enactment of this measure would involve an argument by counsel for the defence that there should be a lower penalty than the traditional penalty for a rape offence because the Parliament has said, 'We will reduce the sentence from life to 30 years.' I cannot support a reduction in the penalty for the offence of rape.

The Hon. K.T. GRIFFIN: I am not seeking to muddy any waters, whether political or otherwise. What I have been saying is that what we are seeking to do is give a clear standard to the courts rather than the vague and indeterminate life imprisonment which is imposed. I have acknowledged that there may well be defence arguments.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I do not necessarily agree with that. What we are seeking to do is to establish a clear maximum term.

The Hon. C.J. Sumner: Do you want the courts to refer to *Hansard*? Unless you do that, the courts have to, as a matter of logic, say 30 years is less than life.

The Hon. K.T. GRIFFIN: We will play that as it comes. The fact is that we want to set a tough maximum term which is clear and which will provide a clear basis upon which the courts will then be able to make assessments of the seriousness of particular rapes which come before them. That is the essence of it. We say that life imprisonment certainly does not mean what it says; it is vague and indeterminate and the 30 years will, in fact, impose a standard which is tough and which is clear.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. C.M. Hill. No—The Hon. C.W. Creedon.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

LIQUOR LICENSING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 9 October. Page 1167.)

The Hon. J.C. BURDETT: I am pleased to support this Bill. The Grand Prix has been a great initiative for South Australia and will be a further step in putting South Australia on the world map. The Grand Prix will entertain South Australians and attract large numbers of interstate and overseas visitors. It will greatly benefit South Australian businessmen who will be catering for the needs of tourists whilst they are here. The previous Government had plans for a Grand Prix, although not on the same route.

The Bill provides that during the period of the Grand Prix, and for 24 hours before and after, there will be 24 hour liquor trading pursuant to hotel, club, retail liquor merchant or general facilities licences. The trading will be according to the tenor of the licence. It is probably worth pointing out that the Bill correctly makes no provision in respect of restaurant licences because they are 24-hour licences anyway, and they will continue to be able to trade for 24 hours in accordance with the tenor of their licence.

This will mean that, as before, they will be able to provide liquor with or ancillary to a meal. In regard to clubs, an unlimited number of visitors may be introduced to club premises by a member during the period of the Grand Prix and for 24 hours before and after. These steps are necessary to cater for the number of visitors that we will have. Many of the visitors from overseas will be accustomed to 24-hour trading and will expect it when they come to South Australia.

The proposed new section 132 *(c)* provided in the Bill acknowledges the fact that some residents in South Australia may be disadvantaged because of provisions of the Bill. It is obvious that, if there is 24-hour trading, during the small hours of the morning rowdy and disorderly conduct may upset residents close to licenced premises.

I certainly do not discount that in any way. I am sure that this Bill is necessary, and I support it, but I am also sure that this kind of conduct will happen in some cases. It is to the credit of the Government that this provision is in the Bill, because it provides that the Commissioner of Police or a member authorised by him may issue directions prohibiting the undue noise or disorderly behaviour either verbally or in writing.

So, where noisy or disorderly conduct committed by people in the licensed premises or coming from them is observed, the Commissioner or a person authorised by him will be able to issue directions prohibiting the activity which is going on and which is noisy or disorderly. I hope that the Commissioner will, in advance, authorise police officers in the kinds of areas where this behaviour could be expected so that they will have this power.

As I have said, I support the Bill. However, I strongly criticise the Government for having brought it in at this late stage and for expecting its early passage, so close to the event itself and in some kind of pre-election situation. The Bill should have been brought in months ago. There is no reason why it should not have been: it was known then that the need would be there to do something about the licensing provisions, and that is when it should have been done.

Previously in the Council, I have suggested that the Government has not recognised the impact that the Grand Prix will have on the city of Adelaide, and I still think that. Previously, I asked a question, suggesting that a number of disadvantaged persons in low rental accommodation would be deprived of their accommodation, and I asked what steps the Government would take about it. I did not suggest that the landlords should be deprived of the opportunity of making legitimate profits out of the Grand Prix, but I suggested that the rental subsidy and other steps that could be taken should be reviewed before the event, and not afterwards. The Attorney-General rejected the suggestion that there was any problem, but now notices have been issued to disadvantaged persons.

This Bill could and should have been introduced several months ago and all sorts of consultations—public and private—could have been undertaken. In the event, I have had to undertake consultation in great haste, because the Bill was introduced only yesterday, with the industries concerned, local government and other organisations. In many cases there was no opportunity for members of the industry organisations to be consulted. So, I have consulted the organisations, but they have not been able, because of the time constraints, to consult their members, and that is the fault of the Government in bringing in the Bill at such a late stage.

It is disgraceful that the Bill is introduced at this stage. Many people in the community will oppose it; many people will fear that there will be disorderly behaviour as a result of it and will have legitimate objections to make in this regard. I have sighted a telegram from the Uniting Church, objecting to the Bill. It reads:

> Strongly oppose legislation to deregulate liquor trading hours during Grand Prix. Strongly oppose haste with which this matter has been handled, thereby preventing adequate community debate.
> Reverend Michael F. Sawyer, Moderator, Uniting Church in Australia.

I am sure that many other people in the community will object to the Bill's giving unrestricted trading in time. As will be apparent, I do not share their views, but they have the right to make their views known and to have them taken into account.

It would appear that the motive for the Government's introducing this Bill at this late stage was probably to prevent as much as possible this kind of criticism. It should have introduced the legislation months ago. If it had, no doubt church and other community groups which have a right to be heard would have expressed opposition to the Bill and it would have been hanging around for some time. The Government did not want that to happen. I believe that is probably why the Bill was introduced so late.

The Bill applies to the whole State, including, for example, Mount Gambier and Ceduna. One wonders why it is necessary for these places to have 24-hour trading during the Grand Prix period. There are also some particular trouble spots in the metropolitan area where discos and the like cause a great deal of trouble to residents during the presently permitted hours. Doubtless, during the Grand Prix period, this annoyance and disturbance to residents will be greater because of the extended hours.

I have placed an amendment on file to enable individual councils to opt out of the provisions of the Bill. This would mean that councils can decide that the Bill will not apply in their area. It would be obvious that, for example, the Adelaide City Council would not do that because its ratepayers would be advantaged by the Grand Prix activities. However, in council areas where that would not be the case, it would give the council that option.

I have also placed on file another amendment to ensure that, after the first experience of a Grand Prix, this question of 24-hour trading for licensed premises can be brought back to Parliament. I have proposed a sunset provision at 30 June 1986. An alternative would have been to make the Bill apply only to the first Grand Prix. However, I thought it was preferable not to emasculate the Bill with its provisions for future Grand Prix, but to leave it in place to apply in future years subject to it being brought back to Parliament at 30 June 1986.

In regard to liquor licensing, as well as in every other respect, I hope that the Grand Prix is an outstanding success and I hope that the citizens of this city will not be caused any great inconvenience because of this Bill, but it might happen. From the point of view of rowdy behaviour, perhaps road trauma and things like that, it might turn out to be a disaster because of the extended trading hours. If that happens, it should not be necessary to bring another Bill back to amend the law. I think it is quite fair to make it compulsory that the measure be brought back to Parliament for review after the first Grand Prix is held. It is a great new step forward for South Australia, and one that I believe will be beneficial, but as with all new things I think it is worth having a look at them after they have operated the first time.

I ask the Minister whether the police have been consulted and what is their attitude to the Bill. Obviously, the police will have their resources stretched over the Grand Prix period. Not only will there be questions of policing licensed premises and problems associated with increased traffic, but also there will be vandalism, larrikinism and genuine crime probably will be rife during this period. I repeat that I

believe the Grand Prix is a great initiative for South Australia and those problems will have to be coped with in the best way possible, but I ask whether the police have been consulted and what is their attitude to the Bill.

In regard to some hotels, there is a condition on the licence. For example, beer gardens are sometimes allowed to operate only until 11 p.m., or some other specified time, and not for the full licensing period closing at 12 midnight. This is because of the greater amount of noise which emanates from these premises as opposed to enclosed premises. It is my understanding of the Bill that this legislation would not alter those specific conditions and that they would still apply. It is also my understanding that, where beer gardens have these special closing times, they will remain. However, I would ask for the Minister's assurance on this point.

In summary, I support the Grand Prix, and I support the Bill as being a necessary aspect of giving full effect to the conduct of the Grand Prix. However, as I said, I deplore the attitude of the Government in introducing the Bill at this late stage. I support the Bill.

The Hon. I. GILFILLAN: I oppose the Bill. I have heard with some horror its intention to turn Adelaide into an open season for consumption of alcohol. We have just been through a procedure of quite radically altering alcohol related regulations in the State, so not only do I object to the Bill because to me it quite unnecessarily increases the availability of alcohol with virtually no restriction in the State for this period of time, but also I believe that the argument put up for it is totally unacceptable—that we are doing it because people who are visiting the State will expect it.

The same logic would provide the availability of all sorts of other unacceptable practices because people have become used to prostitution, availability of drugs, or all sorts of other practices. If that logic were extended there would be no restriction on what we make available to our visitors. I regard this as a cultural cringe, a cultural desecration, it is what is regarded as a Third World country syndrome where we fall on our backs to give every possible concession to those who deign to come and visit us. I completely reject that.

People who visit Adelaide will visit it as Adelaide chooses to be visited and Adelaide will not be dictated to because it suspects that some people might deign to come to Adelaide and feel incensed because they are not able to drink in a pub at any hour of the day. I oppose most strenuously the ridiculous extension of this legislation throughout the State. That to me is going even further than the idiocy contemplated for Adelaide.

The Hon. R.J. Ritson: You are talking about the crowds who flock to Ceduna for the Grand Prix, are you?

The Hon. I. GILFILLAN: Yes.

The Hon. R.J. Ritson: I know what the honourable member means.

The Hon. I. GILFILLAN: The crowds who flock to Ceduna for the Grand Prix will find more to enjoy than having alcohol available over the bar counter at 3.30 a.m. I express as strongly as I can my complete rejection of the intention of the Bill.

I agree with the Hon. John Burdett that the inordinate haste with which the Bill has been introduced is inappropriate to the seriousness of what we are contemplating. It is not just a frivolous concession of putting bunting up to decorate the city; it is a quite dramatic change in our procedures. Having heard the Hon. John Burdett outline matters, and having looked briefly at his amendments, I think that they are at least some mild form of concession. This is in no way a tolerance of the Bill as it stands. The only measure that I would have considered with any degree of favour would have been the changing of the Sunday situation to be equivalent to an ordinary week day so that there would be no specific restrictions on the Sunday.

To conclude, I am stunned that Adelaide is prepared to take this step (and I hesitate to use the words 'prostitute itself') for its anticipated visiting public, but it smacks very much of that. There is no local demand for it. We do not have clear evidence that the people who are coming here are doing so to drink in a pub in the early hours of the morning. If that is the only reason that they are coming, then they can stay away: I do not have any enthusiasm to have them in Adelaide. I think that this is a retrograde step, and I intend to oppose it to the best of my ability.

The Hon. R.J. RITSON: I support the Bill, principally because I can count and because I believe in the Party system and what it gives to the State in terms of stability of government and consistent representation of lobbies. For that reason, I frequently support my Party even when I have some misgivings, as I have on this occasion. I thought it would be reasonable for me to take this opportunity to express those misgivings on behalf of those groups in the community who want their views aired, although I recognise that that view does not have the numbers to prevail in this Council.

Even if my vote was significant in terms of the outcome of the Bill, because of my belief in the importance of the stability of the Party system, I would still support my Party. I have misgivings and some sympathy with the views expressed by the Hon. Mr Gilfillan. Certainly, there is a case in broad principle for deregulation of liquor sales, both philosophically and in terms of the practicality of what happens to drinking patterns when drinking is deregulated. We all remember the 6 o'clock swill and the concentration of the effect at that time.

The Hon. M.B. Cameron: Surely you were too young.

The Hon. R.J. RITSON: Not at all. I was driving trucks for Wool Bay Lime in the days of the 6 o'clock swill, and the honourable member is a little older than I. There was this unsophisticated drinking pattern partly inherent in some of the drinkers and partly conditioned by the hours of drinking. Certainly, in South Australia we have become somewhat more sophisticated in the moderate consumption of liquor with food in restaurants, where they have many hours in the evening for drinking, although those members who sat on the select committee to report on random breath testing in this State will be aware that there is a long way to go before the privilege of purchasing and consuming alcohol is handled responsibly by all members of society.

That is where I am a little concerned here because, although one may point to societies in other countries where there is totally deregulated access to liquor and to the perhaps less social abuse of liquor in those countries than there is here, that is a system which those societies have evolved into over a longer period of time, and Australian society has not had time to come to grips with the proper use of alcoholic liquor. It would be fair to say that many societies that have totally deregulated liquor sales are far more sophisticated in their consumption patterns than is Australia. That is not to say that, if and when Australia and South Australia become deregulated in this matter, we will not evolve into a more sophisticated and, hopefully, responsible pattern of drinking. I emphasise the word 'evolve'. If we take off the constraints explosively, at the very moment when we are expecting 100 000 visitors to come to this State and at the very moment when a totally carefree and perhaps (dare I say it?) hedonistic atmosphere will be created by the event, are we not perhaps picking the wrong time to begin an evolution? May we not have an explosion of bad behaviour? It will be a time when the prevailing culture of the carnival is fast cars.

The Hon. M.B. Cameron: Vroom, vroom!

The Hon. R.J. RITSON: Yes, vroom, vroom! It seems that to mix sudden deregulation with overcrowding and overstressing of the Police Force, when the prevailing culture is the fast 'vroom, vroom' car, may be an ingredient for trouble. Indeed, there may have been a better time to bring Australians in general, and South Australians in particular, in an evolutionary way into the culture of unregulated access to liquor than during this carnival of fast cars.

It would be a tragedy if we saw a tragic toll of alcohol related accidents on the roads. There will be more people on the roads and more liquor, and the police will be spread more thinly. With certain roads closed because of the event, the remaining roads will be that much more crowded.

So I am a little fearful, and it is incumbent on the Government to institute intensive, almost saturation, random breath testing during the Grand Prix period in an attempt to ensure that the event is not marked by one of the most tragic road toll weeks in the recent history of the State. I want that put on the record. If we are going to mix all these ingredients—an overcrowded city, a completely and unpredictably re-routed traffic system, a prevailing culture of fast cars, and sudden deregulation or liquor sales—and if we have 15 road deaths that week, the reason will be all too plain to see. I do not know what we will say to the relatives of the people who may die in those circumstances.

The Government has a responsibility, no matter how much it costs, to cancel as much leave as possible and have every policeman available, to show those flashing blue lights all night, on every road, whenever possible, and to show the breath testing sign wherever possible. If the Government can do that and keep the road toll down and prevent riots during that period of time, so much the better.

This is a great event for the State and, hopefully, it will put South Australia on the map and even make some money. Let it not be marred by anything as nasty as riots or an unacceptable road toll in what should be a very happy week. Having aired these misgivings, I beg the Government to spend as much as it possibly can on police overtime payments and have the roads patrolled, have random breath test units out to saturation point and to keep us safe for that week. I support the Bill.

The Hon. R.I. LUCAS: When the Grand Prix Bill went through, the Hon. Legh Davis and I indicated that we were very strong supporters of Grand Prix racing and looked forward to being able to participate, albeit in a small way, by viewing it. I, for one, anxiously look forward to it. I indicate my support for the Bill. I do not believe that many of the concerns expressed quite genuinely by not only members but also other people since the move was first mooted by the Government yesterday will be realised. Certainly, I hope not.

For the Grand Prix the Government has completely deregulated, in effect, the sale of alcohol yet, for some curious reason, is not prepared to deregulate the sale of other goods and services in South Australia during that same period.

The Hon. R.C. DeGaris: What about deregulation when the Adelaide Cup is on next time round?

The Hon. R.I. LUCAS: I do not know about the Adelaide Cup. It is difficult for me to understand that this Government is prepared to move for the sale of alcohol 24 hours a day during this week of the Grand Prix—which I am supporting—but will not deregulate and allow the sale of other goods and services during that period. I think that it may have something to do with the strength of the trade union movement in the different areas.

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: Not necessarily grocery shopping. The Minister of Tourism suggests that no-one would want to do their grocery shopping at 3 a.m. That may or may not be true, but I would have thought that, if we were arguing that people from overseas countries will be expecting unlimited access, and open and free access to sales of alcohol because that is the situation in the countries from which they come, the same argument could be applied in relation to the purchase of goods and services.

The Hon. M.B. Cameron interjecting:

The Hon. R.I. LUCAS: It might not be red meat, which is a favourite topic of conversation for the Hon. Mr Cameron, but there is a whole range of other goods and services.

The Hon. Barbara Wiese: Most stores in other parts of the world close at 9 or 10 p.m. at the latest.

The Hon. R.I. LUCAS: The Minister of Tourism would know very well that in many countries throughout the world one has unlimited access to goods and services, in a deregulated way, in the same way as she is arguing in respect of alcohol. I think it really is a major weakness in the Government's argument. As I have said, I believe that it probably has something to do with the relative strengths of the union movement in the areas. The liquor trades, under Mr Bruce, and other moderate members of the union movement are perhaps used to being squashed by the Government of the day, but the unions in other areas are not prepared to be squashed by the Government of the day and will not allow deregulated trading.

There is no doubt that the Government had some discussions with respect to opening up trading hours in other areas, but it was told quite firmly by the union movement that it would not wear it. But it appears that the liquor trades unions and other unions in the hotel industry were prepared to be a little more reasonable and moderate and have been prepared to accept it.

The Hon. G.L. Bruce: They are open now 12 hours a day, seven days a week.

The Hon. R.I. LUCAS: The Hon. Mr Bruce says that they are open seven days a week now and are more amenable to these suggestions; I think that is half an argument as well. I raise only those two matters, and I indicate my support for the second reading and for the Hon. Mr Burdett's proposed amendments.

The Hon. G.L. BRUCE: I did not intend to enter into this debate. I thought that it was an open and shut case, but, having heard the Hon. Mr Gilfillan, I believe that some things must be answered. With an influx of 100 000 visitors, one must be concerned not about the supply of alcohol but also the facility that goes with the supply of those drinks. Every hotel has a situation where one can take a friend or colleague and sit there in pleasant surroundings and have a drink. It is a matter not simply of being able to buy alcohol but also of being able to cater for and take care of those 100 000 people. One cannot just take them out into the street and say, 'Sorry, everything is off at 10 o'clock, mate, bad luck; just wander around and do your own thing.' There will be an influx of visitors never before experienced in Adelaide, and it will create a one-off situation.

The Hon. Mr Lucas said that he felt that some unions had been steamrolled. That is not true. I believe that the realities of the situation are that the hospitality industry recognises that it has an obligation, not only to the people of South Australia but to all Australians, to provide an impressive venue for the Grand Prix.

The Hon. R.I. Lucas: The retail industry doesn't?

The Hon. G.L. BRUCE: That is up to the retail industry. However, the hospitality industry will run its affairs as it sees fit. That industry has always had an obligation to the people of South Australia, and in this instance I believe

that there is a broader obligation in presenting an image of Australia on the global map.

I believe that it will be done well. We have the situation where it is not only drinks that will be served unrestricted but also the supply of food and the supply of facilities. I believe that it is a step in the right direction. I cannot understand the Hon. Mr Gilfillan getting uptight. There are no other restrictions as I understand.

The Hon. Mr Burdett touched on this matter. Does he think anything else will be deregulated? As I understand it, the restrictions applying to licences will still apply—if there is a noise issue, anything like that, all those restrictions are still there. Nothing else has been waived. You will have the right to take a friend, colleague, or anyone else coming from overseas or interstate to have a civilised drink at a reasonable time when it suits you. I see nothing wrong in it for a one-off occasion.

The Hon. R.C. DeGaris: What about the Adelaide Cup or the Mount Gambier Cup?

The Hon. G.L. BRUCE: We do not invite every man and his dog from all over Australia or all over the world to the Adelaide Cup or the Mount Gambier Cup. This is a one-off situation. This is the first time to my knowledge that the industry has been deregulated to the extent of 24 hours opening for the supply of the services that those facilities offer in their normal trading hours. I think it is completely irrelevant for anyone to get up and knock it on that basis. I cannot see what they are getting at or why they are getting at it. I think we ought to be congratulating the powers that be in the hospitality industry for taking the initiative to ensure that they are catering adequately for the people of Australia and the people of the world who will be visiting South Australia. I fully support the Bill and hope that the Opposition does the same.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

STATUTES AMENDMENT (ENERGY PLANNING) BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 1111.)

The Hon. M.B. CAMERON (Leader of the Opposition): I do not intend to debate this issue for as long as it was debated in another place. However, I can well understand the breadth of the debate that occurred in another place because, when I received the second reading explanation of this Bill, I found that it went to eight pages and was a very complex argument for energy planning. On looking at the Bill, I thought that it would be very complex, but in fact the only question that appears to be dealt with is the question of bringing certain authorities under the control of the Minister of the day. Those authorities are ETSA and the Pipelines Authority. There is also a provision that the South Australian Gas Company must provide certain information to the Minister. The explanations seem to be totally irrelevant to the Bill because it is not a Bill about energy planning but a Bill about a very serious step in bringing the statutory authorities under the control and direction of the Minister of the day. That is something that I frankly do not agree with and something that we should move into very cautiously. One of the advantages, particularly of ETSA, is that over the years there has been seen to be independence from Government in terms of its normal decision making.

When a decision is made, the Government of the day is not seen to be in too much of a position of authority over ETSA. Of course, unfortunately that has changed a little in the past two or three years. However, at least there is still that feeling that this body has some security over its own management structure.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Whether or not that is the case, it is a matter for the Government of the day to put its case. If Government actions cause electricity charges to rise, the Government of the day should take responsibility. In the case of the present Government, we all know exactly what happened. If the Minister wants to argue in that way, I am happy to go along with him. We all know that there is a 5 per cent levy on ETSA imposed by the present Government. That has caused a considerable problem for energy consumers in this State.

The Hon. Frank Blevins: Was it on when you were in Government?

The Hon. M.B. CAMERON: Yes, and we took it off.

Members interjecting:

The Hon. M.B. CAMERON: It was not like the last exercise where the Government had taken 5 per cent and suddenly, in a flush of good nature, it gave the consumers back $11 million of the money it had already taken. That is the greatest con job of all time. Do not start me on that line or I will be here all night telling you what consumers of electricity think of the con job the Government has done for one very obvious reason. Of course, that is a temporary removal; it is not removal of the tax. It is only for the first three months. It is the equivalent in return—

Members interjecting:

The Hon. M.B. CAMERON: I did not start this.

The PRESIDENT: Order! There is too much audible conversation. The Hon. Mr Bruce—

The Hon. M.B. CAMERON: He is not interrupting me.

The PRESIDENT: It is very difficult to hear who is being interrupted and who is not, there is so much noise.

The Hon. M.B. CAMERON: Some of the younger members would remember that I once stood for what became a marginal seat. One thing came out of it: for the next three years one could always get something done. If the seat was in the control of the Government and if it was possible to assist the seat, the Government of the day would do so. That is one of the problems, once one moves politicians and the Government into control of an authority like this.

If there is an election pending, such as we have at the moment, anything which is needed in a particular seat and which is seen as advantageous to the Government will be provided. Members will see the same thing happening in relation to electricity supplies. No longer will decisions be made on a proper commercial basis or on the real needs of the community: there will be a move towards, 'Let us look at this. That is in the seat of So-and-So. Right; we must do that because otherwise we will be in trouble as a Government. That is the seat we must win.'

That is the problem I see with the move that the Government is now making. It is serious; it occurs and is a reality of politics. Frankly, it is a very sound reason for us not taking this step. I know that Ministers see themselves as answerable for things such as power charges. Nevertheless, the Government of the day can answer for that, particularly if it has not taken steps like those taken by the present Government to formally tax the power bills of the people. That gets Governments into trouble. It is why this Government is in trouble over electricity tariffs. It is seen to have been taking its proportion out of people's electricity bills.

Frankly, I think that any step towards bringing these authorities under ministerial control is unnecessary. I believe that the Minister of the day has sufficient influence within these authorities without this action being taken, and it would be a very unwise and unwarranted move, particularly as we know what happens in relation to marginal seats at

election time. We have already seen enough examples of that lately—money seemed to be flowing out like water. Promises worth $200 million have been flowing out since 1 August, and some of those promises have been quite extraordinary—not the least of which was the latest announcement on interest rates. We will see more of that, particularly in regard to ETSA, if this Bill passes in its present form.

I have put two amendments on file to delete clauses 2 and 3, so that the South Australian Gas Company will be required to provide information to the Government of the day in relation to gas supplies. The Opposition will support the second reading, we will move those amendments and, if they are not successful, we will oppose the third reading.

The Hon. R.C. DeGARIS secured the adjournment of the debate.

APPROPRIATION BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 5.33 p.m. the Council adjourned until Tuesday 15 October at 2.15 p.m.